

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
MAY 28, 2024**

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, Burnell Neal, led the opening devotion, and Mayor, Tim Barker led the pledge of allegiance.

Councilmembers present were: Mayor, Tim Barker, and Councilmembers, Terry Freese; Russell Machann; Burnell Neal; Larry Pittman; Steve Schneider, and David Voulgaris.

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Andel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC, IPMA-CP; Assistant to the City Manager, Brandi Jimenez; Planning and Development Director, Gwyn Teves, and Police Chief, Terry David Lynch.

Visitors present were: Wharton Economic Development Director, Josh Owens, Richard Lockley; Sara Lockley; Ryan Salazar, and Sam Scinta, Jr. with the Wharton Journal Spectator.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

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

Wharton Moment.

Mayor, Tim Barker, called for Wharton Moments.

City Manager, Joseph R. Pace, congratulated Public Works Director, Roderick Semien; Building Official, Claudia Velasquez; Police Chief, Terry David Lynch, and Assistant City Manager, Paula Favors, on completing the TML Leadership Fellow Program.

Review and Consider:

The first item on the agenda was to review and consider the City of Wharton Financial Report for April 2024. Finance Director, Joan Andel, presented the City of Wharton Financial Report for April 2024. After some discussion, Councilmember, Russell Machann, moved to approve the City

of Wharton Financial Report for April 2024. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider the Annual Drinking Water Quality Report (Consumer Confidence Report-CCR). Finance Director, Joan Anandel, stated the U.S. Environmental Protection Agency (EPA) required that all community water systems provide an annual Drinking Water Quality Report (Consumer Confidence Report – CCR) to their customers by July 1 each year. Finance Director, Anandel, said the City Staff recommended that a link be established on the City of Wharton Website and instructions on how to access this site be printed on the utility bill mailed on May 31, 2024. Mrs. Anandel said the information had been prepared in English and Spanish. She said the City Staff would also like to schedule a public meeting at City Hall on June 13, 2024, at 5:00 p.m. to allow citizens to ask questions regarding the report. After some discussion, Councilmember, Russell Machann, moved to approve the Annual Drinking Water Quality Report (Consumer Confidence Report-CCR) and set the public meeting to be held at City Hall on June 13, 2024, at 5:00 p.m. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider the City of Wharton Final ESPC Implementation Phase Closeout Proposal. Finance Director, Joan Anandel, stated Constellation NewEnergy (CNE) had provided the City with a final Energy Savings Plan Closeout Proposal. Finance Director, Anandel, said the project was started in 2016 and was funded through a Qualified Energy Conservation Bond (QECB). Mrs. Anandel said the project included lighting upgrades, wastewater treatment plant blowers, and air conditioning improvements and CNE was requesting in the close-out documents to be paid \$503,706.73 from the escrow account funds in the City's possession of \$811,416.39. She said this amount would compensate them for energy savings from years 1-8 (Sept 2016-May 2024). After some discussion, Councilmember, Terry Freese, moved to approve the City of Wharton Final ESPC Implementation Phase Closeout Proposal to be paid \$503,706.73 from the escrow account funds in the City's possession of \$811,416.39. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a resolution of the Wharton City Council approving an extension of the Memorandum of Understanding between the City of Wharton and Wharton Feed and Supply and the Temporary Certificate of Occupancy and authorizing the Mayor of the City of Wharton to execute all documents related to said extension. Planning and Development Director, Gwyn Teves, stated Wharton Feed and Supply was issued a Temporary Certificate of Occupancy (TCO) with a Memorandum of Understanding (MOU) for the continued design and construction of their drainage for the site on February 26, 2024. Mrs. Teves said the Memorandum of Understanding was an agreement that Wharton Feed and Supply would continue to perform the required design and construction for the site detention and drainage within the 90-day term of the agreement and once all drainage and detention requirements were completed and inspected, with approval, a final Certificate of Occupancy was to be issued. She stated the MOU and TCO expired on May 26, 2024, and Mr. and Mrs. Lockley had made a request to the City Manager's office requesting an extension to the MOU. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-52, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-52**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN EXTENSION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WHARTON AND WHARTON FEED AND SUPPLY AND THE TEMPORARY CERTIFICATE OF OCCUPANCY AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID EXTENSION.

WHEREAS, The City of Wharton City Council wishes to approve an extension of the Memorandum of Understanding with Wharton Feed and Supply and the Temporary Certificate of Occupancy for 90 days; and,

WHEREAS, Wharton Feed and Supply will continue to work on and complete the design and construction of the onsite drainage facilities before the expiration of the extension; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents relating to said extension of the Memorandum of Understanding and Temporary Certificate of Occupancy.

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

SECTION I. The Wharton City Council hereby approves an extension of the Memorandum of Understanding with Wharton Feed and Supply and the Temporary Certificate of Occupancy for 90 days.

SECTION II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said extension of the Memorandum of Understanding and Temporary Certificate of Occupancy.

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

PASSED, APPROVED, and ADOPTED this 28th day of May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fifth item on the agenda was to review and consider a request by Wharton Economic Development Corporation Executive Director Joshua Owens to the City Council to review and determine the removal of members of the Wharton Economic Development Corporation Board who are not adhering to the attendance requirements per the bylaws. Wharton Economic Development Corporation Executive Director, Joshua Owens, presented a copy of a memorandum to the City Council to review and determine the removal of members of the Wharton Economic Development Corporation Board who were not adhering to the attendance requirements per the bylaws. Mr. Owens stated the Wharton Economic Development Corporation requested to abide by the bylaws and ensure that all appointed board members attend the monthly meetings. Article III, Section 3.02 (c) 3.04 stated that the board shall be regularly accountable to the City Council for all activities and attendance. After some discussion, Councilmember, Russell Machann, moved to remove Boardmember, Alice Heard-Roberts, for not meeting the attendance requirements per the Wharton Economic Development Corporation's bylaws. Councilmember, David Voulgaris, seconded the motion. Councilmembers, Steve Schneider, Terry Freese, David Voulgaris, Russell Machann, and Larry Pittman voted for the motion. Councilmember, Burnell Neal, voted against the motion. The motion carried.

The sixth item on the agenda was to review and consider the S. East Avenue Sanitary Sewer Rehabilitation Project Phase 1:

A. Pay Request No. 1 from Texas Pride Utilities, LLC.

Director of Planning & Development, Gwyn Teves, stated the City Council awarded a contract for construction to Texas Pride Utilities, LLC for the S. East Ave, Sanitary Sewer Repairs Contract 7220499 Phase 1 Re-Bid. Mrs. Teves said Pay Estimate No. 1 had been sent, and a recommendation for payment by the engineer was in the amount of \$212,742.00. She said the work for the S. East Ave. Sanitary Sewer Repairs Phase 1 had been completed and during the construction thirteen (13) Manhole Lid Inflow Preventers were added as an alternate item to the contract and work performed. After some discussion, Councilmember, Russell Machann, moved to approve Pay Request No. 1 from Texas Pride Utilities, LLC. in the amount of \$212,742.00. Councilmember, Terry Freese, seconded the motion. All voted in favor.

B. Resolution: A resolution of the Wharton City Council approving Change Order No. 1 for a cost increase at project closeout with Texas Pride Utilities, LLC, for the S. East Avenue Sanitary Sewer Rehabilitation Project Phase 1 and authorizing the Mayor to execute all documents related to said Change Order.

Director Teves stated additional funds were available in the grant, and the change order was being requested for approval in the amount of \$2,600.00 to close out the project. She said the City Council awarded a contract for construction to Texas Pride Utilities, LLC for the S. East Ave, Sanitary Sewer Repairs Contract 7220499 Phase 1 Re-Bid. After some discussion,

Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-53, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-53**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 1 FOR A COST INCREASE AT PROJECT CLOSEOUT WITH TEXAS PRIDE UTILITIES, LLC, FOR THE S. EAST AVENUE SANITARY SEWER REHABILITATION PROJECT PHASE 1 AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

WHEREAS, The Wharton City Council wishes to approve Change Order No. 1 for the cost increase of \$2,600 for project closeout with Texas Pride Utilities, LLC, for the S. East Avenue Sanitary Sewer Rehabilitation Project Phase 1; 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. 1 for the cost increase of \$2,600 for project closeout with Texas Pride Utilities, LLC, for the S. East Avenue Sanitary Sewer Rehabilitation Project Phase 1.

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 May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

C. Pay Request No. 2 and Final from Texas Pride Utilities, LLC.

Planning and Development Director, Teves, stated Pay Estimate No. 2 & Final had been sent and a recommendation for payment by the engineer was in the amount of \$23,638.00. After some discussion, Councilmember, Russell Machann, moved to approve Pay Request No. 2 and Final from Texas Pride Utilities, LLC in the amount of \$23,638.00. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the S. East Avenue Sanitary Sewer Rehabilitation Project Phase 2:

A. Pay Request No. 1 from Texas Pride Utilities, LLC.

Director of Planning & Development, Gwyn Teves, stated the City Council awarded a contract for construction to Texas Pride Utilities, LLC for the S. East Ave, Sanitary Sewer Repairs Contract 7220499 Phase 2. Pay Estimate No. 1 has been sent, and a recommendation for payment by the engineer was for \$82,623.60. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 1 from Texas Pride Utilities, LLC in the amount of \$82,623.60. Councilmember, David Voulgaris, seconded the motion. All voted in favor.

B. Resolution: A resolution of the Wharton City Council approving Change Order No. 1 for a cost increase at project closeout with Texas Pride Utilities, LLC, for the S. East Avenue Sanitary Sewer Rehabilitation Project Phase 2 and authorizing the Mayor to execute all documents related to said Change Order.

Mrs. Teves said the work for the S. East Ave. Sanitary Sewer Repairs Phase 2 had been completed. She said that during the construction, line sizes and lengths were verified, and actual work performed was documented and recorded for the contract and granted by Change Order 1. Director Teves stated the change was an increase of \$1,104.00, additional funds were available in the grant, and the change order was being requested for approval to close out the project. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-54, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-54**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 1 FOR A COST INCREASE AT PROJECT CLOSEOUT WITH TEXAS PRIDE UTILITIES, LLC, FOR THE S. EAST AVENUE SANITARY SEWER REHABILITATION PROJECT PHASE 2 AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

WHEREAS, The Wharton City Council wishes to approve Change Order No. 1 for the cost increase of \$1,104 for project closeout with Texas Pride Utilities, LLC, for the S. East Avenue Sanitary Sewer Rehabilitation Project Phase 2; 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. 1 for the cost increase of \$1,104 for project closeout with Texas Pride Utilities, LLC, for the S. East Avenue Sanitary Sewer Rehabilitation Project Phase 2.

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 May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Burnell Neal, seconded the motion. All voted in favor.

C. Pay Request No. 2 and Final from Texas Pride Utilities, LLC.

Mrs. Teves said the City Council awarded a contract for construction to Texas Pride Utilities, LLC for the S. East Ave, Sanitary Sewer Repairs Contract 7220499 Phase 2 and Pay Estimate No. 2 & Final had been sent, and a recommendation for payment by the engineer was in the amount of \$9,180.40. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 2 and Final from Texas Pride Utilities, LLC in the amount of \$9,180.40. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider Pay Request No. 14 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. 14 from E-Contractors for the Wharton Well and Water Plant Contract No. 1—General Construction in the amount of \$32,189.09. Mrs. Teves stated the City would hold the retainage of \$139,606.31 pending the completion of the punch list items and deficiencies identified since the well had been online. She said that when these items were completed, a final payment request and substantial completion would be brought before the Council. City Attorney, Paul Webb, stated that he would like to have the release of the lien before a payment was issued. After some discussion, Councilmember, Russell Machann, moved to approve Pay Request No. 14 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction in the amount of \$32,189.09 with the stipulation that a release of lien was provided to the City before payment was issued. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

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

The tenth item on the agenda was to review and consider an update on the City of Wharton's ongoing projects. City Manager, Joesph R. Pace, presented an update on the City of Wharton's ongoing projects. After some discussion, no action was taken.

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

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

After some discussion, Councilmember, Terry Freese, moved to appoint the following:

		<u>Term ending:</u>
Ms. Amanda Gonzales	Beautification Commission	June 30, 2025

Councilmember, Burnell Neal, seconded the motion. All voted in favor.

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

- A. Finance Committee meeting held May 13, 2024.

After some discussion, no action was taken.

The thirteenth item on the agenda was to review and consider Department Head Reports:

- A. City Secretary/Personnel.

- B. Code Enforcement.
- C. Community Services Department/Civic Center.
- D. Emergency Management.
- E. E. M. S. Department.
- F. Fire Department.
- G. Legal Department.
- H. Municipal Court.
- I. Police Department.
- J. Public Works Department.
- K. Water/Sewer Department.
- L. Weedy Lots/Sign Ordinance.
- M. Wharton Regional Airport.

After some discussion, no action was taken.


There being no further discussion, Councilmember, David Voulgaris, moved to adjourn. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The meeting adjourned at 7:40 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:


PAULA FAVORS
City Secretary

