

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
OCTOBER 10, 2022**

Mayor, Tim Barker, declared a Regular Meeting duly open for the transaction of business at 7:00 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, Don Mueller; Clifford Jackson; Larry Pittman; Russell Machann and Steve Schneider.

Councilmember absent was: Terry Freese.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; City Finance Director, Joan Anandel; City Secretary, Paula Favors, TRMC, CPM, MMC; Director of Planning and Development, Gwyn Teves, CPM; Assistant to the City Manager, Brandi Jimenez; Police Chief, Terry David Lynch; EMS Director, Christy Gonzales and Emergency Management Coordinator, Lt. Ben Guanajuato.

Visitors present were: Curtis w. Evans; Haywood M. Ross; Jeff Rainer, Executive Director of the Wharton Chamber of Commerce, Ron Sanders; Tim Guin and Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

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

Public Comments.

Mayor, Tim Barker, called for Public Comments. No comments were given.

Wharton Moment.

Mayor, Tim Barker, called for Wharton Moments. Councilmember, Russell Machann, stated it was a successful National Night Out. City Manager, Joseph R. Pace, stated there was a good turnout for the Monterey Square Wine & Arts Fair and it was a great way for businesses to show they are open.

Review and Consider:

The first item on the agenda was to review and consider reading of the minutes from the regular meetings held September 12, 2022 and September 26, 2022. After some discussion, Councilmember, Russell Machann, moved to approve the minutes from the regular meetings held September 12, 2022 and September 26, 2022. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request from Mr. Haywood Ross for an extension of Variance for Temporary Placement of Travel Trailer for Temporary Housing for 517 Black Street. Director of Planning & Development, Gwyn Teves, stated Mr. Haywood Ross, requested and received temporary variances of Chapter 38-Manufactured Housing, Mobile Homes and Travel Trailers; Article II-Requirements Concerning Mobile Homes, Manufactured Housing and Travel Trailers; Division 3-Recreational Vehicles for 517 Black Street. Mrs. Teves said the last variance expired February 10, 2022. She said that Mr. Ross, had not supplied any of the required utilities to the trailer as of this date and was requesting the Council to extend his variance. After some discussion, Councilmember, Russell Machann, moved to approve a 60-day extension for for Temporary Placement of Travel Trailer for Temporary Housing for 517 Black Street. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request by Ms. Faye Watson, with the Wharton County Recovery Team, for an extension of Variance for Temporary Placement of Travel Trailer for Temporary Housing for 1605 Goode Street. Director of Planning & Development, Gwyn Teves, stated Ms. Faye Watson, with the Wharton County Recovery Team, requested and received temporary variances of Chapter 38-Manufactured Housing, Mobile Homes and Travel Trailers; Article II-Requirements Concerning Mobile Homes, Manufactured Housing and Travel Trailers; Division 3-Recreational Vehicles for 1605 Goode Street for Mr. Doran Steele. Mrs. Teves said the last variance expired April 10, 2022. She said the City had provided multiple variances and extensions of these variances in an effort to assist residents while alternative housing arrangements were made. Mrs. Teves presented a copy of the request from Ms. Watson, for a 6-month extension to the variance. After some discussion, Councilmember, Clifford Jackson, moved to approve a 6-month extension to the Variance for Temporary Placement of Travel Trailer for Temporary Housing for 1605 Goode Street. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request by Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2022 Holiday Parade Chairman, for the Wharton Holiday Parade for the following:

- A. Ordinance: An ordinance approving the 2022 Chamber of Commerce & Agriculture Holiday Parade Permit and authorizing the Wharton Police Department to redirect traffic.
- B. The closure of State Highway 60 (Burlison Street and Milam Street) from its intersection at Alabama Road and Polk Street and the 100 Block of South

Fulton Street and South Houston Street from 5:00 p.m. to 9:00 p.m. and declare it as a “No Parking Zone”.

- C. City of Wharton to transport, set up and return five (5) portable lights for use during the parade.

City Manager, Joseph R. Pace, presented a copy of the request from Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2022 Holiday Parade Chairman, for the Wharton Holiday Parade. Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce, stated the request was the same as in years past. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2022-17, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2022-17**

**AN ORDINANCE APPROVING THE 2022 CHAMBER OF COMMERCE &
AGRICULTURE HOLIDAY PARADE PERMIT AND AUTHORIZING THE
POLICE DEPARTMENT TO REDIRECT TRAFFIC.**

WHEREAS, The Wharton Chamber of Commerce and Agriculture has filed an application for a parade permit with the City of Wharton Police Department as required under the City of Wharton Code of Ordinances, Chapter 82, Article III, Sec. 82-91; and,

WHEREAS, The requested parade route requires the City of Wharton to close State Highway 60 (Burlson Street and Milam Street) from its intersection with Alabama Road and Polk Street and the 100 Block of South Fulton Street and South Houston Street from 5:00 p.m. to 9:00 p.m. and declare a “no parking zone” for such; and,

WHEREAS, The closure of State Highway 60 will be for a time of less than four (4) hours; and,

WHEREAS, The closure will require the detouring of all traffic according to the map (Attachment A) attached to this ordinance; and,

WHEREAS, The routing of all traffic will include truck traffic to Alabama Road which is prohibited by ordinance; and,

WHEREAS, The City Council wishes to suspend for the duration of the parade the enforcement of said ordinance of trucks traveling on Alabama Road; and,

WHEREAS, If there are any other ordinances that would be violated because of the re-routing of all traffic their suspension is hereby authorized.

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

- Section I.** The parade permit for the Wharton Chamber of Commerce and Agriculture is hereby approved.
- Section II.** The parade route is hereby approved as detailed in the attached map (Attachment A) which is hereby made part of this ordinance.
- Section III.** The closure of all streets as indicated in said map identified in Section II are hereby authorized.
- Section IV.** The traffic detour plan as identified in Section III above is hereby approved.
- Section V.** The Chief of Police and City Staff are hereby authorized to make the necessary expenditures needed to ensure the safety of the public.
- Section VI.** This ordinance shall become effective on the 22nd day of November 2022 and remain in effect until such time that the parade concludes.

Passed, Approved and Adopted this 10th day of October 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 fifth item on the agenda was to review and consider a resolution of the Wharton City Council adopting the City of Wharton Investment Policy after the Annual Review of City of Wharton Investment Policy and setting an effective date. Finance Director, Joan Anandel, stated the City of Wharton Investment Policy must be reviewed and adopted annually. Mrs. Anandel, presented a memorandum regarding the current policy. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-104, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-104**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING THE CITY OF WHARTON INVESTMENT POLICY AFTER THE ANNUAL REVIEW OF THE CITY OF WHARTON INVESTMENT POLICY, SETTING AN EFFECTIVE DATE.

WHEREAS, The Public Funds Investment Act, requires the City Council to review and adopt, by resolution, the investment policies and strategies for the City of Wharton on an annual basis; and,

WHEREAS, The City of Wharton designates the City Manager and the Finance Director as investment officers; and,

WHEREAS, The City of Wharton approves the training courses sponsored or endorsed by the Texas Municipal League, the Government Finance Officers Association of Texas, the Government Treasurers Organization of Texas, or the North Central Texas Council of Governments as adequate to meet the investment training requirements; and,

WHEREAS, The attached investment policy complies with the Public Funds Investment Act and authorizes the investment of City funds in safe and prudent investments.

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

Section I. The City of Wharton has complied with the requirements of the Public Funds Investment Act and the Investment Policy attached hereto as "Exhibit A" is hereby adopted as the Investment Policy of the City of Wharton effective October 10, 2022.

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

Passed, Approved, and Adopted this 10th day of October 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 sixth item on the agenda was to review and consider a request to rescind Surplus Auction vehicle and donate said unit to the Wharton County Junior College Law Enforcement Academy. Chief of Police, Terry David Lynch, presented a copy of a request from Mr. Tim Guin, regarding the donation of a used Tahoe for the Wharton County Junior College Law Enforcement Academy. Chief Lynch stated the Wharton Police Department upgrades their police vehicles on a rotational basis and there were several vehicles that had been or would be rotated out of the fleet. Chief Lynch requested the City Council consider rescinding previous action to sell Unit 1177 through Surplus Auction and to donate said unit to the Wharton County Junior College Law Enforcement Academy. After some discussion, Councilmember, Don Mueller, moved to approve rescinding previous action to sell Unit 1177 through Surplus Auction and to donate said unit to the Wharton County Junior College Law Enforcement Academy. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The seventh item on the agenda was to review a consider a resolution of the Wharton City Council awarding a contract for the Emergency Medical Services Ambulance Bay Roof Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. EMS Director, Christy Gonzales, presented copies of bids that the City Staff obtained for the roof replacement to Emergency Medical Services Ambulance Bay. EMS Director Gonzales stated the Emergency Medical Services Bay Roof was over thirty years old and had several leaks therefore was in need to be replaced. Mrs. Gonzales said the following bids received were as follows:

1. Cernosek Construction, Inc. \$20,467.00
2. C4 Construction Group, LLC \$30,300.00
3. Jaco Roofing & Construction, Inc. \$37,997.00

After some discussion, Councilmember, Steve Schneider, moved to approve City of Wharton Resolution No. 2022-105, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-105**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE EMERGENCY MEDICAL SERVICES AMBULANCE BAY ROOF PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Bids were received for the Emergency Medical Services Ambulance Bay Roof Project; and,

WHEREAS, Cernosek Construction, Inc., was deemed the best lowest qualified bidder in the amount of \$20,467.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to Cernosek Construction, Inc., for the Emergency Medical Services Ambulance Bay Roof Project in the amount of \$20,467.00; and,

WHEREAS, The City of Wharton and Cernosek Construction, Inc., 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 agreement.

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 Emergency Medical Services Ambulance Bay Roof Project to Cernosek Construction, Inc., in the amount of \$20,467.00.

Section II. The City of Wharton and Cernosek Construction, Inc., are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 10th day of October 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Larry Pittman, 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. 1 & Change Order No. 2, for additional costs with Underground Construction Solutions, LLC, for the F.M. 1301 Utility Relocation Project and authorizing the Mayor to execute all documents related to said change orders. Director of Planning & Development, Gwyn Teves, presented copies of the F.M. 1301 Extension Utility Relocation Contract, Change Order No. 1 & No. 2 from Underground Construction Solutions, LLC. Mrs. Teves stated Change Order No. 1 was for an increase in the amount of \$7,350.00 for the addition of reconnection of the Mobile Home Park utilities after discovery that they were connected to the decommissioned portion of the abandoned line. She said that Change Order No. 2 was for an increase in the amount of \$2,000.00 for the addition of an extra valve and avoidance of an unmarked gas line. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2022-106, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2022-106

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 1 & CHANGE ORDER NO. 2, FOR ADDITIONAL COSTS WITH UNDERGROUND CONSTRUCTION SOLUTIONS, LLC FOR THE F.M. 1301 UTILITY RELOCATION PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDERS.

WHEREAS, The Wharton City Council wishes to approve Change Order No. 1, for an increase in the amount of \$7,350.00 for the addition of reconnection of the Mobile Home Park utilities after discovery that they were connected to the decommissioned portion of the abandoned line; and,

WHEREAS, The Wharton City Council wishes to approve Change Order No. 2, for an increase in the amount of \$2,000.00 for the addition of an extra valve and avoidance of an unmarked gas line; and,

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

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. 1, for an increase in the amount of \$7,350.00 for the addition of reconnection of the Mobile Home Park utilities after discovery that they were connected to the decommissioned portion of the abandoned line.
- Section II.** The Wharton City Council hereby authorizes Change Order No. 2, for an increase in the amount of \$2,000.00 for the addition of an extra valve and avoidance of an unmarked gas line.
- Section III.** The Wharton City Council hereby authorizes the Mayor to execute all documents related to the change orders.
- Section IV.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 10th day of October 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Russell Machann, seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider Pay Request No. 8 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 8 in the amount of \$30,821.99 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction. After some discussion, Councilmember, Steve Schneider, moved to approve Pay Request No. 8 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction in the amount of \$30,821.99. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The tenth item on the agenda to review and consider Appointments, Resignations and Vacancies to the City of Wharton Boards, Commissions and Committees:

- A. Appointments.
- B. Resignations.
- C. Vacancies.

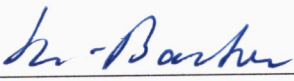
After some discussion, no action was taken.

There being no further discussion, Councilmember, Don Mueller, moved to adjourn.

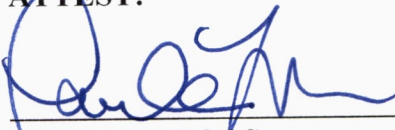
Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The meeting adjourned at 7:31 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:



PAULA FAVORS
City Secretary

