

CITY OF WHARTON CITY COUNCIL REGULAR MEETING

Monday, May 08, 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, May 08, 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 4th day of May 2023.

By: Mi Warker
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 May 4, 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. BRAILLE IS NOT AVAILABLE.

Dated this 4th day of May 2023.

CITY OF WHARTON

City Secretary



A G E N D A CITY OF WHARTON City Council Regular Meeting Monday, May 08, 2023 City Hall - 7:00 PM

Call to Order -Opening Devotion -Pledge of Allegiance.

Roll Call and Excused Absences.

Public Comments.

Wharton Moment.

Proclamation:

1. Proclamation: National Public Works Week.

Review and Consider:

- 1. Reading of the minutes from the regular meetings held April 10, 2023, and April 24, 2023.
- Request from Mr. & Mrs. Svatek of 3613 Fairway Dr., Country Club Estate, Lots 16 & 17 for a variance to build over the property line between 2 lots for new residential construction.
- 3. Request for an Additional Extension to the Variance for Temporary Placement of Travel Trailer for Temporary Housing at 212 East Dahlgren Avenue by Ms. Valerie Jefferson.
- 4. City of Wharton Dog Park:
 - A. Resolution: A resolution of the Wharton City Council approving a location for the City of Wharton Dog Park and authorizing the Mayor of the City of Wharton to execute all documents related to said approval.
 - B. Resolution: A resolution of the Wharton City Council awarding a contract to Kraftsman Commercial Playgrounds & Water Parks for the installation of fencing and equipment for the Dog Park and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
- 5. Resolution: A resolution of the Wharton City Council accepting funding from the Bay Area Council on Drugs & Alcohol (BACODA) for the Beautification Commission's Rock Garden Project and authorizing the Mayor to execute all documents related to said funding.
- <u>6.</u> City Council Boards, Commissions and Committee Reports:
 - A. Beautification Commission meeting held April 12, 2023.
 - B. Planning Commission meeting held May 1, 2023.

- 7. Appointments, Resignations and Vacancies to the City of Wharton Boards, Commissions and Committees:
 - A. Appointments.
 - B. Resignations.
 - C. Vacancies.

Adjournment.

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

CITY COUNCIL COMMUNICATION

Meeting Date:	5/8/2023	Agenda Item:	Proclamation: National Public Works Week.
Date.		item.	
	er: Joseph R. Pace		Date: Thursday, May 4, 2023
Approval:	Joseph K. face		
Mayor: Tim	Barker	_	



CITY OF WHARTON OFFICE OF THE MAYOR PROCLAMATION

National Public Works Week Proclamation May 21-27, 2023 "Connecting the World Through Public Works"

WHEREAS, Public Works Professionals focus on infrastructure, facilities, emergency management and services that are of vital importance to sustainable and resilient communities and the public health, high quality of life and well-being of the people of the City of Wharton; and,

WHEREAS, These infrastructures, facilities and services could not be provided without the dedicated efforts of Public Works Professionals, who are federally mandated First Responders and the Engineers, Managers and Employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings and other structures and facilities essential for our citizens; and,

WHEREAS, It is in the public interest for the citizens, civic leaders and children in the City of Wharton to gain knowledge and maintain ongoing interest and understanding of the importance of Public Works First Responders and Public Works Programs in their respective communities; and,

WHEREAS, The year 2023 marks the 63rd Annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.

NOW, THEREFORE BE IT RESOLVED, I, Tim Barker, Mayor of the City of Wharton do hereby designate the week May 21-27, 2023, as:

"National Public Works Week"

I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our Public Works Professionals, Engineers, Managers and Employees and to recognize the substantial contributions they make to protecting our national health, safety and quality of life.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 8th day of May, in the year of our Lord two thousand twenty-three A.D.

Tim Barker Mayor

City of Wharton

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

CITY COUNCIL COMMUNICATION

Meeting Date:	5/8/2023	Agenda Item:	Reading of the minutes from the regular meetings held April 10, 2023, and April 24, 2023.
Date:			Reading of the minutes from the regular meetings held April 10, 2023, and April 24, 2023. regular meetings held April 10, 2023, and April 24,
City Manag	er: Joseph R. Pace		Date: Thursday, May 4, 2023
Approval:	Joseph R. Face		Date. Mursudy, May 4, 2025
Mayor: Tim	ı Barker		

MINUTES OF CITY OF WHARTON CITY COUNCIL REGULAR MEETING APRIL 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, Clifford Jackson, led the opening devotion, and Mayor, Tim Barker, led the pledge of allegiance.

Councilmember's present were: Mayor, Tim Barker, and Councilmembers, Terry Freese;

Clifford Jackson; Larry Pittman; Russell Machann; Don

Mueller and Steve Schneider.

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb;

Finance Director, Joan Andel; City Secretary, Paula Favors, TRMC, CPM, MMC; Assistant to the City Manager, Brandi Jimenez; Director of Planning and Development, Gwyn Teves; Police Chief, Terry David Lynch; Police Lt., Lance Bothell; Communications Supervisor, Mandy Barnett and Telecommunicators, Casey Rome; Shaniah Fisher; Lori Becerra and Ashley

Lerma.

Visitors present were: Samantha Counts with The Crisis Center; Josh Owens,

Executive Director of the Wharton Economic Development Corporation; Katie Moss; Mike Moss and

Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

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

Wharton Moment.

Mayor, Tim Barker, called for the Wharton Moment. No comments were made.

Proclamation

1. Proclamation: Public Safety Telecommunicators Week Proclamation, which read as follows:

CITY OF WHARTON OFFICE OF THE MAYOR

PROCLAMATION

Public Safety Telecommunicators Week Proclamation April 9th – 15th, 2023 "Better Together"

- **WHEREAS,** emergencies can occur at any time that requires police, fire, or emergency medical services, and;
- **WHEREAS,** when an emergency occurs the prompt response of police officers, volunteer firefighters, and emergency medical services is critical to the protection of life and preservation of property, and;
- **WHEREAS,** the safety of our police officers, emergency medical services, and volunteer firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Emergency Communications Center of the Wharton Police Department, and;
- **WHEREAS,** Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services, and;
- **WHEREAS,** Public Safety Telecommunicators are the single vital link for our police officers, emergency medical service, and volunteer firefighters by monitoring their activities by radio, providing them information and ensuring their safety, and;
- **WHEREAS,** Public Safety Telecommunicators of the Wharton Police Department have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients, and;
- **WHEREAS**, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year.

NOW, THEREFORE BE IT RESOLVED, I, Tim Barker, Mayor of the City of Wharton, in recognition of this event do hereby proclaim the week of April 9th-15th, 2023, in the City of Wharton as:

"PUBLIC SAFETY TELECOMMUNICATORS WEEK"

In honor of the men and women whose diligence and professionalism keep our City, County, and nation safe. Their work to protect our community proves that in Wharton we are "Better Together."

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 10th day of April, in the year of our Lord two thousand twenty-three A.D.

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TIM BARKER

Mayor City of Wharton, Texas

2. Proclamation: Fair Housing, which read as follows:

CITY OF WHARTON OFFICE OF THE MAYOR PROCLAMATION

- **WHEREAS,** Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it is a national policy to provide, within constitutional limits, for fair housing in the United States; and,
- **WHEREAS,** The principal of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and,
- **WHEREAS**, The anniversary of this National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE BE IT RESOLVED, I, Tim Barker, by the authority vested in me as Mayor of the City of Wharton, Texas do hereby proclaim

The Month of April as "Fair Housing Month"

in the City of Wharton and hereby urge all the citizens of this locality to become aware of and support the Fair Housing Law.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 1st day of April in the year of our Lord two thousand twenty-three A. D.

TIM BARKER

Mayor City of Wharton, Texas City of Wharton City Council Regular Meeting Minutes - April 10, 2023 Page 4 of 16

Review and Consider:

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held March 13, 2023, and March 27, 2023. City Secretary, Paula Favors, presented a copy of the draft minutes from the regular meetings held on March 13, 2023, and March 27, 2023. After some discussion, Councilmember, Russell Machann, moved to approve the minutes from the regular meetings held on March 13, 2023, and March 27, 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 The Crisis Center for the 3rd Annual Light Up the Square Awareness Event for the following:

- A. Street Closure of Fulton Street between Milam Street and Burleson Street from 5:30 p.m. to 8:30 p.m.
- B. Assistance with security for the event.

Samantha Counts with The Crisis Center, stated they were requesting street closure of Fulton Street between Milam Street and Burleson Street from 5:30 p.m. to 8:30 p.m. and assistance with security for the event. She said the event was planned for April 20, 2023, from 6:00 p.m. to 8:00 p.m. After some discussion, Councilmember, Terry Freese, moved to approve aforementioned items A. and B. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a resolution of the Wharton City Council accepting grant funding from The Southeast Texas Regional Advisory Council (SETRAC) Scholarship Committee. On October 24, 2022, the Wharton City Council approved a resolution to participate in the Texas EMS Scholarship Program through the Southeast Texas Regional Advisory Council (SETRAC) for the Wharton EMS Department to assist with advancement of education and certification. EMS Director, Christy Gonzales, presented a copy of a memorandum regarding a Letter of Acceptance from The Southeast Texas Regional Advisory Council (SETRAC) Scholarship Committee awarding grant funding to two City of Wharton EMS employees. Mrs. Gonzales said that Ms. Amanda Gomez was awarded \$981.09, and Ms. Renae Girlinghouse was awarded \$4,393.03. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2023-25, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-25

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING GRANT FUNDING FROM THE SOUTHEAST TEXAS REGIONAL ADVISORY COUNCIL (SETRAC) SCHOLARSHIP COMMITTEE.

WHEREAS, On October 24, 2022, the Wharton City Council approved a resolution to participate in the Texas EMS Scholarship Program through the Southeast Texas Regional Advisory Council (SETRAC) for the Wharton EMS Department to assist with advancement of education and certification; and,

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WHEREAS, Two City of Wharton EMS employees have received grant funding, Ms. Amanda Gomez was awarded \$981.09, and Ms. Renae Girlinghouse was awarded \$4,393.03; and,

WHEREAS, The Wharton City Council wishes to accept said Letter of Acceptance.

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

SECTION I. The Wharton City Council hereby accepts the Letter of Acceptance from the Southeast Texas Regional Advisory Council (SETRAC) Scholarship Committee in the amounts of \$981.09 and \$4,393.03.

SECTION II. The Wharton City Council hereby accepts the grant funding from the Southeast Texas Regional Advisory Council (SETRAC) Scholarship Committee.

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

PASSED AND APPROVED this 10th day of April 2023.

	CITY OF WHARTON	
	TIM BARKER Mayor	
ATTEST:		
PAULA FAVORS City Secretary		

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

The fourth item on the agenda was to review and consider a resolution of the Wharton City Council approving the purchase of a remount and chassis, from Frazer Company, through their licensed franchise dealer, Mac Haik Dodge Chrysler Jeep, through the Houston-Galveston Area Council Cooperative Purchasing Program and authorizing the Mayor of the City of Wharton to execute all documents related to said purchases. EMS Director, Christy Gonzales, presented a copy of the quote from the Frazer Company, through their licensed franchise dealer, Mac Haik Dodge Chrysler Jeep, for the remount of Unit 1121. EMS Director Gonzales said the total amount of the remount and chassis was \$215,550.00 and would be funded through the American Rescue Plan Act of 2021 Coronavirus Local Fiscal Recovery Fund. She said the City Staff would be applying for a grant from the M.G. & Lillie A. Johnson Foundation in anticipation of receiving \$75,000.00. After

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some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-26, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-26

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE OF A REMOUNT AND CHASSIS, FROM FRAZER COMPANY, THROUGH THEIR LICENSED FRANCHISE DEALER, MAC HAIK DODGE CHRYSLER JEEP, THROUGH THE HOUSTON/GALVESTON AREA COUNCIL COOPERATIVE PURCHASING PROGRAM, AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO SAID PURCHASES.

- WHEREAS, The Wharton City Council wishes to approve the purchase of a remount and chassis from Frazer Co., through Mac Haik Dodge Chrysler Jeep, in the amount of \$215,550.00 that is funded through the American Rescue Plan Act of 2021 Coronavirus Local Fiscal Recovery Fund; and,
- **WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute any and all documents related to said purchase.

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

- Section I. That the Wharton City Council hereby approves an agreement with Frazer Co., through Mac Haik Dodge Chrysler Jeep, for the purchase of a remount and chassis in the amount of \$215,550.00 through the Houston-Galveston Area Council Cooperative Purchasing Program.
- **Section II.** That the Mayor of the City of Wharton is hereby authorized to execute any and all documents related to said purchase.
- **Section III.** That this resolution shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED this 10th day of April 2023.

	CITY OF WHARTON, TEXAS
	Ву:
	TIM BARKER
	Mayor
ATTEST:	
PAULA FAVORS	_
City Secretary	

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

The fifth item on the agenda was to review and consider a resolution of the Wharton City Council accepting a donation for the Police Academy Sponsorship and authorizing the Mayor of the City of Wharton to execute all documents related to said donation. Chief of Police, Terry David Lynch, stated the Wharton Police Department had initiated a program where the department sponsors a cadet through the Police Academy, namely Wharton County Junior College Law Enforcement Academy. Chief Lynch said a local donor, wishing to remain anonymous, had generously donated the amount of tuition, books, and uniforms to cover the costs of the sponsorship. He said the City Staff was requesting that the City Council consider approving the acceptance of said donation in the amount of \$1,600.00 for sponsorship purposes. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-27, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-27

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A DONATION FOR THE POLICE ACADEMY SPONSORSHIP AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID DONATION.

- **WHEREAS,** The Wharton Police Department has initiated a program where the department sponsors a cadet through the Wharton County Junior College Law Enforcement Academy; and,
- WHEREAS, The City of Wharton City Council wishes to accept a donation for sponsorship of a cadet for the Wharton County Junior College Law Enforcement Academy in the amount of \$1,600.00; and,
- WHEREAS, Said donation will cover the costs of tuition, books, and uniforms; and,
- **WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents relating to said donation.

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

- **SECTION I.** The Wharton City Council hereby accepts the donation for the Police Academy Sponsorship in the amount of \$1,600.00.
- **SECTION II.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said donation.
- **SECTION III.** That this resolution shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED this 10th day of April 2023.

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	By:	
	TIM BARKER	
	Mayor	
ATTEST:		
PAULA FAVORS	_	
City Secretary		

CITY OF WHARTON, TEXAS

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

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council ratifying to enter into a contract agreement with Flock Safety, Inc., for the acquisition, installation, maintenance, and monitoring of nine (9) Automated License Plate Recognition (ALPR) Cameras and authorizing the Chief of Police to execute all documents related to said agreement. Chief of Police, Terry David Lynch, stated Flock Safety- Automated License Plate Reader (ALPR), was a public safety operating system that helps cities, businesses, schools, and law enforcement in thousands of communities work together to stop crime, protect privacy, and mitigate bias. Chief Lynch said the Flock System was motion activated and takes pictures of the back of the vehicle as it drives by and has 24/7 coverage day or night. He said the cost of this project for the first two years was \$56,750.00 and it was 100%, zero-match, grant-funded, after two years, it would be an annual \$25,000.00 recurring cost. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton, Resolution No. 2023-28, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-28

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING TO ENTER INTO A CONTRACT AGREEMENT WITH FLOCK SAFETY, INC., FOR THE ACQUISITION, INSTALLATION, MAINTENANCE AND MONITORING OF NINE (9) AUTOMATED LICENSE PLATE RECOGNITION (ALPR) CAMERAS AND AUTHORIZING THE CHIEF POLICE TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

- WHEREAS, The City of Wharton, Texas City Council has determined the addition of the Automatic License Plate Recognition (ALPR) cameras will increase public safety and aid the Police Department in its crime prevention efforts and strategies; and,
- **WHEREAS,** The City Council desires to engage the services of Flock Safety, Inc., for acquisition, installation, maintenance, and monitoring of nine (9) fixed, pole mounted ALPR cameras; and,

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- WHEREAS, Funding for this project is available through the Police Department's Operation Lone Star Grant that had been previously approved in 2021 and just recently amended to utilize a portion of the remaining funds to purchase the ALPR cameras in the amount of \$56,750.00; and,
- **WHEREAS,** The City Council desires to ratify said agreement to authorize the Chief of Police to execute a 24-month contract (the "Agreement") attached hereto as Exhibit "A" and Exhibit "B" with Flock Safety, Inc.

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

- Section I. The City Council hereby authorizes the expenditure and approves the Agreement for the acquisition, installation, maintenance, and monitoring of nine (9) fixed, pole mounted ALPR cameras from Flock Safety, Inc., for the Wharton Police Department.
- **Section II.** That the Wharton City Council hereby authorizes the Chief of Police to execute all documents related to said agreement.
- **Section III.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 10th day of April 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 seventh item on the agenda was to review and consider the Wharton Municipal Swimming Pool:

A. Approval of the 2023 Pool Schedule.

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B. Resolution: A resolution of the Wharton City Council approving the 2023 Wharton Swim Team Agreement for use of the Wharton Municipal Swimming Pool and authorizing the City Manager to execute the agreement.

Civic Center Manager, Makyla Monroe, presented a memorandum dated April 3, 2023, providing the 2023 Wharton Municipal Swimming Pool Applications, Fees, and Schedule. Ms. Monroe also presented a copy of the draft agreement with the Wharton Swim Team for use of the Wharton Municipal Swimming Pool. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-29, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-29

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE 2023 WHARTON SWIM TEAM AGREEMENT FOR USE OF THE WHARTON MUNICIPAL SWIMMING POOL AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton Swim Team wishes to utilize the Wharton Municipal Pool for practices; and,

WHEREAS, The City of Wharton and the Wharton Swim Team wishes to enter into an agreement for use of the Wharton Municipal Pool; and,

WHEREAS, The City of Wharton and Wharton Swim Team wishes to be bound by the conditions set forth in said agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute the agreement.

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

- **Section I.** The City Council hereby approves an agreement between the City of Wharton and the Wharton Swim Team for use of the Wharton Municipal Pool.
- **Section II.** The City of Wharton and the Wharton Swim Team are hereby bound by the conditions set forth in the agreement.
- **Section III.** The City of Wharton hereby authorizes the City Manager of the City of Wharton to execute the agreement.
- **Section IV.** This resolution will become effective immediately upon its passage.

Passed, Approved and Adopted this 10th day of April 2023.

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CITY OF WHARTON, TEXAS

	By:	
	TIM BARKER	
	Mayor	
ATTEST:	·	
PAULA FAVORS	_	
City Secretary		

Councilmember, Larry Pittman, seconded the motion.

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing submission of an application to the Economic Development Administration (EDA) FY 2023 Public Works and Economic Adjustment Assistance Programs in support of the expansion of Prime Eco Fluids and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. Director of Planning & Development, Gwyn Teves, stated the Economic Development Administration (EDA) had announced funding availability for its FY 2023 Public Works and Economic Adjustment Assistance Notice of Funding Opportunity. Mrs. Teves said the City Staff was requesting authorization to apply for the FY 2023 Public Works and Economic Adjustment Assistance in support of the expansion of Prime Eco Fluids. She said the application would be for a 12-inch waterline extension from Kingston Drive to the Prime Eco site. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-30, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-30

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING SUBMISSION OF AN APPLICATION TO THE ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) FY 2023 PUBLIC WORKS AND ECONOMIC ADJUSTMENT ASSISTANCE PROGRAMS IN SUPPORT OF THE EXPANSION OF PRIME ECO FLUIDS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.

- WHEREAS, The City of Wharton City Council wishes to submit an application to the EDA FY 2023 Public Works and Economic Adjustment Assistance Programs in support of the expansion of Prime Eco Fluids; and,
- **WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents relating to said application.

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

SECTION I. The Wharton City Council hereby approves for The City of Wharton staff to prepare an application for the EDA FY 2023 Public Works and Economic Adjustment Assistance in support of the expansion of Prime Eco Fluids.

SECTION II. The City designates the Mayor as the person authorized to sign all forms related to the preparation of the application.

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

PASSED, APPROVED, and ADOPTED this 10th day of April 2023.

	CITY OF WHARTON, TEXAS
	Devi
	By: TIM BARKER
	Mayor
ATTEST:	
PAULA FAVORS	
City Secretary	

Councilmember, Steve Schneider, 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 the submittal of a Letter of Support to Congressman Troy Nehls on behalf of the City Development Corporation of El Campo for the FY 24 Community Project Funding Request for the I-69 progress in the City of El Campo and authorizing the Mayor to execute the Letter of Support. Director of Planning & Development, Gwyn Teves, stated the City Development Corporation of El Campo had requested a Letter of Support in reference to the FY 24 Community Project Funding Request for the additional I-69 right-of-way acquisition and utility relocation they would need to do to complete the 7.9-mile section of roadway on the north side of El Campo. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-31, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-31

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMITTAL OF A LETTER OF SUPPORT TO CONGRESSMAN TROY NEHLS ON BEHALF OF THE CITY DEVELOPMENT CORPORATION OF EL CAMPO FOR THE FY 24 COMMUNITY PROJECT FUNDING REQUEST FOR THE I-69 PROGRESS IN

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THE CITY OF EL CAMPO AND AUTHORIZING THE MAYOR TO EXECUTE THE LETTER OF SUPPORT.

- **WHEREAS,** The City Development Corporation of El Campo has requested the Wharton City Council submit a letter of support on their behalf for the FY 24 Community Project Funding Request; and,
- **WHEREAS,** The Wharton City Council wishes to authorize submission of a Letter of Support to Congressman Troy Nehls on their behalf in support of the I-69 progress in the City of El Campo.

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

- Section I: The Wharton City Council hereby approves the submittal of the Letter of Support to Congressman Troy Nehls on behalf of the City Development Corporation of El Campo in support of the I-69 progress in the City of El Campo.
- **Section II:** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the Letter of Support.
- **Section III:** This resolution will become effective immediately upon its passage.

Passed, Approved, and Adopted this 10th day of April 2023.

	CITY OF WHARTON, TEXAS	8
	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 approving the purchase and installation of budgeting software from ClearGov for the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Director of Finance, Joan Andel, stated over the past few months, the Finance Department had been evaluating a budget software program, ClearGov. Mrs. Andel said this software was used by many local governmental entities to have a more thorough and informative

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budget and the software also provided the tools needed for the City to participate in achieving the Government Finance Officers Association (GFOA) Budget Award. She said the City Staff had obtained a pro-rated price for the period of April through September in the amount of \$5,460.00 and then a cost of \$12,840.00 beginning October 1, 2023, for one year, which would include a one-time set up fee of \$1,920.00 and then annually a cost of \$10,920.00. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-32, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-32

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE AND INSTALLATION OF BUDGETING SOFTWARE FROM CLEARGOV FOR THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

- **WHEREAS,** It is in the best interest of the City of Wharton to purchase and install budgeting software; and,
- **WHEREAS,** The Finance Department has the necessary funding for the purchase and installation of said software through the Fiscal Year 2023 Budget; and,
- **WHEREAS,** The Wharton City Council wishes to approve funding in the amount of \$5,460.00 to be used to purchase and install said software; and,
- WHEREAS, The Wharton City Council wishes to purchase budgeting software; and,
- **WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute any and all documents related to said software's purchase and installation.

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 purchase in the amount of \$5,460.00 to purchase and install budgeting software.
- **Section II.** That the Mayor of the City of Wharton is hereby authorized to execute any and all documents related to said software's purchase and installation.
- **Section III.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 10th day of April 2023.

CITY OF WHARTON, TEXAS

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By:
TIM BARKER
Mayor
ATTEST:
PAULA FAVORS
City Secretary
Counciles such as Town France accorded the metion. All voted in fever
Councilmember, Terry Freese, seconded the motion. All voted in favor.
The eleventh item on the agenda was to review and consider appointments, resignations and
vacancies to the City of Wharton Boards, Commissions and Committees:
vacancies to the City of Whatton Boards, Commissions and Committees.
A. Appointments.
B. Resignations.
C. Vacancies.
After some discussion, no action was taken.
The twelfth item on the agenda was to review and consider the City Council Boards, Commissions,
and Committee Reports:
A. Housing Committee meeting held March 27, 2023.
71. Housing committee meeting held whiteh 27, 2025.
After some discussion, no action was taken.
There being no further discussion, Councilmember, Don Mueller, moved to adjourn
Councilmember, Steve Schneider, seconded the motion. All voted in favor.
The meeting adjourned at 7:29 p.m.
The meeting adjourned at 7.25 p.m.
CITY OF WHARTON, TEXAS
By:
TIM BARKER
Mayor
ATTEST:

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PAULA FAVORS City Secretary



MINUTES OF CITY OF WHARTON CITY COUNCIL REGULAR MEETING APRIL 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, Russell Machann, led the opening devotion, and Mayor, Tim Barker, led the pledge of allegiance.

Councilmembers present were: Mayor, Tim Barker, and Councilmembers, Terry Freese;

Clifford Jackson; Russell Machann; Don Mueller; Larry

Pittman, and Steve Schneider.

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; Assistant City Manager,

Paula Favors; Finance Director, Joan Andel; Director of Planning and Development, Gwyn Teves, CPM; Assistant to the City Manager, Brandi Jimenez; Police Chief, Terry David Lynch; Patrol Lieutenant, Lance Bothell, and Public

Works Director, Anthony Arcidiacono.

Visitors present were: Linda King with the Wharton Chamber of Commerce, and

Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

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

Wharton Moment.

- 1. City Attorney, Paul Webb, stated Mr. Don Elliott sold his car dealership to Mr. Kori. Mr. Webb congratulated Mr. Elliott for his years of running a successful auto dealership in Wharton for as long as he did. He wished the new owner continued success.
- 2. Councilmember, Russell Machann, stated the fashion show held at the Simply Divine Event Center looked to have been a success with Mayor, Tim Barker and City Manager, Joseph R. Pace in attendance.
- 3. Councilmember, Terry Freese, congratulated the Wharton Police Department on their success while utilizing the department's drone to assist the Wharton County Sherriff's Department with apprehending subjects who fled from the deputies.
- 4. Mayor, Tim Barker, gave condolences to the family of former City Councilmember, Ray Linseisen, and stated he had passed away.
- 5. Mayor, Tim Barker, wished Councilmember, Russell Machann, a happy birthday.
- 6. Councilmember, Don Mueller, stated he attended graduates of the 1940s through the 1969 high school reunion at the Wharton Civic Center.

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Review and Consider:

The first item on the agenda was to review and consider City of Wharton Financial Report for March 2023. City of Wharton Finance Director, Joan Andel, presented the City of Wharton Financial Report for March 2023. After some discussion, Councilmember, Russell Machann, moved to approve the City of Wharton Financial Report for March 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. Ron Sanders, Executive Director of the Wharton Chamber of Commerce for the following for the 14th Annual Wharton Citywide Garage Sale on Friday, June 2, 2023, and Saturday, June 3, 2023.

- A. The use of Guffey Park.
- B. Placement of two trash cans with trash bags at Guffey Park.
- C. Allow placement of necessary signage as long as it is not placed in the right-of-way within the City.

Ms. Linda King with the Wharton Chamber of Commerce presented a request for the above-mentioned for the Citywide Garage Sale on Friday, June 2, 2023, and Saturday, June 3, 2023. After some discussion, Councilmember, Terry Freese, moved to approve aforementioned items A. through C. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a resolution by the City of Wharton, Texas ("City") denying the Distribution Cost Recovery Factor Rate Request of CenterPoint Energy Houston Electric, LLC, and its increase in rates under its "Rider TEEEF" Application made on or about April 5, 2023; authorizing participation in a coalition of similarly situated cities; authorizing participation in related rate proceedings; requiring the reimbursement of municipal rate case expenses; authorizing the retention of special counsel; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date. City Attorney, Paul Webb, presented the information sheet regarding the denial of an application for approval of a rate change submitted by CenterPoint Energy Houston Electric, LLC, and authorization to participate in proceedings at the Public Utility Commission of Texas. Mr. Webb stated the law firm of Herrera Law & Associates, PLLC had previously represented the Texas Coast Utilities Coalition of Cities ("TCUC") in rate matters involving CEHE, including its most recent comprehensive base rate. Similarly, the firm has represented other Texas cities dealing with rate-case matters, therefore providing a depth of experience in dealings with CEHE and the Public Utility Commission of Texas ("PUCT" or "Commission"). He said it was his recommendation that the City deny CEHE's application to increase its DCRF and Rider TEEEF rates and retain the law firm of Herrera Law & Associates, PLLC to represent the City's interest in matters related to CEHE's DCRF filing and CEHE's Mobile Generation/Rider TEEEF application and to advise the City with regard to CEHE's applications and that the City intervene in the proceedings before the Public Utility Commission of Texas, and represent the City in appeals, if any, regarding CEHE's applications. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2023-33, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-33

RESOLUTION BY THE CITY OF WHARTON, TEXAS ("CITY") DENYING THE DISTRIBUTION COST RECOVERY FACTOR RATE REQUEST OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC, AND ITS INCREASE IN RATES UNDER ITS "RIDER TEEEF" APPLICATION MADE ON OR ABOUT APRIL 5, 2023; AUTHORIZING PARTICIPATION IN A COALITION OF SIMILARLY SITUATED CITIES; AUTHORIZING PARTICIPATION IN RELATED RATE PROCEEDINGS; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on about April 5, 2023, CenterPoint Energy Houston Electric, LLC ("CEHE") filed an application for approval to amend its Distribution Cost Recovery Factor ("DCRF") with the City that will increase CEHE's rates effective September 1, 2023, by about \$84.6 million; and,

WHEREAS, on about April 5, 2023, CEHE filed an application for approval to amend its mobile-generation rates ("Rider TEEEF") with the City that will increase CEHE's rates by about \$187.9 million annually; and,

WHEREAS, the City is a regulatory authority under the Public Utility Regulatory Act ("PURA") and under Chapter 33, §33.001 et seq. of PURA has exclusive original jurisdiction over CEHE's rates, operations, and services within the municipality, including over its requested amendment to its DCRF under Chapter 36, §36.210; and,

WHEREAS, CEHE seeks to include in rates a profit related to its incremental investment in distribution assets it has made from January 1, 2019 through December 31, 2022, and more specifically, in its application of April 5, 2023, recovery of profit for incremental investment in distribution assets made from January 1, 2022 through December 31, 2022; and,

WHEREAS, the inclusion of CEHE's profit on its investment in distribution assets in rates, has the effect of increasing CEHE's revenue requirement by approximately \$84.6 million related to investments made from January 1, 2022 through December 31, 2022; and,

WHEREAS, the jurisdictional deadline for the City to act in this rate matter is 60 days from the application date, or June 4, 2023; and,

WHEREAS, the City will require the assistance of specialized legal counsel and rate experts to review the merits of CEHE's application to increase rates; and,

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing and investigating CEHE's rate request, it is prudent to coordinate the City's efforts with a coalition of similarly situated municipalities; and,

WHEREAS, the City, in matters regarding applications by CEHE to change rates, has in the past joined with other local regulatory authorities to form the Texas Coast Utilities Coalition of Cities ("TCUC") and hereby continues its participation in TCUC; and,

WHEREAS, CEHE simultaneously filed an application for approval of a DCRF with the Public Utility Commission of Texas, and therefore the decision of the Public Utility Commission of Texas will have an impact on the rates paid by the City and its citizens who are customers in CEHE's service territory, and in order for the City's participation to be meaningful, it is important that the City promptly intervene in such proceeding at the Public Utility Commission of Texas; and,

WHEREAS, CEHE failed to show that its proposed rate change in its DCRF rates is reasonable and therefore the City has concluded that CEHE's proposed rate change is unreasonable; and,

WHEREAS, CEHE also filed an application to amend its rates to recover its recent acquisition of mobile generation via a tariff CEHE refers to as its "Rider TEEEF," which if approved as filed, would increase CEHE's revenue requirement by about an additional \$187.9 million related to CEHE's acquisition of mobile-generation facilities; and,

WHEREAS, CEHE failed to show that its proposed rate change in its "Rider TEEEF" rates is reasonable and therefore the City has concluded that CEHE's proposed rate change is unreasonable; and,

WHEREAS, pursuant to the Public Utility Regulatory Act (PURA) § 33.025, the City has standing to participate in ratemaking proceedings at the Public Utility Commission of Texas; and,

WHEREAS, pursuant to the Public Utility Regulatory Act (PURA) § 33.023, CEHE's applications are ratemaking proceedings; and,

WHEREAS, it is crucial for the City, as part of the Texas Coast Utilities Coalition of Cities to intervene in proceedings at the Public Utility Commission of Texas to exercise its due diligence both as an affected ratepayer, and on behalf its citizens.

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

- **Section 1.** The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.
- **Section 2.** The City **DENIES** the rate increases CEHE requested on or about April 5, 2022, in CEHE's DCRF and "Rider TEEEF" ratemaking applications.
- **Section 3.** The City authorizes intervention in proceedings related to CEHE's application for approval of its DCRF and its "Rider TEEEF" before the Public Utility Commission of Texas and related proceedings in courts of law as part of the coalition of cities known as the Texas Coast Utilities Coalition of Cities ("TCUC").
- **Section 4.** The City hereby orders CEHE to reimburse the City's rate-case expenses as provided in the Public Utility Regulatory Act and that CEHE shall do so on a monthly basis and within 30 days after submission of the City's invoices for the City's reasonable costs associated with the City's activities related to this rate review or to related proceedings involving CEHE before the City, the Public Utility Commission of Texas, or any court of law.
- **Section 5.** Subject to the right to terminate engagement at any time, the City retains and authorizes the law firm of Herrera Law & Associates, PLLC to act as Special Counsel with regard to rate proceedings involving CEHE before the City, the Public Utility Commission of Texas, or any court of law and to retain such experts as may be reasonably necessary for review of CEHE's rate application subject to approval by the City.
- **Section 6.** The City, through its participation in TCUC, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to CEHE for reimbursement.

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Section 7. A courtesy copy of this resolution shall be sent to CenterPoint Energy Houston Electric, LLC, care of Ms. Denise Gaw, 1111 Louisiana Street, Houston, Texas 77002; and to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 4400 Medical Parkway, Austin, Texas 78756.

Section 8. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. This resolution supersedes any prior inconsistent or conflicting resolution or ordinance.

Section 10. This resolution shall become effective from and after its passage.

PASSED AND APPROVED this 24th day of April 2023.

By:	
TIM BARKER	
Mayor	

CITY OF WHARTON

ATTEST:

PAULA FAVORS

City Secretary

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

The fourth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 82 Traffic, providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine; providing for severability and setting an effective date. Chief of Police, Terry David Lynch, stated the City Staff wished to amend the Traffic Ordinance by removing two (2) Stop Signs at the intersection of John Knox Boulevard and Old Boling Road.

REMOVALS:

Sec. 82-63: Please REMOVE the following designated Stop Signs:

- 1. John Knox Boulevard at Old Boling Road, facing south.
- 2. John Knox Boulevard at Old Boling Road, facing north.

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After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2023-05, which read as follows:

CITY OF WHARTON ORDINANCE NO. 2023-05

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

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

ARTICLE II. OPERATION OF VEHICLES

Sec. 82-63. Stop intersections designated.

The following intersections shall be removed as designated stop intersections as follows:

- 1. John Knox Boulevard at Old Boling Road, facing south.
- 2. John Knox Boulevard at Old Boling Road, facing north.

Penalty Clause

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

Severability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Effective Date

This Ordinance shall become effective on the 5th day of May 2023 at 12:01 a.m.

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Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 24th day of April 2023

CITY OF WHARTON, TEXAS

	011 01 ((111111111111111111111111111111
	By: TIM BARKER
	Mayor
ATTEST:	
PAULA FAVORS	
City Secretary	
APPROVED AS TO FORM:	
PAUL WEBB	
City Attorney	

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

The fifth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase with funds from the National Opioid Settlement of a Drug Terminator through Pilar Products, a sole source provider, and authorizing the Mayor of the City of Wharton to execute all documents related to said purchase. Chief of Police, Terry David Lynch, stated the Wharton Police Department was wanting to purchase a narcotic incinerator. Chief Lynch said the destruction of narcotics had always been a problem due to the heavy accumulation of evidence and narcotics from the successful prescription drug-take-back box, located in the PD Lobby. He said the Department had an opportunity through the National Opioid Settlement to purchase a unit without affecting the budget and Pilar Products was a sole-source manufacturer due to its ability to continuously be fed while in operation at the cost of \$5,781.00. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-24, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-34 City of Wharton City Council Regular Meeting Minutes - April 24, 2023 Page 9 of 18

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE WITH FUNDS FROM THE NATIONAL OPIOID SETTLEMENT OF A DRUG TERMINATOR THROUGH PILAR PRODUCTS, A SOLE SOURCE PROVIDER, AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

- **WHEREAS,** The Wharton Police Department wishes the City Council to approve the purchase of a drug terminator through Pilar Products, a sole source provider; and,
- **WHEREAS,** The Wharton Police Department wishes to utilize funds from the National Opioid Settlement for said purchase; and,
- **WHEREAS,** The Wharton City Council wishes to authorize the Mayor to purchase a drug terminator in the amount of \$5,781.00.

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

- **SECTION I.** The Wharton City Council hereby authorizes the purchase of a drug terminator from Pilar Products, a sole source provider in the amount of \$5,781.00 with funds from the National Opioid Settlement.
- **SECTION II.** The Wharton City Council hereby authorizes the Mayor to execute all documents for said purchase.

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

PASSED AND APPROVED this 24th day of April 2023.

	CITY OF WHARTON
ATTEST:	TIM BARKER Mayor
PAULA FAVORS City Secretary	_

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

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council approving an Interlocal Agreement between the City of Wharton and the City of El Campo for street, drainage, and utility construction equipment and authorizing the Mayor of the City of

City of Wharton City Council Regular Meeting Minutes - April 24, 2023 Page 10 of 18

Wharton to execute said agreement. Public Works Director, Anthony Arcidiacono, stated that to secure additional equipment resources and maintain a great relationship with the City of El Campo, the City of Wharton Public Works Department was proposing to enter into an Interlocal Cooperation Agreement with the Public Works Department of the City of El Campo for streets, drainage, and utility construction equipment. Mr. Arcidiacono said this would allow both cities to share equipment for different operations where either city was currently deficient. He said this agreement would be in place for three (3) years upon approval. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2023-35, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-35

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WHARTON AND THE CITY OF EL CAMPO FOR STREET, DRAINAGE, AND UTILITY CONSTRUCTION EQUIPMENT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE SAID AGREEMENT.

- WHEREAS, The City of El Campo and the City of Wharton have agreed to provide street, drainage, and utility construction equipment for various Public Works improvement projects located within the corporate boundaries of the other party; and,
- WHEREAS, The City of El Campo and the City of Wharton have determined that the street, drainage and utility construction equipment provided for herein will serve the interests of the citizens of El Campo and Wharton and the inhabitants thereof and foster future cooperative efforts for utilizing specialized equipment in both cities; and,
- **WHEREAS,** When requested by the City of El Campo, the City of Wharton shall furnish equipment reasonably necessary to conduct the agreed upon work between the City of El Campo and the City of Wharton; and,
- **WHEREAS,** When requested by the City of Wharton, the City of El Campo shall furnish equipment reasonably necessary to conduct the agreed upon work between the City of Wharton and the City of El Campo
- **WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute an Interlocal Agreement between the City of Wharton and the City of El Campo for street, drainage, and utility construction equipment.

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the Interlocal Agreement between the City of Wharton and the City of El

City of Wharton City Council Regular Meeting Minutes - April 24, 2023 Page 11 of 18

Campo for street, drainage, and utility construction equipment.

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

Passed, Approved, and Adopted this 24th day of April 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 seventh item on the agenda was to review and consider a resolution of the Wharton City Council adopting procedures for financial payments including grant payments and authorizing the Mayor of the City of Wharton to execute all documents related to said plan. Finance Director, Joan Andel, stated the Texas General Land Office (GLO) conducted a desk monitoring review on contract #19-076-050-B703. Mrs. Andel said the review included testing of Contract Terms, Federal Registers, the Code of Federal Regulations, and the Office of Management and Budget's Compliance Supplements. She said through the review one finding and one concern were identified as follows:

Finding #1-Update Financial Management Policy to Include Federal Requirements. Finding #2-Adhere to Federal and Contract Requirements for Procurement.

Mrs. Andel stated to meet the program requirements, the attached responses must be submitted to the General Land Office by April 25, 2023, and it required City Council approval. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2023-26, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-36

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING PROCEDURES FOR FINANCIAL PAYMENTS INCLUDING GRANT PAYMENTS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PLAN.

City of Wharton City Council Regular Meeting Minutes - April 24, 2023 Page 12 of 18

- **WHEREAS,** The City of Wharton is required to develop and adopt Procedures for Financial Payments including Grant Payments; and,
- **WHEREAS**, The Financial Procedures are attached as Exhibit A; and,
- **WHEREAS,** The Wharton City Council wishes to adopt the City of Wharton Procedures for Financial Payments including Grant Payments.

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

- **Section I.** The Wharton City Council hereby approves and adopts the City of Wharton Procedures for Financial Payments including Grant Payments Exhibit A as attached.
- **Section II.** The Wharton City Council hereby authorizes the Mayor or the City of Wharton to execute all documents related to said plan.

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

CITY OF WHARTON, TEXAS

By: TIM BARKER Mayor EST:

ATTEST:

PAULA FAVORS

City Secretary

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

The eighth item on the agenda was to review and consider a request from the City of Wharton Human Resource Department, regarding the Employee Appreciation Event for the following:

- A. Waive all fees associated with renting Pleasure Park.
- B. Allow the consumption of alcoholic beverages in the park.
- C. Use of the blue trash cans and liners from the Parks Department.
- D. Allow glass containers.
- E. Allow the use of bounce houses with insurance coverage through the Texas Municipal League Intergovernmental Risk Pool (TML-IRP).

City Secretary, Paula Favors, presented a copy of a memorandum regarding the City of Wharton Employee Appreciation Event at Pleasure Park on July 15, 2023. Mrs. Favors stated the Human

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Resource Department wished to host an Employee Appreciation Event in Pleasure Park with the aforementioned items. After some discussion, Councilmember, Russell Machann, moved to approve the request from the City of Wharton Human Resource Department, regarding the Employee Appreciation Event with the afore-mentioned items A. through E. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the City of Wharton Annual Budget Calendar for Fiscal Year 2023-2024. Finance Director, Joan Andel, presented a copy of the proposed City of Wharton Budget Calendar for Fiscal Year 2023-2024. After some discussion, Councilmember, Clifford Jackson, moved to approve the City of Wharton Annual Budget Calendar for Fiscal Year 2023-2024. 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 approving an application for a corporate credit card with Prosperity Bank and authorizing the Police Chief, City Secretary, Planning and Development Director, EMS Director, and Public Works Director as additional signatories. Finance Director, Joan Andel, presented a resolution to add additional credit card users to our current Prosperity Corporate Credit Card. Mrs. Andel stated the individual limits would be \$2,500.00 each and were to be used only for travel, non-recurring purchases (i.e., one-time vendors and those with whom the City does not have an open account), or emergency use. She said the Finance Department would monitor the activity of the cards and all receipts would continue to be submitted to the Finance Department for audit purposes. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2023-37, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-37

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN APPLICATION FOR A CORPORATE CREDIT CARD WITH PROSPERITY BANK AND AUTHORIZING THE POLICE CHIEF, CITY SECRETARY, PLANNING AND DEVELOPMENT DIRECTOR, EMS DIRECTOR, AND PUBLIC WORKS DIRECTOR AS ADDITIONAL SIGNATORIES.

Resolved that the City Council of the City of Wharton, Texas hereby authorizes the following officers of the City of Wharton to the City's Corporate Credit Card with Prosperity Bank:

1.	Terry David Lynch, Police Chief	
		Signature
2.	Paula Favors, City Secretary	
		Signature
3.	Gwyn Teves, Planning and Development Director	
		Signature

City of Wharton City Council Regular Meeting Minutes - April 24, 2023 Page 14 of 18

4.	Christy Gonzales, EMS Director	
	•	Signature
5.	Alfio Arcidiacono, Public Works Director	
		Signature
City o	Effective April 24, 2023, the above-listed City of Wharton's Corporate Credit Card.	officials are the authorized signatures to the
day o	PASSED AND APPROVED by the City Cour f April 2023.	ncil of the City of Wharton, Texas this 24th
		CITY OF WHARTON
		By:
		TIM BARKER Mayor
ATT	EST:	
	LA FAVORS Secretary	

Councilmember, Larry Pittman, seconded the motion.

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving Resolution No. 2023-04 of the Wharton Economic Development Corporation committing to provide local matching funds to secure and complete the 2023 Economic Adjustment Assistance Grant. Director of Planning & Development, Gwyn Teves, stated the City of Wharton City Council authorized the submission of a grant application to the Economic Development Administration (EDA) FY 2023 Public Works and Economic Adjustment Assistance Notice of Funding Opportunity on April 10, 2023. Mrs. Teves said the Wharton Economic Development Corporation (WEDC) met on April 17, 2023, and passed Resolution 2023-04 committing \$400,000.00 in matching funds to satisfy the grant requirements. She said City Staff was requesting the City Council consider approving the acceptance of the matching funds and the requested budget amendment from the WEDC. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-38, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-38 City of Wharton City Council Regular Meeting Minutes - April 24, 2023 Page 15 of 18

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING RESOLUTION NO. 2023-04 OF THE WHARTON ECONOMIC DEVELOPMENT CORPORATION COMMITTING TO PROVIDE LOCAL MATCHING FUNDS TO SECURE AND COMPLETE THE 2023 ECONOMIC ADJUSTMENT ASSISTANCE GRANT.

- WHEREAS, The City of Wharton City Council has authorized the submission of a grant application to the 2023 Economic Adjustment Assistance Grant through the Economic Development Administration (EDA) for infrastructure improvements to Prime Eco Corporation; and,
- **WHEREAS,** The Wharton Economic Development Corporation (WEDC) has committed matching funds in the amount of \$400,000 by Resolution 2023-04 to assist in the grant application; and,
- **WHEREAS,** The City of Wharton City Council wishes to approve and accept the matching funds and approve the budget amendment of the WEDC as noted in attached Exhibit A.

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

SECTION I. The Wharton City Council hereby approves and accepts the matching funds and approves the budget amendment of the WEDC as noted in attached Exhibit A.

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

PASSED, APPROVED, and ADOPTED this 24th day of April 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 twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving Change Order No. 7, for additional contract time with Weisinger, Inc., for the Wharton Well and Water Plant Project and authorizing the Mayor to execute all documents related to said Change Order. Director of Planning & Development, Gwyn Teves, presented a copy of the Wharton Well & Water Plant – Contract No. 2 (Water Well), Change Order No. 7 from Weisinger, Inc., for additional time to the contract in the amount of 182 days. Mrs. Teves stated

City of Wharton City Council Regular Meeting Minutes - April 24, 2023 Page 16 of 18

the extension was being requested due to multiple experienced delays on the part of E-Contractors – Contract No. 1. This will move the contract completion date to October 29, 2023. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2023-39, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-39

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 7, FOR ADDITIONAL CONTRACT TIME WITH WEISINGER, INC., FOR THE WHARTON WELL AND WATER PLANT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

- **WHEREAS,** The Wharton City Council wishes to approve Change Order No. 7, for additional contract time with Weisinger, Inc., for the Wharton Well and Water Plant Project; and,
- **WHEREAS,** The Wharton City Council wishes to authorize the Mayor to execute all documents related to the change order.

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

- **Section I.** The Wharton City Council hereby authorizes Change Order No. 7, for 182 additional days to the contract with Weisinger, Inc., for the Wharton Well and Water Plant Project.
- **Section II.** The Wharton City Council hereby authorizes the Mayor to execute all documents related to the change order.
- **Section III.** That this resolution shall become effective immediately upon its passage.

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

Ву:
TIM BARKER
Mayor

CITY OF WHARTON, TEXAS

PAULA FAVORS

ATTEST:

City of Wharton City Council Regular Meeting Minutes - April 24, 2023 Page 17 of 18

City Secretary

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

The thirteenth item on the agenda was to review and consider Pay Request No. 3 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project. Director of Planning & Development, Gwyn Teves presented a copy of Pay Request No. 3 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project in the amount of \$94,287.50. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 3 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project in the amount of \$94,287.50. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

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

The fifteenth item on the agenda was to review and consider appointments, resignations and vacancies to the City of Wharton Boards, Commissions and Committees:

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

After some discussion, no action was taken.

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

A. Mayor's Committee on People with Disabilities meeting held on April 12, 2023.

After some discussion, no action was taken.

The seventeenth item on the agenda was to review and consider City Manager's Reports:

- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department/Civic Center.
- D. Emergency Management.
- E. E. M. S. Department.
- F. Facilities Maintenance Department/Wharton Municipal Pool.
- G. Fire Department.
- H. Fire Marshal.
- I. Legal Department.
- J. Municipal Court.
- K. Police Department.
- L. Public Works Department.
- M. Water/Sewer Department.

City of Wharton City Council Regular Meeting Minutes - April 24, 2023 Page 18 of 18

- N. Weedy Lots/Sign Ordinance.
- O. 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 551.071 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. Cause No. CV54148 Delsa Julia Balderas and Isades Amado Valles vs. City of Wharton.

Mayor, Tim Barker, moved the meeting into Closed Session at 7:33 p.m.

Return to Open Session

- 1. Return to Open Session: Action on items discussed in Executive Session:
 - A. Review and Consider: Cause No. CV54148 Delsa Julia Balderas and Isades Amado Valles vs. City of Wharton.

Mayor, Tim Barker, returned the meeting to Open Session at 7:39 p.m.

After some discussion, no action was taken.

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

The meeting adjourned at 7:39 p.m.

	CITY OF WHARTON, TEXAS
	By: TIM BARKER Mayor
ATTEST:	1.2., 01
PAULA FAVORS	
City Secretary	

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

CITY COUNCIL COMMUNICATION

Meeting Date:	5/8/2023	Agenda Item:	Request from Mr. & Mrs. Svatek of 3613 Fairway Dr., Country Club Estate, Lots 16 & 17 for a variance to build over the property line between 2 lots for new residential construction.
	17 for a variance to buil		s. Svatek of 3613 Fairway Dr., Country Club Estate, property line between 2 lots for new residential
The Plannir for conside	_	y 1, 2023, and	d voted to recommend this item to the City Council
Director of	Planning & Development,	Gwyn Teves,	will be present to answer any questions.
	er: Joseph R. Pace		Date: Thursday, May 4, 2023
Approval:	pseph R. face		
Mayor: Tim	Barker		



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

MEMORANDUM

DATE: May 2, 2023

FROM: Mike Wootton, Planning Commission Chairperson

TO: Honorable Mayor and City Council

SUBJECT: Recommendation to City Council from the Planning Commission Meeting

held Monday, May 1, 2023

The following items were discussed during the Monday, May 1, 2023, meeting:

1. Request from Mr. & Mrs. Svatek of 3613 Fairway Dr., Country Club Estate, Lots 16 & 17 for a variance to build over the property line between 2 lots for new residential construction.

The Planning Commission is recommending approval of the above item and is referring it to City Council for a final decision.

If you should have any questions, please contact me. Thank You.

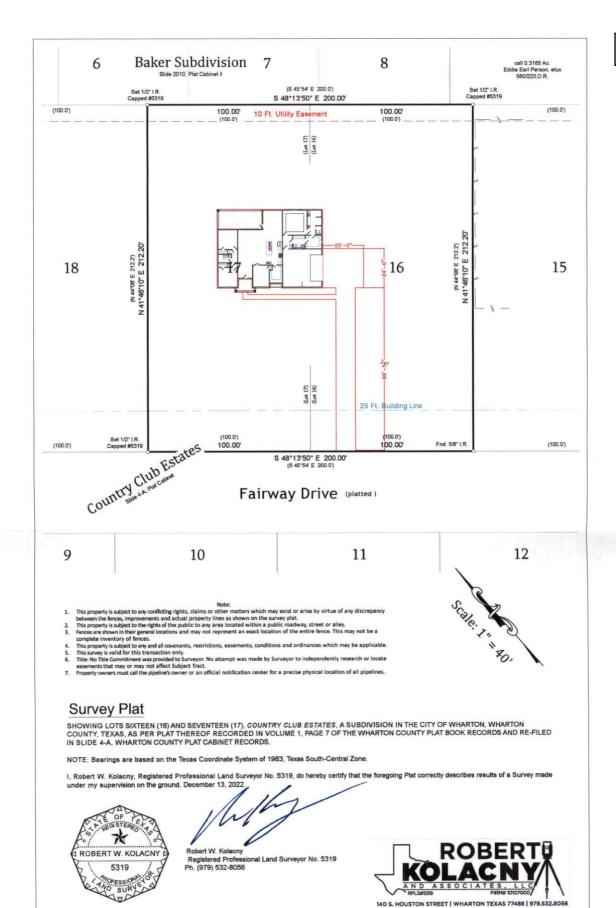
CITY OF WHARTON PLANNING COMMISSION APPLICATION FOR VARIANCE

NOTE: If variance request is approved by the Planning Commission, the request will then be presented at the next City Council meeting for City Council consideration. Attendance by the applicant requesting the variance is mandatory during the City Council meeting. If applicant fails to attend the meeting, the variance request will not be considered by the City Council at that time.

Calista Svatek & Bajley Svatek Name (Printed) 1414 FM 442 ka. Bully, Tx 11420 Physical Address 3613 Falrway Prive Wharpm, Tx 17488 Legal Address Describe the variance request and the reason for requesting We (Bailey and Calista Svatek) are requesting a build on one lot instead of two mey are curred ATTACH A SITE PLAN WITH DIMENSIONS TO PR	. variance. The reason is to nHy split into (2). 4871 aute 1045.
SIGNATURE OF APPLICANT: Minth Synthe 1/11/23 Signature Date Planning Commission Meeting: 5.1.2023 30pm City Council Meeting: 5.8.2023 7pm	Building line setbacks Only Residential \$100.00 \ Non-Residential \$150.00 Non-Refundable fee Effective November 3, 2006
ADJACENT PROPERTY OWNER (S): Harry G Etux Debbie Norrell Name 3615 Fairway Drive, Maram, TX 11488 Legal Address Horale FT Etux Lisa F Countain Name 3612 Fairway Drive Whartm, TX 17488 Legal Address Erin Mullips and Brian Webber Name 3521 Fairway Drive Whartm, TX 17488 Legal Address	Phone 3615 FAITWAY Drive TX 77488 Physical Address Phone 3612 FAITWAY Drive TX 71488 Physical Address Phone 4210 Meyer Rd. Neldville, TX 77461 Physical Address
APPROVAL: Planning Department	4.17.23 Date
Chairman of the Planning Commission	Date
Mayor	Date

F:CodeEnforcement/MasterDocuments/APPVAR

Item-2.





FILE: 3611, 3614 Fairway dwg PROJECT: W:Wharton\City\Co CRD: Fairway.CRD BY: PV Arriaga

- Registered Professional Land Surveyors - OFFICE (979) 532-8056 - kolacny.survey@gmail.com

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

Mayor: Tim Barker

CITY COUNCIL COMMUNICATION

	·		
Meeting	5/8/2023	Agenda	Request for an Additional Extension to the
Date:		Item:	Variance for Temporary Placement of Travel
			Trailer for Temporary Housing at 212 East
			Dahlgren Avenue by Ms. Valerie Jefferson.
		•	
Ms. Jefferso	on was granted a tempora	v variance of	Chapter 38-Manufactured Housing, Mobile Homes
		•	erning Mobile Homes, Manufactured Housing and
	•		1-year on May 24, 2021, allowing her to place and
	-		while constructing a new home. Ms. Jefferson was
		-	
_	_		on July 11, 2022, expiring on January 24, 2023, and
another 45-	day extension on February	/ 27, 2023.	
			n to the variance. Ms. Jefferson has provided the
attached in	formation as her 45-day pı	ogress report	t as requested by the City Council.
Director of	Planning & Development,	Gwyn Teves, y	will be present to answer any questions.
City Manage	er: Joseph R. Pace		Date: Thursday, May 4, 2023
	2		
	pseph K. face		



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

MEMORANDUM

DATE: May 3, 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: Request for Additional Extension to the Variance for Temporary Placement

of Travel Trailer for Temporary Housing at 212 E. Dahlgren Ave. by

Valerie Jefferson

Ms. Jefferson was granted a temporary variance of Chapter 38-Manufactured Housing, Mobile Homes and Travel Trailers; Article II-Requirements Concerning Mobile Homes, Manufactured Housing and Travel Trailers; Division 3-Recreational Vehicles of 1-year on May 24, 2021, allowing her to place and live in a Travel Trailer at 212 E. Dahlgren Ave. while constructing a new home. Ms. Jefferson was later granted an additional 8-month extension on July 11, 2022, expiring on January 24, 2023 and another 45-day extension on February 27, 2023.

Ms. Jefferson is requesting an additional extension to the variance. Ms. Jefferson has provided the attached information as her 45-day progress report as requested by the City Council.

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















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

CITY COUNCIL COMMUNICATION

Meeting	5/8/2023	Agenda	City of Wharton Dog Park:
Date:		Item:	A. Resolution: A resolution of the Wharton City Council approving a location for the City of Wharton Dog Park and authorizing
			the Mayor of the City of Wharton to execute all documents related to said approval.
			B. Resolution: A resolution of the Wharton City Council awarding a contract to Kraftsman Commercial Playgrounds & Water Parks for the installation of fencing and equipment for the Dog Park and authorizing the Mayor of the City of Wharton to execute all documents related
			to said contract.

The Beautification Commission is recommending to the City Council the installation of a Dog Park on the Santa Fe Trail located at 900 North Fulton Street.

With the efforts and assistance from the Public Works Department, Facility Maintenance Department, and Building Department a visual walkthrough was conducted. The City Staff believes that the Dog Park would benefit the citizens if it were to be built on the Santa Fe Trail for the following reasons:

- Existing access to lighting from Santa Fe Trail.
- Adequate parking spaces.
- Access to waterlines for the dog drinking fountains.
- Adequate shading from the gazebo and planted trees.

Attached are also two alternate locations for the Dog Park.

Also, on January 10, 2022, the City Council approved to implement and fundraise for a Dog Park in an existing City Park. With fundraising efforts and assistance from Bay Area Council on Drugs & Alcohol (BACODA) the Dog Park will be fully funded to build the Dog Park.

The following proposal was obtained:

1. Kraftsman Commercial Playgrounds & Water Parks-\$56,793.38.

Kraftsman Commercial Playgrounds & Water Parks is a member of BuyBoard Cooperative Program.

The Parks & Recreation Committee will meet of	on Monday, May 8, 2023, and will formulate a		
recommendation for City Council consideration.			
Building Official, Claudia Velasquez, will be present to answer any questions.			
City Manager: Joseph R. Pace	Date: Thursday, May 4, 2023		
Approval: Joseph R. Face			
Mayor: Tim Barker			



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

MEMORANDUM

DATE: April 21, 2023

FROM: Claudia Velasquez, Building Official

TO: Joseph R. Pace, City Manager

City of Wharton Council Members

SUBJECT: Recommendation to build a Dog Park at 900 North Fulton

The Beautification Commission is recommending installing a Dog Park on the Santa Fe Trail located at 900 North Fulton Street.

With the efforts and assistance from the Public Works Department, Facility Maintenance Department, and Building Department a visual walkthrough was conducted. The Dog Park would benefit the citizens if it were to be built on the Santa Fe Trail for the following reasons:

- Existing access to lighting from the Trail.
- Adequate parking spaces.
- Access to waterline for the dog fountains.
- Adequate shading from the gazebo and planted trees.

Please place this on the Parks and Recreations Committee meeting for May 8th and then if approved to the City Council the same evening.

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

Santa Fe Trail



Available: Access to lighting, parking, water source, and trash cans.

Need: Fencing (boundary, separating small from large side & double-gate entrance), mulching, benches, dog bag posts, water fountain for pet/human, signs for rules, play features for dogs (Both small and large)



Mockingbird Park



Need: Waterline, lighting, additional parking spaces, fencing (boundary, separating small from large side & double-gate entrance), mulching, benches, trash cans, dog bag posts, water fountain for pet/human, signs for rules, play features for dogs (both small and large)



Sunny/Park Lane



Location: Designated for Beautification Commission Wildflower Project and is prone to flood corner Park Ln/Oriole Ln.

Need: Fencing (boundary, separating small from large side & double-gate entrance), mulching, benches, trash cans, dog bag posts, water fountain for pet/human, signs for rules, play features for dogs (both small and large)



CITY OF WHARTON RESOLUTION NO. 2023-XX

RESOLUTION: A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A LOCATION FOR THE CITY OF WHARTON DOG PARK AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID APPROVAL.

WHEREAS,	The Wharton City Council wishes to approve the location for the City of Wharton Dog Park at; and,		
WHEREAS,	The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute any and all documents related to said approval.		
	THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY ON, TEXAS as follows:		
Section I.	That the Wharton City Council hereby approves as the location for the City of Wharton Dog Park.		
Section II.	That the Mayor of the City of Wharton is hereby authorized to execute any and all documents related to said approval.		
Section III.	That this resolution shall become effective immediately upon its passage.		
Passed	l, Approved, and Adopted this 8th day of May 2023.		
	CITY OF WHARTON, TEXAS		
	By: TIM BARKER Mayor		
ATTEST:			
PAULA FAV	ORS		
City Secretary			



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

MEMORANDUM

DATE: April 21, 2023

FROM: Claudia Velasquez, Building Official

TO: Joseph R. Pace, City Manager

City of Wharton Council Members

SUBJECT: Proposals for Dog Park Equipment and Fencing

On January 10, 2022, the City Council approved to implement and fundraise for a Dog Park in an existing City Park.

With fundraising efforts and assistance from Bay Area Council on Drugs & Alcohol (BACODA) the Dog Park will be fully funded.

Kraftsman Commercial Playgrounds & Water Parks is a member of BuyBoard, therefore, the Beautification Commission would like to submit it to City Council for approval.

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



Kraftsman

COMMERCIAL PLAYGROUNDS & WATER PARKS 19535 Haude Road Spring, TX 77388 Phone: (281) 353-9599 Fax: (281) 353-2265

QUOTE #Q76229

Date: 02/15/2023 Project: 26655

- 10ject. 20000

Created By: David Ondrias

Quote Name: Dog Park Equipment with 4' Fence

Page 1 of 5

BILL TO

Wharton, City of

**** 979-532-2492

Wharton, City of

SHIP TO

**** 979-532-2492

Claudia Velasquez Wharton Dog Park 120 East Caney Street Wharton, TX 77488 Claudia Velasquez Wharton Dog Park 900 N. Fulton Street Wharton, TX 77488

Terms:

Net 30 days

	not oo dayo						
QTY	Code	Description	Size	Weight	Color	Unit Price	Ext. Price
		Revised Drawing: KPS-26655-3, Option 3, Sheet K.1.1 (4' tall fence option)					
	DISCBB	Proposal includes Discount on BuyBoard Purchase, BuyBoard Contract #592-19					
1	RECF0001XX	Dog Play - Camel Hump Climber by Superior				\$2,504.00	\$2,504.00
1	RECF0015XX	Dog Play - Walk the Plank by Superior				\$3,317.00	\$3,317.00
2	B8WBRCS	Regal 8 ft Bench with Back, 3/4" #9 Expanded Metal, Rounded Corners, Two 2 3/8" Legs, Inground Mount	8'			\$862.62	\$1,725.24
1	FENCE-CUST	Custom Fencing by Kraftsman Supply And Install 789 Lf Of 4' O/a Blk Chain Link Using 2b Fabric (fuse Bonded) (4') Chain Link - (2) 10' Wide Double Swing Gates To Match Height Of New Fencing - (3) 4' Wide Walk Gates To Match Fencing With Self Closing Device Along With Latch For Self Closing All Gate Frame Work To Be Powder Coated Black - 2-3/8" Sch 40 Line Post With A 12" X 24" Concrete Footing 3" Sch 40 Terminal, Corner And Gate Post With A 12" X 36" Concrete Footing 1 5/8" Sch 40 Top Rail 9 Ga Bottom Tension Wire 8 Ga Finish 2b Fuse Bonded Blk Chain Link Fabric				\$40,667.00	\$40,667.00
		SHIPPED DIRECT FOUNTAINS (Installation NOT Included)					
2	KP90PF	*Pet Fountain by Kay Park Recreation		85		\$2,622.00	\$5,244.00
		*Drinking Fountains to be Drop Shipped only. Installation of drinking fountains is NOT INCLUDED.					
			It	em Subtota	al:	\$53	3,457.24
			S	hipping & H	Handling:	\$2	2,927.83
			D	iscount:		-\$:	3,364.81
			E	quipment S	Subtotal:	\$53	3,020.26
			Т	ax:			\$0.00
			lr	nstall:		\$	3,773.12
			_				
			Т	otal:		\$56 ,	793.38



Kraftsman COMMERCIAL PLAYGROUNDS & WATER PARKS 19535 Haude Road

Spring, TX 77388 Phone: (281) 353-9599 Fax: (281) 353-2265 QUOTE #Q76229

Date: 02/15/2023 Project: 26655

Created By: David Ondrias

Quote Name: Dog Park Equipment with 4' Fence

Page 2 of 5

Special Terms and Conditions

Ship to Address:

Items are to be delivered directly to the shipping address listed on this quotation. Please check "ship to" address on this quote for accuracy. If "ship to" address is incorrect, please contact your sales representative with correct "ship to" address. Changes to the shipment delivery address after the shipment has left the factory will incur additional charges from the freight carrier.

Delivery and Unloading:

Customer is responsible for insuring that adequate staff and equipment resources are available for timely off-loading, safe handling, and secure storage of equipment upon receipt from motor freight carrier of direct delivery shipments. Unloading of materials from the truck will potentially require material handling equipment, i.e. forklift, pallet jack(s), to properly remove equipment from the delivery truck. Delivery drivers are not required, or provided for unloading the materials/product from the truck. Kraftsman is not responsible for unloading said items.

Items not included:

These items are not included:

- · Finish landscaping, sodding or seeding of disturbed areas. All disturbed areas to be leveled and raked out.
- · Concrete lead walks or adjoining observation concrete deck areas.
- · Excavation and Drainage of area for fall surfacing.
- · Removal of existing fall surface materials.
- · Removal of existing equipment.
- · Storm Water Pollution Controls for project site.
- · Temporary security fence during construction.
- · Site usage signage for use instructions, rules, safety, or emergency notifications as needed or required.
- · Shade systems
- · Installation of Drinking Fountains is not included in proposal.

Buy Board:

Proposal is submitted with applicable discounts per Buy Board program to reflect established discounts.

Sales Tax Exempt:

Sales tax is not included in prices quoted. Customer is to supply Sales Tax Exemption or Sales Tax Resale certificate at time of acceptance of proposal, or sales tax will be added to final contract and invoicing for the project.

Insurance Terms:

Kraftsman will supply a certificate of insurance verifying the limits of coverage. See terms page for details and charges for naming additional insured parties or adding special coverage's if required.

Credit Card terms:

If paying by American Express, there is a 6% processing fee charge. If paying by Visa or Master Card, there is a 4% processing fee charge.

Monthly Progress Billings

All work completed and materials stored as of the last day of the month shall be billed on or before the 25th of said month. Payments to be received by the 15th of the following month.

Shipping Charges

Unless noted otherwise on quote, all shipping and handling charges on quote are firm for duration of 90 days.

No Bonding Included:

No performance, or payment bonds, and/or maintenance bonds are included. These are available upon request at additional cost for the bonds and processing.

Initials

-



Kraftsman

COMMERCIAL PLAYGROUNDS & WATER PARKS
19535 Haude Road
Spring, TX 77388

Phone: (281) 353-9599 Fax: (281) 353-2265

QUOTE #Q76229

Date: 02/15/2023 Project: 26655

Created By: David Ondrias

Quote Name: Dog Park Equipment with 4' Fence

Page 3 of 5

Delivery and Unloading:

If Installation is purchased: Kraftsman is responsible for ensuring that adequate staff and equipment resources are available for timely off-loading, safe handling, and secure storage of equipment upon receipt from motor freight carrier of installed product shipments. Unloading of materials from the truck will potentially require material handling equipment, i.e. forklift, pallet jack(s), to properly remove equipment from the delivery truck. In Most Cases when Kraftsman is installing a project the product will be received at Kraftsman's Warehouse and stored until needed on the project. Then transported to the site at the time of installation.

Locating for Underground Utilities:

- · Kraftsman will call and arrange for utility locating with the public utilities stake out providers. All Public Utilities, including Phone, Electrical, Gas, Cable, and Fiber Optics are to be staked by 811 prior to work done by Kraftsman. Kraftsman will arrange with Public Utility Stake Out providers for a date that this is to be completed prior to Kraftsman arriving on site.
- · Customer is to locate, mark, and provide information for all privately owned utilities that are not marked by the Public Utility providers, for all utility service lines below grade that are privately owned. These will include any and all of the following: electrical, water lines, gas lines, irrigation lines, sewer and storm lines, cable service lines, fiber optic or other IT lines, which are privately owned by the property owner.
- · Kraftsman is not responsible for any underground utilities which are not marked or located by the owner or public utilities stake out providers. Damages to underground utilities for electrical, water, irrigation, and other listed above will not be repaired by Kraftsman and will be the owner's expense and responsibility.

Installation:

Installation quoted includes: Receiving and unloading of equipment, excavation of required footings, assembly of structure, concrete for footings, and all equipment necessary for installation.

Project Completion:

Allow 2 to 4 weeks for preparation of plans, drawings, and submittals after acceptance of proposal provided that the following has been completed and approved by the customer:

- · Project product submittals reviewed, approved and returned.
- · Completed Color selection sheet (signed and dated)
- · Physical project address
- · All contact names and phone numbers
- · Exemption certificate
- · Deposit per contract

Allow adequate time for processing and procuring construction permits if required.

Allow approximately 3 to 6 weeks for project completion upon equipment delivery from manufacturer, issuance of building permits if required, weather permitting.

Lead Times:

Lead Times are after approval of all Initial submittals/colors, and begin once the order is placed with the manufacturer.

Lead Times are after approval of all Initial submittal info and colors.

Kay Park - lead time for items to ship is 8-10 weeks from the time order is placed with the manufacturer. Superior Dog Playground - lead time for items to ship is 12-14 weeks from when the order is placed with the manufacturer.

Superior Site Amenities - lead time for items to ship 12-14 weeks from the time order is placed with the manufacturer.

Page 6	o -
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Item-4.



Kraftsman

COMMERCIAL PLAYGROUNDS & WATER PARKS 19535 Haude Road Spring, TX 77388

Phone: (281) 353-9599 Fax: (281) 353-2265

QUOTE #Q76229

Date: 02/15/2023 Project: 26655

Created By: David Ondrias

Quote Name: Dog Park Equipment with 4' Fence

Page 4 of 5

Force Majeure:

Each Party shall be excused from liability for the failure or delay in performance of any obligation under this Agreement (other than failure to make payment when due) by reason of any event beyond such Party's reasonable control including but not limited to Acts of God, fire, flood, explosion, earthquake, pandemic flu, or other natural forces, governmental orders or directives, war, civil unrest, acts of terrorism, accident, destruction or other casualty, any lack or failure of transportation facilities, any lack or failure of supply of raw materials, or any other event similar to those enumerated above. Such excuse from liability shall be effective only to the extent and duration of the event(s) causing the failure or delay in performance and provided that the Party has not caused such event(s) to occur. Notice of a Party's failure or delay in performance due to force majeure must be given to the other Party within (20) days after its occurrence has become identified by the Party. All delivery dates under this Agreement that have been affected by force majeure shall be tolled for the duration of such force majeure. In no event shall any Party be required to prevent or settle any labor disturbance or dispute, or to act outside of compliance with governmental orders or directives.

Materials Receiving and Shipment Inspection:

When unloading product at time of delivery, be sure to check for any damage to the packaging, or damage to products, and review to determine if there may be any missing pieces. Make notations on the bill of lading regarding any observed damage, or missing parts or pieces. Freight damage or lost items claims will not be honored by the freight carrier unless it is noted on the bill of lading at the time of delivery. Also be sure to get digital photos of any damage to product or packaging for use in filing a future shipping damage or shortage claim.

Initials __

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Kraftsman

COMMERCIAL PLAYGROUNDS & WATER PARKS
19535 Haude Road
Spring, TX 77388
Phone: (1914) 352, 0500 Febr. (1914) 3

Phone: (281) 353-9599 Fax: (281) 353-2265

QUOTE #Q76229

Date: 02/15/2023 Project: 26655

Created By: David Ondrias

Quote Name: Dog Park Equipment with 4' Fence

Page 5 of 5

General Terms and Conditions

Bill To:

Wharton, City of

Terms: Net 30 days Ship To:

Wharton, City of

CONDITIONS OF SALE

- 1. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the contract.
- No returns of merchandise will be accepted unless previously authorized in writing by Kraftsman. All returns are subject to restocking fee of 25% plus freight charges incurred for return to original shipment origination.
- 3. Title for all equipment is reserved by Kraftsman Commercial Playgrounds and Water Parks until payment in full is received. The right to enter the property and repossess said equipment is hereby granted to Kraftsman Commercial Playgrounds and Water Parks if payment is not rendered in accordance with the terms above. All payments made prior to repossession under this contract shall be forfeited to Kraftsman Commercial Playgrounds and Water Parks as cost incurred to recover the equipment. Repossession of product does not waive any damages or costs due as awarded by the court.
- 4. All collections or litigation concerning this contract shall be governed by the laws of the State of Texas, with venue in Harris County.
- 5. Kraftsman warranties the merchandise on this proposal to be up to the manufacturers published standards as to material and workmanship. See catalogs or attached drawings for specific layouts, warranties, and specifications.
- 6. Kraftsman reserves the right to review contract for final acceptance by management and to make corrections of clerical errors.
- 7. A service charge of 1.5% per month will be assessed on all past due amounts.
- 8. Payments to Kraftsman by credit card will incur a processing fee of 4% for Visa and MasterCard, and 6% for American Express
- 9. Installation services include all labor, equipment required to complete the job, and insurance coverage's as required by law. Extra installation charges will incur for abnormal sub surfaces, ie. rock, landfill, etc. Price quoted includes Kraftsman's standard insurance coverages of \$2 million in General Liability & Completed operations, \$1 million in Automobile Liability, \$1 million per occurrence/\$2 aggregate in Workman's Compensation. Any charges by Kraftsman's insurance carrier or agents for adding General Contractor or Owner as additional insured, waivers of subrogation, or changes to standard coverage shall be added to contract charges. No performance bond or labor and material payment bonds shall be provided by Kraftsman, unless listed as individual line item in proposal.
- 10. Kraftsman Commercial Playgrounds and Water Parks is not liable for damages to underground utilities, and irrigations systems during installation. It is the customers responsibility to locate all underground utilities.
- 11. Building permits required by local or state authorities & municipalities are not included and are the responsibility of the owner of the property, unless specifically included as a line item in the proposal. If you want Kraftsman to handle required permitting please contact our office and we will provide a quote if not included as a line item within this proposal.
- 12. This proposal may be withdrawn by Kraftsman if not accepted within thirty (30) days.

Respectfully Submitted David Ondrias Acceptance of Proposal:	Date February 15, 2023
The prices, specification and conditions are satisfactory and are hereb	by accepted. You are authorized to do the work as specified.
Payment will be made as outlined above. If contract is placed with an other legal proceedings, customer agrees to pay all expenses and reagreements, or promises are not valid unless written as part of this co	attorney for suit or collection through probate, bankruptcy or asonable attorney fees incurred. Any verbal instructions,
Authorized Signature	PO#:
Printed Name & Title	Date of Acceptance
Authorized Signature	
Printed Name & Title	

WE STRONGLY RECOMMEND A RESILIENT FALL SURFACE BE INSTALLED UNDER ALL PLAY & FITNESS EQUIPMENT

Thank You! We Appreciate Your Business!

CITY OF WHARTON RESOLUTION NO. 2023-XX

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT TO KRAFTSMAN COMMERCIAL PLAYGROUNDS & WATER PARKS FOR THE INSTALLATION OF FENCING AND EQUIPMENT FOR THE DOG PARK AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

- **WHEREAS,** The Wharton City Council wishes to enter into a contract for the installation of fencing and equipment for the dog park with Kraftsman Commercial Playgrounds & Water Parks, and,
- **WHEREAS,** The City of Wharton and Kraftsman Commercial Playgrounds & Water Parks, wishes to be bound by the conditions as set forth in the contract; and,
- **WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute said 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 of the City of Wharton to execute a contract with Kraftsman Commercial Playgrounds & Water Parks for the installation of fencing and equipment at the dog park.
- **Section II.** The City of Wharton and Kraftsman Commercial Playgrounds & Water Parks 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 8th day of May 2023.

	CITY OF WHARTON, TEXAS	
ATTEST:	By: TIM BARKER Mayor	
PAULA FAVORS		
City Secretary		

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

CITY COUNCIL COMMUNICATION

		1	T		
Meeting Date:	5/8/2023	Agenda Item:	Resolution: A resolution of the Wharton City Council accepting funding from the Bay Area Council on Drugs & Alcohol (BACODA) for the Beautification Commission's Rock Garden Project and authorizing the Mayor to execute all documents related to said funding.		
	On January 18, 2023, the Bay Area Council on Drugs & Alcohol (BACODA) announced to fully fund the Beautification Commission's Rock Garden Project at the Wharton County Library in the amount of \$2,000.00.				
selected for		e Rock Gard	on received notification that the Project had been en Project was presented to the Wharton County		
	the Notification of Award. If funding and proceed wit		Staff's recommendation that the City Council accepted documents.		
	The Parks & Recreation Committee will meet on Monday, May 8, 2023, and will formulate a recommendation for City Council consideration.				
Building Off	icial, Claudia Velasquez, w	ill be present	to answer any questions.		
City Manage	er: Joseph R. Pace		Date: Thursday, May 4, 2023		
	Joseph K. Jace				
Mayor: Tim	Barker				



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

MEMORANDUM

DATE: April 21, 2023

FROM: Claudia Velasquez, Building Official

TO: Joseph R. Pace, City Manager

City of Wharton Council Members

SUBJECT: Bay Area Council on Drugs & Alcohol (BACODA) Funding Award

On January 18, 2023, the Bay Area Council on Drugs & Alcohol (BACODA) announced to fully fund the Beautification Commission's Rock Garden Project at the Wharton County Library in the amount of \$2,000.00.

The Beautification Commission and City Liaison received notification that the Project had been selected for award and funding. The Rock Garden Project was presented to the Wharton County Commissioner's Court and received approval.

Attached is the notification of award. It is my recommendation that the City Council accept the award of funding and proceed with any required documents.

If you should have any questions, please contact me at 979-532-2491 ext. 232. Thank You.





Matagorda/WhartonCounty

Memorandum of Understanding (MOU)

The mission of the Matagorda/Wharton County Community Coalition is to mobilize community resources to reduce the harmful impact of alcohol, tobacco, and other drug use in our communities. Under the CCP-COVID funding, the program seeks to reduce stigma, increase awareness, and provide opportunities to reduce stress individually and collectively, in areas at risk of higher COVID impact based on distressed community index ratings. Further, this program seeks to build capacity in the community to sustain and build on resilience factors after the short-term funding term. Developing formal agreements with local entities is an essential tool in achieving this mission. The purpose of this agreement is to document partnership with a community organization for a particular project. The outline below will provide the purpose of and a description of the specific project, the parties involved, and the role of each party, and any specific terms and conditions.

This memorandum of understanding is between BACODA's Matagorda/Wharton County Community Coalition and Wharton Beautification Committee.

PURPOSE AND DESCRIPTION OF PROJECT / EVENT / ACTIVITY:

The purpose and description of this project are as follows: The BACODA Matagorda/Wharton County Community Coalition will provide funding for the rock garden.

The coalition will:

 Provide funding in the amount of \$2,000 for the painted rock garden project located at Wharton Library 1920 N Fulton St. Wharton TX, 77488.

The Wharton Beautification Committee will:

- Provide labor for the project.
- Keep up with the maintenance of the garden.

This document is not legally binding in any way. It serves to formalize an agreement of community partners to collaborate and foster relationships. This project-specific and extends only through the life of the project and no longer than the fiscal year ended August 31, 2024, whichever comes first. Either party may disengage from the agreement in writing due to changes in funding, lack of adequate personnel, or canceled event/meeting.

Carolann Peters, CEO	Date	Tim Barker	Date
Bay Area Council on Drugs & A	Alcohol		
2947 E. Broadway STE 400			
Pearland, Texas 77581			
Carolann.peters@bacoda.org			







CITY OF WHARTON RESOLUTION NO. 2023-XX

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING FUNDING FROM THE BAY AREA COUNCIL ON DRUGS & ALCOHOL (BACODA) FOR THE BEAUTIFICATION COMMISSION'S ROCK GARDEN PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID FUNDING.

- WHEREAS, The City of Wharton Beautification Commission was notified on January 18, 2023, the Beautification Commission's Rock Garden was fully funded by the Bay Area Council on Drugs & Alcohol (BACODA) in the amount of \$2,000.00, and,
- **WHEARAS,** The Rock Garden Project was approved by the Wharton County Commissioner's Court; and,
- WHEREAS, The Wharton City Council wishes to accept the funding from the Bay Area Council on Drugs & Alcohol (BACODA) in the amount of \$2,000.00 and authorize the Mayor of the City of Wharton to execute all documents related to the agreement.

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

- **Section I**. The Wharton City Council hereby accepts the funding from the Bay Area Council on Drugs & Alcohol (BACODA) in the amount of \$2,000.00.
- **Section II.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said funding.
- **Section III.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 8th day of May, 2023.

	CITY OF WHARTON, TEXAS
	By:
	TIM BARKER
ATTEST:	Mayor
PAULA FAVORS	
City Secretary	
City Secretary	

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

CITY COUNCIL COMMUNICATION

Meeting	5/8/2023	Agenda	City Council Boards, Commissions and Committee
Date:		Item:	Reports:
			A. Beautification Commission meeting held
			April 12, 2023.
			B. Planning Commission meeting held May 1,
			2023.
Attached yo	ou will find the reports fron	n the above-m	nentioned Committees.
City Manage	er: Joseph R. Pace		Date: Thursday, May 4, 2023
Approval: /	1		Date. Haisauy, May 4, 2023
Approval.	posph K. face		
Mavor: Tim	Barker		



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

MEMORANDUM

DATE: April 20, 2023

FROM: Nathan Vogt, City Liasson

TO: Joseph R. Pace, City Manager

SUBJECT: Report from The Beautification Commission for April 12, 2023

The following was discussed during the Wednesday, April 12, 2023, meeting:

Review & Consider Old / On-going Business:

1) Advocacy: Fundraising-Dog Park.

Advocacy: Art, No Action.

Community:

- a. Grant giving for projects & community requests for supplies/volunteers: No requests at this time.
- b. Event/Merchandise booths: There were no actions taken.
- c. Train Depot Signs: Signs have been removed from all locations and Eagle Scout is currently working on the signs.

Education: Social media campaigns, No Action.

Garden (Rachel Roberson)

- a. Planter Adoption program:
 - Purchase additional Planter signs in the amount of \$6.99/each. Motion to approve the purchase of 10 new signs in the amount of \$69.90 by Debbie Folks seconded by Rachel Roberson, all in favor.
- b. Civic Center Planting: There were no actions taken.
- c. Wildflower Shake-up: Will possibly happen in May.
- c. Painted Rock Garden: Wharton County Commissioner Court approved the project on April 11, 2023. Pending approval from City Council.

Trash/Recycling (Adraylle Watson)

- a. Clean Sweep: City Liaison will collect a number of volunteers for breakfast donation.
- b. Commission hosted community clean-ups: Tuesday, April 18, 2023, from 5:30-7:30 at the Santa Fe Trail.

Members in attendance: Debbie Folks, Adraylle Watson, Sheryl Joost, Lucy Alaniz, Nancy Mata, and Rachel Roberson.

Members Absent: Barbee Fortenberry

If you should have any questions, please contact me at (979) 532-2491 ext. 235. Thank You.



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

MEMORANDUM

DATE: May 2, 2023

FROM: Mike Wootton, Planning Commission Chairperson

TO: Honorable Mayor and City Council

SUBJECT: Recommendation to City Council from the Planning Commission Meeting

held Monday, May 1, 2023

The following items were discussed during the Monday, May 1, 2023, meeting:

1. Request from Mr. & Mrs. Svatek of 3613 Fairway Dr., Country Club Estate, Lots 16 & 17 for a variance to build over the property line between 2 lots for new residential construction.

The Planning Commission is recommending approval of the above item and is referring it to City Council for a final decision.

If you should have any questions, please contact me. Thank You.

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

CITY COUNCIL COMMUNICATION

Meeting	5/8/2023	Agenda	Appointments, Resignations and Vacancies to the
Date:		Item:	City of Wharton Boards, Commissions and
			Committees:
			A. Appointments.
			B. Resignations.
			C. Vacancies.
Appointment Resignation Vacancies: 1. Buil 2. May	s. There are still vacancies nts: None.	that also nee on. e with Disabil	ng on the various City Boards, Commissions and ed to be filled.
City Manage	er: Joseph R. Pace		Date: Thursday, May 4, 2023
Approval: /	15/5/		
	posph K. face		
Mayor: Tim	Barker		

CITY OF WHARTON BOARDS, COMMISSIONS AND COMMITTEES

WHARTON REGIONAL AIRPORT BOARD	TWO YEAR TERM	Reappointment
Jimmy Gardner	June 30, 2023	
Randy Rodriguez	June 30, 2023	
Bill Kingrey	June 30, 2023	
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, 2023	
Adraylle Watson	June 30, 2023	
Debbie Folks	June 30, 2023	
Sheryl Joost	June 30, 2023	
BUILDING STANDARDS COMMISSION	TWO YEAR TERM	Reappointment
Leonard Morales	June 30, 2023	
Burnell Neal	June 30, 2023	
Vacant	June 30, 2023	
Paul Shannon	June 30, 2023	
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 Clifford Jackson	June 30, 2023	
Zac Henson	June 30, 2023	
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 Gonzalez	June 30, 2024	

Faye Evans	June 30, 2024	
Vacant	June 30, 2024	
Adraylle Watson	June 30, 2023	
Marilyn Sebesta	June 30, 2023	
Sandy Wilkins	June 30, 2023	
Cheryl Lavergne	June 30, 2023	
Mayor Tim Barker- Ex Officio		
HEALTH OFFICER	TWO YEAR TERM	Reappointment
Dr. Jeff Gubbels, MD	June 30, 2024	
VETERINARIAN	TWO YEAR TERM	Reappointment
Dr. Cody Pohler, DVM	June 30, 2024	
MUNICIPAL COURT JUDGE	TWO YEAR TERM	Reappointment
Jared Cullar	June 30, 2023	
PLANNING COMMISSION	TWO YEAR TERM	Reappointment
Burnell Neal	June 30, 2023	
Rob Kolacny	June 30, 2023	
Michael Quinn	June 30, 2023	
Marshall Francis	June 30, 2024	
Adraylle Watson	June 30, 2024	
Michael Wootton	June 30, 2024	
Joel Williams	June 30, 2024	
PLUMBING AND MECHANICAL BOARD	TWO YEAR TERM	Reappointment
A. J. Rath	June 30, 2024	
Tom Faust	June 30, 2023	
Vacant	June 30, 2024	
Robert Sanchez	June 30, 2023	
Vacant	June 30, 2024	
Claudia Velasquez, Building Official - ExOfficio		
Public Works Director Anthony Arcidiacono- Ex Officio		
Mayor Tim Barker - Ex Officio		
WHARTON ECONOMIC DEVELOPMENT CORPORATION	TWO YEAR TERM	Reappointment
Michael Wootton	September 30, 2024	
Alice Heard Roberts	September 30, 2024	
Freddie Pekar	September 30, 2024	
Clifford Jackson (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 Clifford Jackson 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 Clifford Jackson TELECOMMUNICATIONS COMMITTEE Clifford Jackson Terry Freese Don Mueller WHARTON ECONOMIC DEVELOPMENT CORP BOARD OF DIRECTORS SELECTION COMMITTEE

Tim Barker

Steven Schneider

Clifford Jackson

ECONOMIC DEVELOPMENT COMITTEE

Tim Barker

Clifford Jackson

Russell Machann

PARKS AND RECREATION COMMITTEE

Steven Schneider

Russell Machann

Terry Freese