

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
FEBRUARY 28, 2022**

Mayor, Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:04 P.M. at City Hall 120 E. Caney Street Wharton, TX. Councilmember, Clifford Jackson led the opening devotion and Mayor, Tim Barker led the pledge of allegiance.

Councilmember's present were: Mayor, Tim Barker, and Councilmembers, Terry Freese; Alice Heard-Roberts; Clifford Jackson; Don Mueller and Steve Schneider.

Councilmember absent was: Russell Machann.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Accountant, London Davis; City Secretary, Paula Favors, TRMC, CPM, MMC; Assistant to the City Manager, Brandi Jimenez; Director of Planning & Development, Gwyn Teves; Planning and Development Specialist, Krystal Hasselmeier; Civic Center Manager, Makyla Monroe; and Public Works Director, Anthony Arcidiacono.

Visitors present were: Kodi Kieler, President of the Wharton County Farmer's Market; David Bowlin; Laura Clemons; Vanessa Baird and Joe Southern, with the Wharton Journal Spectator.

Roll Call and Excused Absences.

After some discussion, Councilmember, Terry Freese, moved to excuse, Councilmember, Russell Machann. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

Wharton Moment.

Mayor, Tim Barker, gave condolences to the Hinze family with the passing of Mrs. Rosemary Hinze and to the family of long-time resident Mr. Frank Fry.

Public Comments.

Mayor, Tim Barker, called for Public Comments, the following comments were given:

1. Mrs. Vanessa Baird asked the City Council to consider height regulations to construction in the downtown area. Mrs. Baird said the Emerson Heights Project, was set to be built as

a three story building which she believe would take away from the aesthetic of the downtown area.

Review and Consider:

The first item on the agenda was to review and consider City of Wharton Financial Report for January 2022. Finance Accountant, London Davis, presented the City of Wharton Financial Report for January 2022. After some discussion, Councilmember, Terry Freese, moved to approve the City of Wharton Financial Report for January 2022. Councilmember, Alice Heard-Roberts, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request from the Wharton County Farmer's Market for the following:

- Article I. Use of Guffey Park for the Wharton County Farmer's Market.
- Article II. Allow the sale of alcohol at Guffey Park.
- Article III. Allow glass containers in Guffey Park.

City Manager, Joseph R. Pace, presented a copy of the request submitted by Ms. Kodi Kieler, President of the Wharton County Farmer's Market. City Manager Pace stated the Farmer's Market was requesting the use of Guffey Park for the spring season starting on April 9, 2022, and ending on June 25, 2022, with the hours of the market being from 8:00 a.m. to allow for set up and opening from 9:00 a.m. to 1:00 p.m. He said they were also requesting permission for the sale of alcohol at Guffey Park and permission to allow glass containers in Guffey Park. City Manager Pace stated the Market was wanting to have different wine vendors sell sealed bottles of wine during the spring season of the market but there would be no drinking or sampling in the park. After some discussion, Councilmember, Terry Freese moved to approve the request submitted by Ms. Kodi Kieler, President of the Wharton County Farmer's Market. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 2, Administration, Article V, Division 2, Beautification City Commission, Section 2-124. City Manager, Joseph R. Pace, stated the City of Wharton's Beautification Commission was requesting the adoption and approval on revisions to the City of Wharton Code of Ordinances, Chapter 2, Article V, Division 2, Section 2-124. – Responsibilities as follows:

1. Section 2-124. Revising (b)
2. Section 2-124. Addition (d)

Ms. Krystal Hasselmeier, Staff Liaison for the Beautification Commission, stated the requests for updates came from the Beautification Commission and City Staff was recommending the City Council consider approving the request. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Ordinance No. 2022-04, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2022-04**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE V, DIVISION 2, BEAUTIFICATION CITY COMMISSION, SECTION 2-124.

BE IT ORDAINED by the City Council of the City of Wharton, Texas, that Chapter 2, Administration, Article V, Division 2, Beautification City Commission, Section 2-124 be amended to read as follows:

Sec. 2-124. - Responsibilities.

(a) The beautification city commission shall recommend beautification and environmental management policies to the city council so all city refuse and beautification city activities may follow a common purpose. The commission shall have the following responsibilities:

- (1) Develop citywide beautification and environmental policy plans;
- (2) Evaluate city actions in light of the policy stated in subsection (a)(1) of this section;
- (3) Determine and recommend to the city council management and program priorities on a citywide basis;
- (4) Recommend enforcement policies and additional program alternatives;
- (5) Monitor city performance from data collected and examined under the Keep America Beautiful, Inc., beautification community system guidelines and make an annual report to the city council;
- (6) Develop programs which stimulate all segments of the community to do positive things to improve the physical appearance of the city; and
- (7) Carry out such other tasks as the city council may designate.

(b) To accomplish the responsibilities stated in subsection (a) of this section, the commission may establish subcommittees, including but not limited to the areas advocacy, art, education, gardening, trash and recycling, community engagement, and general beautification.

(c) Each subcommittee shall be chaired by a beautification city commission member with an unspecified number of community volunteers chosen by the commission.

(d) Subcommittee duties and responsibilities include but are not limited to project and event planning, building and establishing community partnerships, identifying funding opportunities, and providing volunteer-based support to the Commission as related to the nature of the subcommittee's establishment.

Severability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 28th day of February 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

Councilmember, Terry Freese, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request for Variance for Temporary Placement of Travel Trailer for site superintendent's office during construction for 398 Hamilton Street and/or 1113 College Street. City Manager, Joseph R. Pace, presented a copy of a request for a Variance for Temporary Placement of Travel Trailer for site superintendent's office during construction for 398 Hamilton Street and/or 1113 College Street from Chapel Creek Investments, LLC. After some discussion, Councilmember, Alice Heard-Roberts, moved to approve the request for Variance for Temporary Placement of Travel Trailer for site superintendent's office during construction for 398 Hamilton Street and/or 1113 College Street for six months. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider an ordinance amending City of Wharton Ordinance 2021-14 Section 3.2 Ordinance authorizing the issuance of City of Wharton, Texas, Waterworks and Sewer System Revenue Bonds, Series 2021: and approving other provisions relating thereto. Finance Account, London Davis, stated that on April 26, 2021, the City Council approved an ordinance authorizing City of Wharton, Texas, Waterworks and Sewer System Revenue Bonds, Series 2021 and at that time, the Bonds were stated to bear interest at the lesser of (i) the rates set out in Section 3.3 of this Ordinance or (2) the rate offered by the Purchaser at

the time of the first installment delivery of the Bonds, from the later of the Dated Date set forth in the form of Bonds contained herein, or the most recent Interest Payment Date to which interest had been paid or duly provided for, calculated on the basis of a 365-day year, with such interest payable on each Interest Payment Date. City Manager Pace said that at this time, the City wished to amend the Bond Ordinance to (i) reflect that the Bonds shall bear interest from the Issuance Date of the bonds and (ii) allow for the restatement of Issued Bonds to include an Issuance Date for each. City Manager Pace presented a copy of the amendment, prepared by Bond Counsel, Hunton Andrews Kurth LLP that they were recommending the City Council consider approving. After some discussion, Councilmember, Don Mueller, moved to approve City of Wharton Ordinance No. 2022-05, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2022-05**

AN ORDINANCE AMENDING CITY OF WHARTON ORDINANCE 2021-14 SECTION 3.2 ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF WHARTON, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2021; AND APPROVING OTHER PROVISIONS RELATING THERETO.

WHEREAS, pursuant to Chapter 1502, Texas Government Code, as amended, and an ordinance adopted on April 26, 2021 (the “Bond Ordinance”), the City Council (the “Council”) of the City of Wharton, Texas, (the “City”) authorized the issuance of the City’s Waterworks and Sewer System Revenue Bonds, Series 2021 (the “Bonds”);

WHEREAS, the Council, with the consent of United States of America Department of Agriculture, Rural Utilities Services (the “Purchaser”), wishes to amend the Bond Ordinance to (i) reflect that the Bonds shall bear interest from the Issuance Date of the bonds and (ii) allow for the restatement of Issued Bonds to include an Issuance Date for each.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS:

Article I. **Recitals.** The recitals to this Ordinance are hereby approved by the Council and incorporated into and made a part hereof.

Article II. **Definitions.** Capitalized terms used herein and not otherwise defined in this Ordinance shall have the same meanings set forth in the Bond Ordinance.

Article III. **Amendment of Section 3.2.** Section 3.2 of the Bond Ordinance is amended hereby to read as follows:

Section 3.2 Designation, Date, and Interest Payment Dates. The Bonds shall be designated as “City of Wharton, Texas, Waterworks and Sewer System Revenue Bonds, Series 2021”, and shall be dated July 1, 2021. The Bonds shall bear interest at the lesser of (i) the rates set out in Section 3.3 of this Ordinance or (2) the rate offered by the

Purchaser at the time of the first installment delivery of the Bonds, from the Issuance Date set forth on the Bonds, calculated on the basis of a 365-day year, with such interest payable on each Interest Payment Date.

Article IV. **Open Meeting**. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and public notice of the time, place and purpose of the meeting was given, all as required by the Texas Open Meetings Act.

Article V. **Severability**. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Article VI. **Repealer**. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Severability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 28th day February 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission of one or more applications to the AARP Community Challenge 2022 Grant Program and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. City Manager, Joseph R. Pace, stated the City Staff would like to apply for one or more projects to the 2022 AARP Community Challenge Grant to improve the outdoor space at the Wharton Civic Center. Director of Planning & Development, Gwyn Teves, stated that if approved to proceed, the City Staff would like to apply to the AARP Community Challenge 2022 Grant Program to update the outdoor space located near the Duncan Auditorium for expanded event space. After some discussion, Councilmember, Alice Heard-Roberts, moved to approve City of Wharton Resolution No. 2022-22, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-22**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF ONE OR MORE APPLICATIONS TO THE AARP COMMUNITY CHALLENGE 2022 GRANT PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.

WHEREAS, The City of Wharton City Council wishes to submit one or more applications to the AARP Community Challenge 2022 Grant Program; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents relating to said grant application.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS:

SECTION I. The Wharton City Council hereby approves the submittal of one or more applications to the AARP Community Challenge 2022 Grant Program.

SECTION II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said grant application.

SECTION III. That this resolution shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED this 28th day of February 2022.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Terry Freese, seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the Wharton Levee Project Asbestos Abatement/Demo and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager, Joseph R. Pace, stated as a requirement of the Project Partnership Agreement (PPA) with the United States Army Corps of Engineers (USACE), the City of Wharton was required to take care of all hazardous material abatement prior to the construction at the City's cost. Director of Planning & Development, Gwyn Teves, stated that on February 21, 2022, proposals were received for the Wharton Levee Project Asbestos Abatement/Demo and there were four (4) proposals submitted for this project as follows:

1. RNDI Companies.
2. Emanuel Enterprises.
3. AAR Incorporated.
4. Sitek Omni.

Mrs. Teves stated it was the City's recommendation for the City Council to consider awarding the contract to Emanuel Enterprises in the amount of \$15,554. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-23, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-23**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE WHARTON LEVEE PROJECT ASBESTOS ABATEMENT/DEMO AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Bids were received for the Wharton Levee Project Asbestos Abatement /Demo on February 21, 2022; and,

WHEREAS, Emanuel Enterprises was deemed the best lowest qualified bidder for the Wharton Levee Project Asbestos Abatement/Demo in the amount of \$15,554.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to Emanuel Enterprises in the amount of \$15,554.00; and,

WHEREAS, The City of Wharton and Emanuel Enterprises wish to be bound by the conditions as set forth in the agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS as follows:

Section I. The Wharton City Council hereby authorizes the Mayor to execute a contract for the Wharton Levee Project Asbestos Abatement/Demo.

Section II. The City of Wharton and Emanuel Enterprises are hereby bound by the conditions as set forth in the contract.

Section III. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 28th day of February 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving Change Order No. 4 due to material cost increases with E Contractors for the Wharton Well and Water Plant Project and authorizing the Mayor to execute all documents related to said change order. City Manager, Joseph R. Pace, presented a copy of the Wharton Well & Water Plant – Contract #1 (General Construction), Change Order #4 from E-Contractors to increase plumbing material costs for Contract #1 for the new water well due material cost increases. Director of Planning & Development, Gwyn Teves, stated the change order was for an increase in the amount of \$66,639.30. After some discussion, Councilmember, Don Mueller, moved to approve City of Wharton Resolution No. 2022-24, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-24**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 4 DUE TO MATERIAL COST INCREASES WITH E CONTRACTORS FOR THE WHARTON WELL AND WATER PLANT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

WHEREAS, The Wharton City Council wishes to approve Change Order No. 4 due to material cost increases with E Contractors for the Wharton Well and Water Plant Project; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor to execute all documents related to the change order.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS as follows:

Section I. The Wharton City Council hereby authorizes Change Order No. 4 due to material cost increases with E Contractors for the Wharton Well and Water Plant Project.

Section II. The Wharton City Council hereby authorizes the Mayor to execute all documents related to the change order.

Section III. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 28th day of February 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider Pay Request No. 2 & 3 from Weisinger, Inc., for the Wharton Well and Water Plant Contract No. 2-Well Construction. City Manager,

Joseph R. Pace, presented a copy of Pay Request No. 2 & 3 from Weisinger, Inc., for the Wharton Well and Water Plant Contract No. 2-Well Construction in the amount of \$192,850.00. After some discussion, Councilmember, Clifford Jackson, moved to approve Pay Request No. 2 & 3 from Weisinger, Inc., for the Wharton Well and Water Plant Contract No. 2-Well Construction in the amount of \$192,850.00. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council ratifying and approving Change Order No. 1 with JTM Construction LLC for the Wharton Colorado River Flood Control Public Utility Abandonment and authorizing the Mayor to execute all documents related to said change order. City Manager, Joseph R. Pace, presented a copy of the Wharton Colorado River Flood Control Public Utility Abandonment, Change Order No. 1 from JTM Construction LLC for the addition of one (1) manhole for force main to gravity sewer transition. Director of Planning & Development, Gwyn Teves, stated JTM was given authorization by the City Staff to proceed with the additional manhole as it was discovered one did not exist in the location of the transition and needed to be installed at the recommendation of Jones & Carter Engineering. Mrs. Teves said the City Staff was requesting the City Council to ratify the decision and Change Order for the additional manhole at a cost of \$3,500. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-25, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-25**

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND APPROVING CHANGE ORDER NO. 1 WITH JTM CONSTRUCTION LLC FOR THE WHARTON COLORADO RIVER FLOOD CONTROL PUBLIC UTILITY ABANDONMENT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

WHEREAS, The Wharton City Council wishes to ratify and approve Change Order No. 1 with JTM Construction LLC for the Wharton Colorado River Flood Control Public Utility Abandonment; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor to execute all documents related to the change order.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS as follows:

Section I. The Wharton City Council hereby ratifies and approves Change Order No. 1 with JTM Construction LLC for the Wharton Colorado River Flood Control Public Utility Abandonment.

Section II. The Wharton City Council hereby authorizes the Mayor to execute all documents related to the change order.

Section III. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 28th day of February 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Alice Heard-Roberts, seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a Wharton Economic Development Corporation:

A. Wharton Economic Development Corporation Resolution No. 2022-01.

City Manager, Joseph R. Pace, presented a copy of the Wharton Economic Development Corporation Resolution No. 2022-01 for its second reading, which read as follows:

**WHARTON ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2022-01**

**A RESOLUTION AUTHORIZING WHARTON EDC TO ENTER INTO AN
AGREEMENT WITH OAKBEND MEDICAL CENTER**

Wharton Economic Development Corporation (“Corporation”) is a non-profit corporation organized under the provisions of Article 5190.6, Section 4B, Vernon’s Texas Civil Statutes as amended, and,

WHEREAS the Corporation will authorize the payment of \$100,000 to OakBend Medical Center (“OAKBEND”) for property improvements at 10141 US Hwy 59 Rd., Wharton, Texas 77488 “(PROJECT)” and,

WHEREAS the fifty percent of the funds will be distributed upon completion of a corresponding documented amount of work for the PROJECT no earlier than the first quarter of calendar year 2022, and, fifty percent of the funds will be distributed upon completion of the project, no earlier than the fourth quarter of calendar year 2022

WHEREAS a performance agreement will be executed by Corporation and OAKBEND prior to any funding from Corporation to OAKBEND, and

WHEREAS the Corporation deems OAKBEND as necessary for the expansion of business enterprises as per Chapter 505 Section 158 of the Texas Local Government Code.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CORPORATION that;

The Corporation will make funds of \$100,000 available to OAKBEND to reimburse the costs of the PROJECT.

This resolution was adopted at a regular meeting of the Board of Directors of Corporation on January 10, 2022.

WHARTON ECONOMIC DEVELOPMENT CORPORATION, WHARTON, TEXAS

By: _____
Freddie Pekar
President

ATTEST:

Michael Wootton
Secretary

After some discussion, no action was taken.

The twelfth item on the agenda was to review and consider Update of City of Wharton Grant Programs. City Manager, Joseph R. Pace, presented a copy of a memorandum from the Director of Planning and Development, Gwyn Teves, providing an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The thirteenth item on the agenda was to review and consider Update of City of Wharton on-going Projects. City Manager, Joseph R. Pace, presented his memorandum dated February 15, 2022, providing an update on the City of Wharton current projects as of January 31, 2022, which read as follows:

FLOOD REDUCTION (LEVEE) PROJECT:

The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report is located at the Wharton County Library and the office of the City of Wharton City Secretary for viewing or the report may be viewed on line at <http://www.cityofwharton.com/information-a-notices/lcrb-feasibility-study>. The Project Participation Agreement (PPA) has been executed. The City

has hired HDR for Right-of-Way Acquisition and Jones & Carter for City and private company utility relocations. The City has acquired all but 1 property for Phase 1 and is currently proceeding with Eminent Domain on the last property. Utility relocations for both City utilities and private utilities has started.

DRAINAGE:

1. Stavena Addition Drainage Project.

The design and construction plans are complete. The challenge on this project is to find locations to place approximately 35,000 cubic yards of soil. The ideal disposal site should be close to the project site to reduce the cost of construction. The project is one of the construction projects to be funded with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program for partial assistance.

2. Ahldag Ditch Improvement.

The project was approved by the City Council. Public Works Department is currently working out the details. The ditch improvements were proposed under the Texas General Land Office (GLO) Infrastructure Grant Program. The staff is currently working with an appraiser for ROW acquisition. The project is also listed as one of the construction projects to be funded with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program for partial assistance.

3. On-going Drainage and Maintenance Program.

The Public Works Department has continued working on cleaning residential drainage ditches that have experienced poor drainage.

4. Pecan Acres (Mahan, Kinkaid, Delmas) Drainage Project.

Installation of the drainage pipes was completed. The City Public Works Department will be regrading ditches to improve the drainage in the area. The project is listed as one of the construction projects to be funded with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program for partial assistance.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

- a. Water leaks and sewer failures are still being seen in the month of January.

2. Water Well and Water Plant Project – CR 222 (Halford).

- a. Halff and Associates the City's engineering firm on the project has completed the construction plans. The City Council and USDA have approved the construction contracts and construction has begun with E-Contractors and Wiesinger, Inc. Monthly progress meetings are being held. The test well has been started and is at 720 ft at 18.5" and 400 ft to go before setting temporary casings for testing.

STREET IMPROVEMENTS:

1. FM 1301 Extension and Overpass Project Progress Report.

IDC Inc. has submitted to TxDOT Yoakum District Office all required plans for the project. The City Staff continues to coordinate with TxDOT to ensure the project continues to move forward. The City has received the funding for the project under the State Infrastructure Bank (SIB) Program. The City has acquired all but 1 property and is currently in the process of negotiations with them.

2. I-69 Project.

The City submitted the comments as approved by the City Council to TxDOT. TxDOT has informed the City that CivilCorp engineering has begun design and the City is involved in regular coordination meetings.

3. NanYa Exit Ramp Project.

TxDOT has been coordinating with NanYa and JM Eagle on the exit design.

After some discussion, no action was taken.

The fourteenth item on the agenda was to review and consider appointments and resignations to the City of Wharton Boards, Commissions and Committees. After some discussion, no action was taken.

The fifteenth item on the agenda was to review and consider City Council Boards, Commissions and Committee Reports:

- a. Beautification Commission meeting held January 12, 2022.
- b. Beautification Commission meeting held February 9, 2022.
- c. Finance Committee meeting held February 14, 2022.
- d. Public Works Committee meeting held February 14, 2022.

After some discussion, no action was taken.

The sixteenth item on the agenda was to review and consider City Manager's Reports:

- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department/Civic Center.
- D. Emergency Management.
- E. E. M. S. Department.
- F. Facilities Maintenance Department/Wharton Municipal Pool.
- G. Fire Department.
- H. Fire Marshal.
- I. Legal Department.
- J. Municipal Court.
- K. Police Department.
- L. Public Works Department.
- M. Water/Sewer Department.

- N. Weedy Lots/Sign Ordinance.
- O. Wharton Regional Airport.

After some discussion, no action was taken.

There being no further discussion, Councilmember, Don Mueller, moved to adjourn. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The meeting adjourned at 7:31 p.m.

CITY OF WHARTON, TEXAS

By: *Tim Barker*
TIM BARKER
Mayor

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary



