



**CITY OF WHARTON
CITY COUNCIL REGULAR MEETING**

**Monday, August 14, 2023
7:00 PM**

***CITY HALL 120 EAST CANEY STREET
WHARTON, TEXAS 77488***

**NOTICE OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING**

Notice is hereby given that a City Council Regular Meeting will be held on Monday, August 14, 2023, at 7:00 PM at the Wharton City Hall, 120 East Caney Street, Wharton, Texas, at which time the following subjects will be discussed to-wit:

SEE ATTACHED AGENDA

Dated this 10th day of August 2023.

By: 
Tim Barker, Mayor

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Council Regular Meeting is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board, at City Hall of said City or Town in Wharton, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on August 10, 2023, at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

The Wharton City Hall is wheelchair accessible. Access to the building and special parking is available at the primary entrance. Persons with disabilities, who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at (979) 532-4811 Ext. 225 or by FAX (979) 532-0181 at least two (2) days prior to the meeting date. **BRILLE IS NOT AVAILABLE.**

Dated this 10th day of August 2023.

CITY OF WHARTON

By: 
Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
City Council Regular Meeting
Monday, August 14, 2023
City Hall - 7:00 PM

Call to Order –Opening Devotion –Pledge of Allegiance.

Roll Call and Excused Absences.

Public Comments.

Wharton Moment.

Review and Consider:

1. Reading of the minutes from the regular meetings held July 10, 2023, and July 24, 2023, and the special meeting held July 17, 2023.
2. Request from the Monterey Square Business Association to amend the original request, approved on July 24, 2023, for the following for the Monterey Square Wine and Arts Fair on October 14, 2023:
 - A. Request for a variance for the carriage rides.
 - B. Close Caney Street at Houston Street and Polk Street at 10:00 a.m. on October 14th due to the route of the carriage rides.
 - C. Change the times of the street closings that were approved on July 24, 2023, to be changed from 2:00 p.m. to 10:00 a.m. and reopen at 10:00 p.m.
 - D. Close Houston Street between Milam Street and Burleson Street at 8:00 a.m. for the stage to be prepared for the entertainment that evening until 10:00 p.m.
3. Request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture, for the City of Wharton's assistance by approving the following for the Party Under the Bridge to be held Thursday, October 19, 2023:
 1. Closing to traffic from 4:00 p.m. to 8:00 p.m. a portion of Elm Street from Dinosaur Park to underneath the southbound lane of Business 59 and ending near the intersection with Polk Street.
 2. Closing to traffic from 4:00 p.m. to 8:00 p.m. to The Dinosaur Park parking lot and access roads.
 3. Closing to traffic a portion of West Colorado Street from North Richmond Road southward to the end of Dinosaur Park.
 4. Traffic control as needed, including for the route of a children's train.
 5. Access to electrical power in close proximity as possible to the entrance to the park at Colorado Street.
 6. Trash cans, and if possible, clean-up assistance.
 7. Request for mosquito spraying and fire ant treatment.

8. Allow open containers within the confines of the event area coordinated with the Wharton Police Department.
 9. Labor and logistics to pick up, set up, and return chairs and eight (8) round tables owned by the Chamber.
 10. Picking up, setting up, operating, and returning two (2) generator light plants that the Chamber will rent.
 11. Waive all fees.
4. Request for a variance from DiamondBack Gun Show to display signage nine (9) days prior to their event for the two remaining scheduled events.
 5. Resolution: A resolution of the Wharton City Council authorizing the submission of an application to the Office of the Governor for the Operation Lone Star Grant for the Wharton Police Department and authorizing the Mayor of the City of Wharton to execute all documents related to said grant submission.
 6. Resolution: A resolution of the Wharton City Council awarding a contract for the Valhalla Water Well Rehabilitation Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
 7. Resolution: A resolution of the Wharton City Council awarding a contract for the Texas Community Development Block Grant – Downtown Revitalization Program/Main Street (TXCDBG-DRP/MS) Sidewalk Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
 8. Resolution: A resolution of the Wharton City Council approving a Utility Joint Use Agreement with the Texas Department of Transportation (TxDOT) for utility service relocations on U.S.-59/future I-69 for utilities to remain in the TxDOT Right of Way (ROW) and authorizing the Mayor of the City of Wharton to execute the agreement.
 9. Resolution: A resolution of the Wharton City Council approving and ratifying a proposal for well cleaning services for the City of Wharton Water Well No. 5 between the City of Wharton and Weisinger, Inc., and authorizing the City Manager of the City of Wharton to execute all documents related to said agreement.
 10. Pay Request No. 5 from CF McDonald Electric, Inc. for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators.
 11. Appointments, Resignations, and Vacancies to the City of Wharton Boards, Commissions, and Committees:
 - A. Resignations.
 - B. Appointments.
 - C. Vacancies.
 12. City Council Boards, Commissions, and Committee Reports:
 - A. Finance Committee meeting held July 24, 2023.

Adjournment.

City of Wharton
120 E. Caney Street
Wharton, TX 77488

CITY COUNCIL COMMUNICATION

Meeting Date:	8/14/2023	Agenda Item:	Reading of the minutes from the regular meetings held July 10, 2023, and July 24, 2023, and the special meeting held July 17, 2023.
<p>Attached you will find the draft minutes from the regular meetings held July 10, 2023, and July 24, 2023, and the special meeting held July 17, 2023.</p>			
City Manager: Joseph R. Pace		Date: Thursday, August 10, 2023	
Approval: 			
Mayor: Tim Barker			

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
JULY 10, 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.

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

Councilmembers absent were: Terry Freese and Don Mueller.

Staff members present were: City Manager, Joseph R. Pace; Finance Director, Joan Andel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC; Director of Planning and Development, Gwyn Teves; Assistant to the City Manager, Brandi Jimenez, and Lt. Lance Bothell.

Visitors present were: Mary Barnes; Charlotte Bess and Al Dube with the Wharton Journal Spectator.

Roll Call and Excused Absences.

After some discussion, Councilmember, Russell Machann, moved to excuse Councilmember, Terry Freese, and Councilmember, Don Mueller. 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. No comments were given.

Review and Consider:

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held June 12, 2023, and June 26, 2023, and the special meeting held June 19, 2023. After some discussion, Councilmember, Russell Machann, moved to approve the reading of the minutes from the regular meetings held June 12, 2023, and June 26, 2023, and the special meeting held June 19, 2023. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request by Ms. Alice Heard-Roberts of 1400 North Fulton Street for the City to cap and remove the irrigation system placed in the City Right-of-Way (ROW). Director of Planning & Development, Gwyn Teves, stated the City was approved for funding for the 2019 Transportation Alternatives (TA) in April of 2021 and notices

to residents went out in April of 2022 notifying them of the project with a project map. Mrs. Teves said Mrs. Heard-Roberts was also contacted in person on multiple occasions about the project prior to May of 2022 in an attempt to identify the conflicts with her property's irrigation system by City Staff. She said that due to the start of construction in late March of 2023 with no resolution to the irrigation system in the ROW, the City Staff again attempted to contact Mrs. Heard-Roberts via email with no response and since the construction had been moving timely and, in an effort, to make one last attempt to contact the property owners, a certified letter was sent on June 6, 2023. Mrs. Teves stated that Mrs. Heard-Roberts was advising that she was not prepared to have the irrigation system removed from the ROW in time for the construction to be completed and was asking that the City be responsible for capping the system and removing it from the ROW at the City's costs due to the unplanned repairs. She said it was the City Staff's recommendation that the City Council not approve the request for the removal at the City's expense. After some discussion, Councilmember, Steve Schneider, moved to deny the request by Ms. Alice Heard-Roberts of 1400 North Fulton Street for the City to cap and remove the irrigation system placed in the City Right-of-Way (ROW) at the City's expense. Councilmember, Russell Machann, seconded the motion. Councilmember, Burnell Neal, voted against the motion. Councilmembers, Steve Schneider, Russell Machann, and Larry Pittman voted for the motion. The motion carried.

The third item on the agenda was to review and consider a resolution of the Wharton City Council approving a Mutual Aid Agreement between the Wharton Police Department and the Houston Police Department for interdiction for human smuggling and narcotic contraband along the I-69 and I-10 corridors and authorizing the City Manager of the City of Wharton to execute all documents related to said agreement. Police Lt., Lance Bothell, stated he was requesting the approval of a Mutual Aid Agreement between the Wharton Police Department and the Houston Police Department to conduct interdiction for human smuggling and narcotic contraband along the I-69 (Hwy 59) and I-10 corridors in each respective jurisdiction. Lt. Bothell said that City Attorney, Paul Webb, had reviewed the agreement and was recommending the City Council consider approving it. After some discussion, Councilmember, Russell Machan, moved to approve the City of Wharton Resolution No. 2023-54, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-54**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A MUTUAL-AID AGREEMENT BETWEEN THE WHARTON POLICE DEPARTMENT AND THE HOUSTON POLICE DEPARTMENT FOR INTERDICTION FOR HUMAN SMUGGLING AND NARCOTIC CONTRABAND ALONG THE I-69 AND I-10 CORRIDORS AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The City of Wharton City Council wishes to enter into a Mutual-Aid Agreement between the Wharton Police Department and the Houston Police Department; and,

WHEREAS, Said agreement is to conduct interdiction for human smuggling and narcotic contraband along I-69 (Hwy. 59) and I-10 corridors in each respective jurisdiction; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute all documents relating to said Mutual-Aid Agreement.

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

SECTION I. The Wharton City Council hereby approves the Mutual-Aid Agreement between the Wharton Police Department and the Houston Police Department to conduct interdiction for human smuggling and narcotic contraband along I-69 (Hwy. 59) and I-10 Corridors in each respective jurisdiction.

SECTION II. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute all documents related to said Mutual-Aid Agreement.

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

PASSED, APPROVED, and ADOPTED this 10th day of July 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 fourth item on the agenda was to review and consider the City Council Boards, Commissions, and Committee Reports:

- A. Finance Committee meeting held June 26, 2023.

After some discussion, no action was taken.

The fifth 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, Russell Machann, moved to approve the following:

Resignations:

- A. Mr. Zac Henson from the Electrical Board.
- B. Mr. Tom Faust from the Plumbing and Mechanical Board.

Appointments:

- A. Mr. Oscar Uribe to the Electrical Board.
- B. Ms. Delia Gonzales to the Mayor's Committee on People with Disabilities.
- C. Mr. Robert Sanchez to the Plumbing and Mechanical Board.

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

There being no further discussion, Mayor, Tim Barker, moved to adjourn the meeting.

The meeting adjourned at 7:10 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
JULY 24, 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, 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; Burnell Neal; 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, and Public Works Director, Roderick Semien.

Visitors present were: Charlie Nays; Laura Clemons; Chad Lemons with Green for Life (GFL); David Selesky, with Green for Life (GFL); Xavier Solache, with Green for Life (GFL) and Al Dube with the Wharton Journal Spectator.

Roll Call and Excused Absences.

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

Public Comments.

Mayor, Tim Barker, called for Public Comments. Ms. Laura Clemons presented the City Council with information on the 500 Abell Street Affordable Rental Program Project and the shovel testing process that will take place for an archeology investigation.

Wharton Moment.

No comments were given.

Review and Consider:

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

The second item on the agenda was to review and consider a request from Mr. Charlie Nays for a replat of William Kincheloe, Block 63, Lots 116, 116A, 117A for development. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Charlie Nays for a replat of William Kincheloe, Block 63, Lots 116, 116A, 117A for development. Mrs. Teves stated the Planning Commission met on Monday, July 17, 2023, and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Russell Machann, moved to approve the request from Mr. Charlie Nays for a replat of William Kincheloe, Block 63, Lots 116, 116A, 117A for development. 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. Geoffrey Brady for replat of Briargrove, Section 4, Block 1 for development. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Geoffrey Brady for replat of Briargrove, Section 4, Block 1 for development. Mrs. Teves stated the Planning Commission met on Monday, July 17, 2023, and voted to recommend this item to the City Council for consideration. Councilmember, Terry Freese, moved to approve the request from Mr. Geoffrey Brady for replat of Briargrove, Section 4, Block 1 for development. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from Mr. & Mrs. Clark for a variance to Chapter 38 Manufactured Housing, Mobile Homes and Travel Trailers and Parks, Article 2 Requirements, Division 1 Generally, Section 38-36 Authorized Locations for replacement of an unoccupied mobile home for occupancy. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. & Mrs. Clark for a variance to Chapter 38 Manufactured Housing, Mobile Homes and Travel Trailers and Parks, Article 2 Requirements, Division 1 Generally, Section 38-36 Authorized Locations for replacement of an unoccupied mobile home for occupancy. Mrs. Teves stated the Planning Commission met on Monday, July 17, 2023, and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Terry Freese moved to deny the request from Mr. & Mrs. Clark for a variance to Chapter 38 Manufactured Housing, Mobile Homes and Travel Trailers and Parks, Article 2 Requirements, Division 1 Generally, Section 38-36 Authorized Locations for replacement of an unoccupied mobile home for occupancy. Councilmember, Russell Machann, seconded the motion. Councilmember, Burnell Neal, voted against the motion. Councilmember, Steve Schneider; Councilmember, Terry Freese; Councilmember, Don Mueller; Councilmember, Russell Machann, and Councilmember, Larry Pittman, voted to deny the request. The motion request was denied.

The fifth item on the agenda was to review and consider a request from Mr. Greg Hippel of 804 Old Caney Rd., Old Caney Manor, Lot 1, Res. A for a 6-foot side building line setback from the required 15-foot setback for the construction of a patio cover. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Greg Hippel of 804 Old Caney Rd., Old Caney Manor, Lot 1, Res. A for a 6-foot side building line setback from the required 15-foot setback for the construction of a patio cover. Mrs. Teves stated the Planning Commission met on Monday, July 17, 2023, and voted to recommend this item to the City Council

for consideration. After some discussion, Councilmember, Russell Machann, moved to approve a request from Mr. Greg Hippel of 804 Old Caney Rd., Old Caney Manor, Lot 1, Res. A for a 6-foot side building line setback from the required 15-foot setback for the construction of a patio cover. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request from the Monterey Square Business Association for the following for the Monterey Square Wine and Arts Fair on October 14, 2023:

- A. Close Fulton Street between Burleson Street and Milam Street as well as close Houston Street between Burleson Street and Hawes Street from 2:00 p.m. until 10:00 p.m. on Saturday, October 14, 2023.
- B. Provide six (6) generator lights for safety for the fair location and Guffey Park parking area.
- C. Allow open containers for alcohol on City property on the exterior sides of Monterey Square and approximately two adjoining blocks to include all participating businesses.
- D. Waive all local permits and fees.
- E. Provide trash containers, bags, and dumpster.
- F. Provide trash pick up from City workers after 10:00 p.m.

City Manager, Joseph R. Pace, presented a copy of the letter dated July 8, 2023, from Ms. Terry Arceo, President of the Monterey Square Business Association, providing her request for the aforementioned items. City Manager Pace stated the City did not own any operational generator lights and a dumpster or roll-off would be provided at the event so it was his recommendation to not approve B. or F. After some discussion, Councilmember, Russell Machann, moved to approve afore mentioned items A., C., D., and E. Councilmember, Don Mueller, 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. 4 to the Franchise Agreement for Solid Waste Collection Services with Green For Life and authorizing the Mayor of the City of Wharton to execute the agreement. Finance Director, Joan Anandel, presented a copy of the 4th Amendment and Exhibits received from Mr. David Selesky, with Green for Life (GFL), in draft form. City Attorney, Paul Webb, stated he had reviewed the documents and found no issues. Mrs. Anandel stated the Finance Committee meet on Monday, July 24, 2023, and were recommending the City Council consider approving the amendment. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-55, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-55**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AMENDMENT
NO. 4 TO THE FRANCHISE AGREEMENT FOR SOLID WASTE COLLECTION**

SERVICES WITH GREEN FOR LIFE AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On August 22, 2022, the Wharton City Council approved Resolution No. 2022-83 approving the franchise agreement between the City of Wharton and Waste Corporation of America to be effective October 1, 2022, and,

WHEREAS, The Wharton City Council wishes to amend the following:
Section 3.01 (a) General Specifications Residential Services Provided of the franchise agreement to reflect the residential curbside collection service; Section 3.02 (a) General Specifications Commercial Services Provided to reflect the commercial collection service;
Section 3.04 (a) General Specifications Location of Bins and Bags for Collection to reflect placement of cart;
Section 4.03 General Specifications to reflect change in holiday schedule;
Section 4.06 General Specifications Office to reflect change of available office days;
Section 4.11 (g) General Specifications Contractor Performance Standards to reflect method to notify the City staff in regards to equipment breakdowns;
Exhibit A Option #1 change to residential and commercial cost per month to the City;
Exhibit B Proposed Rate for Other Services to reflect change in cost for Pay Pile pickups to the City: and,

WHEREAS, GFL and the City of Wharton wishes to be bound by the conditions outlined in the agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to the agreement; and,

WHEREAS, This resolution is passed in accordance with said contract.

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 to amend the following:
Section 3.01 (a) General Specifications Residential Services Provided of the franchise agreement to reflect the residential curbside collection service; Section 3.02 (a) General Specifications Commercial Services Provided to reflect the commercial collection service;
Section 3.04 (a) General Specifications Location of Bins and Bags for Collection to reflect placement of cart;
Section 4.03 General Specifications to reflect change in holiday schedule;
Section 4.06 General Specifications Office to reflect change of available office days;
Section 4.11 (g) General Specifications Contractor Performance Standards to reflect method to notify the City staff in regards to equipment breakdowns:

Exhibit A Option #1 change to residential and commercial cost per month to the City;
Exhibit B Proposed Rate for Other Services to reflect change in cost for Pay Pile pickups to the City, of the franchise contract between the City of Wharton and Green for Life.

Section III. That the effective date of the amendment will be the 1st day of October 2023.

Section IV. That the Mayor of the City of Wharton is hereby authorized to execute the contract amendment.

Passed, Approved, and Adopted this 24th day of July 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Steve Schneider, 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 authorizing the City Staff to issue Requests for Proposals for a tax increment reinvestment zone administrator. Finance Director, Joan Anandel, stated that with the progress being made with the development of Wharton 55, LLC, the City Staff was requesting that the City seek proposals for a Tax Increment Reinvestment Zone (TIRZ) administrator. Mrs. Anandel said a few of the things the TIRZ administrator was responsible for were preparing a taxable value analysis, developing a cash flow model, preparing a financing plan as well as all necessary documentation. She said the Finance Committee met on Monday, July 24, 2023, and was recommending the City Council consider approving the request. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-56, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023 - 56**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY STAFF TO ISSUE REQUESTS FOR PROPOSALS FOR A TAX INCREMENT REINVESTMENT ZONE ADMINISTRATOR.

WHEREAS, The Wharton City Council wishes to authorize the City Staff to issue Requests for Proposals for the procurement of a consultant(s) to provide administrative duties for the tax increment reinvestment zone; and,

WHEREAS, The Wharton City Council wishes to establish a Consultant Selection Committee to consist of the City Council Finance Committee, the Finance Director, and the Director of Planning & Development; and,

WHEREAS, The Wharton City Council wishes this resolution to become effective immediately upon its passage.

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

Section I. The Wharton City Council has authorized the City Staff to solicit Requests for Proposals for the procurement of a consultant(s) to provide administrative duties for the tax increment reinvestment zone.

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

Passed, Approved, and Adopted this 24th day of July 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Don Mueller, seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing a credit limit increase of the City of Wharton's corporate credit limit with Prosperity Bank. Finance Director, Joan Anandel, stated that since the approval of several department heads being issued corporate credit cards, it was necessary for there to be an increase in the total credit limit with Prosperity Bank. Mrs. Anandel said the current limit was \$7,500.00 and it was the City Staff was requesting that the limit be increased to \$15,000.00. After some discussion,

Councilmember, Terry Freese, moved to approve the City of Wharton Resolution No. 2023-57, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-57**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING A CREDIT
LIMIT INCREASE OF THE CITY OF WHARTON'S CORPORATE CREDIT LIMIT
WITH PROSPERITY BANK.**

Resolved that the City Council of the City of Wharton, Texas hereby authorizes the credit limit of the City of Wharton's Credit Card with Prosperity Bank be changed to \$15,000.00.

Effective July 24, 2023, the above limit will be changed on the City of Wharton's Corporate Credit Card.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas this 24th day of July 2023.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the City Staff to issue Requests for Proposals (RFP) for administrative services and establish a Consultant Selection Committee and develop evaluation criteria for the Selection of Administrative Services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO). The City Council authorized hiring MPACT Strategic Consulting in November 2022 for administration

services for the COG-MOD funding application and grant administration. Director of Planning & Development, Gwyn Teves, stated the City staff began working with MPACT Strategic Consulting shortly thereafter on the submission of the application for funding, but MPACT Strategic Consulting resigned from the City shortly thereafter due to an implied conflict with the General Land Office. Mrs. Teves said that one of the Staff assigned to the City was a former GLO employee and MPACT did not want the City to have any conflicts due to this. She said the City Staff completed and submitted the application and had been working with the engineering firm that was selected, Ardurra Group, on any RFI's that have followed the application and it was the City Staff's recommendation that the City Council authorize the City Staff to re-issue Requests for Proposals (RFP) for administrative services and establish a Consultant Selection Committee for the program. After some discussion, Councilmember, Terry Freese, moved to approve Resolution No. 2023-58, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-58**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY STAFF TO ISSUE REQUESTS FOR PROPOSALS (RFP) FOR ADMINISTRATIVE SERVICES AND ESTABLISH A CONSULTANT SELECTION COMMITTEE AND DEVELOP EVALUATION CRITERIA FOR THE SELECTION OF ADMINISTRATIVE SERVICES FOR THE REGIONAL COUNCIL OF GOVERNMENTS METHOD OF DISTRIBUTION (COG-MOD) PROGRAM(S) FUNDED AND ADMINISTERED THROUGH THE TEXAS GENERAL LAND OFFICE (GLO).

WHEREAS, The Wharton City Council wishes to authorize City Staff to issue Requests for Proposals (RFP) for Administrative Services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO); and,

WHEREAS, The Wharton City Council wishes to establish a Consultant Selection Committee for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO) and provide recommendations to the entire City Council; and,

WHEREAS, The Wharton City Council wishes the Consultant Selection Committee to consist of the City Council Finance Committee, the Finance Director, and the Director of Planning & Development; and,

WHEREAS, The Wharton City Council wishes for this Committee to exist until a recommendation is forwarded to the entire City Council; and,

WHEREAS, The Wharton City Council wishes to establish the criteria for selection of the consulting firm as per Attachment A.

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 authorizes City Staff to issue Requests for Proposals (RFP) for Administrative Services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO).
- Section II.** That the Wharton City Council hereby establishes the City Council Consultant Selection Committee.
- Section III.** That the Wharton City Council Consultant Selection Committee will consist of the City Council Finance Committee, the Finance Director, and the Director of Planning & Development.
- Section IV.** That the criteria as set forth in Attachment A is hereby approved.
- Section V.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 24th day of July 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

ATTACHMENT A
Administration Professional Services Rating Sheet

Grant Recipient _____ Program(s) COG-MOD
Name of Respondent _____
Evaluator's Name _____ Date of Rating _____

Rate the Respondent of the Request For Proposal (RFP) by awarding points up to the maximum listed for each factor. Information necessary to assess the Respondent on these criteria may be gathered either from past experience with the Respondent and/or by contacting past/current clients of the Respondent. Respondents proposing to offer specific services (environmental or buyout only) will be scored only on those services.

Experience
Factors _____ Max. Pts. _____ Score _____

1.	Related Experience / Background with federally funded projects	5	_____
2.	Related Experience / Background with specific project type (infrastructure, acquisition of property, coordination with regulatory agency, etc.)	5	_____
3.	Related experience/background with specific services:		_____
	a. Administrative, construction management, and related acquisition	5	_____
	b. Environmental review	5	_____
	c. Buyout management (if not applicable score '0')	5	_____
4.	References from current/past clients	5	_____
	Subtotal, Experience	<u>30</u>	_____
<u>Work Performance</u>			
	<u>Factors</u>	<u>Max. Pts.</u>	<u>Score</u>
1.	Submits requests to client/GLO in a timely manner	5	_____
2.	Responds to client/GLO requests in a timely manner	5	_____
3.	Past client/GLO projects completed on schedule	5	_____
4.	Work product is consistently of high quality with low level of errors	5	_____
5.	Past client/GLO projects have low level of monitoring findings/concerns	5	_____
6.	Manages projects within budgetary constraints	5	_____
	Subtotal, Performance	<u>30</u>	_____
<u>Capacity to Perform</u>			
	<u>Factors</u>	<u>Max. Pts.</u>	<u>Score</u>
1.	Qualifications / Experience of Staff		_____
	a. Administrative, construction management, and related acquisition	4	_____
	b. Environmental review	4	_____
	c. Buyout management (if not applicable score '0')	4	_____
2.	Present and Projected Workloads	4	_____
3.	Demonstrated understanding of scope of the COG-MOD Project(s), as appropriate	4	_____
	Subtotal, Capacity to Perform	<u>20</u>	_____
<u>Proposed Cost</u>			
	<u>Factors</u>	<u>Max. Pts.</u>	<u>Score</u>
	Proposed cost is in line with independent estimate and compared with all cost proposals received	20	_____
	A = Lowest Proposal \$ _____ A ÷ B X 20 = Respondent's Score	20	_____
	B = Respondent's Proposal \$ _____		
TOTAL SCORE			
	<u>Factors</u>	<u>Max. Pts.</u>	<u>Score</u>
<input checked="" type="checkbox"/>	Experience	30	_____
<input checked="" type="checkbox"/>	Work Performance	30	_____
<input checked="" type="checkbox"/>	Capacity to Perform	20	_____
<input checked="" type="checkbox"/>	Proposed Cost	20	_____
	Total Score	<u>100</u>	_____

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

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving Amendment No. 1 for the HDR Professional Service Agreement for acquisition services for the City of Wharton's I-69 Utility Relocation Project and authorizing the Mayor to execute all documents related to the amendment. Director of Planning & Development, Gwyn Teves, stated on July 18, 2023, the City Staff received the Amendment No. 1 request from HDR for an increase of \$21,350.00 to the Professional Service Agreement executed on March 20, 2023, for the Acquisition Services for the City of Wharton's I-69 Utility Relocation Project. Mrs. Teves stated additional funds were requested to cover the additional services required due to the change of scope by adding an additional easement to the project. After some discussion, Councilmember,

Russell Machann, moved to approve City of Wharton Resolution No. 2023-59, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-59**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AMENDMENT NO. 1 FOR THE HDR PROFESSIONAL SERVICE AGREEMENT FOR ACQUISITION SERVICES FOR THE CITY OF WHARTON'S I-69 UTILITY RELOCATION PROJECT 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 HDR Professional Service Agreement for Acquisition Services for the City of Wharton's I-69 Utility Relocation Project; and,

WHEREAS, The additional funds are requested due to adding an additional easement acquisition to the scope of services; 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 HDR Professional Service Agreement for Acquisition Services for the City of Wharton's Amendment No. 1 for the HDR Professional Service Agreement for Acquisition Services for the City of Wharton's I-69 Utility Relocation Project.

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 July 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 twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving Change Order No. 1 for surface preparation and coating of the channel with C3 Constructors, LLC for the WWTP #1 Headworks and Coarse Screen Replacement Project and authorizing the Mayor to execute all documents related to said Change Order. Director of Planning & Development, Gwyn Teves, stated C3 Constructors, LLC was awarded the contract for the WWTP #1 Headworks and Coarse Screen Replacement Project on July 11, 2022. Mrs. Teves said that upon removal of the existing coarse screen for replacement it was discovered that the channel was not coated under the equipment and prior to putting the new coarse screen in place, it was the recommendation of the contractor and engineers to fully recoat the channel. She presented a copy of the recommendation and Change Order 1 from Quiddity in the amount of \$39,655.00. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-60, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-60**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 1 FOR SURFACE PREPARATION AND COATING OF THE CHANNEL WITH C3 CONSTRUCTORS, LLC FOR THE WWTP #1 HEADWORKS AND COARSE SCREEN REPLACEMENT 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. 1 for surface preparation and coating of the channel with C3 Constructors, LLC for the WWTP #1 Headworks and Coarse Screen Replacement 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. 1 for surface preparation and coating of the channel with C3 Constructors, LLC for the WWTP #1 Headworks and Coarse Screen Replacement 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 July 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the Texas Community Development Block Grant – Downtown Revitalization Program/Main Street (TXCDBG-DRP/MS) Sidewalk Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Secretary, Paula Favors, stated the item would be pulled from the agenda and brought back at a future meeting.

The fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving and ratifying a proposal for surveying services for the F.M. 1301 Extension Railroad Overpass between the City of Wharton and Huitt-Zollars and authorizing the City Manager of the City of Wharton to execute all documents related to said agreement. Director of Planning & Development, Gwyn Teves, stated the F.M. 1301 Extension construction had begun and as a part of the construction process, the contractor performed an initial construction survey and staking and found a possible discrepancy in the overpass elevations due to the addition of a second track by Kansas City Southern. Mrs. Teves said it was required by TxDOT to have the design team survey and verify that the additional track would not impact the current design or make any changes necessary to the original design. She said that to eliminate additional overhead costs, the City was contracting directly with Huitt-Zollars, who was the surveyor of the original design team, and to keep any additional delays from occurring to the project, Mr. Pace, City Manager, executed the proposal and City Staff was requesting that the City Council ratify the proposal. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-62, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-62**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AND RATIFYING A PROPOSAL FOR SURVEYING SERVICES FOR THE F.M. 1301 EXTENSION RAILROAD OVERPASS BETWEEN THE CITY OF WHARTON AND HUITT-ZOLLARS AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The City of Wharton City Council wishes to ratify and approve the proposal for surveying between the City of Wharton and Huitt-Zollars; and,

WHEREAS, The proposal is for surveying the railroad overpass design for F.M. 1301 Extension; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute all documents relating to said proposal.

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

SECTION I. The Wharton City Council hereby ratifies and approves the proposal for surveying between the City of Wharton and Huitt-Zollars.

SECTION II. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute all documents related to said proposal.

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

PASSED, APPROVED, and ADOPTED this 24th day of July 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fifteenth item on the agenda was to review and consider a resolution of the Wharton City Council terminating the agreement between the City of Wharton and Insituform Technologies, LLC for the construction of Wharton S. East Avenue Sanitary Sewer Rehabilitation Project.

Director of Planning & Development, Gwyn Teves, stated the City Council authorized a contract with Insituform Technologies, LLC on February 14, 2022, and there had been numerous delays and issues during the contract period. Mrs. Teves said Insituform had issued a letter outlining their work delays and problems with the project and had requested a change order or termination at the convenience of the contract. She said that due to the inability to issue any additional change orders of cost changes under the grant contract with the Texas Department of Agriculture, it was the City Staff's recommendation to terminate the contract by convenience to allow the remainder of the work to be re-bid and completed within the grant contract time. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-63, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-63**

A RESOLUTION OF THE WHARTON CITY COUNCIL TERMINATING THE AGREEMENT BETWEEN THE CITY OF WHARTON AND INSITUFORM TECHNOLOGIES, LLC FOR THE CONSTRUCTION OF WHARTON S. EAST AVENUE SANITARY SEWER REHABILITATION PROJECT.

WHEREAS, On February 14, 2022, the Wharton City Council approved Resolution No. 2022-13 authorizing a construction services agreement with Insituform Technologies, LLC for the construction of Wharton S. East Avenue Sanitary Sewer Rehabilitation Project; and,

WHEREAS, In accordance with Section 9a of the agreement, the Wharton City Council wishes to authorize the City Manager of the City of Wharton to terminate 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 authorizes the City of Wharton City Manager to terminate the construction services agreement for the construction of Wharton S. East Avenue Sanitary Sewer Rehabilitation Project with Insituform Technologies, LLC in accordance with Section 9a of the contract.

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

Passed, Approved, and Adopted this the 24th day of July 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 sixteenth item on the agenda was to review and consider Pay Request No. 4 from C3 Constructors for the WWTP #1 Coarse Screen Project. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 4 from C3 Constructors for the WWTP #1 Coarse Screen Project in the amount of \$93,707.31. After some discussion, Councilmember, Steve Schneider, moved to approve Pay Request No. 4 from C3 Constructors for the WWTP #1 Coarse Screen Project. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The seventh 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 eighteenth 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, no action was taken.

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

- A. Planning Commission meeting held July 17, 2023.

After some discussion, no action was taken.

The twentieth 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. Fire Department.
- G. Fire Marshal.
- H. Legal Department.
- I. Municipal Court.

- J. Police Department.
- K. Public Works Department.
- L. Water/Sewer Department.
- M. Weedy Lots/Sign Ordinance.
- N. Wharton Regional Airport.

After some discussion, no action was taken.

Executive Session

1. City Council may adjourn into an Executive Session in accordance with Section 551.074 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision, or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

Discussion:

- A. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:
 1. New Public Works Director.

Mayor, Tim Barker, moved the meeting into Closed Session at 7:39 p.m.

Return to Open Session

1. Action on items discussed in Executive Session:
 - A. Appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:
 1. New Public Works Director.

Mayor, Tim Barker, returned the meeting to Open Session at 7:47 p.m. Councilmember, Terry Freese, moved to affirm the appointment of Roderick Semien to the position of Public Works Director. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

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

The meeting adjourned at 7:49 p.m.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

DRAFT

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
JULY 17, 2023**

Mayor, Tim Barker, declared a Special Meeting duly open for the transaction of business at 6:07 P.M. Councilmember, Russell Machann, led the opening devotion.

Councilmembers present were: Mayor, Tim Barker, and Councilmembers, Terry Freese; Burnell Neal; Don Mueller, and Russell Machann.

Councilmember absent was: Larry Pittman and Steve Schneider.

Staff members present were: City Manager, Joseph R. Pace; Finance Director, Joan Anandel; City Secretary, Paula Favors; Finance Accountant, London Davis; Planning and Development Director, Gwyn Teves; Assistant to the City Manager, Brandi Jimenez; Civic Center Manager, Makyla Monroe, and Building Official, Claudia Velasquez.

Visitors present were: Executive Director of the Wharton Chamber of Commerce, Ron Sanders; Kristi Kocian; James Perez; Linda King; Christine Stransky; Sherry Smith; Barry Hodges, Debbie Folks; Miguel Cantu, and Samantha Counts, with the Women's Crisis Center.

Roll Call and Excused Absences.

After some discussion, Councilmember, Russell Machann, moved to excuse Councilmember, Larry Pittman and Councilmember, Steve Schneider. Councilmember, Don Mueller, seconded the motion. All voted in favor.

Public Comments. No comments were given.

Wharton Moment. Councilmember, Burnell Neal, thanked the Public Works Department for a job well done on cleaning Milam Street and Outlar Street.

The first item on the agenda City of Wharton 2023-2024 Fiscal Year Budget:

A. Funding Request:

1. Women's Crisis Center.

Samantha Counts with the Women's Crisis Center made a presentation regarding the services that are provided in the City and requested \$7,000 from the City of Wharton for the Women's Crisis Center. After some discussion, no action was taken.

2. Wharton Chamber of Commerce.

Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce, made a presentation regarding the services being provided by the Chamber of Commerce to the City and made the request for \$58,000 from the City of Wharton's Hotel Motel Fund. After some discussion, no action was taken.

3. SPOT.

Christine Stransky with SPOT made a presentation regarding the services the organization provided in the City and requested \$3,000 from the City of Wharton for SPOT. After some discussion, no action was taken.

4. Friends of Wharton Animal Control.

Debbie Folks with Friends of Wharton Animal Control made a presentation regarding the services the organization provided in the City and requested \$12,500 from the City of Wharton for the Friends of Wharton Animal Control. After some discussion, no action was taken.

5. Just Do It Now.

James Perez with Just Do It Now made a presentation regarding the services the organization provided in the City and requested \$25,000 from the City of Wharton for Just Do it Now. After some discussion, no action was taken.

B. Five-year Vehicle & Equipment Capital Needs:

1. Code Enforcement Department.
2. Airport Department.
3. Fire Department.
4. Emergency Medical Services Department.
5. Emergency Management Department.
6. Police, Animal Control & Communications Departments.
7. Municipal Court.
8. City Secretary.
9. Civic Center.
10. Community Development.

Finance Director, Joan Andel, stated each Department Head had presented their five-year Capital needs requests for the City of Wharton. Finance Accountant, London Davis, made the presentations.

C. Five-Year Capital Infrastructure Improvement Program:

1. Transportation Systems.
 - A. Streets.
 - B. Major Thoroughfares.

City of Wharton
City Council Budget Meeting
July 17, 2023

C. Sidewalks.

- 2. Drainage System.
- 3. Flood Reduction Project-Levee.
- 4. Water and Sewer Utility System.
- 5. Garage.
- 6. Parks & Facilities Department.

- D. General Fund.
- E. PEG Fund.
- F. Hotel Motel Fund.
- G. Narcotics Seizure Fund.
- H. Debt Fund.
- I. Capital Improvement Fund.
- J. Water & Sewer Fund.
- K. Solid Waste Fund.
- L. Emergency Medical Services Fund.
- M. Civic Center Fund.
- N. Airport Fund.

Finance Director Joan Andel presented information regarding the proposed 2023-2024 fiscal year budget. Finance Director Joan Andel presented the needs of the departments. Mrs. Andel said the City Staff would review the requests and by the next budget workshop present a possible draft budget that would be presented. After some discussion, no action was taken.

Adjournment.

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

The meeting adjourned at 7:25 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

City of Wharton
 120 E. Caney Street
 Wharton, TX 77488

CITY COUNCIL COMMUNICATION

Meeting Date:	8/14/2023	Agenda Item:	<p>Request from the Monterey Square Business Association to amend the original request, approved on July 24, 2023, for the following for the Monterey Square Wine and Arts Fair on October 14, 2023:</p> <ul style="list-style-type: none"> A. Request for a variance for the carriage rides. B. Close Caney Street at Houston Street and Polk Street at 10:00 a.m. on October 14th due to the route of the carriage rides. C. Change the times of the street closings that were approved on July 24, 2023, to be changed from 2:00 p.m. to 10:00 a.m. and reopen at 10:00 p.m. D. Close Houston Street between Milam Street and Burleson Street at 8:00 a.m. for the stage to be prepared for the entertainment that evening until 10:00 p.m.
<p>Attached is a copy of the email received on August 8, 2023, from Ms. Terry Arceo, President of the Monterey Square Business Association, providing her amended requests for the aforementioned items.</p> <p>Ms. Terry Arceo, will be available during the meeting to answer questions regarding her request.</p>			
City Manager: Joseph R. Pace		Date: Thursday, August 10, 2023	
Approval: 			
Mayor: Tim Barker			

bjimenez@cityofwharton.com

From:
Sent: Tuesday, August 8, 2023 4:47 PM
To: bjimenez@cityofwharton.com
Cc: bguanajuato@cityofwharton.com; Margaret Montgomery-Kostka
Subject: Monterey Square Wine and Arts Fair 2023 - Amendment request

Good afternoon Brandi,

The Monterey Square Business Association met last night and after speaking with Ben Guanajuato, we are requesting to make an amendment to the original request that was approved. I am requesting to be put on the agenda for Monday.

- We are requesting to close Caney St at Houston and Polk at 10 am on October 14th due to the route of the carriage ride.
- Also - we need the street closings that were approved to be changed from 2pm to 10am and reopening at 10pm. (Basically these streets will be closed from 10am-10pm)
- We are asking that Houston Street between Milam and Burleson be closed at 8am in order for the stage to be prepared for the entertainment that evening until 10pm.

Thank you!

Terry Arceo, President
Monterey Square Business Association

City of Wharton
 120 E. Caney Street
 Wharton, TX 77488

CITY COUNCIL COMMUNICATION

Meeting Date:	8/14/2023	Agenda Item:	<p>Request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture, for the City of Wharton's assistance by approving the following for the Party Under the Bridge to be held Thursday, October 19, 2023:</p> <ol style="list-style-type: none"> 1. Closing to traffic from 4:00 p.m. to 8:00 p.m. a portion of Elm Street from Dinosaur Park to underneath the southbound lane of Business 59 and ending near the intersection with Polk Street. 2. Closing to traffic from 4:00 p.m. to 8:00 p.m. to The Dinosaur Park parking lot and access roads. 3. Closing to traffic a portion of West Colorado Street from North Richmond Road southward to the end of Dinosaur Park. 4. Traffic control as needed, including for the route of a children's train. 5. Access to electrical power in close proximity as possible to the entrance to the park at Colorado Street. 6. Trash cans, and if possible, clean-up assistance. 7. Request for mosquito spraying and fire ant treatment. 8. Allow open containers within the confines of the event area coordinated with the Wharton Police Department. 9. Labor and logistics to pick up, set up, and return chairs and eight (8) round tables owned by the Chamber. 10. Picking up, setting up, operating, and returning two (2) generator light plants that the Chamber will rent. 11. Waive all fees.
<p>Attached you will find a letter dated August 1, 2023, from Wharton Chamber of Commerce Executive Director, Ron Sanders, regarding the Party Under the Bridge. The event will be on Thursday, October 19, 2023, from 5:00 p.m. to 8:00 p.m.</p> <p>Mr. Sanders will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, August 10, 2023	
Approval: 			
Mayor: Tim Barker			



P.O. Box 268, 225 N. Richmond Road, Wharton, TX 77488 979-532-1862

Ron Sanders, Executive Director Kristi Kocian, Board Chair

Aug. 1, 2023

Joseph Pace
120 East Caney Street
Wharton, TX 77488

RE: Party Under the Bridge

Please consider this our requests related to the Fifth Annual Party Under the Bridge, which is set for Thursday, Oct. 19, 2023.

We will have food trucks, tables and chairs, children's activities, a children's train, games, and a DJ from

5 pm to 8 pm. The event is planned for Dinosaur Park. We request the following:

1. Closing to traffic from 4 pm to 8 pm a portion Elm Street from Dinosaur Park, underneath the southbound lane of US Business 59, and ending near the intersection with Polk Street.
2. Closing to traffic from 4 pm to 8 pm the Dinosaur Park parking lot and access roads.
3. Closing to traffic a portion of West Colorado Street from North Richmond Road southward to the end of Dinosaur Park.
4. Traffic control as needed, including for the route of a children's train.
5. Access to electrical power in close proximity as possible to the entrance to the park at Colorado Street.
6. Trash cans, and if possible, clean up assistance.
7. Request for mosquito spray and fire ant treatment.
8. Allow open containers within the confines of the event area coordinated with the Wharton Police Department.
9. Labor and logistics to pick up, set up and return chairs and 8 round tables owned by the chamber.
10. Picking up, setting up, operating, and returning two generator-light plants that the chamber will rent.
11. And, waive all fees.

Thank you for your continued support. We are stronger together than apart.

Ronald K. Sanders
Executive Director

City of Wharton
 120 E. Caney Street
 Wharton, TX 77488

CITY COUNCIL COMMUNICATION

Meeting Date:	8/14/2023	Agenda Item:	Request for a variance from DiamondBack Gun Show to display signage nine (9) days prior to their event for the two remaining scheduled events.
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The City Staff is requesting that the DiamondBack Gun Show vendor be allowed to display signage promoting their event at the Wharton Civic Center nine (9) days prior to the event for the remaining two events already scheduled for the current year. The number of attendees at the past two gun shows promoted by DiamondBack has averaged more than 700 people.

Currently, the City Ordinance states that with the exception of nonprofit organizations, all signage may be displayed only one day before the day of the event. By allowing this variance it will allow the gun show to be promoted to all local citizens as well as attract out-of-town visitors to our city.

In the upcoming month, the City Staff will be working with the Code Enforcement Department to submit a change to the current City Ordinance to address commercial vendor signage in the future.

Civic Center Director, Makyla Monroe, will be present to answer any questions.

City Manager: Joseph R. Pace	Date: Thursday, August 10, 2023
Approval: 	
Mayor: Tim Barker	



City of Wharton
120 E. Caney Street ° Wharton, TX
77488
Phone (979) 532-2491° Fax (979) 532-
0181

MEMORANDUM

To: Joseph R. Pace
City Manager

From: Makyla Monroe

Date: August 9, 2023

Re: DiamondBack Gun Show

I am requesting that the DiamondBack Gun Show vendor be allowed to display signage promoting their event at the Wharton Civic Center nine (9) days prior to the event for the remaining two events already scheduled for the current year. The number of attendees at the past two gun shows promoted by DiamondBack have averaged more than 700 people.

Currently, the ordinance states that with the exception of nonprofit organizations, all signage may be displayed only one day before the day of the event. By allowing this variance it will allow the gun show to be promoted to all local citizens as well as attract out-of-town visitors to our city.

In the upcoming month, I will be working with the Code Enforcement department to submit a change to the current City ordinance to address commercial vendor signage in the future.

I would like this placed on the City Council agenda for Monday, August 14, 2023.

Please contact me if you have any questions.

Thank you.

City of Wharton
 120 E. Caney Street
 Wharton, TX 77488

CITY COUNCIL COMMUNICATION

Meeting Date:	8/14/2023	Agenda Item:	Resolution: A resolution of the Wharton City Council authorizing the submission of an application to the Office of the Governor for the Operation Lone Star Grant for the Wharton Police Department and authorizing the Mayor of the City of Wharton to execute all documents related to said grant submission.
<p>In October 2021, the Wharton Police Department first applied for a grant through the Office of the Governor, Operation Lone Star. The Department was awarded the grant at that time. The grant was a two-year grant. This grant expires on August 31, 2023. The City Staff is asking for permission to apply for this grant again. The purpose of the program is to enhance interagency border security operations supporting Operation Lone Star including the facilitation of directed actions to deter and interdict criminal activity and detain non-citizen inmates. The new grant covers the period from 09/01/2023 to 08/31/2024, one year.</p> <p>If awarded, the Staff will need to go back to the Council for acceptance. The grant in 2021 was awarded in the amount of \$180,176.26, which funded a part-time sworn officer position and multiple pieces of equipment including the Flock LPR cameras. The new grant application, in the amount of \$205,738.04, would fund a full-time sworn officer position, a vehicle, and all associated equipment. There is no city match.</p> <p>Chief, Terry D. Lynch, will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, August 10, 2023	
Approval: 			
Mayor: Tim Barker			



*From the desk of:
Terry David Lynch
Chief of Police*

Wharton Police Department

MEMORANDUM

To: Joseph R. Pace

Date: 08/01/2023

Ref: Governor's Grant – Operation Lone Star

In October 2021, we first applied for a grant through the Office of the Governor, Operation Lone Star. We were awarded the grant at that time. The grant was a two-year grant. This grant expires on August 31, 2023. We are asking for permission to apply for this grant again. The purpose of the program is to enhance interagency border security operations supporting Operation Lone Star including the facilitation of directed actions to deter and interdict criminal activity and detain non-citizen inmates. The new grant covers the period from 09/01/2023 to 08/31/2024, one year.

If awarded, we will need to go back to the Council for acceptance. The grant in 2021 was awarded in the amount of \$180,176.26, which funded a part-time sworn officer position and multiple pieces of equipment including the Flock LPR cameras. The new grant application, in the amount of \$205,738.04, would fund a full-time sworn officer position, a vehicle, and all associated equipment. There is no city match.

Please consider placing on the agenda for presentation at the nearest council meeting.



Office of the Governor, Public Safety Office
 Homeland Security Grants Division
 Funding Announcement: ***FY2024 Operation Lone Star Grant Program (OLS)***

Purpose

The Public Safety Office (PSO) is soliciting grant applications for local projects that support Operation Lone Star.

The purpose of the program is to enhance interagency border security operations supporting Operation Lone Star including the facilitation of directed actions to deter and interdict criminal activity and detain inmates. Program participants shall assist in the execution of coordinated border security operations to:

Law Enforcement

1. Increase the effectiveness and impact of Operation Lone Star.
2. Reduce border-related criminal activity in Texas.
3. Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
4. Decrease the supply of drugs smuggled into and through Texas from Mexico.
5. Disrupt and deter operations of gang and cartel criminal organizations.
6. Decrease specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
7. Decrease use of specific areas for crime as targeted in directed action missions.
8. Increase the effectiveness of directed action missions based upon intelligence and analysis to ensure they target the most serious threats and are conducted in high pay-off areas.
9. Increase the number and quality of analytical intelligence products developed at the Unified Command and state levels.
10. Increase coordination between local and state law enforcement agencies in planning, execution, and analysis of border security operations.

Jail Operations

11. Increase capacity for detention operations and other supporting functions associated with increased criminal activity due to surges in illegal migration.

Human Remains Processing

12. Support county medical examiner offices in the humane processing of the remains of undocumented migrants.

Court Administration

13. Increase capacity and expediency in the case preparation, magistration, pre/post-adjudication proceedings, and criminal trials of OLS defendants.

Fire/EMS Operations

14. Increase capacity for fire/EMS operations in direct support of OLS.

Available Funding

State funds for these projects are authorized under the Texas General Appropriations Act, Article I, for Truusted Programs within the Office of the Governor. All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.

Eligible Organizations

1. Units of local government; and
2. Federally Recognized Native American tribes.
3. Eligible applicants must be a county or a municipality located in a county that has issued a disaster declaration relating to border security.
4. Preference will be given to eligible applicants within or providing support services to a County that is:
 - a) adjacent to or a portion of which are located within 20 miles of an international border;
 - b) adjacent to two counties located on an international border with a population of more than 5,000 and less than 7,500 according to the most recent federal decennial census; or
 - c) adjacent to the Gulf Intracoastal Waterway, as defined by Section 51.002, Transportation Code;
5. Jurisdictions not physically located within a county described in item 4. above (border county), but applying to provide support services to a jurisdiction that is physically located within a border county must submit a letter of support, memorandum of understanding or other similar documentation from the border county(ies) requesting their supportive services.

Application Process

Applicants must access the Office of the Governor's eGrants grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding. Additional requirements are included within the online application.

Note for All Applicants: Applicants must upload the required Texas Direct Deposit Authorization Form, Texas Application for Payee Identification Number Form, and the IRS W9 Form for each application prior to submission. The eGrants system will not allow an application to be submitted until these forms are attached to the application. These forms are available for download from eGrants at

<https://egrants.gov.texas.gov/updates.aspx> under the Financial Management section of “Forms and Guides” or from the “Forms” link on the Profile/Grant.Vendor tab within the grant application.

Key Dates

Action	Date
Funding Announcement Release	06/09/2023
Online System Opening Date	06/09/2023
Final Date to Submit and Certify an Application	08/11/2023 at 5:00pm CST
Earliest Project Start Date	09/01/2023

Project Period

Projects must begin on or after 09/01/2023 and may not exceed 08/31/2024.

Funding Levels

Minimum: \$5,000

Maximum: None

Match Requirement: None

Standards

Grantees must comply with standards applicable to this fund source cited in the Texas Grant Management Standards (TxGMS), Federal Uniform Grant Guidance, and all statutes, requirements, and guidelines applicable to this funding.

Eligible Activities & Costs

Funding may be used to provide additional personnel, equipment, supplies, contractual support, travel, and training in support of **Operation Lone Star** activities, including for any one or more of the following activities.

Operation Lone Star - Law Enforcement. Activities related to law enforcement operations in support of OLS:

- **LAW ENFORCEMENT PERSONNEL - OVERTIME**
 - Overtime for increased patrol, search and rescue, recovery operations, and/or investigative capacity for certified peace officers.
 - Overtime for law enforcement support personnel. These costs may include overtime for personnel necessary to support officers that are on patrol and participating in

Operation Lone Star, such as Communications Officer/Dispatcher overtime necessary to maintain a safe Officer to Dispatcher ratio.

- Overtime for non-exempt administrative personnel supporting Operation Lone Star.
- Overtime backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the non-border county intends to provide law enforcement personnel.
- **LAW ENFORCEMENT PERSONNEL – REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**
 - Augmentees: Personnel costs for law enforcement personnel who are not regular employees of a funded agency, but are brought on as needed to specifically cover border security operations so that there can be a force multiplier during Operation Lone Star.
 - Regular time for law enforcement personnel working border operations. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
 - Part-time to Full-Time: Personnel costs for part-time law enforcement personnel to bring them to temporary full-time status.
 - Regular time for administrative personnel supporting OLS law enforcement activities.
 - Hiring or contracting temporary staff to support OLS law enforcement activities.
 - Personnel backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the non-border county intends to provide law enforcement personnel.
- **LAW ENFORCEMENT - EQUIPMENT & TECHNOLOGY**
 - Costs for equipment, technology, or the rental of equipment, which will benefit the border security mission and will be routinely utilized during Operation Lone Star.
- **LAW ENFORCEMENT - SUPPLIES and DIRECT OPERATING EXPENSE**
 - General office supplies and program supplies related to OLS law enforcement activities. Operational costs are also allowable, such as vehicle operating costs or costs for minor emergency repairs as described below, or for other services pre-approved by the PSO that are critical to success of the program. Examples include:
 - The cost of fuel, lubricants, and minor emergency repairs or maintenance for vehicles, and similar equipment used during the hours in which grant-funded staff are working.
 - Only actual expenses supported by invoiced gas, oil, and repair or maintenance receipts may be reimbursed under this grant.
 - Maintenance costs must be prorated to show the usage of vehicles or equipment for regular law enforcement duties as compared to usage while officers are working grant-paid patrols.
- **LAW ENFORCEMENT – TRAVEL & TRAINING**
 - Travel, per diem, and lodging costs associated with personnel, augmentees, or contractors engaged in OLS activities.

Operation Lone Star - Human Remains Processing. Activities related to the humane processing of the remains of undocumented migrants:

- **MEDICAL EXAMINER PERSONNEL – OVERTIME**
 - Overtime for OLS death investigations conducted by a medical examiner, deputy examiner, trained technician, or a forensic pathologist as authorized under Article 49.25 of the Code of Criminal Procedure.
 - Overtime for non-exempt administrative personnel supporting a County Medical Examiner’s Office.
- **MEDICAL EXAMINER PERSONNEL – REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**
 - Regular time for county medical examiner personnel conducting OLS death investigations. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
 - Part-time to Full-Time: Personnel costs for part-time county medical examiner personnel to bring them to temporary full-time status.
 - Regular time for administrative personnel supporting a County Medical Examiner’s Office.
 - Hiring or contracting temporary staff to assist or conduct OLS death investigations.
- **MEDICAL EXAMINER - EQUIPMENT & TECHNOLOGY**
 - Costs for equipment, technology, or the rental of equipment related to the processing of OLS death investigations, temporary morgues, and/or additional body storage capacity.
- **MEDICAL EXAMINER - SUPPLIES and DIRECT OPERATING EXPENSE**
 - Costs for supplies and direct operating expenses related to conducting OLS death investigations.
- **MEDICAL EXAMINER – CONTRACTUAL**
 - Costs associated with the outsourcing of OLS death investigations, temporary body storage, and other contractual costs incurred by a county medical examiner’s office related to the humane processing of the remains of undocumented migrants.

Operation Lone Star – Jail Operations. Activities related to the intake, processing, and holding of OLS inmates in local detention facilities.

- **JAIL OPERATIONS PERSONNEL – OVERTIME**
 - Overtime for jailers and support staff related to the intake, processing, and holding of OLS inmates.
 - Overtime for non-exempt administrative personnel supporting a local detention facility.

- Overtime backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the non-border county intends to provide jailers.
- **JAIL OPERATIONS PERSONNEL - REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**
 - Augmentees: Personnel costs for jailers who are not regular employees of a funded agency, but are brought on as needed to specifically assist in the intake, processing, and holding of OLS inmates.
 - Regular time for jailers. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
 - Part-time to Full-Time: Personnel costs for part-time jailers to bring them to temporary full-time status.
 - Regular time for administrative personnel supporting OLS corrections activities.
 - Hiring or contracting temporary jail staff to support OLS corrections activities.
 - Personnel backfill costs for non-border county agencies directly supporting OLS. Agencies must upload a letter of support from the border county for which the non-border county intends to provide jailers.
- **JAIL OPERATIONS - EQUIPMENT & TECHNOLOGY**
 - Costs for equipment, technology, or the rental of equipment related to the intake, processing, and holding of OLS inmates.
- **JAIL OPERATIONS - SUPPLIES and DIRECT OPERATING EXPENSE**
 - Costs for office supplies, program supplies, and other direct operating expenses related to the intake, processing, and holding of OLS inmates; including inmate transportation to court proceedings or state custody.
- **JAIL OPERATIONS – CONTRACTUAL**
 - Costs associated with outsourcing OLS inmates to other county jail facilities and/or other contractual costs incurred by a county jail facility related to the intake, processing, and holding of OLS inmates.
- **JAIL OPERATIONS – CONSTRUCTION**
 - Cost associated with constructing, renovating, or repairing a permanent or temporary jail facility to increase bed capacity to hold OLS inmates.

Note: Construction, renovation, and repair costs may only be funded to the extent that State-supported OLS inmate capacity is unavailable.
- **JAIL OPERATIONS – TRAVEL & TRAINING**
 - Travel, per diem, and lodging costs associated with jail personnel, augmentees, or contractors engaged in OLS corrections activities.

Operation Lone Star – Court Administration. Activities related to the case preparation, magistration, pre/post-adjudication proceedings, and criminal trials of OLS defendants.

- **COURT ADMINISTRATION PERSONNEL – OVERTIME**

- Overtime for courtroom staff, court coordinators, and clerks supporting court operations, including but not limited to, case preparation, magistration, pre/post-adjudication proceedings, and criminal trials for OLS defendants.
- **COURT ADMINISTRATION PERSONNEL - REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**
 - Regular time for courtroom staff, court coordinators, and clerks. Grant funds must be used to supplement existing funds and not supplant funds that have been budgeted for the same purpose.
 - Part-time to Full-Time: Personnel costs for part-time courtroom staff, court coordinators, and clerks to bring them to temporary full-time status.
 - Hiring or contracting temporary courtroom staff, court coordinators, and clerks to support OLS courts activities.
- **COURT ADMINISTRATION - EQUIPMENT & TECHNOLOGY**
 - Costs for equipment and technology to support court operations, including but not limited to, case preparation, magistration, pre/post-adjudication proceedings, and criminal trials for OLS defendants.
- **COURT ADMINISTRATION - SUPPLIES and DIRECT OPERATING EXPENSE**
 - Costs for office supplies, program supplies, and other direct operating expenses to support court operations, including but not limited to, magistration, pre/post-adjudication proceedings, and criminal trials for OLS defendants.
- **COURT ADMINISTRATION – CONTRACTUAL**
 - Costs associated with contractual costs incurred to support court operations, including but not limited to, magistration, pre/post-adjudication proceedings, and criminal trials for OLS defendants.

Operation Lone Star – Fire/EMS Operations. Activities related to emergency response efforts provided by locally operated Fire/EMS agencies.

- **FIRE/EMS OPERATIONS (RESCUE) – OVERTIME**
 - Overtime for increased rescue call volume, search and rescue, and/or recovery operations.
 - Overtime for rescue support personnel. These costs may include overtime for personnel necessary to support rescue personnel that are operating on incident scenes and participating in Operation Lone Star, such as telecommunications professional overtime necessary to maintain a safe responder to dispatcher ratio.
 - Overtime for non-exempt administrative personnel supporting Operation Lone Star.
- **FIRE/EMS OPERATIONS (RESCUE) – REGULAR or STRAIGHT-TIME & TEMPORARY POSITIONS**
 - Part-time to Full-time: Personnel costs for part-time rescue personnel to bring them to temporary full-time status.
 - Hiring or contracting temporary staff to support OLS rescue activities.

- **FIRE/EMS OPERATIONS - EQUIPMENT & TECHNOLOGY**
 - Costs for equipment, technology, or the rental of equipment, which will benefit the border security mission and will be routinely utilized during Operation Lone Star.
- **FIRE/EMS OPERATIONS (RESCUE) – SUPPLIES and DIRECT OPERATING EXPENSE**
 - General office supplies and program supplies related to OLS rescue activities. Operational costs are also allowable, such as vehicle operating costs or costs for minor emergency repairs as described below, or for other services pre-approved by the PSO that are critical to success of the program. Examples include:
 - Costs associated with fuel, lubricants, and minor emergency repairs or maintenance for vehicles, and similar equipment used during the hours in which grant-funded staff are working.
 - Only actual expenses supported by invoiced gas, oil, and repair or maintenance receipts may be reimbursed under this grant.
 - Maintenance costs must be prorated to show the usage of vehicles or equipment for regular rescue duties as compared to usage while first responders are working grant-funded rescue operations.
- **FIRE/EMS OPERATIONS – TRAVEL & TRAINING**
 - Travel, per diem, and lodging costs associated with personnel, augmentees, or contractors engaged in OLS activities.

Program-Specific Requirements

1. Eligible applicants, as applicable, assure to continue and/or renew a local disaster declaration relating to border security for the entirety of the project period. The expiration or dissolution of a local disaster declaration may result in the early termination of the grant agreement.
2. Eligible applicants in a border county, as described in the Eligible Organizations section, must upload a letter from the county attorney expressing their office's active participation in prosecuting misdemeanor offenses, as appropriate, in support of Operation Lone Star.
3. Eligible applicants performing law enforcement functions must agree to perform the following activities:
 - a) Participate in operational planning and coordination meetings, information/intelligence sharing meetings, and After Action Reviews (AARs) established by the Texas Department of Public Safety's (DPS) Joint Operations and Intelligence Centers (JOICs).
 - b) Participate weekly on the JOIC Unified Command conference calls or meetings as required by the JOIC.
 - c) Report significant border-related events that occur during each 24-hour period.
 - d) Conduct enhanced law enforcement patrolling activities if funded for those activities through this grant.
 - e) Submit information on incidents using the Border Incident Assessment Report (BIAR).
The grantee shall report all border-related incidents to the appropriate JOIC using the BIAR. BIAR reporting shall include events that occur during Enhanced Operation activities AND

events that occur during Steady State activities. Enhanced (Surge) Operations originate out of the use of Lone Star funds when the local agency chooses to increase the hours of patrol or investigations. Steady State activities are defined as normal patrol or investigative duties that do not use grant funds, but directly impact the overall Lone Star mission, such as organized crime arrests, terroristic activities, weapons trafficking arrests, kidnappings, human trafficking, human smuggling, home invasions with a border or organized crime nexus, illegal immigration, border-related murders, gang-related murders, vehicle thefts, or drug trafficking.

The BIAR is the primary incident and information-reporting tool for the grantee in local border security operations. The grantee shall ensure all BIARs conform to the respective standards outlined by the JOIC and are submitted within 24 hours of the end of shift and/or the timeframes established by the JOIC.

4. Coordinate planning and execution of border security and supporting operations with the DPS South Texas or West Texas, if requested by those regions.
5. Applicants performing overtime activities must provide a copy of the local overtime policy as approved by its governing board. This policy will be considered the official policy for grant purposes and must be used throughout the grant period. The policy must:
 - i. Clearly describe how overtime will be calculated;
 - ii. Be consistent with the agency's local overtime policy;
 - iii. Treat overtime for grant-paid personnel the same as non-grant paid personnel.
6. Project Overtime (OT) shall be reimbursed following the grantee's overtime policy and the requirements as stated below:
 - i. OT is time actually worked that exceeds the required number of hours during an employee's designated work period, as per grantee's policies and procedures.
 - ii. OT must be worked to support border security operations.
 - iii. The project OT rate shall be no more than one-and-one-half (1.5) times the employee's regular pay rate.
 - iv. Exempt salaried employees working border security operations may be reimbursed for overtime only if the grantee's overtime policy specifically allows for this.
 - v. PSO will only reimburse the grantee for OT that does not exceed a total of 16 hours worked (regular plus OT) during any 24-hour period.

Eligibility Requirements

1. Local units of government, including counties, municipalities, special districts, school districts, junior college districts, or other political subdivisions of the state, must submit a written certification of the local government's compliance with the cybersecurity training required by Section 2054.5191 of the Texas Government Code. A determination of non-compliance with the cybersecurity training requirements will result in a refund of the original grant award as well as ineligibility of future grant awards until the second anniversary of the date the local government is determined ineligible.

2. Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions within five business days to the Criminal Justice Information System at the Department of Public Safety.

3. Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted.
4. Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2024 or the end of the grant period, whichever is later.

5. Eligible applicants must have a DUNS (Data Universal Numbering System) number assigned to its agency (to request a DUNS number, go to <https://fedgov.dnb.com/webform>).
6. Eligible applicants must be registered in the federal System for Award Management (SAM) database located at <https://sam.gov/>.

Failure to comply with program eligibility requirements may cause funds to be withheld and/or suspension or termination of grant funds.

Prohibitions

Grant funds may **not** be used to support the unallowable costs listed in the Guide to Grants or any of the following unallowable costs:

1. Inherently religious activities such as prayer, worship, religious instruction, or proselytization;
2. Lobbying;
3. Any portion of the salary of, or any other compensation for, an elected or appointed government official;
4. Vehicles or equipment for government agencies that are for general agency use;
5. Weapons, ammunition, tasers, or explosives;
6. Admission fees or tickets to any amusement park, recreational activity, or sporting event;
7. Promotional gifts;
8. Food, meals, beverages, or other refreshments, except for eligible per diem associated with grant-related travel;
9. Membership dues for individuals;
10. Any expense or service that is readily available at no cost to the grant project;
11. Any use of grant funds to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;
12. Fundraising;
13. General Salary Stipends;
14. Aircraft (including sUAS, drones, unmanned aerial aircraft);
15. Fire Engines;
16. Ambulances (types 1, 2, & 3); and
17. Any other prohibition imposed by federal, state, or local law.

Selection Process

Application Screening: PSO will screen all applications to ensure that they meet the requirements included in the funding announcement.

Peer/Merit Review: Applications will be reviewed by PSO staff in consultation with subject matter experts appointed by the PSO Executive Director. Funding decisions will be based on eligibility and operational content, which includes, but is not limited to, the following:

1. Compliance - Past compliance with grant requirements, reporting, and information sharing.
2. Performance – Impact and effectiveness of the Applicant’s participation in previous border security operations or activities, and effectiveness in using grant funds awarded for border security.
3. Risk – The Applicant’s need as indicated by data available on border-related criminal activity, population, and other factors.

4. Other Funding – The Applicant’s history of applying for, receiving, and/or effectively utilizing other sources of funding available to support border security activities (e.g. Operation Stonegarden).

Final Decisions: The Office of the Governor will consider rankings along with other factors and make all final funding decisions. Other factors may include reasonableness, cost effectiveness, overall funds availability, geographic distribution, or other relevant factors.

The Office of the Governor may not fund all applications or may only award part of the amount requested. In the event that funding requests exceed available funds, the Office of the Governor may revise projects to address a more limited focus.

Contact Information

For more information, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.

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

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR FOR THE OPERATION LONE STAR GRANT FOR THE WHARTON POLICE DEPARTMENT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID GRANT SUBMISSION.

WHEREAS, The City of Wharton City Council wishes to submit an application to the Office of the Governor for Operation Lone Star Grant for the Wharton Police Department; and,

WHEREAS, The purpose of the program is to enhance interagency border security operations supporting Operation Lone Star including the facilitation of direct actions to deter interdict criminal activity and detain non-citizen inmates; and,

WHEREAS, The grant would be for the time period of September 1, 2023, to August 31, 2024; and,

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

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

SECTION I. The Wharton City Council hereby authorizes the submission of an application to the Office of the Governor for Operation Lone Star Grant for the Wharton Police Department.

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

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

PASSED, APPROVED, and ADOPTED this 14th day of August 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

City of Wharton
120 E. Caney Street
Wharton, TX 77488

CITY COUNCIL COMMUNICATION

Meeting Date:	8/14/2023	Agenda Item:	Resolution: A resolution of the Wharton City Council awarding a contract for the Valhalla Water Well Rehabilitation Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
<p>On Friday, August 4, 2023, Quiddity Engineering solicited bids for the Valhalla Water Well Rehabilitation project. Bids are due on Monday, August 14, 2023, at 10:00 a.m. Quiddity Engineering will review the bids for completeness and prepare a recommendation for the City Council.</p> <p>The Finance Committee will meet on Monday, August 14, 2023, and will formulate a recommendation for City Council consideration.</p> <p>Finance Director, Joan Andel, will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, August 10, 2023	
Approval: 			
Mayor: Tim Barker			



City of Wharton

120 E. Caney Street ° Wharton, TX
77488

Phone (979) 532-2491° Fax (979) 532-
0181

MEMORANDUM

To: Mr. Joseph R. Pace
City Manager

From: Joan Andel

Date: August 9, 2023

Re: Vahalla Water Well Rehabilitation

On Friday, August 4, 2023, Quiddity Engineering solicited bids for the Valhalla Water Well Rehabilitation project. Bids are due on Monday, August 14, 2023 at 10:00 a.m. Quiddity Engineering will review the bids for completeness and prepare a recommendation for the City Council. Please place this on the Finance Committee agenda for Monday, August 14, 2023 and also on the City Council agenda for the same day.

Should you have any questions, please contact me.

Thank you.

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

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE VALHALLA WATER WELL REHABILITATION PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Bids were received for the Valhalla Water Well Rehabilitation project on August 14, 2023; and,

WHEREAS, _____ was deemed the best lowest qualified bidder for the base bid amount of \$ _____; and,

WHEREAS, The Wharton City Council wishes to award a contract to _____ with the base bid amount of \$ _____; and,

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

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

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

Section I. The Wharton City Council hereby authorizes the Mayor to execute the Valhalla Water Well Rehabilitation project contract.

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

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

Passed, Approved, and Adopted this 14th day of August 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

City of Wharton
 120 E. Caney Street
 Wharton, TX 77488

CITY COUNCIL COMMUNICATION

Meeting Date:	8/14/2023	Agenda Item:	Resolution: A resolution of the Wharton City Council awarding a contract for the Texas Community Development Block Grant – Downtown Revitalization Program/Main Street (TXCDBG-DRP/MS) Sidewalk Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
<p>On July 18, 2023, proposals were received for the Construction of the Texas Community Development Block Grant – Downtown Revitalization Program/Main Street (TXCDBG-DRP/MS) Sidewalk Project.</p> <p>KSA Engineering has reviewed the submitted proposals and is recommending the contract be awarded to Staff Concrete of Victoria.</p> <p>Attached is the recommendation letter.</p> <p>The City Staff has also received approval to award from TDA for the single proposal receipt.</p> <p>The Finance Committee will meet on Monday, August 14, 2023, and will formulate a recommendation for City Council consideration.</p> <p>Director of Planning & Development, Gwyn Teves, will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, August 10, 2023	
Approval: 			
Mayor: Tim Barker			



City of Wharton

120 E. Caney • Wharton, TX 77488
Phone (979) 532-2491 • Fax (979) 532-0181

MEMORANDUM

DATE: August 9, 2023

FROM: Gwyneth Teves, Director of Planning & Development

TO: Honorable Mayor and City Council

SUBJECT: Construction of the Texas Community Development Block Grant –
Downtown Revitalization Program/Main Street (TXCDBG-DRP/MS)
Sidewalk Project

On July 18th, 2023, proposals were received for the Construction of the Texas Community Development Block Grant – Downtown Revitalization Program/Main Street (TXCDBG-DRP/MS) Sidewalk Project.

KSA Engineering has reviewed the submitted proposals and is recommending the contract be awarded to Staff Concrete of Victoria. Attached is the recommendation letter.

We have also received approval to award from TDA for the single proposal receipt.

If you should have any questions, please contact me at 979-532-2491 ext. 238. Thank You.

July 19, 2023

Honorable Tim Barker
Mayor
City of Wharton
120 E. Caney Street
Wharton, TX, Zip

Re: TXCDBG PY 2021 Downtown Revitalization and Main Street (DRP-MS) Program (CMD21-0262)

Dear Mayor Barker:

Bids for the above referenced project were received on Tuesday, July 18, 2023, at City Hall and were publicly opened and read aloud at 10:00 am. There was one bid received. KSA Engineers reviewed the bid and prepared a Bid Tabulation verifying the bid results. The Bid Tabulation is attached for your review. The bidder submitted the required bid security. The bidder also provided a qualification statement with a list of projects they have completed that have a similar scope and scale.

The low bidder is Staff Concrete Construction of Victoria, Texas. A summary of the results is below.

Base Bid	\$335,399.00
Alternate No. 1	\$24,426.00
Alternate No. 2	\$55,051.00
Alternate No. 3	\$39,115.00

Based upon our review of the information submitted by the low bidder and the list of similar experience provided, Staff Concrete Construction appears to be qualified to perform the work required. KSA does not have prior experience with this contractor and City staff indicated that Staff Concrete Construction would be a new contractor for the City to work with.

If the City of Wharton awards this contract, our office will issue a notice of award to the selected bidder and prepare Construction Contract documents for execution by the bidder and the City of Wharton. KSA

looks forward to working with the City of Wharton during the construction phase on this important project to ensure a quality project.

If you have any questions about the Bid Tabulation or this award recommendation, please contact me at scantner@ksaeng.com or 281-494-3252 ext 1411.

Sincerely,



Cassandra L. Cantner, P.E.
Senior Project Manager

cc: gteves@cityofwharton.com

City of Wharton, TX
Downtown Revitalization and Main Street (DRP-MS) Program
TXCDBG# CDM21-0262
BID TABULATION
KSA Engineers
BID DATE: 7/18/2023

Item	Spec Ref	Description	Unit	Quantity	Staff Concrete Construction	
					Unit Cost	Total Amount
SECTION A - General Work and Materials						
1	158 6002	Special Excavation (Backhoe)	CY	50	\$105.00	\$5,250.00
2	506 6038	Temporary Sediment Control Fence (Install)	LF	100	\$14.00	\$1,400.00
3	506 6039	Temporary Sediment Control Fence (Remove)	LF	100	\$6.00	\$600.00
4	506 6036	Sandbags for Erosion Control (6")	LF	50	\$14.00	\$700.00
5	506 6040	Biodegradable Erosion Control Logs (8")	LF	50	\$14.00	\$700.00
6	465 6020	Inlet (COMPL)(PCO)(4FT)(Both)	EA	2	\$10,000.00	\$20,000.00
7	464 6026	24" RCP	LF	20	\$181.00	\$3,620.00
					Total Cost	\$32,270.00
SECTION B - PHASE 1: South Houston Street						
1	104 6036	Removing Concrete	LF	362	\$9.00	\$3,258.00
2	502 6001	Barricades, Signs and Traffic Handling	MO	0.5	\$1,000.00	\$500.00
3	531 6001	4" Reinforced Concrete Sidewalk	SY	102	\$100.00	\$10,200.00
4	531 6013	Curb Ramps (TY 10)	EA	3	\$3,600.00	\$10,800.00
5	628 6001	Relocate Power Pole	EA	1	\$500.00	\$500.00
6	666 6048	Reflective Pavement Marking TY I (W) 24" (SLD)(100ML) Crosswalk Line	LF	42	\$31.00	\$1,302.00
7	666 6048	Reflective Pavement Marking TY I (W) 24" (SLD)(100ML) Stop Line	LF	21	\$31.00	\$651.00
8	644 6068	Relocate Stop Sign	EA	2	\$400.00	\$800.00
					Total Cost	\$28,011.00
SECTION C - PHASE 1: South Rusk Street						
1	100 6002	Preparing ROW. Includes excavation, fill and grading for sidewalk and drainage.	LF	474	\$20.00	\$9,480.00
2	502 6001	Barricades, Signs and Traffic Handling	MO	0.5	\$1,000.00	\$500.00
3	529 6008	Cone Curb & Gutter (TY II)	LF	181	\$92.00	\$16,652.00
4	531 6001	4" Reinforced Concrete Sidewalk	SY	300	\$90.00	\$27,000.00
5	530 6004	Driveway (Cone)	SY	28	\$118.00	\$3,304.00
6	531 6004	Curb Ramps (TY I)	EA	4	\$2,750.00	\$11,000.00
7	531 6008	Curb Ramps (TY 5)	EA	1	\$5,000.00	\$5,000.00
8	628 6001	Relocate Power Pole	EA	2	\$500.00	\$1,000.00
9	666 6048	Reflective Pavement Marking TY I (W) 24" (SLD)(100ML) Crosswalk Line	LF	42	\$31.00	\$1,302.00
10	666 6048	Reflective Pavement Marking TY I (W) 24" (SLD)(100ML) Stop Line	LF	12	\$31.00	\$372.00
11	162 6002	Block Sod with vegetative watering	SY	421	\$15.00	\$6,315.00
					Total Cost	\$81,925.00
SECTION D - PHASE 2: South Fulton Street						
1	100 6002	Preparing ROW. Includes excavation, fill and grading for sidewalk and drainage.	LF	237	\$20.00	\$4,740.00
2	502 6001	Barricades, Signs and Traffic Handling	MO	0.5	\$1,000.00	\$500.00
3	530 6004	Driveways (Cone)	SY	59	\$104.00	\$6,136.00
4	531 6001	4" Reinforced Concrete Sidewalk	SY	126	\$113.00	\$14,238.00
5	531 6008	Curb Ramps (TY 5)	EA	1	\$5,000.00	\$5,000.00
6	531 6010	Curb Ramps (TY 7)	EA	2	\$3,815.00	\$7,630.00
7	531 6013	Curb Ramps (TY 10)	EA	2	\$3,815.00	\$7,630.00
8	644 6068	Relocate Stop Sign	EA	1	\$400.00	\$400.00
9	666 6048	Reflective Pavement Marking TY I (W) 24" (SLD)(100ML) Crosswalk Line	LF	48	\$31.00	\$1,488.00
10	666 6048	Reflective Pavement Marking TY I (W) 24" (SLD)(100ML) Stop Line	LF	15	\$31.00	\$465.00
11	162 6002	Block Sod with vegetative watering	SY	27	\$30.00	\$810.00
					Total Cost	\$49,037.00

City of Wharton, TX
Downtown Revitalization and Main Street (DRP-MS) Program
TXCDBG# CDM21-0262
BID TABULATION
KSA Engineers
BID DATE: 7/18/2023

Item	Spec Ref	Description	Unit	Quantity	Staff Concrete Construction	
					Unit Cost	Total Amount
SECTION E - PHASE 2: South Resident Street						
1	100 6002	Preparing ROW. Includes excavation, fill and grading for sidewalk and drainage.	LF	680	\$20.00	\$13,600.00
2	502 6001	Barricades, Signs and Traffic Handling	MO	0.5	\$1,000.00	\$500.00
3	529 6008	Conc Curb & Gutter (TY II)	LF	211	\$92.00	\$19,412.00
4	530 6004	Driveways (Conc)	SY	203	\$117.00	\$23,751.00
5	531 6001	4" Reinforced Concrete Sidewalk	SY	311	\$90.00	\$27,990.00
6	531 6004	Curb Ramps (TY I)	EA	3	\$2,750.00	\$8,250.00
7	531 6005	Curb Ramps (TY 2)	EA	1	\$3,600.00	\$3,600.00
8	531 6016	Curb Ramps (TY 21)	EA	2	\$4,500.00	\$9,000.00
9	628 6001	Relocate Power Pole	EA	9	\$500.00	\$4,500.00
10	644 6068	Relocate Stop Sign	EA	2	\$400.00	\$800.00
11	666 6048	Reflective Pavement Marking TY I (W) 24" (SLD)(100ML) Crosswalk Line	LF	48	\$31.00	\$1,488.00
12	666 6048	Reflective Pavement Marking TY I (W) 24" (SLD)(100ML) Stop Line	LF	15	\$31.00	\$465.00
13	162 6002	Block Sod with vegetative watering	SY	332	\$15.00	\$4,980.00
					Total Cost	\$118,336.00
SECTION F - PHASE 3: North Rusk Street						
1	104 6036	Removing Concrete	LF	200	\$18.00	\$3,600.00
2	104 6036	Conc Curb & Gutter (TY II)	LF	20	\$120.00	\$2,400.00
3	502 6001	Barricades, Signs and Traffic Handling	MO	0.5	\$1,000.00	\$500.00
4	530 6004	Driveways (Conc)	SY	76	\$91.00	\$6,916.00
5	531 6001	4" Reinforced Concrete Sidewalk	SY	12	\$142.00	\$1,704.00
6	531 6010	Curb Ramps (TY 7)	EA	2	\$3,815.00	\$7,630.00
7	531 6016	Curb Ramps (TY 21)	EA	1	\$4,800.00	\$4,800.00
8	162 6002	Block Sod with vegetative watering	SY	12	\$45.00	\$540.00
					Total Cost	\$28,090.00
SECTION G - PHASE 3, ALT 1: North Houston Street						
1	104 6036	Removing Concrete	LF	88	\$30.00	\$2,640.00
2	502 6001	Barricades, Signs and Traffic Handling	MO	0.5	\$1,000.00	\$500.00
3	529 6008	Conc Curb & Gutter (TY II)	LF	60	\$125.00	\$7,500.00
4	530 6004	Driveways (Conc)	SY	28	\$125.00	\$3,500.00
5	531 6001	4" Reinforced Concrete Sidewalk	SY	40	\$128.00	\$5,120.00
6	531 6010	Curb Ramps (TY 7)	EA	1	\$3,815.00	\$3,815.00
7	628 6001	Relocate Power Pole	EA	1	\$500.00	\$500.00
8	162 6002	Block Sod with vegetative watering	SY	23	\$37.00	\$851.00
					Total Cost	\$24,426.00
SECTION H - PHASE 4, ALT 2 - Caney Street-North 3						
1	100 6002	Preparing ROW. Includes excavation, fill and grading for sidewalk nad drainage.	LF	173	\$10.00	\$1,730.00
2	104 6036	Removing Concrete	LF	110	\$122.00	\$13,420.00
4	502 6001	Barricades, Signs and Traffic Handling	MO	1	\$1,000.00	\$1,000.00
5	530 6004	Driveways (Conc)	SY	144	\$109.00	\$15,696.00
6	531 6001	4" Reinforced Concrete Sidewalk	SY	115	\$109.00	\$12,535.00
7	531 6010	Curb Ramps (TY 7)	EA	2	\$3,815.00	\$7,630.00
8	628 6001	Relocate Power Pole	EA	2	\$500.00	\$1,000.00
9	162 6002	Block Sod with vegetative watering	SY	136	\$15.00	\$2,040.00
					Total Cost	\$55,051.00

City of Wharton, TX
Downtown Revitalization and Main Street (DRP-MS) Program
TXCDBG# CDM21-0262
BID TABULATION
KSA Engineers
BID DATE: 7/18/2023

Item	Spec Ref	Description	Unit	Quantity	Staff Concrete Construction	
					Unit Cost	Total Amount
SECTION I - PHASE 4, ALT 3 - Caney Street						
1	100 6002	Preparing ROW. Includes excavation, fill and grading for sidewalk and drainage.	LF	278	\$10.00	\$2,780.00
2	502 6001	Barricades, Signs and Traffic Handling	MO	1	\$1,000.00	\$1,000.00
3	530 6004	Driveway (Conc)	SY	28	\$115.00	\$3,220.00
4	531 6001	4" Reinforced Concrete Sidewalk	SY	197	\$100.00	\$19,700.00
5	531 6004	Curb Ramps (TY I)	EA	2	\$3,000.00	\$6,000.00
6	628 6001	Relocate Power Pole	EA	3	\$500.00	\$1,500.00
7	644 6001	Install Stop Sign	EA	1	\$400.00	\$400.00
8	162 6002	Block Sod with vegetative watering	SY	301	\$15.00	\$4,515.00
					Total Cost	\$39,115.00

SECTION J - General Items

1	500	Mobilization, Bonds & Insurance	LS	1	\$30,000.00	\$30,000.00
					Total Cost	\$30,000.00

SUMMARY - BASE BID

SECTION B - PHASE 1: South Houston Street	\$28,011.00
SECTION C - PHASE 1: South Rusk Street	\$81,925.00
SECTION D - PHASE 2: South Fulton Street	\$49,037.00
SECTION E - PHASE 2: South Resident Street	\$118,336.00
SECTION F - PHASE 3: North Rusk Street	\$28,090.00
SECTION J - General Items	\$30,000.00
TOTAL BASE BID (SECTIONS B-F, PLUS J)	\$335,399.00

SUMMARY - ALTERNATE BIDS

SECTION G - PHASE 3, ALT 1: North Houston Street	\$24,426.00
SECTION H - PHASE 4, ALT 2 - Caney Street-North 3	\$55,051.00
SECTION I - PHASE 4, ALT 3 - Caney Street	\$39,115.00
TOTAL ALTERNATE BID (1-3)	\$118,592.00
TOTAL (BASE + ALTERNATE BIDS)	\$453,991.00

* Red text indicates items that differ from the original bid pricing.

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

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDED A CONTRACT FOR THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT – DOWNTOWN REVITALIZATION PROGRAM/MAIN STREET (TXCDBG-DRP/MS) SIDEWALK PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Proposals were received for the Texas Community Development Block Grant – Downtown Revitalization Program/Main Street (TXCDBG-DRP/MS) Sidewalk Project on July 18, 2023; and,

WHEREAS, Staff Concrete Construction was deemed the best lowest qualified bidder for the base bid amount of \$335,399.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to Staff Concrete Construction for the base bid amount of \$335,399.00; and,

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

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

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

Section I. The Wharton City Council hereby authorizes the Mayor to execute the Texas Community Development Block Grant – Downtown Revitalization Program/Main Street (TXCDBG-DRP/MS) Sidewalk Project contract.

Section II. The City of Wharton and Staff Concrete Construction are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 14th day of August 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

City of Wharton
 120 E. Caney Street
 Wharton, TX 77488

CITY COUNCIL COMMUNICATION

Meeting Date:	8/14/2023	Agenda Item:	Resolution: A resolution of the Wharton City Council approving a Utility Joint Use Agreement with the Texas Department of Transportation (TxDOT) for utility service relocations on U.S.-59/future I-69 for utilities to remain in the TxDOT Right of Way (ROW) and authorizing the Mayor of the City of Wharton to execute the agreement.
<p>The construction of the future I-69 through the City Limits is imminent, and the City Staff has been working with TxDOT on the required utility services to be relocated. The utility relocation that is being displaced in the current City of Wharton Easements requires the acquisition of replacement easements. The City Staff and HDR have been attempting to negotiate with the property owners of two of the four parcels that are required for replacement easements. The initial offer packets were sent to the property owner for the following amounts:</p> <p>Parcel 1: \$20,422.00 (\$0.75 psf @ 25%) Parcel 2: \$31,854.00 (\$0.70 psf @ 25%)</p> <p>Del Campo Square, LLC, countered back to the offers requesting approximately \$4.00 psf. After meeting with TxDOT on this counteroffer TxDOT authorized a counteroffer of no greater than \$2.00 psf. This was relayed to the property owner and was not accepted.</p> <p>The relocation of the City’s utilities is estimated to take the longest construction time and TxDOT is putting their construction for I-69 through the City of Wharton out for bid in November 2023 with construction award expected in February 2024. To keep the City from delaying the project it has been recommended that the City enter into a Utility Joint Use Agreement for the utilities in these two parcels to remain in the TxDOT Right of Way. Entering into this agreement would mean that if at any time the utilities had to be moved again due to TxDOT construction, the cost would be reimbursable to the City.</p> <p>Attached is the agreement and resolution to enter into the agreement.</p> <p>Director of Planning & Development, Gwyn Teves, will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, August 10, 2023	
Approval: 			
Mayor: Tim Barker			



City of Wharton

120 E. Caney • Wharton, TX 77488
Phone (979) 532-2491 • Fax (979) 532-0181

MEMORANDUM

DATE: August 9, 2023
FROM: Gwyneth Teves, Director of Planning & Development
TO: Honorable Mayor and City Council
SUBJECT: Utility Joint Use Agreement with TxDOT for Utility Relocation in the TxDOT Right of Way for US-59/future I-69

The construction of future I-69 through the City Limits is eminent and City staff has been working with TxDOT on required utility services to be relocated. The utility relocation that is being displaced in current COW easements requires acquisition of replacement easements. City Staff and HDR have been attempting to negotiate with the property owners of 2 of the 4 parcels that are required for replacement easements. Initial offer packets were sent to the property owner for the following amounts:

- Parcel 1: \$20,422.00 (\$0.75 psf @ 25%)
- Parcel 2: \$31,854.00 (\$0.70 psf @ 25%)

Del Campo Square, LLC countered back to the offers requesting approximately \$4.00 psf. After meeting with TxDOT on this counteroffer TxDOT authorized a counteroffer of no greater than \$2.00 psf. This was relayed to the property owner and was not accepted.

The relocation of the City's utilities is estimated to take the longest construction time and TxDOT is putting their construction for I-69 through the City of Wharton out for bid in November 2023 with construction award expected in February 2024. To keep the City from delaying the project it has been recommended that the City enter into a Utility Joint Use Agreement for the utilities in these 2 parcels to remain in the TxDOT Right of Way. Entering into this agreement would mean that if at any time the utilities had to be moved again due to TxDOT construction, the cost would be reimbursable to the City.

Attached is the agreement and resolution to enter into the agreement. It is my recommendation that the Council consider approving this agreement at this time due to time sensitivity on relocating the utilities prior to TxDOT construction and the inability to negotiate with the property owner.

If you should have any questions, please contact me at 979-532-2491 ext. 238. Thank You.



UTILITY JOINT USE AGREEMENT

Form ROW-U-
Replaces ROW-U-JUAA
(rev. 10/20)
Page 1 of 2

Item-8.

U-Number: _____	Utility ID: _____
ROW CSJ: _____	County: _____
District: _____	Highway: _____
Federal Project No.: _____	From: _____
Projected Highway Letting Date: _____	To: _____

WHEREAS, the State of Texas, ("**State**"), acting by and through the Texas Department of Transportation ("**TxDOT**"), proposes to make certain highway improvements on that section of the above-indicated highway; and

WHEREAS, the _____ ("**Utility**"), proposes to adjust or relocate certain of its facilities, if applicable, and retain title to any property rights it may have on, along or across, and within or over such limits of the highway right of way as indicated by the location map attached hereto.

NOW, THEREFORE, in consideration of the covenants and acknowledgements herein contained, the parties mutually agree as follows:

It is agreed that joint usage for both highway and utility purposes will be made of the area within the highway right of way limits as such area is defined and to the extent indicated on the aforementioned plans or sketches. Nothing in this Agreement shall serve to modify or extinguish any compensable property interest vested in the **Utility** within the above described area. If the facilities shown in the aforementioned plans need to be altered or modified or new facilities constructed to either accommodate the proposed highway improvements or as part of **Utility's** future proposed changes to its own facilities, **Utility** agrees to notify **TxDOT** at least 30 days prior thereto, and to furnish necessary plans showing location and type of construction, unless an emergency situation occurs and immediate action is required. If an emergency situation occurs and immediate action is required, **Utility** agrees to notify **TxDOT** promptly. If such alteration, modification or new construction is in conflict with the current highway or planned future highway improvements, or could endanger the traveling public using said highway, **TxDOT** shall have the right, after receipt of such notice, to prescribe such regulations as necessary for the protection of the highway facility and the traveling public using said highway. Such regulations shall not extend, however, to requiring the placement of intended overhead lines underground or the routing of any lines outside of the area of joint usage above described.

If **Utility's** facilities are located along a controlled access highway, **Utility** agrees that ingress and egress for servicing its facilities will be limited to frontage roads where provided, nearby or adjacent public roads and streets, or trails along or near the highway right of way lines which only connect to an intersecting road. Entry may be made to the outer portion of the highway right of way from any one or all access points. Where supports, manholes or other appurtenances of the **Utility's** facilities are located in medians or interchange areas, access from the through-traffic roadways or ramps will be allowed by permit issued by the **State** to the **Utility** setting forth the conditions for policing and other controls to protect highway users. In an emergency situation, if the means of access or service operations as herein provided will not permit emergency repairs as required for the safety and welfare of the public, the **Utility** shall have a temporary right of access to and from the through-traffic roadways and ramps as necessary to accomplish the required repairs, provided **TxDOT** is notified immediately when such repairs are initiated and adequate provision is made by **Utility** for the convenience and safety of highway traffic. Except as expressly provided herein, the **Utility's** rights of access to the through-traffic roadways and/or ramps shall be subject to the same rules and regulations as apply to the general public.

_____ Initial	_____ Date	_____ Initial	_____ Date
TxDOT		Utility	

If **Utility's** facilities are located along a non-controlled access highway, the **Utility's** rights of ingress and egress to the through-traffic roadways and/or ramps are subject to the same rules and regulations as apply to the general public.

Participation in actual costs incurred by the Utility for any future adjustment, removal or relocation of utility facilities required by highway construction shall be in accordance with applicable laws of the State of Texas.

Utility will, by written notice, advise **TxDOT** of the beginning and completion dates of the adjustment, removal, or relocation, and, thereafter, agrees to perform such work diligently, and to conclude said adjustment, removal, or relocation by the stated completion date. The completion date shall be extended for delays caused by events outside **Utility's** control, including an event of Force Majeure, which shall include a strike, war or act of war (whether an actual declaration of war is made or not), insurrection, riot, act of public enemy, accident, fire, flood or other act of God, sabotage, or other events, interference by the **State** or any other party with **Utility's** ability to proceed with the relocation, or any other event in which **Utility** has exercised all due care in the prevention thereof so that the causes or other events are beyond the control and without the fault or negligence of **Utility**.

It is expressly understood that **Utility** conducts the new installation, adjustment, removal, and/or relocation at its own risk, and that **TxDOT** makes no warranties or representations regarding the existence or location of utilities currently within its right of way.

The **Utility** and the **State**, by execution of this Agreement, do not waive or relinquish any right that they may have under the law.

The signatories to this Agreement warrant that each has the authority to enter into this Agreement on behalf of the party represented.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures.

UTILITY

Utility:
Name of Utility

By: _____
Authorized Signature

Print or Type Name

Title:

Date:

[Contact/Help](#)

EXECUTION RECOMMENDED:

Director of TP&D: District

THE STATE OF TEXAS

Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By:
District Engineer

Date:

Initial Date
TxDOT

Initial Date
Utility

MARKET VALUE ESTIMATE PRESENTED IN AN APPRAISAL REPORT

Highway: U.S. Highway 59

Parcel Number: Easement 1

ROW CSJ: N/A

Owner: Del Campo Square, LLC

Property Address: 9000 Block of U.S. Highway 59, Wharton, TX 77488

Property Location: East line of U.S. Highway 59, northeast of FM 102

Legal Description: 0.8278 acre (36,058 square feet) of land dedicated as an utility easement out of an approximate 128.2267 acres (5,585,555 square feet) of land being a portion of Lot 2 of the Kirk's Glen Subdivision and Tract 36D and part of Tracts 37A and 38, all out of the Alexander Jackson League, Abstract 34, Wharton, Wharton County, Texas

Prepared For: Ms. Erin Newberry
HDR, Inc.
613 NW Loop 410, Suite 700
San Antonio, TX 78216

Prepared By: Mr. David M. Ambrose, MAI
Ambrose Appraisal Company
16545 Village Drive, Building A
Jersey Village, Texas 77040

Date of Appraisal: May 16, 2023

Date of Report: June 1, 2023

Proposed Acquisition: Partial

Market Value Estimate:	\$4,189,277.00
Partial Acquisition:	- \$20,394.00
Remainder Before:	\$4,168,883.00
Remainder After:	- \$4,168,883.00
Damages:	\$0.00
Partial Acquisition:	\$20,394.00
Damages:	+ \$0.00
Cost to Cure:	+ \$28.00
Compensation Estimate:	\$20,422.00

Confidentiality Statement: Our client is the HDR, Inc. on behalf of the City of Wharton. The findings contained herein shall not be disseminated to anyone other than the client, the client's duly authorize representative, or as may be required by Texas law.

David M. Ambrose, MAI
State Certified General RE Appraiser
Certificate No. TX-1322613-G



AERIAL

MARKET VALUE ESTIMATE PRESENTED IN AN APPRAISAL REPORT

Highway: U.S. Highway 59

Parcel Number: Easement 2

ROW CSJ: N/A

Owner: Del Campo Square, LLC

Property Address: 8000 Block of U.S. Highway 59, Wharton, TX 77488

Property Location: East line of U.S. Highway 59, northeast of FM 102

Legal Description: 1.3696 acres (59,660 square feet) of land dedicated as an utility easement out of an approximate 207.051 acres (9,019,142 square feet) of land being Tracts 36, 38C, 39-4, and part of Lot 37, Alexander Jackson League, Abstract 34, Wharton, Wharton County, Texas

Prepared For: Ms. Erin Newberry
 HDR, Inc.
 613 NW Loop 410, Suite 700
 San Antonio, TX 78216

Prepared By: Mr. David M. Ambrose, MAI
 Ambrose Appraisal Company
 16545 Village Drive, Building A
 Jersey Village, Texas 77040

Date of Appraisal: May 16, 2023

Date of Report: June 8, 2023

Proposed Acquisition: Partial

Market Value Estimate: \$6,313,931.00
 Partial Acquisition: - \$31,854.00
 Remainder Before: \$6,282,077.00
 Remainder After: - \$6,282,077.00
 Damages: \$0.00

Partial Acquisition: \$31,854.00
 Damages: + \$0.00
 Cost to Cure: + \$133.00

Compensation Estimate: \$31,987.00

Confidentiality Statement: Our client is the HDR, Inc. on behalf of the City of Wharton. The findings contained herein shall not be disseminated to anyone other than the client, the client's duly authorize representative, or as may be required by Texas law.

David M. Ambrose, MAI
 State Certified General RE Appraiser
 Certificate No. TX-1322613-G



AERIAL

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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A UTILITY JOINT USE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR UTILITY SERVICE RELOCATIONS ON US-59/FUTURE I-69 FOR UTILITES TO REMAIN IN THE TXDOT RIGHT OF WAY (ROW) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council wishes to authorize a Utility Joint Use Agreement with TxDOT for the relocation of utilities within the TxDOT ROW for the US-59/Future I-69 Project; and,

WHEREAS, The Wharton City Council and TxDOT wishes to be bound by the terms and conditions as outlined in the agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to said 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 the Utility Joint Use Agreement between the City of Wharton and TxDOT for the relocation of utilities within the TxDOT ROW for the US-59/Future I-69 Project.

Section II. That the City of Wharton and TxDOT are hereby bound by the terms and conditions as set forth in the agreement.

Section III. The Wharton City Council hereby authorizes the Mayor to execute all documents related to said agreement.

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

Passed, Approved, and Adopted this 14th day of August 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

City of Wharton
 120 E. Caney Street
 Wharton, TX 77488

CITY COUNCIL COMMUNICATION

Meeting Date:	8/14/2023	Agenda Item:	Resolution: A resolution of the Wharton City Council approving and ratifying a proposal for well cleaning services for the City of Wharton Water Well No. 5 between the City of Wharton and Weisinger, Inc., and authorizing the City Manager of the City of Wharton to execute all documents related to said agreement.
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Attached you will find the Wharton Well & Water Plant – Well Cleaning Proposal from Weisinger, Inc., for \$47,620.00. The cleaning is being recommended by Quiddity, RW Harden, and Weisinger prior to the installation of the permanent pumping equipment.

In order to keep the project from being delayed any additional time, the authorization to proceed with the services was provided to the engineers on July 26, 2023, and the City Staff is requesting ratification of the proposal.

Director of Planning & Development, Gwyn Teves, will be present to answer any questions.

City Manager: Joseph R. Pace	Date: Thursday, August 10, 2023
Approval: 	
Mayor: Tim Barker	



City of Wharton

120 E. Caney • Wharton, TX 77488
Phone (979) 532-2491 • Fax (979) 532-0181

MEMORANDUM

DATE: August 9, 2023

FROM: Gwyneth Teves, Director of Planning & Development

TO: Honorable Mayor and City Councilmembers, City Manager Joseph R. Pace, and City Attorney Paul Webb

SUBJECT: Wharton Well & Water Plant – Well Cleaning Services

Attached please find the Wharton Well & Water Plant – Well Cleaning Proposal from Weisinger, Inc. for \$47,620.00. The cleaning is being recommended by Quiddity, RW Harden and Weisinger prior to the installation of the permanent pumping equipment.

In order to keep the project from being delayed any additional time, the authorization to proceed with the services was provided to the engineers on July 26th and staff is requesting ratification of the proposal.

If you should have any questions, please contact me at 979-532-2491. Thank You.

June 21, 2023

City of Wharton c/o
R. W. Harden & Associates Inc
9009 Mountain Ridge Dr Suite 100
Austin, TX 78759

Attn: Elizabeth Ferry, P.G.

Ref: City of Wharton Water Well No. 5

Mrs. Ferry:

Per the contract, a television survey was performed on the City’s new Water Well No. 5. The well liner was found to be clean with some soft fill on the screen perforations which is common in new wells. There are also a few small sections with some hard fill on the screen perforations toward the bottom of the well. It was also noted that there is about 8’ of fill in the bottom of the well.

It was requested by Quiddity Engineering to provide recommendations for cleaning the well prior to installation of the permanent pumping equipment. Our recommendation would be for the screens to be agitated with sodium hypochlorite, and then airlift the sodium hypochlorite and fill from the well.

As mentioned previously, this well has sat stagnant for over a year due to delays associated with the water plant construction outside of our contract and we have been delayed on installing the permanent pumping equipment. Initially, we planned to perform the camera survey on October 20, 2022, but this was not approved due to concerns of the pumping equipment sitting idle in the well until the water plant is operational. Still to this day, the water plant is still not ready to go into operation. It is highly likely that if the water plant contract were completed within the contract timeframe, this cleaning would not be necessary. Weisinger will jet fill from the bottom of the well to satisfy the contract requirements at no additional cost.

To date, we have held the permanent pumping equipment in storage at our facility for 293 days (pump and associated equipment) and 252 days (motor) and have not requested any storage fees. We have had six (6) change orders, adding 313 days of additional time to the contract as a result of delays with the water plant contract. Due to the delays to this project, the following are the additional costs as well as the corresponding scope of work to perform the requested well cleaning on Well 5.

Scope of Services Well Cleaning

- Mobilization of equipment to site.
- Agitate sodium hypochlorite into the well screens.
- Airlift sodium hypochlorite from the well.
- Perform a TV survey and present a report of findings.
- Demobilize equipment off site.

Total for Scope of Services outlined\$47,620.00

Thank you for the opportunity to offer you our services as we await your response.

Sincerely,



Michael Weisinger
Weisinger Incorporated

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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AND RATIFYING A PROPOSAL FOR WELL CLEANING SERVICES FOR THE CITY OF WHARTON WATER WELL NO. 5 BETWEEN THE CITY OF WHARTON AND WEISINGER, INC. AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The City of Wharton City Council wishes to ratify and approve the proposal for well cleaning services between the City of Wharton and Weisinger, Inc.; and,

WHEREAS, The proposal is for cleaning the City of Wharton Water Well No. 5 prior to permanent pump installation; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute all documents relating to said proposal.

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

SECTION I. The Wharton City Council hereby ratifies and approves the proposal for well cleaning services between the City of Wharton and Weisinger, Inc.

SECTION II. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute all documents related to said proposal.

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

PASSED, APPROVED, and ADOPTED this 14th day of August 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

City of Wharton
120 E. Caney Street
Wharton, TX 77488

CITY COUNCIL COMMUNICATION

Meeting Date:	8/14/2023	Agenda Item:	Pay Request No. 5 from CF McDonald Electric, Inc. for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators.
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Attached you will find Pay Request No. 5 from CF McDonald Electric, Inc. for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators in the amount of \$175,500.00.

Director of Planning & Development, Gwyn Teves, will be present to answer any questions.

City Manager: Joseph R. Pace	Date: Thursday, August 10, 2023
Approval: 	
Mayor: Tim Barker	



City of Wharton

120 E. Caney • Wharton, TX 77488
Phone (979) 532-2491 • Fax (979) 532-0181

MEMORANDUM

DATE: August 9, 2023

FROM: Gwyneth Teves, Director of Planning & Development

TO: Honorable Mayor and City Council

SUBJECT: Recommendation for payment to CF McDonald Electric, Inc. for Pay Estimate No. 5 for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators

The City Council awarded a contract for construction to CF McDonald Electric, Inc. for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators Project.

Pay Estimate No. 5 has been sent and recommendation for payment by the engineer is attached.

It is my recommendation that the City Council approve Pay Estimate 5 for \$175,500.00 and recommend payment.

If you should have any questions, please contact me at 979-532-2491 ext. 238. Thank You.



2322 W Grand Pkwy N, Suite 150
Katy, Texas 77449
Tel: 832.913.4000
Fax: 832.913.4001
www.quiddity.com

May 31, 2023

The Honorable Tim Barker
City of Wharton
120 East Caney
Wharton, TX 77488

Re: Construction of Water Plants & WWTP No. 2 Generator Addition
City of Wharton
Texas Division of Emergency Management (TDEM)
Hazard Mitigation Grant Program (HMGP), DR-4332

Dear Mayor Barker:

Enclosed is Progress Payment No. 5 from CF McDonald Electric, Inc. for the referenced project. The estimate is in order and we recommend payment in the amount of \$175,500.00 to CF McDonald Electric, Inc. .

Also enclosed is Construction Progress Report No. 5, which is submitted in accordance with Texas Commission on Environmental Quality Rule No. 293.62. This report covers construction activities for the referenced project during the period of January 1, 2023 through May 19, 2023.

Sincerely,

A handwritten signature in red ink, appearing to read "Michael Mawdsley", written over a horizontal line.

Michael C. Mawdsley, PMP

MCM:kmd
05135-0233-00

K:\05135\05135-0233-00 City of Wharton Generator Addition\3 Construction Phase\Pay Estimates\PE5\PE5 Water Plants & WWTP No. 2 05135-0233-00.xlsm

Enclosure

cc: CF McDonald Electric, Inc.

City of Wharton
 120 E. Caney Street
 Wharton, TX 77488

CITY COUNCIL COMMUNICATION

Meeting Date:	8/14/2023	Agenda Item:	Appointments, Resignations, and Vacancies to the City of Wharton Boards, Commissions, and Committees: <ul style="list-style-type: none"> A. Resignations. B. Appointments. C. Vacancies.
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Attached you will find the list of people serving on the various City Boards, Commissions, and Committees. There are still vacancies that also need to be filled.

Resignations.

Appointments: Ms. Sheena Barbee to the Mayor’s Committee on People with Disabilities.

Vacancies:

- A. Building Standards Commission.
- B. Mayor’s Committee on People with Disabilities.
- C. Plumbing and Mechanical Board.

City Manager: Joseph R. Pace	Date: Thursday, August 10, 2023
Approval: 	
Mayor: Tim Barker	

**CITY OF WHARTON
BOARDS, COMMISSIONS, AND COMMITTEES**

WHARTON REGIONAL AIRPORT BOARD	TWO YEAR TERM	Reappointment
Jimmy Gardner	June 30, 2025	
Randy Rodriguez	June 30, 2025	
Bill Kingrey	June 30, 2025	
Larry David	June 30, 2024	
Jimmy Zissa	June 30, 2024	
Glenn Erdelt	June 30, 2024	

BEAUTIFICATION COMMISSION	TWO YEAR TERM	Reappointment
Nancy Mata	June 30, 2024	
Lucy Cruz Alanis	June 30, 2024	
Rachel Roberson	June 30, 2024	
Barbie Fortenberry	June 30, 2025	
Adraylle Watson	June 30, 2025	
Debbie Folks	June 30, 2025	
Sheryl Joost	June 30, 2025	

BUILDING STANDARDS COMMISSION	TWO YEAR TERM	Reappointment
Leonard Morales	June 30, 2025	
Vacant	June 30, 2025	
Vacant	June 30, 2025	
Paul Shannon	June 30, 2025	
Vacant	June 30, 2024	
Howard Singleton	June 30, 2024	
Shaun Stockwell	June 30, 2024	
Claudia Velasquez, Building Official - ExOfficio		
Jeff Gubbels - Health Officer-ExOfficio		
Hector Hernandez-Fire Marshall-ExOfficio		

ELECTRICAL BOARD	TWO YEAR TERM	Reappointment
Councilmember Burnell Neal	June 30, 2025	
Oscar Uribe	June 30, 2025	
Philip Hamlin	June 30, 2024	
Milton Barbee	June 30, 2024	
Hector Hernandez- Fire Marshal		

HOLIDAY LIGHT DECORATING CHAIRMAN	TWO YEAR TERM	Reappointment
Tim Barker	June 30, 2024	

MAYOR'S COMMITTEE ON PEOPLE WITH DISABILITIES	TWO YEAR TERM	Reappointment
Johnnie Gonzales	June 30, 2024	

Faye Evans	June 30, 2024	
Vacant	June 30, 2024	
Adraylle Watson	June 30, 2025	
Delia Gonzales	June 30, 2025	
Vacant	June 30, 2025	
Cheryl Lavergne	June 30, 2025	
Mayor Tim Barker- Ex Officio		
<hr/>		
HEALTH OFFICER	TWO YEAR TERM	Reappointment
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Dr. Jeff Gubbels, MD	June 30, 2024	
<hr/>		
VETERINARIAN	TWO YEAR TERM	Reappointment
<hr/>		
Dr. Cody Pohler, DVM	June 30, 2024	
<hr/>		
MUNICIPAL COURT JUDGE	TWO YEAR TERM	Reappointment
<hr/>		
Jared Cullar	June 30, 2025	
<hr/>		
PLANNING COMMISSION	TWO YEAR TERM	Reappointment
<hr/>		
Johnnie Gonzales	June 30, 2025	
Rob Kolacny	June 30, 2025	
Michael Quinn	June 30, 2025	
Marshall Francis	June 30, 2024	
Adraylle Watson	June 30, 2024	
Michael Wootton	June 30, 2024	
Joel Williams	June 30, 2024	
<hr/>		
PLUMBING AND MECHANICAL BOARD	TWO YEAR TERM	Reappointment
<hr/>		
A. J. Rath	June 30, 2024	
Vacant	June 30, 2025	
Vacant	June 30, 2024	
Robert Sanchez	June 30, 2025	
Vacant	June 30, 2024	
Claudia Velasquez, Building Official - ExOfficio		
Public Works Director Anthony Arcidiacono- Ex Officio		
Mayor Tim Barker - Ex Officio		
<hr/>		
WHARTON ECONOMIC DEVELOPMENT CORPORATION	TWO YEAR TERM	Reappointment
<hr/>		
Michael Wootton	September 30, 2024	
Alice Heard Roberts	September 30, 2024	
Freddie Pekar	September 30, 2024	
Larry Pittman (Councilmember)	September 30, 2024	
Russell Machann- (Councilmember)	September 30, 2023	
Andrew Armour	September 30, 2023	
Michael Roberson	September 30, 2023	

CITY COUNCIL COMMITTEES - Renew June 30th of Each Year

ANNEXATION COMMITTEE

Tim Barker
 Russell Machann
 Don Mueller

FINANCE COMMITTEE

Russell Machann
 Larry Pittman
 Tim Barker

HOUSING COMMITTEE

Terry Freese
 Russell Machann
 Burnell Neal

INTERGOVERNMENTAL RELATIONS COMMITTEE

Terry Freese
 Tim Barker
 Larry Pittman

LEGISLATIVE COMMITTEE

Tim Barker
 Larry Pittman
 Steven Schneider

PUBLIC HEALTH COMMITTEE

Terry Freese
 Larry Pittman
 Russell Machann

PUBLIC SAFETY COMMITTEE

Larry Pittman
 Terry Freese
 Don Mueller

PUBLIC WORKS COMMITTEE

Terry Freese
 Don Mueller
 Burnell Neal

TELECOMMUNICATIONS COMMITTEE

Burnell Neal
 Terry Freese
 Don Mueller

WHARTON ECONOMIC DEVELOPMENT CORP BOARD OF DIRECTORS SELECTION COMMITTEE

Tim Barker
 Steven Schneider
 Larry Pittman

ECONOMIC DEVELOPMENT COMMITTEE

Tim Barker
 Burnell Neal
 Russell Machann

PARKS AND RECREATION COMMITTEE

Steven Schneider
 Russell Machann
 Terry Freese



City of Wharton

120 E. Caney • Wharton, TX 77488
Phone (979) 532-2491 • Fax (979) 532-0181

MEMORANDUM

DATE: July 28, 2023
FROM: Shaniah Fisher, Building Official Assistant
TO: Joseph R. Pace, City Manager
SUBJECT: Appointment to the vacant position

The Mayor's Committee on People with Disabilities suggests that the Mayor and City Council consider appointing Ms. Sheena Barbee to fill the vacant position on the Mayor's Committee on People with Disabilities. Ms. Barbee is interested in joining the committee; please see attached email.

If you have any questions, please contact me at City Hall (979) 532-4811, Ext. 230.

Sheena Barbee
1212 Pecan Street
P.O. Box 414
Wharton, Texas

July 28, 2023

Hello,

My name is Sheena Barbee and I am interested in becoming a member of the City of Wharton Mayors Committee for persons with disabilities.

I am a native of Wharton, born and raised. In 2002 I graduated from Wharton High School, attended Wharton Junior College where I first received my LVN, and RN in 2013. I have two school age daughters, who are active in various activities in the community of which I take part. I have been a Girl Scout troop leader for 4 years and during softball season I assisted with coaching.

Upon receiving my degree in nursing, I started with Angels Home Health working with elderly and disabled people. Being a nurse and helping people is what led me to Texana. Today, I use my nursing skills to help individuals with disabilities in group homes and learning centers.

I have attended several committee meetings and look forward to being a member where I feel I can contribute to reaching the goals of the Mayors Committee.

Sincerely,



Sheena Barbee, RN

City of Wharton
120 E. Caney Street
Wharton, TX 77488

CITY COUNCIL COMMUNICATION

Meeting Date:	8/14/2023	Agenda Item:	City Council Boards, Commissions, and Committee Reports: A. Finance Committee meeting held July 24, 2023.
Attached you will find the reports from the above-mentioned Committees.			
City Manager: Joseph R. Pace		Date: Thursday, August 10, 2023	
Approval: 			
Mayor: Tim Barker			



City of Wharton

120 E. Caney Street ° Wharton, TX
77488

Phone (979) 532-2491° Fax (979) 532-
0181

MEMORANDUM

Date: July 25, 2023

From: City Council Finance Committee

To: Mayor & City Council

Subject: Report/Recommendations from the meeting held July 24, 2023

At the July 24, 2023, City Council Finance Committee Meeting, the Committee met and discussed the following items:

1. Review & Consider: Minutes from the meeting held on June 26, 2023.
2. Review & Consider: Resolution: A resolution of the Wharton City Council approving Amendment No. 4 to the Franchise Agreement for Solid Waste Collection Services with Green For Life and authorizing the Mayor of the City of Wharton to execute the agreement. The Committee voted to recommend this item to the City Council for consideration.
3. Review & Consider: Resolution: A resolution of the Wharton City Council authorizing the City Staff to issue Requests for Proposals for a tax increment reinvestment zone administrator. The Committee voted to recommend this item to the City Council for consideration.

Adjournment.