

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
MARCH 27, 2023**

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, Russell Machann, led the opening devotion and Mayor, Tim Barker, led the pledge of allegiance.

Councilmember's present were: Mayor, Tim Barker, and Councilmembers, Terry Freese; Clifford Jackson; Russell Machann; Don Mueller; Larry Pittman and Steve Schneider.

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; Assistant City Manager, Paula Favors; Finance Director, Joan Anandel; Director of Planning and Development, Gwyn Teves, CPM; Assistant to the City Manager, Brandi Jimenez; Police Chief, Terry David Lynch and Patrol Lieutenant, Lance Bothell.

Visitors present were: Sammy Wisnieski; Anezma Trevino, and David Schroeder.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

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

Wharton Moment.

Councilmember, Terry Freese, thanked the Director of Planning and Development, Gwyn Teves, for her hard work on the Wharton Safe & Accessible Routes to School Project by TxDOT.

Councilmember, Russell Machann, stated the Wharton County Youth Fair was in full swing and encouraged everyone to go support the youth!

Review and Consider:

The first item on the agenda was to review and consider the City of Wharton Financial Report for February 2023. City of Wharton Finance Director, Joan Anandel, presented the City of Wharton Financial Report for February 2023. After some discussion, Councilmember, Russell Machann, moved to approve the City of Wharton Financial Report for February 2023. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request from Anezma Trevino to hold a Military Boot Camp in a City Park. City Manager, Joseph R. Pace, presented a copy of the request from Anezma Trevino to hold a Military Boot Camp in a City Park. City Manager Pace stated the

business was requesting if any of the parks could be sponsored by the City of Wharton or fees waived to help this small business grow within Wharton County. He said that it was City Attorney, Paul Webb's recommendation the City Council consider not approving the request since it was a for-profit request. After some discussion, Councilmember, Clifford Jackson, moved to deny the request from Anezma Trevino to host a Military Boot Camp in a City Park where fees would be waived. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request from Mr. Sammy Wisnieski to address the City Council regarding construction and drainage. Mr. Wisnieski presented his request to the City Council regarding drainage at Barfield Road and Stadium Road. He discussed issues he felt were created by the dirt from the new stadium retention pond. City Manager, Joseph R. Pace, stated the City had been in discussion with the Wharton Independent School District representatives regarding the issue. After some discussion, no action was taken.

The fourth item on the agenda was to review and consider a resolution by the City of Wharton, Texas, ("City") responding to the application of CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas–Texas Coast Division (CenterPoint), to increase rates under the Gas Reliability Infrastructure Program; suspending the effective date of this rate application for forty-five days; authorizing the City's participation in a coalition of cities known as the "Texas Coast Utilities Coalition of Cities" (TCUC); requiring the reimbursement of costs; determining that the meeting at which the resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date. City Manager, Joseph Pace, stated the City was a member of the Texas Coast Utilities Coalition of Cities (TCUC) and had been represented by the law firm of Herrera Law & Associates, PLLC (through Mr. Alfred R. Herrera) to assist in reviewing applications to change rates submitted by CenterPoint. City Manager Pace said that on or about March 2, 2023, CenterPoint filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"). CenterPoint's application when approved by the Railroad Commission would result in an increase in the monthly customer charges. He said TCUC's Special Counsel, the law firm of Herrera Law & Associates, PLLC (through Alfred R. Herrera) recommended that the City adopt a resolution suspending CenterPoint's proposed effective date for 45 days; assuming a proposed effective date of May 1, 2023, CenterPoint's proposed effective date is suspended until June 15, 2023. After some discussion, Councilmember, Clifford Johnson, moved to approve City of Wharton Resolution No. 2023-23, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-23**

A RESOLUTION BY THE CITY OF WHARTON, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS–TEXAS COAST DIVISION (CENTERPOINT), TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS;

AUTHORIZING THE CITY’S PARTICIPATION IN A COALITION OF CITIES KNOWN AS THE "TEXAS COAST UTILITIES COALITION OF CITIES" (TCUC); REQUIRING THE REIMBURSEMENT OF COSTS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS: on or about March 2, 2023, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas – Texas Coast Division (CenterPoint or Company) filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program (“GRIP”), resulting in a requested increase in the monthly customer charges as shown in the table below:

Rate Schedule	Current Customer Charge	Proposed 2023 Interim Rate Adjustment	Adjusted Charge	Increase Per Bill
R-2096-I-GRIP 2023; R-2096-U-GRIP 2023 Residential	\$19.94 per customer per month	\$2.01 per customer per month	\$21.95 per customer per month	\$2.01 per customer per month
GSS-2096-I-GRIP 2023; GSS-2096-U-GRIP 2023 General Service Small	\$24.93 per customer per month	\$3.00 per customer per month	\$27.93 per customer per month	\$3.00 per customer per month
GSLV-627-I-GRIP 2023; GSLV-627-U-GRIP 2023 General Service Large Volume	\$365.46 per customer per month	\$104.91 per customer per month	\$470.37 per customer per month	\$104.91 per customer per month

and;

WHEREAS: the City has a special responsibility to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS: the application to increase rates by CenterPoint is complex; and

WHEREAS: it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in CenterPoint's rate application are correctly done, and whether CenterPoint's application otherwise conforms to the requirements of Texas Utilities Code § 104.301, commonly referred to as the GRIP statute; and

WHEREAS: the effective date proposed by CenterPoint is May 1, 2023, but a suspension by the City will mean that the rate increase cannot go into effect prior to June 15, 2023.

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

Section 1. That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City suspends the requested effective date by CenterPoint for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code. The City finds that additional time is needed in order to review the data and calculations that provide the basis for the rate increase application, and to determine whether CenterPoint's application otherwise conforms to the requirements of the GRIP statute.

Section 3. The City shall continue to act jointly with other cities that are part of a coalition of cities known as the Texas Coast Utilities Coalition of Cities (TCUC).

Section 4. The City authorizes the law firm of Herrera Law & Associates, PLLC, to act on its behalf in connection with CenterPoint's application to increase rates.

Section 5. CenterPoint is ordered to reimburse the City's reasonable rate case expenses incurred in response to CenterPoint's rate increase application within 30 days of receipt of invoices for such expenses to the extent allowed by law.

Section 6. The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 7. This resolution shall be effective immediately upon passage.

PASSED, APPROVED, and ADOPTED this 27th day of March 2023.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fifth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 82 Traffic, providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine; providing for severability and setting an effective date. Chief of Police, Terry David Lynch, stated the City Staff had identified a potential traffic safety issue on LaDelle Street, where the existing roadway meets the new construction at the LaDelle Ridge Development. Chief Lynch said that in the 1400 block of LaDelle Street, there was a raised portion of the roadway where the original asphalt met the new concrete roadway for the new development, which had been determined to create a possible traffic hazard due to the increased traffic on LaDelle Street. He said the transition area in the 1400 block of LaDelle Street had been determined to be a viable location for a stop sign, in an effort to slow residential area traffic down and a third stop sign was proposed to be placed at the 1600 block of LaDelle Street and Hodges Lane. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2023-04, which read as follows:

CITY OF WHARTON

ORDINANCE NO. 2023-04

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 82 TRAFFIC, PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Wharton, Texas that the City of Wharton Code of Ordinances, Chapter 82 Traffic, shall read as follows:

ARTICLE II. OPERATION OF VEHICLES

Sec. 82-63. Stop intersections designated.

The following intersections in addition are designated as stop intersections and stop signs shall be erected as follows:

1. 1400 block of LaDelle Street, facing East
2. 1400 block of LaDelle Street, facing West
3. 1600 block of LaDelle Street at Hodges Lane, facing West

Penalty Clause

Except as otherwise provided in this chapter, any person found guilty of intentionally, knowingly or recklessly violating any provision of this article and upon conviction thereof in the municipal court shall be fined in accordance with the terms of Section 1-5 of the Code of Ordinances of the City of Wharton, Texas.

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.

Effective Date

This Ordinance shall become effective on the 7th day of April 2023 at 12:01 a.m.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 27th day of March 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

Councilmember, Larry Pittman, 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 approving Amendment 1 of the Wharton Recovery Plan associated with the City's American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) Allocation and authorizing the Mayor of the City of Wharton to execute all necessary documents associated with said plan. Director of Planning & Development, Gwyn Teves, stated the City of Wharton received a direct allocation from the federal government in reference to the American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) Allocation. Mrs. Teves said that on April 25, 2022, the Wharton City Council adopted the City of Wharton Recovery Plan per the requirements of the funding and the City Staff had identified additional expenditures and projects to utilize the funds. She said this would require the City of Wharton Recovery Plan to be amended. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-24, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-24**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AMENDMENT 1 OF THE WHARTON RECOVERY PLAN ASSOCIATED WITH THE CITY'S AMERICAN RESCUE PLAN ACT (ARPA) – CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS (CLFRF) ALLOCATION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL NECESSARY DOCUMENTS ASSOCIATED WITH SAID PLAN.

WHEREAS, The City of Wharton City Council adopted the City of Wharton Recovery Plan on April 25, 2022; and,

WHEREAS, It is necessary and in the best interests of City of Wharton to approve Amendment 1 of the Recovery Plan to utilize and implement ARPA - CLFRF funding.

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

Section I. Approves Amendment 1 of the Wharton Recovery Plan associated with the implementation of the City’s American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) allocation.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the afore-mentioned plan.

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

Passed, Approved, and Adopted this 27th day of March 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The seventh item on the agenda was to review and consider Pay Request No. 9 and No. 10 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. 9 in the amount of \$31,575.68 and Pay Request No. 10 in the amount of \$52,670.94 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction. After some discussion, Councilmember, Clifford Jackson, moved to approve Pay Request No. 9 and No. 10 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider Pay Request No. 2 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project. Director of Planning & Development, Gwyn Teves,

presented a copy of Pay Request No. 2 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project in the amount of \$71,586.30. After some discussion, Councilmember, Larry Pittman, moved to approve Pay Request No. 2 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The ninth item on the agenda was an update of the City of Wharton Grant Programs. Director of Planning and Development, Gwyn Teves, presented her update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The tenth item on the agenda was an update on City of Wharton's ongoing Projects. City Manager, Joseph R. Pace, presented a copy of his memorandum dated March 10, 2023, regarding the City of Wharton's ongoing projects, which read as follows:

DRAINAGE:

1. On-going Drainage and Maintenance Program.

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

2. 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 completed with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program. The Public Works Department has also been looking at this project to possibly complete in-house by City Crews.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

STREET IMPROVEMENTS:

1. 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. The City Staff is coordinating with Quiddity Engineering on utility relocations of water and sewer lines along I-69 that will be impacted by the expansion. Easement acquisition is in progress. Per TxDOT the airport overpass will remain at that location and the City will take possession of the spur road in front of the airport once construction is complete.

2. NanYa Exit Ramp Project.

TxDOT has been coordinating with NanYa and JM Eagle on the exit design. As of the last coordination meeting, the ramp has been implemented in the design with a turnaround under the F.M. 102 Overpass to allow for easy access to the retail area on the alternate side of the

Interstate.

HOUSING:

1. FM 1301 Housing Development – Waterstone Development

Approximately 500 homes on 31.294 acres are to be developed. Public Improvement District petition adopted by the City Council on August 8, 2022. Development currently on hold due to current market status. Regular contact with the developer is being maintained.

2. Milam/Alabama Housing Development – Wharton 55 LLC

222 homes on 55 acres are to be developed. Development Agreement adopted by City Council in November 2022. Developer is in the process of finalizing platting and civil engineering. Ongoing contact with the developer is being maintained. Preliminary Plat to be reviewed by the City Council Housing Committee in the future.

After some discussion, no action was taken.

The eleventh item on the agenda was 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.

The twelfth item on the agenda was the City Council Boards, Commissions, and Committee Reports:

- A. Parks and Recreation Committee meeting held March 13, 2023.

After some discussion, no action was taken.

The thirteenth item on the agenda was to review and consider the 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, Larry Pittman, seconded the motion. All voted in favor.

The meeting adjourned at 7:37 p.m.

CITY OF WHARTON, TEXAS

By: *Tim Barker*
TIM BARKER
Mayor

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary

