

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL MEETING  
JANUARY 24, 2022**

Mayor Pro-Tem, Don Mueller, 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 Pro-Tem, Don Mueller, led the pledge of allegiance.

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

Councilmember absent was: Mayor, Tim Barker and Councilmember, Russell Machann.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Andel; City Secretary, Paula Favors, TRMC, CPM, MMC; Assistant to the City Manager, Brandi Jimenez; Planning and Development Director, Gwyn Teves; and Public Works Director, Anthony Arcidiacono.

Visitors present were: Russell J. Baird; Vanessa J. Baird; Katheryn Vargas; Stephanie Konvicka; Nathan Norris, President of The Urban Guild; Laura Clemons; and Joe Southern, with the Wharton Journal Spectator.

**Roll Call and Excused Absences.**

Councilmember, Terry Freese, moved to excuse Mayor, Tim Barker, and Councilmember, Russell Machann. Councilmember, Steve Schneider seconded the motion. All voted in favor.

**Public Comments.**

Mayor Pro-Tem, Don Mueller, called for Public Comments. No comments were given.

**Wharton Moment.**

Councilmember, Clifford Jackson, gave condolences for the passing of I.O. Coleman, Jr., and Councilmember, Russell Machann's father.

**Review and Consider:**

The first item on the agenda was to review and consider the City of Wharton Financial Report for November and December 2021. Finance Director, Joan Andel, presented the City of Wharton Financial Report for November and December 2021. After some discussion, Councilmember, Terry Freese, moved to approve the City of Wharton Financial Report for November and December 2021. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request from Mr. and Mrs. Gilbert Vargas to address the City Council regarding the water tax increase effective October 31, 2021. City Manager, Joseph R. Pace, presented a copy of the request from Mr. and Mrs. Gilbert Vargas to address the City Council regarding the water tax increase effective October 31, 2021. After some discussion, no action was taken.

The third item on the agenda was to review and consider a request from Mr. Russell Baird to address the City Council regarding Emerson Heights. City Manager, Joseph R. Pace, presented a copy of the request from Mr. Russell Baird to address the City Council regarding Emerson Heights a GLO-funded project. Mr. Baird presented information on his opinion of the Emerson Heights project. Mr. Nathan Norris, President of The Urban Guild, gave a presentation on development. After some discussion, no action was taken.

The fourth item on the agenda was to review and consider City of Wharton Municipal Election 2022:

Ordinance: An ordinance ordering a City Officer's Election to be held as a joint election with Wharton County Elections Department for the purpose of electing the positions of Mayor and Councilmembers; Providing for the date, time and place of the election, Notice of the Election, Filing Applications; Drawing for Ballot Positions, Use of Accessible Voting System, Appointment of Election Workers, Early Voting and Making Election Returns.

Una ordenanza ordenando una eleccion de funcionarios de la ciudad a celebrarse de forma conjunta con el departamento de elecciones alcalde y del condado de Wharton con el proposito de elegir puestos de concejales; asignando la fecha, Horas, Y presentacion de solicitudes, sorteo para lugares en la balota, use de sistema de votacion accesible, Nombramiento de los trabaj adores de la eleccion, votacion anticipada, Y entrega de los resultados de la eleccion.

City Manager, Joseph R. Pace, presented a draft copy of the ordinance, in English and Spanish versions as required by law, ordering a City's Officer's Election to be held as a joint election with the Wharton County Elections Department. City Secretary, Paula Favors, stated the City Council positions that were up for election were four (4) City Council positions, which are Mayor-At-Large, District No.'s 2, 4, & 6 At-Large. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Ordinance No. 2022-03A and 2022-03B, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2022-03A**

**AN ORDINANCE ORDERING A CITY OFFICERS ELECTION TO BE HELD AS A JOINT ELECTION WITH WHARTON COUNTY ELECTIONS DEPARTMENT FOR THE PURPOSE OF ELECTING THE POSITIONS OF MAYOR AND COUNCILMEMBERS;**

**PROVIDING FOR THE DATE, TIME, AND PLACE OF THE ELECTION, NOTICE OF THE ELECTION, FILING APPLICATIONS, DRAWING FOR BALLOT POSITIONS, USE OF ACCESSIBLE VOTING SYSTEM, APPOINTMENT OF ELECTION WORKERS, EARLY VOTING, AND MAKING ELECTION RETURNS.**

**BE IT ORDAINED by the City Council of the City of Wharton, Texas:**

"Section 32 of the City Charter provides that regular elections to elect members of the city council shall be held on the first Saturday of May each year. At the regular election in each even-numbered year, the voters shall elect a mayor and three councilmen. At the regular election in each odd-numbered year, the voters shall elect three (3) councilmen. The mayor and councilmen shall serve for terms and numbered places as provided in Article II of this charter. The city council may, by ordinance or resolution, order special elections, fix the dates, give notice, and provide all means for holding such special elections."

**Joint Election**

Wharton County Elections Department will be conducting the duties as described in the Joint Election Agreement.

**Position**

An election shall be held in the City of Wharton, Texas, for the purpose of electing the following officials for the City:

Mayor – At Large  
Councilmember – District No. 2  
Councilmember - District No. 4  
Councilmember at Large - Place No. 6

**Date**

An election shall be held in the City of Wharton, Texas, on **May 7, 2022.**

**Time**

The polls shall open for voting at **7 a.m.** and shall close at **7 p.m.**

**Location**

The election shall be held at:

**LOCATION OF POLLING PLACE (*UBICACIÓN DEL LUGAR DE VOTACIÓN*)**

Wharton Civic Center – Duncan Auditorium  
Texas 77488

1924 N. Fulton St. Wharton,

Wharton County Library – El Campo Branch  
Texas 77437

200 W. Church. El Campo,

Wharton County Library – East Bernard Branch  
Texas 77435

746 Clubside Drive East Bernard,

### **Notice of City Officers' Election**

The Mayor shall cause a notice by publication of this election to be published at least once in a newspaper that is published in the City of Wharton, Texas, and that is in the jurisdiction of the City of Wharton, Texas, which publication shall be not earlier than the **30th day** nor later than the **10th day** before election day.

The Mayor shall also give notice of the election by causing a copy of the notice of election to be posted not later than the **21st day** before election day on the bulletin board located at the City Hall, 120 East Caney, Wharton, Texas, and used for posting notices of meetings of the Wharton City Council. The notice shall include the location of the polling place.

### **Eligibility to Vote**

The election shall be held in accordance with the Election Code of the State of Texas. Only qualified resident voters of the City of Wharton, Texas, shall be eligible to vote in the election.

### **Candidate Names**

The City Secretary shall, in accordance with the terms and provisions of the Texas Election Code, order the candidate names to be printed on the ballots for said General Election.

### **Filing**

Candidates must file applications for a place on the ballot with the City Secretary of the City of Wharton, Texas, beginning on **January 19, 2022** and continuing through **5:00 p.m. on February 18, 2022**. A declaration of write-in candidacy must be filed not later than 5:00 P.M. on **February 22, 2022**.

Candidates for City Councilmember must designate the position filed for either Mayor – At Large, Councilmember – District No. 2, Councilmember - District No. 4 or Councilmember at Large - Place No. 6.

### **Drawing for Ballot Positions**

On February 24, 2022 at 10:00 a.m., a drawing will take place in the office of the City Secretary for the purpose of determining the order of the candidates' names as they are to appear on the ballot.

The City Secretary shall post a notice of the date, hour, and place of the drawing and this notice shall remain posted continuously for at least 72 hours immediately preceding the scheduled time of the drawing.

### **Ballots**

Paper ballots shall be used for the purposes of provisional and mail-out for early voting and provisional for election day.

### **Accessible Voting System**

Section 61.012 of the Texas Election Code requires that the City of Wharton must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

The Office of the Texas Secretary of State has certified that the ExpressVote BMD voting machines are an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems. The City of Wharton shall lease or rent from the County of Wharton as authorized by Section 123.032.

The City of Wharton hereby adopts for use in Early Voting and Election Day Voting the ExpressVote BMD voting machines as approved by the Secretary of State to comply with HAVA requirements.

### **Elections Recording Management Tabulation System**

The City of Wharton shall lease or rent from the County the ERM (Elections Recording Management) systems for tabulation purposes, if needed.

### **Election Officers**

The Wharton County Elections Department (WCED) will be responsible for the appointment of the presiding judge and alternate judge. The following-named persons are appointed officers for the election:

Early Voting Presiding Judge: Faye Evans  
Early Voting Alternate Presiding Judge: Joyce Ferrell

Election Day Presiding Judge: Lorna Kaiser  
Election Day Alternate Judge: Melvin Sands

WCED shall arrange the training. WCED is responsible for notifying the election presiding and alternate judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election

Code, and will take the necessary steps to insure that the presiding and alternate judges appointed are eligible to serve. The presiding judge, with the assistance from WCED, will be responsible for insuring the eligibility of each appointed clerk hired to assist the judge in the conduct of the election.

### **Early Voting**

Wharton County Elections Administrator is Cindy Richter appointed early voting clerk and is authorized to appoint other deputies to serve as early voting clerks.

The early voting by personal appearance for the above-designated election shall take place at:

#### **EARLY VOTING LOCATION (*Ubicación de las casillas electorales de votación anticipada*)**

Wharton County Library – El Campo Branch – Mayors room 200 W. Church. El Campo, Texas  
77437

Wharton County Annex D, Classroom 116  
77488

315 E. Milam Street Wharton, Texas

Wharton County Library – East Bernard  
Texas 77435

746 Clubside Drive East Bernard,

The place for early voting shall remain open on each day that is not a Saturday, Sunday, or an official state holiday, between the hours of **8 a.m.** and **5 p.m.**, beginning on **April 25, 2022** and continuing through **April 29, 2022; Monday, May 2, 2022** and continuing through **Tuesday, May 3, 2022** between the hours of **7 a.m.** to **7 p.m.**

Voters may send ballot applications and mailed ballots to the Wharton County Elections Administrator's office at P.O. Box 390, Wharton, TX 77488.

### **Early Voting Ballot Board**

An Early Voting Ballot Board is hereby established for the purpose of early voting results. Wharton County Elections Administrator shall appoint the Presiding Judge of the Early Voting Ballot Board. Wharton County Elections Administrator shall act as Early Voting Ballot Board Clerk.

### **Compensation for Election Officials and Clerks**

The election officials and clerks shall be compensated in the following manner:

The Election Judge for the May 7, 2022 General Election shall be paid \$9.25 per hour. The Election Judge shall also be paid \$25.00 for delivering the precinct records, keys to ballot box or other election equipment and unused election supplies after the election.

The Alternate Judge for the May 7, 2022 General Election shall be paid \$8.75 per hour.

The Election Clerk(s) for the May 7, 2022 General Election shall be paid \$8.75 per hour.

### **Writ of Election**

Wharton County Elections Administrator shall deliver to the above-appointed presiding judge for the election not later than the **15th day** before election day.

### **Returns**

"Section 41 of the City Charter provides that city elections shall be canvassed within one (1) week after the election; however, pursuant to changes in the Texas Election Code, Section 67.003, the local canvass shall convene not earlier than the third day or later than the 11<sup>th</sup> day after the election day." The period for official canvass shall be from May 10 – 18, 2022. The officers holding the election shall make returns of the results thereof to the Mayor of this City, as required by the Election Code of the State of Texas.

### **Order**

The City Council of the City of Wharton, Texas, shall order the election, in accordance with the foregoing provisions.

### **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 this 24th day of January, 2022.

**CITY OF WHARTON, TEXAS**

**ATTEST:**

By: \_\_\_\_\_  
**Don Mueller**  
**Mayor Pro-Tem**

\_\_\_\_\_  
**Paula Favors**  
**City Secretary**

**APPROVED AS:**

\_\_\_\_\_  
**Paul Webb**

**City Attorney**

**CIUDAD DE WHARTON, TEXAS  
ORDENANZA N° 2022-03B**

**UNA ORDENANZA ORDENANDO UNA ELECCIÓN DE FUNCIONARIOS DE LA CIUDAD A CELEBRARSE DE FORMA CONJUNTA CON EL DEPARTAMENTO DE ELECCIONES DEL CONDADO DE WHARTON CON EL PROPÓSITO DE ELEGIR PUESTOS DE ALCALDE Y CONCEJALES; ASIGNANDO LA FECHA, HORAS, Y LUGAR DE LA ELECCIÓN, EL AVISO DE LA ELECCIÓN, PRESENTACION DE SOLICITUDES, SORTEO PARA LUGARES EN LA BALOTA, USO DE SISTEMA DE VOTACIÓN ACCESIBLE, NOMBRAMIENTO DE LOS TRABAJADORES DE LA ELECCION, VOTACIÓN ANTICIPADA, Y ENTREGA DE LOS RESULTADOS DE LA ELECCION.**

**El Consejo Municipal de La Ciudad De Wharton, Texas, ORDENA:**

“La Sección 32 de la Carta Constitutiva establece que se realicen elecciones ordinarias para elegir concejales el primer sábado de mayo de cada año. En la elección regular de cada año par, los votantes elegirán un alcalde y tres concejales. En la elección regular de cada año impar, los votantes elegirán tres (3) concejales. El alcalde y los concejales desempeñarán sus puestos durante el periodo de tiempo y en los lugares numerados según se establece en el Artículo II de esta carta. El consejo municipal puede, ya sea por medio de una ordenanza o de una resolución, ordenar elecciones especiales, fijar las fechas, dar aviso y ofrecer todos los medios para realizar tales elecciones especiales”

**Elección conjunta**

El Departamento de elecciones del condado de Wharton realizará las obligaciones descritas en el Acuerdo de Elección Conjunta.

**Puesto**

Se celebrará una elección en la ciudad de Wharton, Texas, con el propósito de elegir a los siguientes oficiales de la Ciudad:

Alcalde: de forma irrestricta  
Concejal - Distrito No. 2  
Concejal – Distrito No. 4

## Concejal de forma irrestricta – Posición No. 6

### **Fecha**

Se celebrará una elección en la ciudad de Wharton, Texas, el **7 de mayo de 2022**.

### **Horas**

Los lugares de votación abrirán para votar a las **7:00 a.m.** y se cerrarán a las **7:00 p.m.**

### **Lugar**

La elección se celebrará en el Auditorio Duncan del Centro Cívico de Wharton, 1924 N. Fulton Street, Wharton, Texas 77488, Biblioteca del Condado de Wharton – Sucursal El Campo 200 W. Iglesia. El Campo, Texas 77437 y Biblioteca del condado de Wharton – East Bernard Branch 746 Clubside Drive East Bernard, Texas 77435.

### **Aviso de elección de oficiales municipales**

El Alcalde anunciará el aviso de la elección mediante la publicación del aviso por lo menos una vez en un periódico publicado en la ciudad de Wharton, Texas, y que esté en la jurisdicción de la ciudad de Wharton, Texas, cuya publicación no sea anterior a **30 días** antes ni posterior a **10 días** antes de la fecha del día de la elección.

El Alcalde también anunciará el aviso de la elección mediante la publicación del aviso en el tablero de anuncios ubicado en la Alcaldía, 120 East Caney, Wharton, Texas, utilizado para publicar los avisos de las reuniones del Concejo Municipal de Wharton no después de **21 días** antes de la elección. El aviso contendrá la ubicación del lugar de la votación.

### **Elegibilidad para votar**

La elección se realizará de acuerdo con el Código de Elecciones del estado de Texas. Solamente los electores capacitados de la ciudad de Wharton, Texas, serán elegibles para votar en la elección.

### **Nombres de los candidatos**

La Secretaria Municipal de acuerdo con los términos y disposiciones del Código de Elecciones del estado de Texas ordenará que los nombres de los candidatos sean impresos en las balotas para dicha Elección General.

### **Período de presentación**

Los candidatos deben presentar sus solicitudes para un lugar en la balota a la Secretaria Municipal de la Ciudad de Wharton, Texas, a partir del **19 de enero de 2022** y continuando hasta las **5:00 de la tarde del 18 de febrero de 2022**. La declaración de solicitud de candidato anotado se debe presentar no más tarde de las 5:00 de la tarde del **22 de febrero de 2022**.

Los candidatos para concejales municipales deben designar el puesto al que se están postulando, ya sea para Alcalde de forma irrestricta, para concejal- Distrito No. 2, concejal - Distrito No. 4, concejal - Distrito No. 6 de forma irrestricta.

### **Sorteo para los lugares en las balotas**

El 24 de febrero de 2022, a las 10:00 de la mañana se celebrará un sorteo en las oficinas de la Secretaria Municipal con el propósito de determinar el orden en que los nombres de los candidatos se imprimirán en la balota.

La Secretaria Municipal publicará el aviso de la fecha, hora y lugar del sorteo y este aviso deberá permanecer anunciado continuamente por lo menos las 72 horas inmediatamente anteriores a la hora programada para tal sorteo

### **Balotas**

Se usarán balotas de papel con los propósitos de los votos provisionales y por correo para la votación anticipada y provisionales para el día de la elección.

### **Sistema de votación Accesible**

La sección 61.012 del Código de Elecciones de Texas requiere que la Ciudad de Wharton deberá ofrecer al menos un sistema de votación accesible en cada lugar de votación usado en cualquier elección de Texas a partir del 1º de enero de 2006. Este sistema debe de cumplir con las leyes federales y estatales que establecen los requisitos para sistemas de votaciones para que los votantes con discapacidades físicas voten en una balota secreta.

La oficina del Secretario de Texas ha certificado que las máquinas de votación Express Vote BMD son un sistema de votación accesible que puede ser usado legalmente en las elecciones de Texas.

Las secciones 123.032 y 123.035 del Código de Elecciones de Texas autorizan a las subdivisiones políticas la adquisición de sistemas de votación y además ordenan ciertos

requisitos mínimos para los contratos relacionados con la adquisición de tales sistemas de votación. La Ciudad de Wharton arrendará o alquilará del condado de Wharton según está autorizado por la sección 123.032, si fuera necesario.

La Ciudad de Wharton por medio del presente adopta para su uso en la votación anticipada y en el día de la elección las máquinas de votación Express Vote BMD según está aprobado por el Secretario del Estado para cumplir con los requisitos HAVA.

### **Sistema de Administración de la Tabulación de los Registros**

La Ciudad de Wharton arrendará o alquilará del condado la ERM (Administración de Registros de Elecciones) con los propósitos de tabulación, si fuera necesario.

### **Oficiales de la elección**

El Departamento de Elecciones del Condado de Wharton (WCED) será responsable del nombramiento del juez presidente y del juez presidente alterno. Las siguientes personas quedan nombradas como oficiales para la elección.

Juez Presidente de la Votación Anticipada: Faye Evans  
Juez Presidente Alterno de la Votación Anticipada: Joyce Ferrell

Juez Presidente el Día de la Elección: Lorna Kaiser  
Juez Presidente Alterno el Día de la Elección: Melvin Sands

El WCED dispondrá el entrenamiento. El WCED es responsable de notificar al juez presidente y al juez presidente alterno de los requisitos del Subcapítulo C del Capítulo 32 del Código de Elecciones de Texas, y tomará las medidas necesarias para asegurar que el juez presidente y el juez presidente alterno nombrados sean elegibles para desempeñar el cargo. El juez presidente, con la asistencia del WCED, será responsable de asegurar la elegibilidad de cada secretaria nombrada para asistir al juez presidente a realizar la elección.

### **Votación anticipada**

La administradora de elecciones del Condado de Wharton es Cindy Richter nombrada como secretaria de la votación anticipada y queda autorizada a nombrar a otros asistentes para desempeñarse como secretarías de la votación anticipada.

La votación anticipada por comparecencia personal para la elección nombrada aquí arriba se realizará en el Anexo D del Condado de Wharton, Sala 115, E. Milam, Wharton, Texas 77488,

Biblioteca del Condado de Wharton – Sucursal El Campo 200 W. Iglesia. El Campo, Texas 77437 y Biblioteca del condado de Wharton – East Bernard Branch 746 Clubside Drive East Bernard, Texas 77435. El lugar de votación anticipada permanecerá abierto cada día que no sea sábado, domingo, o fiesta estatal oficial, desde las **8:00 de la mañana hasta las 5:00 de la tarde**, comenzando el **25 de abril de 2022** y continuando hasta **abril 29 de 2022** inclusive; **el lunes mayo 2, de 2022** y continuando **el martes 3 de 2022** desde las **7:00 de la mañana a las 7:00 de la noche**.

Los votantes deben enviar las solicitudes de balotas y las balotas votadas por correo a la oficina de la administradora de elecciones del Condado de Wharton: P.O. Box 390, Wharton, Texas 77488.

### **Junta de Balotas de la Votación Anticipada**

Por medio del presente se establece una Junta de Balotas de la Votación Anticipada con el propósito de los resultados de la votación anticipada. La administradora de elecciones del Condado de Wharton nombrará al juez presidente de la Junta de Balotas de la Votación Anticipada. La administradora de elecciones del Condado de Wharton actuará como secretaria de de la Junta de Balotas de la Votación Anticipada.

### **Compensación para los Oficiales y los Secretarios de la Elección**

Los oficiales y los secretarios de la elección serán compensados de la siguiente forma:

El juez de la elección de la elección general del 7 de mayo de 2022 será remunerado a \$9.25 por hora. El juez de la elección también será pagado \$25.00 por entregar los registros de los precintos, las llaves de la caja de las balotas u otro equipo electoral y los suministros electorales que no se hayan usado después de la elección.

El Juez alterno para la elección general del 7 de mayo de 2022 será remunerado a \$8.75 por hora.

Los secretarios de la elección para la elección general del 7 de mayo de 2022 serán remunerados a \$8.75 por hora.

### **Oficio de Elección**

La administradora de elecciones del Condado de Wharton entregará al arriba nombrado juez presidente para la elección no más tarde de **15 días** antes del día de la elección.

### **Resultados**

“La Sección 41 de la Carta Constitutiva dispone que las elecciones municipales serán escrutinadas durante una (1) semana después de la elección; sin embargo, de acuerdo con los cambios del Código de Elecciones de Texas, Sección 67.003, el escrutinio local se congregará no antes del tercer día ni más tarde del onceavo (11) día después del día de la elección.”. El periodo para los escrutinios oficiales será desde el 10 hasta el 18 de mayo de 2022. Los oficiales que realicen la elección deberán entregar los resultados de ella al alcalde de esta Ciudad, según lo requiere el Código de Elecciones del Estado de Texas.

### **Orden**

El Consejo Municipal de la Ciudad de Wharton, Texas, ordenará la elección de acuerdo con las siguientes disposiciones.

### **Divisibilidad**

Si algún tribunal de jurisdicción competente dicta que cualquier sección, subsección, oración, cláusula, frase, o parte de esta orden sea inválida o inconstitucional, dicha parte será considerada como disposición separada, distinta e independiente, y dicho dictamen no afectará a la validez de las partes restantes de ésta.

### **Promulgación y Aprobación**

**PASADO Y APROBADO** por El Consejo Municipal de la Ciudad de Wharton, Texas, este día 24 de enero de 2022.

**CIUDAD DE WHARTON, TEXAS**

**ATESTIGUACIÓN:**

Por: \_\_\_\_\_  
**Don Mueller**  
**Alcalde Pro-Tem**

Por: \_\_\_\_\_  
**Paula Favors**  
**Secretaria Municipal**

**APROBADO:**

\_\_\_\_\_  
**Paul Webb**  
**Abogado Municipal**

Councilmember, Alice-Heard Roberts, 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 approving a Joint Election Agreement with Wharton County Elections Department for the City Election; and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager, Joseph R. Pace, presented a copy of the Joint Election Agreement with the Wharton County Elections Department for the City Election, which will be held May 7, 2022. City Secretary, Paula Favors, stated City Attorney, Paul Webb, had reviewed the Joint Election Agreement and was recommending City Council consider approving the agreement. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-08, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-08**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A JOINT ELECTION AGREEMENT WITH WHARTON COUNTY ELECTIONS DEPARTMENT FOR THE CITY ELECTION; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to approve the joint agreement with Wharton County Elections Department for the City election; and,

**WHEREAS,** The City of Wharton and Wharton County Elections Department wishes to be bound by the conditions 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.** That the Wharton City Council hereby approves an agreement between the City of Wharton and Wharton County Elections Department for the City election.

**Section II.** That the City of Wharton and Wharton County Elections Department are hereby bound by the conditions set forth in the agreement.

**Section III.** That the Wharton City Council hereby authorizes the Mayor of the Wharton to execute the agreement.

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

**Passed, Approved, and Adopted this the 24th day of January 2022.**

**CITY OF WHARTON**

By: \_\_\_\_\_  
**DON MUELLER**  
Mayor Pro-Tem

**ATTEST:** \_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

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

The sixth item on the agenda was to review and consider Pay Request No. 1 from Weisinger Incorporated for the Wharton Well and Water Plant Contract No. 2 – Well Construction. City Manager, Joseph R. Pace, presented a copy of Pay Request No. 1 from Weisinger Incorporated for the Wharton Well and Water Plant Contract No. 2 – Well Construction in the amount of \$335,540.00. After some discussion, Councilmember, Clifford Jackson, moved to approve pay request no. 1 from Weisinger Incorporated for the Wharton Well and Water Plant Contract No. 2 – Well Construction in the amount of \$335,540.00. Councilmember, Steve Schneider, 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 approving Amendment No. 1 for the Percheron Professional Service Agreement for the City of Wharton FM 1301 Extension Real Estate Support Services and authorizing the Mayor to execute all documents related to said amendment. City Manager, Joseph R. Pace, stated that on January 18, 2022, the City Staff received the request for Amendment No. 1 from Percheron for a \$2,500.00 increase to the Professional Service Agreement executed on April 21, 2021, for the City of Wharton FM 1301 Extension Real Estate Support Services. Director of Planning and Development, Gwyn Teves, stated the additional fee was requested for coordination and assistance with two relocations of personal property for two of the acquired parcels. Mrs. Teves said in the original scope, no relocations were included. After some discussion, Councilmember, Terry Freese moved to approve City of Wharton Resolution No. 2022-09, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-09**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AMENDMENT NO. 1 FOR THE PERCHERON PROFESSIONAL SERVICE AGREEMENT FOR THE CITY OF WHARTON FM 1301 EXTENSION REAL ESTATE SUPPORT SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO THE AMENDMENT.**

**WHEREAS,** The Wharton City Council wishes to approve Amendment No. 1 for the Percheron Professional Service Agreement for the City of Wharton FM 1301 Real Estate Support Services; and,

**WHEREAS,** The additional fee is requested for coordination and assistance with 2 relocations of personal property for 2 of the acquired parcels. In the original scope, no relocations were included; and,

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

**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 Amendment No. 1 for the Percheron Professional Service Agreement for the City of Wharton FM 1301 Real Estate Support Services.

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

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

**Passed, Approved, and Adopted** this 24th day of January 2022.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DON MUELLER**  
Mayor Pro-Tem

**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. 2 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 #1 from E-Contractors to increase material costs for Contract #1 for

the new water well due material cost increases. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-10, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-10**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 2 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. 2 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. 2 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 24th day of January 2022.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DON MUELLER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

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

The ninth item on the agenda was to review and consider 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, 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:**

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**Michael Wootton**  
Secretary

After some discussion, no action was taken.

The tenth item on the agenda was to review and consider an 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 eleventh item on the agenda was to review and consider an update of City of Wharton on-going Projects. City Manager, Joseph R. Pace, presented his memorandum dated January 11, 2022, providing an update on the City of Wharton current projects as of December 31, 2021, 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.**

Water leaks and sewer failures are still being seen in the month of December.

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

Half 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 twelfth 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 thirteenth item on the agenda was to review and consider City Council Boards, Commissions and Committee Reports:

- A. Finance Committee meeting held January 10, 2022.
- B. Parks & Recreation Committee meeting held January 10, 2022.

After some discussion, no action was taken.

The fourteenth 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, Steven Schneider, moved to adjourn. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The meeting adjourned at 7:39 p.m.

**CITY OF WHARTON, TEXAS**

By:   
**TIM BARKER**  
Mayor

**ATTEST:**



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**PAULA FAVORS**  
**City Secretary**

