



**CITY OF WHARTON
CITY COUNCIL REGULAR MEETING**

**Monday, June 13, 2022
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, June 13, 2022 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 9th day of June 2022.

By: 
Tim Barker, Mayor

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Council Regular Meeting is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board, at City Hall of said City or Town in Wharton, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on June 9, 2022, at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

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

Dated this 9th day of June 2022.

CITY OF WHARTON

By: 
Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
City Council Regular Meeting
Monday, June 13, 2022
City Hall - 7:00 PM

Call to Order –Opening Devotion –Pledge of Allegiance.

Roll Call and Excused Absences.

Public Comments.

Wharton Moment.

Review and Consider:

1. Reading of the minutes from the regular meetings held May 9, 2022 and May 23, 2022 and special meeting held May 16, 2022.
2. Request from Deshavian Williams, for a Juneteenth Celebration on Saturday, June 18, 2022, for the following:
 1. Request for a variance to host food trucks and clothing vendors in a City Park.
3. Request by Mr. Stephen Wisnieski, of My Storehouse Mini Storage II, 1810 Stadium Road, Brod Acres, Block 17J-1 for an 8’ variance from the required 20’ side property line setback creating a 12’ setback.
4. Request from The Brooks at Caney Creek for sidewalk replacement on North Richmond Road.
5. Resolution: A resolution of the Wharton City Council approving the Annual Service Contract with Stryker Medical and authorizing the purchase of four (4) Power Pro 2 Stretchers and Stair-Pro Stair Chairs and authorizing the City Manager to execute all documents related to said purchase.
6. Resolution: A resolution of the Wharton City Council approving the Interlocal Agreement with the Texas Municipal League Health Benefits Pool (TML Health Benefits Pool) for medical, long-term disability, life, accidental death & dismemberment, for flexible spending account, health reimbursement account and voluntary vision plans for City employees for the October 1, 2022 to September 30, 2023 Fiscal Year; and Sun Life Financial for voluntary dental coverage for City employees; authorizing the Mayor of the City of Wharton to execute all documents relating to said contracts.
7. Resolution: A resolution authorizing the sale of City of Wharton surplus personal property in accordance with the City Charter Section 75 sale of city personal property; procedures.
8. Request for Privileged Liens Amnesty.

9. Ordinance: An ordinance amending the City of Wharton Code of Ordinances, Chapter 34 Health and Sanitation; Article II. Cleanliness and Sanitation of premises; Littering; Section 34-51 accumulation or growth of weeds or brush; item (b) duty to cut growth; item (1); 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 separability and setting an effective date.
10. Debris Removal Services and Debris Monitoring Services:
- A. Resolution: A resolution of the Wharton City Council establishing a Consultant Selection Committee and developing evaluation criteria for the selection of a debris removal and disposal firm to be used in the event of a major disaster.
 - B. Resolution: A resolution of the Wharton City Council establishing a Consultant Selection Committee and developing evaluation criteria for the selection of a debris monitoring firm to be used in the event of a major disaster.
11. Resolution: A resolution of the Wharton City Council approving a Perpetual Blanket Overhead and Underground Easement between the City of Wharton and CenterPoint Energy to provide electrical service to the new City of Wharton Water Well and Storage Facilities and authorizing the Mayor of the City of Wharton to execute the agreement.
12. Resolution: A resolution approving a contract between the City of Wharton and the Wharton Economic Development Corporation for water improvements located at 1106 North Richmond Road, Wharton, Texas, for the Alamo Lumber Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
13. Resolution: A resolution of the Wharton City Council approving the purchase and installation of MyGov, LLC Software for the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
14. Appointments, Resignations and Vacancies to the City of Wharton Boards, Commissions and Committees:
- A. Appointments.
 - B. Resignations.
 - C. Vacancies.
15. City Council Boards, Commissions and Committee Reports:
- A. Beautification Committee meeting held May 11, 2022.
 - B. Housing Committee meeting held May 23, 2022.

Adjournment.

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	Reading of the minutes from the regular meetings held May 9, 2022 and May 23, 2022 and special meeting held May 16, 2022.
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Attached you will find the draft minutes from the regular meetings held May 9, 2022 and May 23, 2022 and special meeting held May 16, 2022.

City Manager: Joseph R. Pace	Date: Thursday, June 9, 2022
Approval: 	
Mayor: Tim Barker	

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
MAY 09, 2022**

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. Pastor, Adraylle Watson, 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; Steve Schneider; Russell Machann; and Don Mueller.

Councilmember absent was: Alice Heard-Roberts.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Anandel; City Secretary, Paula Favors, TRMC, CPM, MMC; Assistant to the City Manager, Brandi Jimenez; Director of Planning and Development, Gwyn Teves; Planning & Development Specialist, Krystal Hasselmeier; Police Chief, Terry David Lynch and Facilities Maintenance Director; Bob Baker.

Visitors present were: Kodi Kieler; Jason Villarreal; Jimmy Shelton; Stephanie Konvicka; Adraylle Watson and Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

After some discussion, Councilmember, Clifford Jackson, moved to excuse Councilmember, Alice Heard-Roberts. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

Public Comments.

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

Wharton Moment.

Councilmember, Terry Freese, congratulated Police Chief, Terry David Lynch, on a job well done with hosting the Cop's and Rodder's Car Show, which he said was a very nice event.

Mayor, Tim Barker, stated he wanted to thank Councilmember, Alice Heard-Roberts, for her service on the Wharton City Council.

Public Hearing:

1. Public Hearing #1: Proposed Annexation.

Mayor, Tim Barker, opened the Public Hearing at 7:04 p.m.

No Comments were given.

Mayor, Tim Barker, closed the Public Hearing at 7:05 p.m.

Review and Consider:

The first item on the agenda was to review and consider reading of the minutes from the regular meetings held April 11, 2022 and April 25, 2022. City Manager, Joseph R. Pace, presented a copy of the minutes from the regular meetings held April 11, 2022, and April 25, 2022. After some discussion, Councilmember, Russell Machann moved to approve the minutes from the regular meetings held April 11, 2022, and April 25, 2022. Councilmember, Steve Schneider, seconded the motion. All voted in favor

The second item on the agenda was to review and consider an ordinance annexing the hereinafter described territory, owned by the City of Wharton, Wharton County, Texas, and extending the boundary limits of said City so as to include said hereinafter described property within said City limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City, and adopting a service plan. City Secretary, Paula Favors, stated that during the regular April 11, 2022, regular Wharton City Council meeting, the City Council accepted a petition for voluntary annexation from the City of Wharton's Planning and Development Director, Gwyn Teves. City Attorney, Paul Webb, stated the first and only public hearing was held during this regular May 9, 2022, Wharton City Council meeting. Mr. Webb said that since the requirements of the public hearing had been satisfied, the City Council may now consider the ordinance annexing the properties owned by the City of Wharton listed below:

1. 17.31 acres or 753,916 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34 and the William Kincheloe League, Abstract No. 38, Wharton County, Texas
2. 2.931 acres or 127,671 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34, Wharton County, Texas
3. 2.950 acres or 128,519 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34, Wharton County, Texas
4. 0.9058 acres or 39,456 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34, Wharton County, Texas
5. 0.2055 acres or 8,952 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34, Wharton County, Texas
6. 5.495 acre tract of land situated in the Alexander Jackson Timber League, Abstract No. 34 in Wharton County, Texas
7. 3.686 acre tract of land situated in the Alexander Jackson Timber League, Abstract No. 34 in Wharton County, Texas
8. 3.852 acre tract of land situated in the Alexander Jackson Timber League, Abstract No. 34 in Wharton County, Texas

After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2022-06, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2022-06**

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, OWNED BY THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, AND ADOPTING A SERVICE PLAN.

WHEREAS, Article I. Incorporation; Form of Government; Corporate and General Powers of the City of Wharton City Charter; Section 8 Extending city limits upon petition and Section 9 Extending and fixing city limits by ordinance as restricted by law, of the City Charter, of the City of Wharton, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and,

WHEREAS, The procedures prescribed by the City Charter of the City of Wharton, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

1. 17.31 acres or 753,916 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34 and the William Kincheloe League, Abstract No. 38, Wharton County, Texas
2. 2.931 acres or 127,671 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34, Wharton County, Texas
3. 2.950 acres or 128,519 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34, Wharton County, Texas
4. 0.9058 acres or 39,456 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34, Wharton County, Texas
5. 0.2055 acres or 8,952 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34, Wharton County, Texas
6. 5.495-acre tract of land situated in the Alexander Jackson Timber League, Abstract No. 34 in Wharton County, Texas
7. 3.686-acre tract of land situated in the Alexander Jackson Timber League, Abstract No. 34 in Wharton County, Texas
8. 3.852-acre tract of land situated in the Alexander Jackson Timber League, Abstract No. 34 in Wharton County, Texas. (Exhibit A).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, that:

Section I. That the heretofore described property is hereby annexed to the City of Wharton, Wharton County, Texas, and that the boundary limits of the above described territory within the city limits of the City of Wharton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Wharton and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section II. A service plan for the area is adopted and attached as Exhibit B.

Section III. The City Secretary is hereby directed to file with the County Clerk of Wharton, Texas, a certified copy of this ordinance.

Section IV. This ordinance shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Wharton, Texas, on the 9th day of May 2022.

CITY OF WHARTON, TEXAS

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 third item on the agenda was to review and consider a request from the Wharton County Farmer’s Market requesting permission for the placement of portable restrooms for the remainder of the Spring Season, May 14, 2022- June 25, 2022 at Guffey Park. City Manager, Joseph R. Pace

presented a copy of the request from the Wharton County Farmers Market requesting permission for the placement of portable restrooms for the remainder of the Spring Season, May 14, 2022- June 25, 2022 at Guffey Park. Mrs. Kodi Kieler, with the Wharton County Farmer’s Market, stated the Farmer’s Market was requesting for one male restroom, one female restroom and one hand-washing station to be allowed at Guffey Park during the Spring Season of the Farmer’s Market. Mrs. Kieler said the restrooms would be cleaned weekly and once the restrooms were replaced, they would be locked when on the premises of Guffey Park. After some discussion, Councilmember, Terry Freese, moved to approve the request from the Wharton County Farmer’s Market requesting permission for the placement of portable restrooms for the remainder of the Spring Season, May 14, 2022- June 25, 2022 at Guffey Park. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from Beer:30, LLC for a variance of the City of Wharton Code of Ordinances, Section 34-7 (2) Amplified Sound for an outdoor concert on May 21, 2022 from 1:00 p.m. to 7:00 p.m. for an outdoors event. City Manager, Joseph R. Pace, presented a copy of the request from Beer:30, LLC for a variance of the City of Wharton Code of Ordinances, Section 34-7 (2) Amplified Sound for an outdoor concert on May 21, 2022 from 1:00 p.m. to 7:00 p.m. for an outdoors event. Mr. Jason Villarreal, owner of Beer:30, stated the music was only take place from 2:00 p.m. to 6:00 p.m. After some discussion, Councilmember, Clifford Jackson, moved to approve the the request from Beer:30, LLC for a variance of the City of Wharton Code of Ordinances, Section 34-7 (2) Amplified Sound for an outdoor concert on May 21, 2022 from 1:00 p.m. to 7:00 p.m. for an outdoors event. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a request by Mr. Jimmy Shelton on behalf of Emerson Heights, LLC for a replat of Gallaher, Lots 4, 5, 6, 7, 8 & 9 and Godsey, Lots 7B, 8A, 8B, 9, 10, 11 & 12 for a multi-family development. City Manager, Joseph R. Pace, presented a copy of a request by Mr. Jimmy Shelton on behalf of Emerson Heights, LLC for a replat of Gallaher, Lots 4, 5, 6, 7, 8 & 9 and Godsey, Lots 7B, 8A, 8B, 9, 10, 11 & 12 for a multi-family development. Director of Planning & Development, Gwyn Teves, stated the Planning Commission met on Monday, May 2, 2022 and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Clifford Jackson, moved to approve the request by Mr. Jimmy Shelton on behalf of Emerson Heights, LLC for a replat of Gallaher, Lots 4, 5, 6, 7, 8 & 9 and Godsey, Lots 7B, 8A, 8B, 9, 10, 11 & 12 for a multi-family development. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Mr. Marshall Francis at 704 North Richmond Road, Cloud, Block 51, Lots 13A-1, 5 & 6 for a replat. City Manager, Joseph R. Pace, presented a copy of a request by Mr. Marshall Francis at 704 North Richmond Road, Cloud, Block 51, Lots 13A-1, 5 & 6 for a replat. Director of Planning & Development, Gwyn Teves, stated the Planning Commission met on Monday, May 2, 2022 and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Russell Machann, moved to approve the request by Mr. Marshall Francis at 704 North Richmond Road, Cloud, Block

51, Lots 13A-1, 5 & 6 for a replat. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request from the Beautification Commission to pursue a Mini Mural Project at Pleasure Park. City Manager, Joseph R. Pace, presented a copy of a request from the Beautification Commission to pursue a Mini Mural Project at Pleasure Park. City Manager Pace stated that on March 9, 2022, the City of Wharton Beautification Commission approved the Art Subcommittee to pursue the project proposal for a mini mural at one of the City of Wharton Parks. He said the Art subcommittee had identified a location and design approved by the Facilities Maintenance Director, Bob Baker. Beautification Commission Art Subcommittee Lead, Ms. Stephanie Konvicka, stated the Commission was requesting permission to paint a mural on the exterior bathroom wall facing the entrance to Pleasure Park for this proposed volunteer event. After some discussion, Councilmember, Terry Freese, moved to approve the request from the Beautification Commission to pursue a Mini Mural Project at Pleasure Park which would include painting a mural on the exterior bathroom wall facing the entrance to Pleasure Park for this proposed volunteer event. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving an Industrial District Agreement with CN Colorado Bend, LLC; authorizing an Industrial District Payment to the City of Wharton; making various findings and provisions related to the subjects; and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager, Joseph R. Pace, presented a copy of an Industrial District Agreement with CN Colorado Bend, LLC and the City of Wharton. City Attorney, Paul Webb, stated section 42.044 of the Texas Local Government Code enabled cities and private entities to establish Industrial Districts and the City of Wharton desired that the property was owned by Colorado Bend II/Exelon power generating facilities and that CN Colorado Bend LLC desired to lease a portion of Colorado Bend II/Exelon property. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-46, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-46**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INDUSTRIAL DISTRICT AGREEMENT WITH CN COLORADO BEND LLC; AUTHORIZING AN INDUSTRIAL DISTRICT PAYMENT TO THE CITY OF WHARTON; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECTS; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, Section 42.044 of the Texas Local Government Code enables cities and private entities to establish Industrial Districts; and,

WHEREAS, The Wharton City Council approved Ordinance No. 2019-30 creating the City of Wharton Industrial District No. 2 as described in the Exhibit “A” attached hereto; and,

WHEREAS, The Wharton City Council desires that the Property described in the attached Exhibit “A” is owned by Colorado Bend II/Exelon power generating facilities and that CN Colorado Bend LLC desires to lease a portion of Colorado Bend II/Exelon property and the City Council further desires to enter into this contractual agreement with CN Colorado Bend LLC for this purpose; and,

WHEREAS, The Wharton City Council has determined that it is in the best interest of the City and its citizens to enter into an Industrial District Agreement with CN Colorado Bend, LLC, a copy of which is attached hereto as Exhibit “A” (the “Agreement”); and,

WHEREAS, The City of Wharton and CN Colorado Bend LLC, wishes to be bound by the conditions outlined in the Agreement; and,

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

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

Section I. That the facts and recitations in the preamble and recitals of this resolution and the referenced Agreement are found and declared to be true and correct and are hereby approved as part of this resolution.

Section II. That the Wharton City Council hereby approves the Industrial District Agreement between the City of Wharton and CN Colorado Bend, LLC.

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

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

Passed, Approved, and Adopted this 9th day of May 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Russell Machann, 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 awarding a contract for the construction of DR 4332-105 HMGP Generator Addition Construction Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager, Joseph R. Pace, stated that on April 26, 2022, proposals were received for the HMGP DR-4332-105 Generator Addition Construction. Director of Planning & Development, Gwyn Teves, stated the proposals received were from three companies:

1. McDonald Municipal & Industrial
2. Wingo Service Co., Inc.
3. WW Payton Corporation

Mrs. Teves said Quiddity Engineering had reviewed the submitted proposals and had provided a recommendation to award the contract to McDonald Municipal & Industrial in the amount of \$1,518,269.00 for the base bid & alternate. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-47, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-47**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE CONSTRUCTION OF DR 4332-105 HMGP GENERATOR ADDITION CONSTRUCTION PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Proposals were received for the DR 4332-105 HMGP Generator Addition Construction Project, on April 26, 2022; and,

WHEREAS, McDonald Municipal & Industrial was deemed the best lowest qualified bidder for the base bid amount of \$1,518,269.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to McDonald Municipal & Industrial for the base bid amount of \$1,518,269.00; and,

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

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

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

- Section I.** The Wharton City Council hereby authorizes the Mayor to execute the DR 4332-105 HMGP Generator Addition Construction Project contract.
- Section II.** The City of Wharton and McDonald Municipal & Industrial 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 9th day of May 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda was to review and consider appointments and resignations to the City of Wharton Boards, Commissions and Committees. After some discussion, no action was taken.

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

- A. Beautification Commission meeting held April 13, 2022.
- B. Finance Committee meeting held April 25, 2022.

After some discussion, no action was taken.

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

The meeting adjourned at 7:17 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

DRAFT

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL SPECIAL MEETING
MAY 16, 2022**

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. Pastor, Adraylle Watson, 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; Alice Heard-Roberts; Russell Machann; Don Mueller and Larry Pittman.

Councilmember absent was: Steve Schneider.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Anandel; 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; Facilities Maintenance Director; Bob Baker, EMS Director, Christy Gonzales; Public Works Director, Anthony Arcidiacono; Emergency Management Coordinator Lt. Ben Guanajuato; Detective, Stephen Jimenez; Patrol Officer, Ashley Strelec; Detective, Ariel Soltura; Patrol Officer, Andre Murray; Detective, Jeremy Eder; Patrol Officer, David White; Detective, Rashied Byrd; Patrol Officer, Leticia Banda; Records Clerk, Mandy Barnett; Lt. Ben Evans; Sgt. Justin Moran; Detective, Jason Barker; Telecommunicator Stephanie LaPoma; Sgt. Rick Alvarado; Crime Victim's Officer, Courtney Bobbitt; Lt. Danny Marek; Patrol Officer, Leelia Barajas; Street Superintendent, Roderick Semien; Equipment Operator, Juan Delgado; Assistant to the Public Works Director, Amy Horelica; Equipment Operator, Gregg Flores; Equipment Operator, Ricky Guzman, Water Superintendent, Harold Matula; Customer Service Worker, Stanley Konvicka; Sewer Plant Operator, Jason Gangstad; Equipment Operator, Steve Salazar; Heavy Equipment Operator, Oscar Del Bosque; Paramedic Michael Boullion; EMS Supervisor II, Nancy McKelvy; Paramedic III – Supervisor, Michael Giesalhart; Paramedic, John Alvarez and Paramedic, Shelly Garcia.

Visitors present were: Jess Howell; Betty Howell; Daren Roberts; Elizabeth White; Oliver Bobbitt; Sarah Lynch; Carol Lynch; Melissa

Terry, of Harrison, Waldrop & Uherek, LLP and Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

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

Public Comments.

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

Wharton Moment.

Mayor, Tim Barker, called for Wharton Moments. No comments were given.

Proclamation:

Mayor, Tim Barker, presented the following Proclamations:

1. Proclamation: Honoring Law Enforcement.

**CITY OF WHARTON
OFFICE OF THE MAYOR
Proclamation
“Honoring Law Enforcement”**

WHEREAS, There are approximately 900,000 law enforcement officers serving communities across the United States, including the dedicated members of the Wharton Police Department; and,

WHEREAS, Nationally there were 615 line of duty law enforcement deaths in 2021 and there have been 95 deaths so far in 2022; and,

WHEREAS, Since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and have been killed in the line of duty; and,

WHEREAS, The City Council of the City of Wharton wishes to offer its condolences and its support to all the departments who have experienced loss of life and the impact these events have had on the families of those lost and injured; and,

WHEREAS, At the Monday, May 16, 2022, City of Wharton City Council meeting, the City Council and the Wharton Police Department will observe a moment of silence, in honor of all fallen officers and their families; and,

WHEREAS, The City of Wharton wishes to recognize and honor the hard work, dedication and risk taken by the men and women of the Wharton Police Department as well as law enforcement across the country.

Now, Therefore, I, Tim Barker, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim the 16th of May 2022 as:

“Honoring Law Enforcement Day”

in the City of Wharton, Texas.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 16th day of May, in the year of our Lord two thousand and twenty-two A.D.

2. Proclamation: Public Works Week.

**CITY OF WHARTON
OFFICE OF THE MAYOR
PROCLAMATION**

**National Public Works Week Proclamation
May 15-21, 2022
“Ready and Resilient”**

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 2022 marks the 62nd 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 15–21, 2022, 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 16th day of May, in the year of our Lord two thousand twenty-two A.D.

3. Proclamation: Emergency Medical Services Week.

**CITY OF WHARTON
OFFICE OF THE MAYOR
PROCLAMATION**

**Emergency Medical Services Week Proclamation
May 15 - 21, 2022
“Rising to the Challenge”**

WHEREAS, Emergency Medical Services is a vital public service; and,

WHEREAS, The members of Emergency Medical Services Teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and,

WHEREAS, Access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and,

WHEREAS, Emergency Medical Services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care and access to telemedicine; and,

WHEREAS, The Emergency Medical Services System consists of First Responders, Emergency Medical Technicians, Paramedics, Emergency Medical Dispatchers, Firefighters, Police Officers, Educators, Administrators, Pre-Hospital Nurses, Emergency Nurses, Emergency Physicians, trained members of the public and other out of hospital medical care providers; and,

WHEREAS, The members of Emergency Medical Services Teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and,

WHEREAS, It is appropriate to recognize the value and the accomplishments of Emergency Medical Services providers by designating Emergency Medical Services Week.

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 May 15-21, 2022, in the City of Wharton as:

“EMERGENCY MEDICAL SERVICES WEEK”

with the EMS Strong theme, EMS WEEK: Rising to the Challenge, I encourage the community to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 16th day of May, in the year of our Lord two thousand twenty-two A.D.

Review and Consider:

The first item on the agenda was to review and consider City of Wharton Annual Financial Report for Fiscal Year October 1, 2020, to September 30, 2021, by Harrison, Waldrop & Uherek, L.L.P. Ms. Melissa Terry, of Harrison, Waldrop & Uherek, LLP, the City Auditors, presented the City of Wharton Annual Financial Report for Fiscal Year October 1, 2020, to September 30, 2021. Finance Director, Joan Anadel, stated the City Council Finance Committee met at 5:00 p.m. on Monday, May 16, 2022, and were recommending the City Council consider approving the report. After some discussion, Councilmember, Terry Freese, moved to approve the City of Wharton Annual Financial Report for Fiscal Year October 1, 2020, to September 30, 2021, by Harrison, Waldrop & Uherek, L.L.P. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the sale of certain City of Wharton Properties as surplus properties and authorizing the Mayor of the City of Wharton to execute all necessary documents associated with said sale of those certain properties. Director of Planning & Development, Gwyn Teves, stated the 0.2388-acre (10,400 sq ft) parcel of land; Alexander Jackson Survey, Abstract 34, being a portion of a 5.495-acre tract of land, is surplus property that would be affected by the expansion of I-69 and was posted for sale in the Wharton Journal Spectator as required by the City Charter to accept qualifying bids. Mrs. Teves said the original posting did not result in any submissions and the second advertisement was run on both April 27, 2022, and May 4, 2022. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-49, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-49**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE DEVELOPMENT OF A NEW LOCATION HIGHWAY, TO BE DESIGNATED AS AN EXTENSION OF FM 1301, FROM SH 60 IN WHARTON TO US 59 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONSIDERATION.

WHEREAS, The City of Wharton is developing a new location highway, to be designated as an extension of FM 1301, from SH 60 in Wharton to US 59; and,

WHEREAS, The new location highway would facilitate the flow of traffic; and,

WHEREAS, The City of Wharton agrees to provide one hundred percent of the right of way and utility adjustments and provide for the development of the project including the environmental document and the plans, specifications and estimate; and,

WHEREAS, In conjunction with the 1301 Project, the Texas Department of Transportation will convey to the City of Wharton those portions of right of way underlying FM 102 from US 59 to SH 60 upon completion of construction of the project and making the project open for public use; and,

WHEREAS, The City of Wharton shall accept jurisdiction, control, and maintenance of FM 102 from US 59 to SH 60 upon removal of FM 102 from the state highway system and renaming of this section of roadway thus removing the FM 102 designation upon completion of construction of the project and making the project open for public use; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to said consideration.

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

Section I. The Wharton City Council hereby supports the request of the Texas Department of Transportation to designate FM 1301 the proposed highway on the new location.

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

Passed, Approved, and Adopted this 23rd day of May 2022.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The third item on the agenda was to review and consider an ordinance allowing certain employees of the City who have terminated previous memberships in the Texas Municipal Retirement System (TMRS), to deposit the sums so withdrawn, plus annual withdrawal charges, and allowing and undertaking the cost of allowing any such employee credit in such system for all service to which such employee had been entitled at date of such withdrawal, with like effect as if all such service had been performed as an employee of this City. City Secretary, Paula Favors, stated the City of Wharton had Texas Municipal Retirement System (TMRS) retirement for its full-time employees. Mrs. Favors said the Personnel Department was requesting the City Council consider adopting a Buy Back option through TMRS which would allow City employees who had previously refunded and forfeited TMRS service to purchase and re-establish that service credit. She said that as of the valuation date, December 31, 2020, there were 12 employees with previously forfeited service credit eligible for buyback under a previously adopted ordinance. Mrs. Favors said the City Council Finance Committee met and were recommending the City Council consider approving the request. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2022-07, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2022-07**

AN ORDINANCE ALLOWING CERTAIN EMPLOYEES OF THE CITY WHO HAVE TERMINATED PREVIOUS MEMBERSHIPS IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS), TO DEPOSIT THE SUMS SO WITHDRAWN, PLUS ANNUAL WITHDRAWAL CHARGES, AND ALLOWING AND UNDERTAKING THE COST OF ALLOWING ANY SUCH EMPLOYEE CREDIT IN SUCH SYSTEM FOR ALL SERVICE TO WHICH SUCH EMPLOYEE HAD BEEN ENTITLED AT DATE OF SUCH WITHDRAWAL, WITH LIKE EFFECT AS IF ALL SUCH SERVICE HAD BEEN PERFORMED AS AN EMPLOYEE OF THIS CITY.

WHEREAS, The actuary of the Texas Municipal Retirement System has determined that all obligations charged against the City's account in the benefit accumulation fund, including the obligations arising as a result of this ordinance, can be funded by the City within its maximum contribution rate and within its amortization period; and,

WHEREAS, The City Council has determined that adoption of this ordinance is in the best interests of the City.

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

Section I: Pursuant to Section 853.003 of Subtitle G of Title 8, V.T.C.A., Government Code, as amended, the City of Wharton hereby elects to allow any member of the Texas Municipal Retirement System who is an employee of this City on the 16th day of May, 2022, who has terminated a previous membership in said System by withdrawal of deposits while absent from service, but who has at least 24 months of credited service as an employee of this City since resuming membership to deposit with the System in a lump sum the amount withdrawn, plus a withdrawal charge of five percent (5%) of such amount for each year from date of such withdrawal to date of redeposit, and thereupon such member shall be allowed credit for all service to which the member had been entitled at date of termination of earlier membership, with like effect as if all such service had been rendered as an employee of this City, whether so rendered or not. The City agrees to underwrite and hereby assumes the obligations arising out of the granting of all such credits, and agrees that all such obligations and reserves required to provide such credits shall be charged to this City's account in the benefit accumulation fund. The five percent (5%) per annum withdrawal charge paid by the member shall be deposited to the credit of the City's account in said benefit accumulation fund; and the deposits of the amount previously withdrawn by the member shall be credited to his or her individual account in the benefit accumulation fund of the System.

Section II: This ordinance shall become effective on the **16th day of May, 2022**, which is a date on or after the date set forth in Section I, above.

Severability

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

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 16th day May 2022.

CITY OF WHARTON, TEXAS

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 fourth item on the agenda was to review and consider a presentation of a plaque to Alice Heard-Roberts for years of service. Mayor, Tim Barker, presented outgoing Councilmember, Alice Heard-Roberts, a plaque for her years of service on the Wharton City Council. Councilmember, Alice Heard-Roberts, spoke about her years of service and working alongside the Mayor and Councilmember. After some discussion, no action was taken.

The fifth item on the agenda was to review and consider an ordinance canvassing the election returns and declaring the results of the City Officers' Election held May 7, 2022.

Ordenanza: Una ordenanza haciendo el escrutinio y declarando los resultados de la eleccion de concejales municipales que se celebro el 7 de mayo de 2022.

City Secretary, Paula Favors, presented a draft ordinance canvassing the election returns and declaring the results of the City Officers' Election held May 7, 2022. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2022-08 and 2022-08B, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2022-08**

AN ORDINANCE CANVASSING THE ELECTION RETURNS AND DECLARING THE RESULTS OF THE CITY OFFICERS' ELECTION HELD ON MAY 7, 2022.

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

The City Council of the City of Wharton, Texas has canvassed the returns of the City Officers' Election held on the **7th of May 2022**, and the City Council finds and declares that the election returns were duly and legally made, that all of the votes counted at the election were valid and legal, and that each of the candidates in the election received the following numbers of votes:

Election Returns	<u>Early Votes</u>	<u>Election Day</u>	<u>Total</u>
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Councilmember District No. 2

Steve Schneider	0	0	0
Unopposed			

Councilmember District No. 4

Don Mueller	0	0	0
Unopposed			

Councilmember District No. 6 – At Large

Alice Heard-Roberts	230	95	325
Larry Pittman	250	117	367

Mayor-At Large

Tim Barker	0	0	0
Unopposed			

The City Council further finds and declares that the election was duly called, that notice of the election was given in accordance with law, that the election was held in accordance with law, that **Steven Schneider**, was elected Councilmember District No. 2; **Don Mueller**, was elected Councilmember District No. 4; **Larry Pittman**, was elected Councilmember District No. 6– At Large and **Tim Barker**, was elected Mayor-At Large.

The City Council declares the above-named persons to be duly elected to the above-named offices, subject to the taking of their oaths of office as provided by the laws of the State of Texas and the charter 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 resolution is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 16th of May, 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

**CIUDAD DE WHARTON, TEXAS
ORDENANZA NUMERO 2022-08B**

UNA ORDENANZA HACIENDO EL ESCRUTINIO Y DECLARANDO LOS RESULTADOS DE LA ELECCIÓN DE FUNCIONARIOS MUNICIPALES QUE SE CELEBRO EL 7 DE MAYO 2022

ASÍ SE ORDENA por el Consejo Municipal de la Ciudad de Wharton, Texas:

El Consejo Municipal de la Ciudad de Wharton, Texas, ha escudriñado los resultados de la elección de funcionarios municipales celebrada **el 7 de mayo del 2022**, y el Consejo Municipal halla y declara que los resultados de la elección fueron debidamente y legalmente hechos, que todos los votos de la elección contados fueron validos y legales, y que cada uno de los candidatos en la elección recibieron los números de votos siguientes:

Resultados de la elección	Votación anticipada	Día de la elección	Total
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Councilmember District No. 2

Steve Schneider	0	0	0
Sin oponente			

Councilmember District No. 4

Don Mueller	0	0	0
Sin oponente			

Councilmember District No. 6 – At Large

Alice Heard-Roberts	230	95	325
Larry Pittman	250	117	367

Mayor-At Large

Tim Barker	0	0	0
Sin oponente			

El Consejo Municipal también determina y declara que la elección fue debidamente convocada, que el aviso de la elección se dio de acuerdo con la ley, que la elección misma se celebró de acuerdo con la ley, que **Steven Schneider** fue elegido Concejal para el Distrito No. 2, Don Mueller fue elegido Concejal para el Distrito No. 4, **Larry Pittman** fue elegido Concejal para la Posición No. 6- de forma irrestricta, y que **Tim Barker** fue elegido Alcalde en forma irrestricta.

El Consejo Municipal declara que las personas arriba mencionadas han sido debidamente elegidas a los puestos arriba mencionados, pendiente que hagan sus juramentos de sus cargos como se requiere según las leyes del Estado de Texas y la carta constitutiva de la Ciudad de Wharton, Texas.

Divisibilidad

Si cualquier tribunal competente con jurisdicción declara cualquier sección, sub-sección, frase, clausula, frase, o parte de esta resolución invalida o no constitucional, dicha parte se considerará ser una disposición aparte, distinta, e independiente, y dicha decisión no afectará la validez de las disposiciones restantes.

Autorización y Aprobación

AUTORIZADA y APROBADA por el Consejo Municipal de la Ciudad de Wharton, Texas, el 16 de mayo 2022.

CIUDAD DE WHARTON, TEXAS

Por: _____
TIM BARKER
 Alcalde

A TESTIGADO POR:

PAULA FAVORS
 Secretaria Municipal

APROBADO EN TANTO A FORMA:

PAUL WEBB
Abogado de la Ciudad

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

The sixth item on the agenda was to Administer: Oath of Office to Elected Officials: Councilmember, Steven Schneider; Councilmember, Don Mueller; Councilmember, Larry Pittman and Mayor, Tim Barker. City Attorney, Paul Webb, administered Oath of Office to Elected Officials: Councilmember, Don Mueller; Councilmember, Larry Pittman, and Mayor, Tim Barker.

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

The meeting adjourned at 6:40 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
MAY 23, 2022**

Mayor, Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:03 P.M. at City Hall 120 E. Caney Street Wharton, TX. Councilmember, Clifford Jackson, led the opening devotion and Mayor Pro-Tem, Don Mueller, led the pledge of allegiance.

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

Councilmember absent was: Tim Barker.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Anandel; City Secretary, Paula Favors, TRMC, CPM, MMC; Assistant to the City Manager, Brandi Jimenez; Director of Planning and Development, Gwyn Teves, CPM; Planning & Development Specialist, Krystal Hasselmeier; Finance Accountant, London Davis; Finance Clerk, Theresa Wittig; Customer Service Clerk, Lynette Masek; and Lead Customer Service Clerk, Selena Rios.

Visitors present were: Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

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

Public Comments.

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

Wharton Moment.

City Attorney, Paul Webb, swore in Councilmember, Steve Schneider, who was reelected on May 7, 2022.

1. Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year ended September 30, 2020.

Finance Director, Joan Anandel, stated the City received the Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year ended September 30, 2020. Mrs. Anandel presented her department's staff, Finance Accountant, London Davis; Finance Clerk, Theresa Wittig; Customer Service Clerk, Lynette Masek; and Lead Customer Service Clerk, Selena Rios. She thanked them for their hard work which contributed to the City receiving the award.

Review and Consider:

The first item on the agenda was to review and consider the appointment of Mayor Pro-Tem. After some discussion, Councilmember, Russell Machann, moved to appointment Councilmember, Don Mueller, to Mayor Pro-Tem. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider the City of Wharton Financial Report for April 2022. Finance Director, Joan Anandel, presented the City of Wharton Financial Report for April 2022. After some discussion, Councilmember, Terry Freese, moved to approve the City of Wharton Financial Report for April 2022. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider Annual Drinking Water Quality Report (Consumer Confidence Report-CCR). Finance Director, Joan Anandel, stated the U.S. Environmental Protection Agency (EPA) required that all community water systems provide an annual Drinking Water Quality Report (Consumer Confidence Report – CCR) to their customers by July 1st of each year. Mrs. Anandel said the City Staff was recommending that a link be established on the City of Wharton website and instructions on how to access this site be printed on the reverse side of customer utility bills which will be mailed on May 31, 2022. She said the City Staff would also like to schedule a Public Meeting on June 16, 2022, at 5:00 p.m. at City Hall to allow an opportunity for citizens to ask questions regarding the report. After some discussion, Councilmember, Russell Machann, moved to approve scheduling a Public Meeting on June 16, 2022, at 5:00 p.m. at City Hall for the Annual Drinking Water Quality Report (Consumer Confidence Report-CCR). Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from The Brooks at Caney Creek for sidewalk replacement on North Richmond Road. City Secretary, Paula Favors, stated the item would be placed on a future City Council agenda for review. After some discussion, no action was taken.

The fifth item on the agenda was to review and consider a resolution of the Wharton City Council approving the development of a new location highway, to be designated as an extension of FM 1301, from SH 60 in Wharton to US 59 and authorizing the Mayor of the City of Wharton to execute all documents related to said consideration. Director of Planning & Development, Gwyn Teves, stated the City Staff met with Texas Department of Transportation (TxDOT), Yoakum District Engineer, JohnPaul Clark, and was advised that the Texas Transportation Commission would require a resolution from the City of Wharton supporting the FM 1301 Extension. Mrs. Teves said the proposed changes to the state highway system were approved by the Texas Transportation Commission and no highway is designated without the Texas Transportation Commission's approval. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-39, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-50**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE DEVELOPMENT OF A NEW LOCATION HIGHWAY, TO BE DESIGNATED AS AN EXTENSION OF FM 1301, FROM SH 60 IN WHARTON TO US 59 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONSIDERATION.

WHEREAS, The City of Wharton is developing a new location highway, to be designated as an extension of FM 1301, from SH 60 in Wharton to US 59; and,

WHEREAS, The new location highway would facilitate the flow of traffic; and,

WHEREAS, The City of Wharton agrees to provide one hundred percent of the right of way and utility adjustments and provide for the development of the project including the environmental document and the plans, specifications and estimate; and,

WHEREAS, In conjunction with the 1301 Project, the Texas Department of Transportation will convey to the City of Wharton those portions of right of way underlying FM 102 from US 59 to SH 60 upon completion of construction of the project and making the project open for public use; and,

WHEREAS, The City of Wharton shall accept jurisdiction, control, and maintenance of FM 102 from US 59 to SH 60 upon removal of FM 102 from the state highway system and renaming of this section of roadway thus removing the FM 102 designation upon completion of construction of the project and making the project open for public use; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to said consideration.

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

Section I. The Wharton City Council hereby supports the request of the Texas Department of Transportation to designate FM 1301 the proposed highway on the new location.

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

Passed, Approved, and Adopted this 23rd day of May 2022.

CITY OF WHARTON, TEXAS

By: _____

DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The sixth item on the agenda was to review and consider 2021-2022 Texas Community Development Block Grant-Downtown Revitalization Program/Main Street (TX CDBG DRP-MS):

- A. Resolution: A resolution of the Wharton City Council adopting a resolution regarding civil rights for the Texas Community Development Block Grant Downtown Revitalization-Main Street (TX CDBG DRP-MS) Program and authorizing the Mayor of the City of Wharton to execute all documents related to said resolution.
- B. Resolution: A resolution of the City Council of Wharton, Texas, designating authorized signatories for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant Downtown Revitalization-Main Street (TX CDBG DRP-MS) Program Grant Agreement Number CDM21-0262.

City Manager, Joseph R. Pace, stated the City Council, on December 14, 2020, authorized the City Staff to issue Requests for Proposals (RFP) for administrative services and Requests for Qualifications (RFQ) for engineering services related to the 2021-2022 Texas Community Development Block Grant-Downtown Revitalization Program/Main Street (TX CDBG DRP-MS) Programs administered by the Texas Department of Agriculture (TDA) and establish consultant selection committees for both administrative services and engineering services for the program. Planning and Development Specialist, Krystal Hasselmeier, stated the City Council, on February 8, 2021, awarded the administrative contract to GrantWorks and the engineering contract to KSA Engineers Inc. for the 2021 TX CDBG DRP-MS Grant. Ms. Hasselmeier said the City, on July 19, 2021, was notified of the award of the 2021 TX CDBG DRP-MS Grant in the amount of \$350,000.00 with a City match of \$52,500.00 and part of the TX CDBG DRP-MS requirements was that the City have the following in place:

- 1. Resolution designating authorized signatories for the 2021 Texas CDBG program, grant agreement number CDM21-0262
- 2. Resolution adopting required CDBG Civil Rights policies
 - Citizen Participation Plan & Grievance Procedures (Form A1013).
 - Excessive Force Policy (Form A1003).
 - Section 504 Policy and Grievance Procedures (Form A1004).
 - Code of Conduct Policy (Form A1002).
 - Fair Housing Policy (Form 1015).

After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolutions No. 2022-50 and 2022-51, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-50**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING A RESOLUTION REGARDING CIVIL RIGHTS FOR THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT DOWNTOWN REVITALIZATION-MAIN STREET (TX CDBG DRP-MS) PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID RESOLUTION.

WHEREAS, The City of Wharton, Texas, (hereinafter referred to as “City of Wharton”) has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as “TDA”); and,

WHEREAS, The City of Wharton, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability; and,

WHEREAS, The City of Wharton, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections; and,

WHEREAS, The City of Wharton, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 75, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area; and,

WHEREAS, The City of Wharton, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State’s certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations; and,

WHEREAS, The City of Wharton, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project; and,

WHEREAS, The City of Wharton, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and,

WHEREAS, The City of Wharton, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period to affirmatively further fair housing; and,

WHEREAS, The City of Wharton, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

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 resolution regarding Civil Rights for the Texas Community Development Block Grant Downtown Revitalization-Main Street (TX CDBG DRP-MS), including:

1. Citizen Participation Plan and Grievance Procedures (Form A1013).
2. Excessive Force Policy (Form A1003).
3. Section 504 Policy and Grievance Procedures (Form A1004).
4. Code of Conduct Policy (Form A1002).
5. Fair Housing Policy (Form 1015).

Section II. The City of Wharton affirms its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:

6. Section 3 economic opportunity.
7. Limited English Proficiency.
8. Affirmatively Further Fair Housing.

Section III. 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 23rd day of May 2022.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2022-51**

A RESOLUTION OF THE CITY COUNCIL OF WHARTON, TEXAS, DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT DOWNTOWN REVITALIZATION-MAIN STREET (TX CDBG DRP-MS) PROGRAM GRANT AGREEMENT NUMBER CDM21-0262.

WHEREAS, The City of Wharton has received a 2021 Texas Community Development Block Grant award to provide sidewalks, curbs and ADA ramps; and,

WHEREAS, It is necessary to appoint persons to execute contractual documents, environmental review documents and documents requesting grant funds from the Texas Department of Agriculture; and,

WHEREAS, All funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition and civil rights requirements.

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

Section I. The Mayor shall serve as the Chief Executive Officer and Authorized Representative to execute contractual documents.

Section II. The Mayor is authorized to review and execute environmental review documents between the Texas Department of Agriculture and the City of Wharton.

Section III. The Mayor, City Manager and City Finance Director are authorized to execute the Request for Payment Form documents and/or other forms required for requesting funds to reimburse project costs.

Passed, Approved, and Adopted this 23rd day of May 2022.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The seventh item on the agenda was to review a consider a resolution of the Wharton City Council approving Change Order No. 3, due to material cost increases 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 and Development, Gwyn Teves, presented a copy of the Wharton Well & Water Plant – Contract #2 (Water Well), Change Order No. 3 from Weisinger, Inc., due to increase in both well and pump equipment material price. Mrs. Teves stated the Change Order was for an increase in the amount of \$98,595.11. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-52, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2022-52

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 3, DUE TO MATERIAL COST INCREASES 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. 3, due to material cost increases 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. 3, due to material cost increases with E Contractors for the Wharton Well and Water Plant Project.

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

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

Passed, Approved, and Adopted this 23rd day of May 2022.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth item on the agenda was to review and consider Pay Request No. 3, from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 3, from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street in the amount of \$266,660.25. After some discussion, Councilmember, Clifford Jackson, moved to approve Pay Request No. 3, from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street in the amount of \$266,660.25. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider Pay Request No. 3 and Final from JTM Construction, LLC, for the Colorado River Flood Control Public Utility Abandonment. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 3 and Final from JTM Construction, LLC, for the Colorado River Flood Control Public Utility Abandonment in the amount of \$35,180.10. After some discussion, Councilmember, Clifford Jackson, moved to approve Pay Request No. 3 and Final from JTM Construction, LLC, for the Colorado River Flood Control Public Utility Abandonment in the amount of \$35,180.10. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The tenth item on the agenda to review and consider was Pay Request No. 4, from E-Contractors for the Wharton Well and Water Plant Contract No. 1-General Construction. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 4, from E-Contractors for the Wharton Well and Water Plant Contract No. 1-General Construction in the amount of \$980,737.37. After some discussion, Councilmember, Clifford Jackson, moved to approve Pay Request No. 4,

from E-Contractors for the Wharton Well and Water Plant Contract No. 1-General Construction in the amount of \$980,737.37. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider an update of City of Wharton Grant Programs. City Manager, Joseph R. Pace, presented a copy of a memorandum from Director of Planning & Development, Gwyn Teves, providing an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The twelfth item on the agenda was to review and consider an update of City of Wharton on-going Projects. City Manager, Joseph R. Pace, presented a copy of his memorandum dated May 10, 2022, which stated the following:

FLOOD REDUCTION (LEVEE) PROJECT:

The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report is located at the Wharton County Library and the office of the City of Wharton City Secretary for viewing or the report may be viewed on line at <http://www.cityofwharton.com/information-a-notices/lcrb-feasibility-study>. The Project Participation Agreement (PPA) has been executed. The City has hired HDR for Right-of-Way Acquisition and Jones & Carter for City and private company utility relocations. The City has acquired all but 1 property for Phase 1 and is currently proceeding with Eminent Domain on the last property. Utility relocations for City utilities is near completion and all private utilities have been relocated or abandoned. All asbestos abatement has been completed. Phase 1 construction award anticipated late May.

DRAINAGE:

1. Stavena Addition Drainage Project.

The design and construction plans are complete. The challenge on this project is to find locations to place approximately 35,000 cubic yards of soil. The ideal disposal site should be close to the project site to reduce the cost of construction. The project is one of the construction projects to be funded with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program for partial assistance.

2. Ahldag Ditch Improvement.

The project was approved by the City Council. Public Works Department is currently working out the details. The ditch improvements were proposed under the Texas General Land Office (GLO) Infrastructure Grant Program. The staff is currently working with an appraiser for ROW acquisition. The project is also listed as one of the construction projects to be funded with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program for partial assistance.

3. On-going Drainage and Maintenance Program.

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

4. Pecan Acres (Mahan, Kinkaid, Delmas) Drainage Project.

Installation of the drainage pipes was completed. The City Public Works Department will be regrading ditches to improve the drainage in the area. The project is listed as one of the construction projects to be funded with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program for partial assistance.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

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

Half and Associates the City’s engineering firm on the project has completed the construction plans. The City Council and USDA have approved the construction contracts and construction has begun with E-Contractors and Wiesinger, Inc. Monthly progress meetings are being held. Well drilling complete and pump being installed and set. Ground storage tank construction complete and coating/painting in progress. Plant construction still in progress.

STREET IMPROVEMENTS:

1. FM 1301 Extension and Overpass Project Progress Report.

IDC Inc. has submitted to TxDOT Yoakum District Office all required plans for the project. The City Staff continues to coordinate with TxDOT to ensure the project continues to move forward. The City has received the funding for the project under the State Infrastructure Bank (SIB) Program. Annexation has been completed. ROW will be turned over to TxDOT for construction letting in August 2022.

2. I-69 Project.

The City submitted the comments as approved by the City Council to TxDOT. TxDOT has informed the City that CivilCorp engineering has begun design and the City is involved in regular coordination meetings. City staff is coordinating with Jones & Carter Engineering on utility relocations of water and sewer lines along I-69 that will be impacted by the expansion.

3. NanYa Exit Ramp Project.

TxDOT has been coordinating with NanYa and JM Eagle on the exit design.

After some discussion, no action was taken.

The thirteenth item on the agenda was to review and consider appointments and resignations to the City of Wharton Boards, Commissions and Committees.

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

After some discussion, no action was taken.

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

- A. Parks & Recreation meeting held May 9, 2022.
- B. Finance Committee meeting held May 16, 2022.

After some discussion, no action was taken.

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

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

After some discussion, no action was taken.

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

The meeting adjourned at 7:27 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

DRAFT

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	Request from Deshavian Williams, for a Juneteenth Celebration on Saturday, June 18, 2022, for the following: 1. Request for a variance to host food trucks and clothing vendors in a City Park.
Attached you will find the request from Deshavian Williams, for a Juneteenth Celebration on Saturday, June 18, 2022.			
City Manager: Joseph R. Pace		Date: Thursday, June 9, 2022	
Approval: 			
Mayor: Tim Barker			

June 01, 2022.

To: Brandi Jimenez
From: Deshavian Williams
RE: Juneteenth Celebration

I hope that you are getting better!

Please consider this our request to plan a celebration of Juneteenth at the Harris Park. We like to ask for a variance from city council to host food trucks, and clothing vendors. In replacement of music entertainment, we will host a basketball tournament and have tables, chairs, and a DJ from 3 pm to 9:30 pm.

In reference to the prior request, the committee reconstructed the event in efforts to meet Wharton Code of Ordinances (CHP.54 Parks and Recreation). We will no longer need any of the items I listed in the prior request.

We would like to be able to make minor adjustments in consultation and with agreement of city staff.

WHARTON PARK FACILITIES RESERVATION AGREEMENT FOR SPECIAL USE PERMIT FACILITY:

Riverfront Park East Pavilion (Mt. Carmel) Riverfront Park West Pavilion (Dinosaur Park) Riverfront Park Central Pavilion (Sherriff's Dept.) Guffey Park Gazebo Croom Park #2 Harris Park Pavilion Croom Park #1 Guadalupe Park

Type of Function: Holiday Celebration No. Attending: 100

NAME OF INDIVIDUAL RESPONSIBLE: Peshvian Williams

ADDRESS:

CITY, STATE & ZIP:

PHONE NUMBER: (Day) (Night) Same

Day & Date of Rental: June 18th 2022, Saturday

Hours of Use: Beginning: 2pm 10 am a.m./p.m. Ending: 10 pm a.m./p.m.

Alcoholic Beverages

Will alcoholic beverages be consumed or possessed during this event? Yes or No (If yes, a separate application for a Temporary Permit for Alcoholic Beverages Consumption/Possession must be completed at time of park reservation and a \$20.00 non-refundable fee shall be paid alcohol permit.)

Deposit

A \$50.00 deposit must be paid at the time of reservation. If the site and facilities are cleaned and returned to their original condition at the ending time as stated above, and all debris, paper, cans, signs, decorations, etc, are collected and placed in the trash receptacles, the deposit shall be refunded.

Rental Fee

City of Wharton Residents is required to pay a \$25.00 non-refundable fee. Persons not residing in the City of Wharton are required to pay a \$35.00 non-refundable fee.

Acknowledgment

I hereby acknowledge that I have received a copy of the Wharton Park Facilities Reservation Regulations and agree to abide by the contents therein.

Signature of Applicant

Date 3/26/22

For the City of Wharton

Date

For Office Use Only City Resident Fee Non City Resident Fee Alcohol Permit Fee Method of Payment: Cash Check

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	Request by Mr. Stephen Wisnieski, of My Storehouse Mini Storage II, 1810 Stadium Road, Brod Acres, Block 17J-1 for an 8' variance from the required 20' side property line setback creating a 12' setback.
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Attached you will find the request from Mr. Stephen Wisnieski, of My Storehouse Mini Storage II, 1810 Stadium Road, Brod Acres, Block 17J-1 for an 8' variance from the required 20' side property line setback creating a 12' setback. The original request was for a 7' variance from the required 20' side property line setback creating a 13' setback. However, the Planning Commission met on June 6, 2022, and voted to recommend to the City Council an 8' variance.

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

City Manager: Joseph R. Pace	Date: Thursday, June 9, 2022
Approval: 	
Mayor: Tim Barker	



City of Wharton

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

MEMORANDUM

DATE: June 6, 2022
FROM: Mike Wootton, Planning Commission Chairperson
TO: Honorable Mayor and City Council
SUBJECT: Recommendation to City Council from the Planning Commission Meeting held Monday, June 6, 2022.

The following items were discussed during the Monday, June 6, 2022, meeting:

1. Request by Mr. Stephen Wisnieski of My Storehouse Mini Storage II 1810 Stadium Rd., Brod Acres, Block 17J-1 for a 7' variance from required 20' side property line setback creating a 13' setback.

This item was amended by Mr. Stephen Wisnieski at the Planning Commission meeting to an 8' variance from the required 20' setback, creating a 12' setback.

The Planning Commission is recommending approval on 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**

Item-3.

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. The expiration date for approved variance application will be six months from the date of approval of the variance. If construction has not commenced within that six month period, the applicant must re-apply for the variance.

STEPHEN B. WISNIESKI
Name (Printed)
786 CANEY TRAILS DR. WHARTON, TX. 77488
Physical Address
Brod Acres, Block 175-1
Legal Address

5/18/2022
Date
1810 STADIUM RD WHARTON, TX. 77488
Mailing Address
979-533-9324 / 979-458-1323
Phone

Describe the variance request and the reason for requesting variance:

MSMS II 1511 FM 1301 BUILDING "P" & "Q" PROJECT
REQUESTING 7 FT VARIANCE ON EAST AND WEST SIDE

ATTACH A SITE PLAN WITH DIMENSIONS TO PROPERTY LINES:

SIGNATURE OF APPLICANT:

Sammy Wisniewski 5/18/2022
Signature Date
Planning Commission Meeting: JUNE 6, 2022
City Council Meeting: JUNE 13, 2022

Building line setbacks Only	
Residential	\$100.00
Non-Residential	\$150.00 ✓
Non-Refundable fee	
Effective November 3, 2006	

ADJACENT PROPERTY OWNER (S):

Charles Miller Estate c/o Ryan Quinn
Name
Brod Acres, Blk 17K
Legal Address
Panagiotis Peristeris
Name
Brod Acres, Blk 175-2
Legal Address

Phone
1507 FM 1301
Physical Address

Phone
1515 E Boling Hwy
Physical Address

Name

Legal Address

Phone

Physical Address

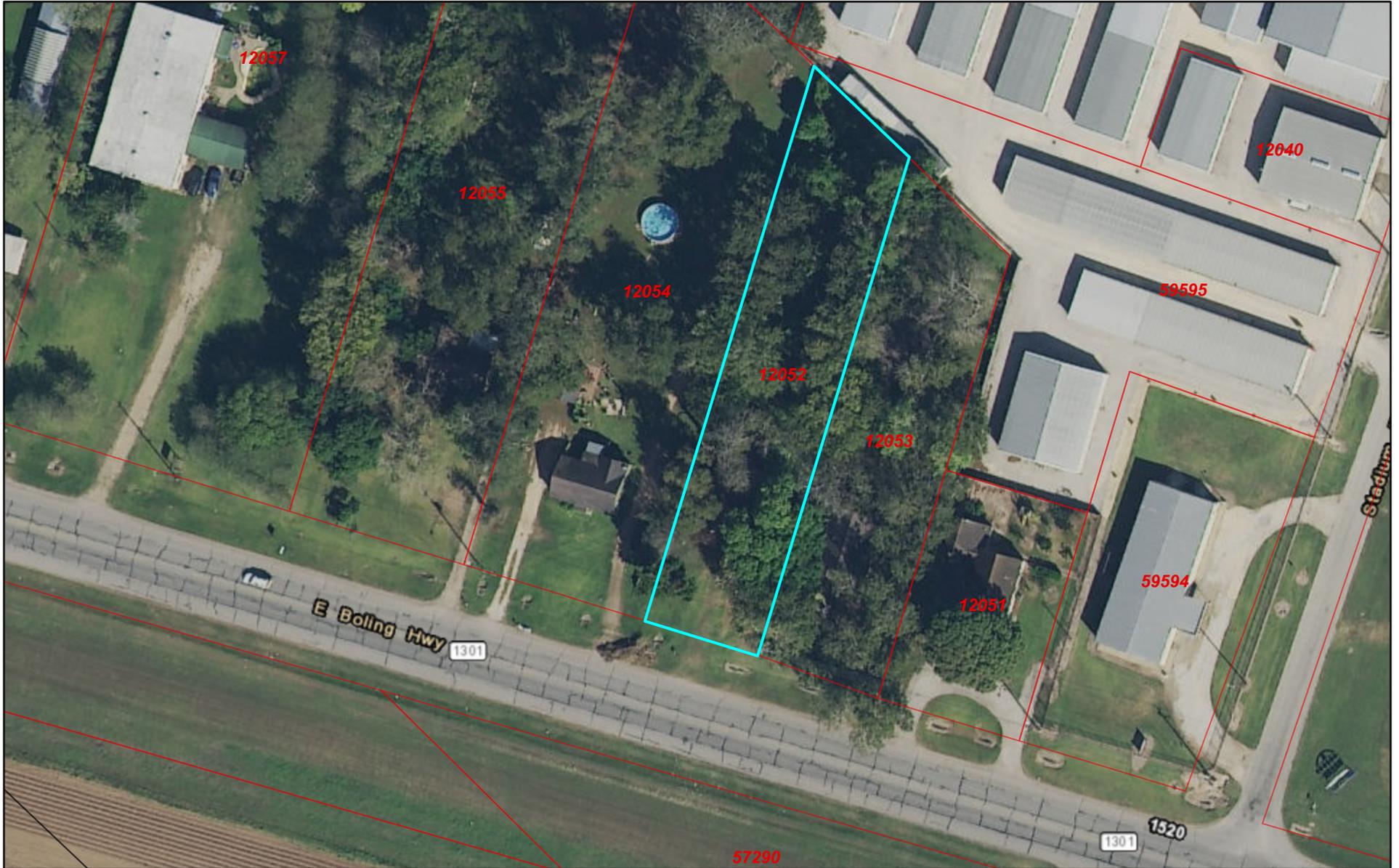
APPROVAL:

[Signature]
Planning Department
[Signature]
Chairman of the Planning Commission

5.23.2022
Date
6.6.2022
Date

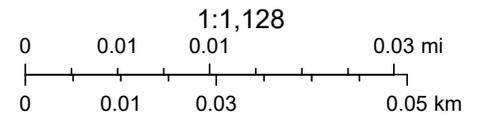
Date

MSMS II Variance Request CAD Map



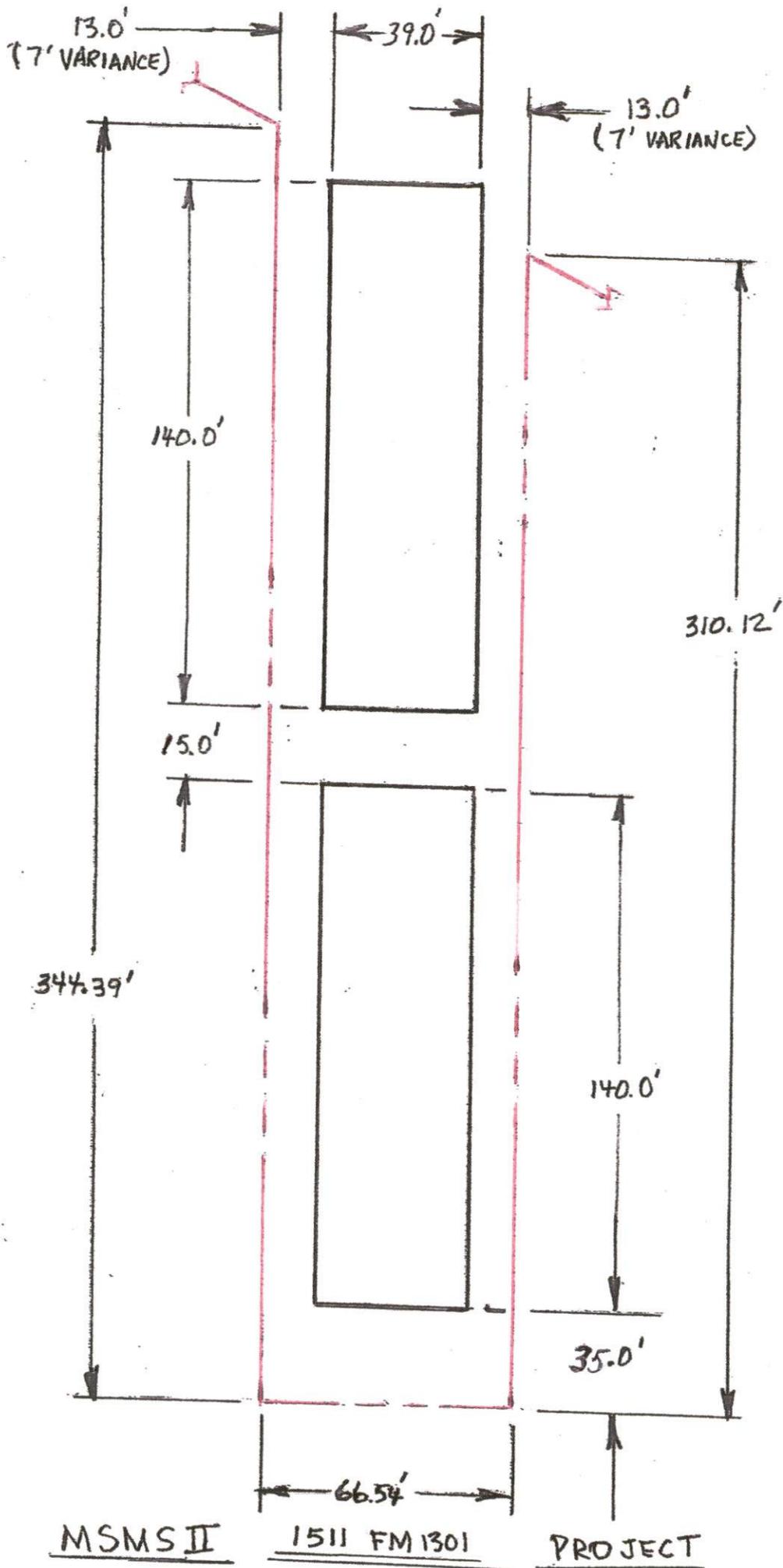
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World Transportation  Abstracts
 Parcels



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OpenStreetMap contributors

Wharton Central Appraisal District, BIS Consulting - www.bis



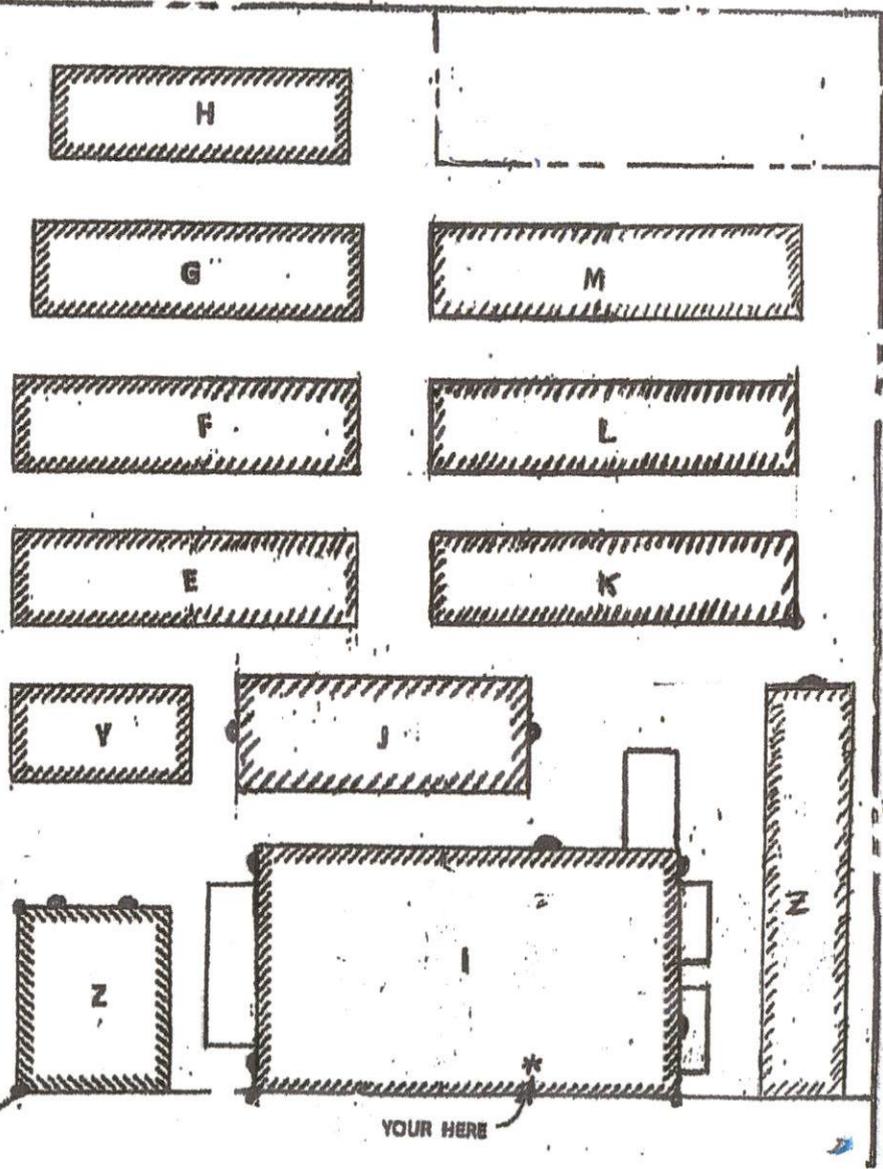
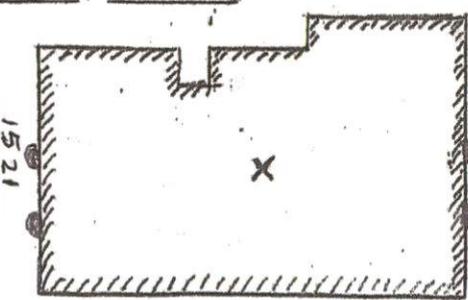
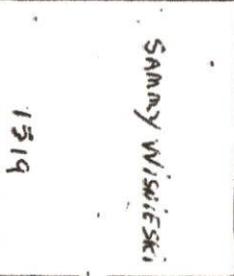
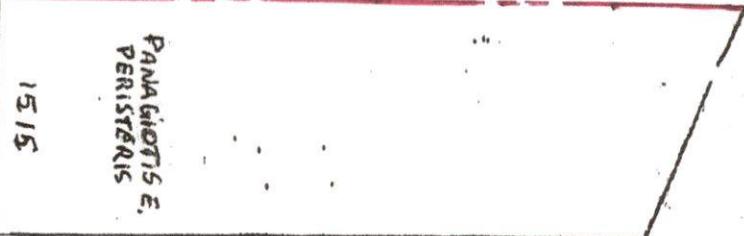
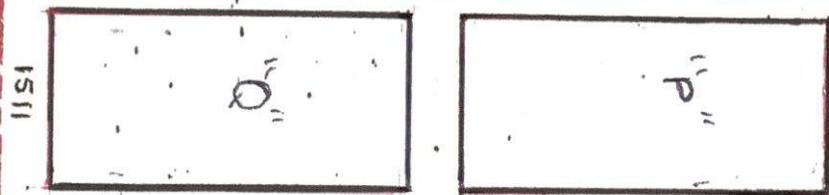
MY STOREHOUSE MINI STORAGE I & II

BUILDING LOCATION MAP

53274422

MSMSII 1511 FM 1301 PROJECT

CHARLES W. MILLER
EST.
% RYAN MILLER
QUINN
1501



ENTRY

STADIUM ROAD

gteves@cityofwharton.com

From: panagiotis peristeris <pano0177@icloud.com>
Sent: Tuesday, May 31, 2022 5:31 PM
To: gteves@cityofwharton.com
Subject: Disagreement of variance notice

Flag Status: Flagged

I Panagiotis Peristeris owner of property at 1515 E Boling Hwy 77488 do not agree with the variance request of 7ft nor 13ft near my property. My concerns are that my parents will not have any privacy, people will be coming and going all times of day and night, construction will cause run off water from the business causing the property to flood like it is doing in the back of my property now. And also it will bring my property value to decrease. Please send confirmation that you received this email. Thank you

Sent from my iPhone

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	Request from The Brooks at Caney Creek for sidewalk replacement on North Richmond Road.
<p>Ms. Laura Clemons, brought the request for sidewalk replacement on North Richmond Road to the City Council on November 8, 2021, where the item was tabled for further information to be provided and brought back to the Council. The information was gathered and brought back to the City Council on November 22, 2021. The Council was provided a quote for the work that was provided by Muhlhausen Construction in the amount of \$4,942.00. The construction of the sidewalk replacement was discussed and it was decided that the City would be responsible to provide ADA compliant sidewalks and that the cost could be impacted. The request was denied by the City Council. At the same meeting the City Council did agree to allow the City Staff to install culverts at the City’s cost once the developer purchased the culverts. The City confirmed with TxDOT on Friday, May 13, 2022, that their Sidewalk Project has a let date of March 2025 for this area. TxDOT is proposing to have sidewalks on both sides of Richmond Road. TxDOT will not replace any existing sidewalks, unless it doesn’t meet ADA guidelines.</p> <p>Ms. Clemons, is requesting that the City once again consider replacing the sidewalk in front of the property along her development. She has provided her own quote for this request.</p> <p>Mr. Bowlin, will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, June 9, 2022	
Approval: 			
Mayor: Tim Barker			



City of Wharton
Public Works Department
1005 E. Milam Street ° Wharton, TX 77488
Phone (979) 532-2491 ext. 801 ° Fax (979)
531-1744

MEMORANDUM

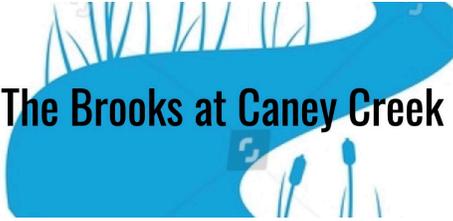
Date: May 17, 2022
To: Mr. Joseph R. Pace, City Manager
From: Anthony Arcidiacono, Public Works Director
Subject: The Brooks at Caney Creek: Request for sidewalk replacement on North Richmond Road

Ms. Laura Clemons, brought this request to the City Council on November 8, 2021, where the item was tabled for further information to be provided and brought back to the Council. The information was gathered and brought back to the City Council on November 22, 2021. The Council was provided a quote for the work that was provided by Muhlhausen Construction in the amount of \$4,942.00. The construction was discussed and it was decided that the City would be responsible to provide ADA compliant sidewalks and that the cost could be impacted. The request was denied by the City Council. At the same meeting, the City Council did agree to allow the City Staff to install culverts at City cost once the developer purchased the culverts.

We confirmed with TxDOT on Friday, May 13, 2022, on a sidewalk project that has a let date of March 2025 for this area. They are proposing to have sidewalks on both sides of Richmond Road. They will not replace any existing sidewalks, unless it doesn't meet ADA guidelines.

Ms. Clemons, is requesting that the City once again consider replacing the sidewalk in front of the property along her development. She has provided her own quote for this request.

If you have any questions, please contact me at 979-532-2491 Ext. 800. Thank you.



The Brooks at Caney Creek

Item-4.

Request for City to Replace Sidewalk

Project Name

The Brooks at Caney Creek

Owner

Chapel Creek Investments, LLC – David Bowlin

Project Information

6 houses and a publicly accessible gazebo are being constructed with HUD CDBG-DR grant funds provided through the State of Texas General Land Office Harvey Recovery Affordable Rental Program to provide housing replacement for units damaged and/or destroyed by Hurricane Harvey.

Location of Work

309 Richmond Road

Reason for Request

Requested for the City to replace 120' of sidewalk on Richmond Road so that the newly constructed development has code compliant sidewalk connectivity to the existing sidewalk in front of Chamber of Commerce.

The existing sidewalk is cracked, uneven, and too narrow to be compliant with current sidewalk width standards.

Estimated Cost

\$4,260

See attached estimate from Total Outdoor Solutions

Thank you for your consideration.

Best,



David Bowlin

Owner

Chapel Creek Investments, LLC

DBowlin@A2JHoldings.com

The Brooks at Caney Creek, LLC
3722 Lost Creek Blvd
Austin, TX 78725

(512) 289-2929

Existing Conditions - 03/31/22

Item-4.





BID

May 11, 2022

Total Outdoor Solutions, LLC
Mark Mata
1825 Foote St.
Wharton, TX. 77488
979-559-6027

Broaddus Construction
Site – 309 N Richmond Ave
Wharton, TX. 77488
Attn: Laura Clemons
laura@ccmc.me
205-789-2266

- *Break out and dispose of existing concrete sidewalk
 - *approx. 3x120
 - *Form and grade new sidewalk 4x120
 - *3/8" rebar, 16" on center
 - *Pour concrete – 3500 psi
 - *Includes city permit
- Labor and Materials

\$4,260.00

This estimate is for completing the job described above based on our evaluation. It does not include unforeseen price increases or additional labor and materials which may be required should problems arise.
50% of balance due before work begins. Remaining balance due upon completion.

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	Resolution: A resolution of the Wharton City Council approving the Annual Service Contract with Stryker Medical and authorizing the purchase of four (4) Power Pro 2 Stretchers and Stair-Pro Stair Chairs and authorizing the City Manager to execute all documents related to said purchase.
<p>Attached you will find a memo from E.M.S. Director, Christy Gonzales, regarding the Annual Service Contract with Stryker Medical and the purchase of medical equipment.</p> <p>Also attached is the quote from Stryker Medical for purchase of four new Power Pro 2 stretchers, Stair-PRO Stair Chairs and an updated Annual Service Contract.</p> <p>Ms. Gonzales, will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, June 9, 2022	
Approval: 			
Mayor: Tim Barker			

City of Wharton
EMERGENCY MEDICAL SERVICES
2010 N. Fulton
WHARTON, TEXAS 77488

Item-5.

INTERDEPARTMENTAL MEMO

DATE: JUNE 8, 2022
TO: JOSEPH PACE
FROM: CHRISTY GONZALES
RE: STRYKER EQUIPMENT

Mr. Pace,

Stryker Medical has provided a quote for purchase of four new Power Pro 2 stretchers, Stair-PRO Stair Chairs, and an updated service contract. This equipment is needed to replace the old equipment due to the service plan contract being no longer available for the non-supported items. Stryker is offering a promotion of a three-year payment plan with 0% interest. The promotion will end on 6/30/2022. I am requesting that these items are placed on the next Council's Agenda for their review.

Thank you,

Christy Gonzales

Christy Gonzales, Director WEMS

06/08/2022

WHARTON CITY EMS
 2010 N FULTON ST
 WHARTON, Texas 77488

Equipment: See proposal for detailed equipment descriptions and pricing.

Finance Structure: \$1 out end of term option

\$1 out of end of term option: Purchase the equipment for \$1.00

Payment Terms:

	\$1 OUT	3 annual payments	5 annual payments
Proposal Total		\$148,798.27	\$148,798.27
Total Payment		\$49,599.42	\$34,240.42

Payments are exclusive of all applicable taxes and freight unless otherwise noted

Contract Commencement: Upon delivery, installation and acceptance

First Payment Due: Net 30

Payment Adjustment The payments quoted herein were calculated based, in part, on an interest rate equivalent as quoted on the Intercontinental Exchange website, at <https://www.theice.com/marketdata/reports/180>, under the USD Rates 1100 Series. Stryker's Flex Financial business reserves the right to adjust the payments prior to contract commencement in order to maintain current economics of this proposed transaction.

Deal Consummation: This proposal is subject to final credit, pricing, and documentation approval. Legal documents must be signed before your equipment can be delivered.

Please note that this proposal is subject to change if documents are not signed prior to **06/30/2022**.

4 POWERPRO2, 4 STAIR CHAIRS w SERVICE

Quote Number: 10527971

Remit to: **Stryker Medical**

Version: 1

P.O. Box 93308
Chicago, IL 60673-3308

Prepared For: WHARTON CITY EMS

Rep: Tim Garza

Attn:

Email: tim.garza@stryker.com

Phone Number:

Quote Date: 05/30/2022

Expiration Date: 06/30/2022

Delivery Address

End User - Shipping - Billing

Bill To Account

Name: WHARTON CITY EMS

Name: WHARTON CITY EMS

Name: WHARTON CITY EMS

Account #: 1153678

Account #: 1153678

Account #: 1153678

Address: 2010 N FULTON ST

Address: 2010 N FULTON ST

Address: 2010 N FULTON ST

WHARTON

WHARTON

WHARTON

Texas 77488

Texas 77488

Texas 77488

Equipment Products:

#	Product	Description	Qty	Sell Price	Total
2.0	650705550001	6507 POWER PRO 2, HIGH CONFIG	4	\$27,115.00	\$108,460.00
3.0	650707000002	Lithium-Ion Battery	4	\$765.00	\$3,060.00
4.0	650700450301	ASSEMBLY, BATTERY CHARGER	4	\$1,094.80	\$4,379.20
5.0	650700450102	ASSEMBLY, POWER CORD, NORTH AM	4	\$25.01	\$100.04
6.0	6252000000	Stair-PRO Model 6252	4	\$3,416.96	\$13,667.84
6.1	7777881660	1 year parts, labor & travel			
6.2	6252009001	Stair-Pro Operations Manual			
6.3	6250001162	In-Service Video (DVD)			
6.4	6252026000	Common Components			
6.5	6250021000	2 Piece ABS Panel Seat			
6.6	6250160000	Polypropelene Restraint Set(Plastic Buckles)			
6.7	6252022000	Main Frame Assy Option			
6.8	6250024000	Standard Length Lower LiftHandles			
6.9	6252027000	Footrest Option			
6.10	6252024000	No IV Clip Option			

Equipment Total: \$129,667.08

Trade In Credit:



4 POWERPRO2, 4 STAIR CHAIRS w SERVICE

Quote Number: 10527971

Remit to: **Stryker Medical**

Version: 1

P.O. Box 93308
Chicago, IL 60673-3308

Prepared For: WHARTON CITY EMS

Rep: Tim Garza

Attn:

Email: tim.garza@stryker.com

Phone Number:

Product	Description	Qty	Credit Ea.	Total Credit
TR-SPCOT-PPXT	TRADE-IN-STRYKER POWER COT TOWARDS PURCHASE OF POWERPRO XT	4	-\$2,500.00	-\$10,000.00

ProCare Products:

#	Product	Description	Qty	Sell Price	Total
7.1	77500010	ProCare Power-PRO 2 Prevent Service: Annual onsite preventive maintenance inspection and unlimited repairs including parts, labor and travel with SEM and battery coverage for 6507 POWER PRO 2, HIGH CONFIG	4	\$5,992.50	\$23,970.00
7.2	73071PT	ProCare Stair Chair Prevent Service: Annual onsite preventive maintenance inspection and unlimited repairs including parts, labor and travel (AM) for Stair-PRO Model 6252	4	\$1,290.30	\$5,161.20
ProCare Total:					\$29,131.20

Price Totals:

Estimated Sales Tax (0.000%):	\$0.00
Freight/Shipping:	\$0.00
Grand Total:	\$148,798.28

Prices: In effect for 30 days

Terms: Net 30 Days

Contact your local Sales Representative for more information about our flexible payment options.

Capital Terms and Conditions:

Deal Consummation: This is a quote and not a commitment. This quote is subject to final credit, pricing, and documentation approval. Legal documentation must be signed before your equipment can be delivered. Documentation will be provided upon completion of our review process and your selection of a payment schedule. Confidentiality Notice: Recipient will not disclose to any third party the terms of this quote or any other information, including any pricing or discounts, offered to be provided by Stryker to Recipient in connection with this quote, without Stryker's prior written approval, except as may be requested by law or by lawful order of any applicable government agency. A copy of Stryker Medical's Acute Care capital terms and conditions can be found at https://techweb.stryker.com/Terms_Conditions/index.html. A copy of Stryker Medical's Emergency Care capital terms and conditions can be found at <https://www.strykeremergencycare.com/terms>.

PENDING APPROVAL

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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE ANNUAL SERVICE CONTRACT WITH STRYKER MEDICAL AND AUTHORIZING THE PURCHASE OF FOUR (4) POWER PRO 2 STRETCHERS AND STAIR-PRO STAIR CHAIRS AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Wharton Emergency Medical Services Department requests that the City Council approve the Annual Service Contract with Stryker Medical; and,

WHEREAS, The Wharton City Council wishes to authorize the City Staff to purchase four (4) Power Pro 2 Stretchers and Stair-Pro Stair Chairs; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to execute all documents related to the Annual Service Contract and said purchase.

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

SECTION I. The Wharton City Council hereby approves the Annual Service Contract with Stryker Medical and the purchase of four (4) Power Pro 2 Stretchers and Stair-Pro Stair Chairs.

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

PASSED AND APPROVED this 13th day of June 2022.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	Resolution: A resolution of the Wharton City Council approving the Interlocal Agreement with the Texas Municipal League Health Benefits Pool (TML Health Benefits Pool) for medical, long-term disability, life, accidental death & dismemberment, for flexible spending account, health reimbursement account and voluntary vision plans for City employees for the October 1, 2022 to September 30, 2023 Fiscal Year; and Sun Life Financial for voluntary dental coverage for City employees; authorizing the Mayor of the City of Wharton to execute all documents relating to said contracts.
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Attached you will find a memo from City Secretary, Paula Favors, regarding the City of Wharton TML Health Benefits Pool re-rate options for the 2022-2023 year. The recommendation from the City Staff is to consider TML Health Benefits Pool for the employee’s health insurance plan and contribute the previous year’s amount of \$1,250.00 to a Health Reimbursement Agreement (HRA) to offset the deductible or other medical expenses. Also, the City Staff is requesting to continue voluntary Vision Option H to this year’s TML Health Benefits Pool plan.

There are no changes in the rates for the Voluntary Sun Life Financial Dental Coverage.

The City Council Finance Committee will meet on June 13, 2022, to provide a recommendation to the City Council.

Ms. Favors will be present to answer any questions.

City Manager: Joseph R. Pace	Date: Thursday, June 9, 2022
Approval: 	
Mayor: Tim Barker	



City of Wharton

Item-6.

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

MEMORANDUM

Date: June 7, 2022

Paula

From: Paula Favors, City Secretary

To: Joseph R. Pace, City Manager

CC: Joan Andel, Finance Director

Subject: TML Health Benefits Pool Insurance Coverage for 2022-2023 Options

The City of Wharton received the Rerate Options for the 2022-2023 year, for the following:

	Total Covered	Current Rate	Stay the Same 17% Increase	Monthly Increase to Employee	Annual Increase to the City
Employee	100	\$ 564.52	\$ 660.50		\$ 115,176.00
Spouse	2	\$ 581.46	\$ 680.30	\$ 98.84	
Children	11	\$ 429.04	\$ 501.92	\$ 72.88	
Family	1	\$ 1,100.80	\$ 1,287.94	\$ 187.14	

Currently
 \$30 Office Visit
 \$60 Specialist Visit
 \$75 Urgent Care
 \$0 Tela Health Copay

\$500 ER Copay

	Total Covered	Current Rate	Option 1 13.41% Increase	Monthly Increase to Employee	Annual Increase to the City
Employee	100	\$ 564.52	\$ 640.24		\$ 90,864.00
Spouse	2	\$ 581.46	\$ 659.46	\$ 78.00	
Children	11	\$ 429.04	\$ 486.52	\$ 57.48	
Family	1	\$ 1,100.80	\$ 1,248.44	\$ 147.64	

Increases Out of Pocket from \$5k to \$6K

	Total Covered	Current Rate	Option 2 11.44% Increase	Monthly Increase to Employee	Annual Increase to the City
Employee	100	\$ 564.52	\$ 629.10		\$ 77,496.00
Spouse	2	\$ 581.46	\$ 647.96	\$ 66.50	
Children	11	\$ 429.04	\$ 478.12	\$ 49.08	
Family	1	\$ 1,100.80	\$ 1,226.68	\$ 125.88	

Increases Out of Pocket from \$5k to \$7K

Vision	Employee Paid	No Change	
Life \$25,000	\$0.194 per \$1,000	No Change	
AD&D	\$0.040 per \$1,000	No Change	
Long Term Disability	\$0.040 per \$100	No Change	

It is my recommendation that the City Council consider approving TML-Health Benefits Pool for the 2022-2023 health insurance plan and contribute the previous year's amount of \$1250 to a Health Reimbursement Agreement (HRA) to offset the deductible or other medical expenses. The City Staff is looking into ways to assist employees with their medical expenses. The hopes are this would allow the employee some flexibility to help assist them with future medical expenses. If the City would continue to enter into a HRA along with the current Flexible Spending Account (FSA) Section 125 with TML-HEALTH BENEFITS POOL employees will be able to continue to access the benefits of both accounts.

If you have any questions, please contact me at (979) 532-2491 Ext. 225. Thank you.

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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE INTERLOCAL AGREEMENT WITH THE TEXAS MUNICIPAL LEAGUE HEALTH BENEFITS POOL (TML HEALTH BENEFITS POOL) FOR MEDICAL, LONGTERM DISABILITY, LIFE, ACCIDENTAL DEATH & DISMEMBERMENT, FOR FLEXIBLE SPENDING ACCOUNT AND HEALTH REIMBURSEMENT ACCOUNT PLANS FOR CITY EMPLOYEES FOR THE OCTOBER 1, 2022 TO SEPTEMBER 30, 2023 FISCAL YEAR AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENTS.

WHEREAS, The City of Wharton received the renewal rate for medical, long-term disability, life, accidental death & dismemberment for city employees; voluntary Vision Option H, and Sun Life Dental and,

WHEREAS, The City of Wharton medical plan with Texas Municipal League Health Benefits Pool would be renewed with an ___% increase; and,

WHEREAS, The City of Wharton would provide to each full-time employee a \$1,250 yearly contribution to the employee health reimbursement account (HRA) administered by the TML Health Benefits Pool; and,

WHEREAS, The Mayor of the City of Wharton has executed on behalf of the City said agreement.

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

Section I. That the Wharton City Council hereby approves the interlocal agreement with the Texas Municipal League Health Benefits Pool for medical, long-term disability, life and accidental death & dismemberment coverage; voluntary Vision Option H, and Sun Life Dental, signed by the Mayor.

Section II. That Wharton City Council hereby approves providing to each full-time employee a \$1,250 yearly contribution to the employee health reimbursement account (HRA) administered by the TML Health Benefits Pool.

Section III. That the Mayor of the City of Wharton execution of all documents relating to the aforementioned agreements are hereby approved.

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

Passed, Approved, and Adopted this 13th day of June 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	Resolution: A resolution authorizing the sale of City of Wharton surplus personal property in accordance with the City Charter Section 75 sale of city personal property; procedures.
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Attached is a copy of a memorandum from City Secretary, Paula Favors, requesting City Council approval of the sale of City Surplus Property through the next Poor Farm’s Public Auction. Also, attached is a draft resolution authorizing the surplus personal property bidding process through Poor Farms and authorizing the City Manager to sell items that were not sold through the bidding process on a first come first serve basis.

The City Charter Section 75 Sale of City personal property; procedures, requires that items that are valued at \$1,000 or more must be sold through the bidding process. A copy of Section 75 of the Charter is attached.

City Secretary, Paula Favors, will be present to answer any questions.

City Manager: Joseph R. Pace	Date: Thursday, June 9, 2022
Approval: 	
Mayor: Tim Barker	



City of Wharton

Item-7.

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

MEMORANDUM

Date: June 8, 2022
From: Paula Favors, City Secretary/Assistant City Manager
To: Joseph R. Pace, City Manager
Subject: Surplus Property Auction

The yearly surplus property auction for the City includes the following vehicle:

2016 Chevrolet Tahoe Vin #1GNLCDEC4GR251177 Minimum Bid \$9,000.00

The City Staff is requesting the City Council consider allowing the sale of the vehicle through the next Poor Farm's Public Auction.

If you have any questions, please contact Paula Favors at (979) 532-2491 Ext. 225. Thank you.

- (a) Before the city makes any sale or contract for the sale of any personal property belonging to the city, having an estimated value of one thousand (\$1,000.00) dollars or less, opportunity shall be given for open competition under such rules and regulations as the city council may prescribe.
- (b) In the sale of any such property valued at more than one thousand (\$1,000.00) dollars, the property shall be advertised, one time in the official newspaper, for sale and bids. The contract of sale shall be awarded to the highest responsible bidder after such public notice and competition as may be prescribed by the council, provided the council shall have the power to reject all bids and advertise again.

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

A RESOLUTION AUTHORIZING THE SALE OF CITY OF WHARTON SURPLUS PERSONAL PROPERTY IN ACCORDANCE WITH THE CITY CHARTER SECTION 75 SALE OF CITY PERSONAL PROPERTY; PROCEDURES.

WHEREAS, The City of Wharton has identified surplus personal property; and,

WHEREAS, The Wharton City Council of the City of Wharton wishes to authorize the City Manager to sell the surplus personal property through Poor Farm’s Public Auction by in accordance with the City Charter Section 75 Sale of City personal property; procedures; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to sell City personal property out right on a first come first serve basis if said property did not sell through the bidding process.

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

Section I. The City Council of the City of Wharton hereby authorizes the City Manager to sell the City of Wharton surplus personal property in accordance with the City Charter Section 75 Sale of City personal property; procedures.

Section II. The City Council of the City of Wharton hereby authorizes the sale of this personal property by Poor Farm’s Public Auction.

Section III. The Wharton City Council hereby authorizes the City Manager to sell City personal property out right on a first come first serve basis if said property did not sell through the bidding process.

Section IV. This resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 13th day of June 2022.

CITY OF WHARTON, TEXAS

By:

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	Request for Privileged Liens Amnesty.
<p>The City of Wharton has issued privileged liens under the Chapter 34 Health and Sanitation Sec. - 34-56. - Same—Collection of expenses, for properties within the City for having to maintain grass and/or weeds for those not in compliance since 1998.</p> <p>Since that time, the City has issued over 800 liens. After an internal audit of the active liens, it was discovered that there was over \$300,000 in outstanding liens and over \$600,000 in interest. The City Staff is requesting in an effort to collect some of the outstanding lien debt, the City Council consider approving an amnesty on the interest due on these liens. It is the City Staff’s request that the amnesty run through September 15, 2022, forgiving the interest amount only.</p> <p>If approved, letters would be mailed to the current property owner listed under the Wharton Central Appraisal District (CAD), notifying them of the lien and of the amnesty. Property owners would have until September 15, 2022, to pay their lien and the \$26 lien release fee to have it released by the City.</p> <p>The Finance Committee will meet on Monday, June 8, 2022 at 6:00 p.m. to discuss and provide a recommendation to the City Council.</p> <p>City Secretary, Paula Favors, will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, June 9, 2022	
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

Date: June 8, 2022
From: Paula Favors, City Secretary
To: Joseph R. Pace, City Manager
Subject: City of Wharton Chapter 34 Health and Sanitation – Weedy Lots Liens

The City of Wharton has issued privileged liens under the Chapter 34 Health and Sanitation Sec. - 34-56. - Same—Collection of expenses, for properties within the City for having to maintain grass and/or weeds for those not in compliance since 1998.

Since that time, the City has issued over 800 liens. After an internal audit of the active liens, it was discovered that there was over \$300,000 in outstanding liens and over \$600,000 in interest. The City Staff is requesting in an effort to collect some of the outstanding lien debt, the City Council consider approving an amnesty on the interest due on these liens. It is the City Staff's request that the amnesty run through September 15, 2022, forgiving the interest amount only.

If approved, letters would be mailed to the current property owner listed under the Wharton Central Appraisal District (CAD), notifying them of the lien and of the amnesty. Property owners would have until September 15, 2022, to pay their lien and the \$26 lien release fee to have it released by the City.

If you have any questions, please contact Paula Favors at (979) 532-2491 Ext. 225. Thank you.

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	Ordinance: An ordinance amending the City of Wharton Code of Ordinances, Chapter 34 Health and Sanitation; Article II. Cleanliness and Sanitation of premises; Littering; Section 34-51 accumulation or growth of weeds or brush; item (b) duty to cut growth; item (1); 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 separability and setting an effective date.
<p>Attached is a draft copy of a proposed amendment to the City of Wharton Code of Ordinances, Chapter 34, Health and Sanitation; Article II Cleanliness and Sanitation of Premises; Littering; Section 34-51 Accumulation of growth of weeds or brush.</p> <p>City Attorney, Paul Webb, has reviewed the draft ordinance and will give his recommendation to the City Council.</p> <p>City Secretary, Paula Favors, will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, June 9, 2022	
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

Date: June 7, 2022

From: Paula Favors, City Secretary

To: Joseph R. Pace, City Manager

Subject: Update to the City of Wharton's Chapter 34 Health and Sanitation Code

The City of Wharton has seen issues over the last couple of years arise regarding the duty to cut the growth of weeds and/or brush as outlined in the City's Code. The City Staff is requesting an update to Chapter 34 Health and Sanitation Code, which would include an updated definition of what would be the property owner(s) responsibility to maintain. The update would state, "For purposes of owner(s) responsibility, it shall include, in addition to those grounds within their respective boundaries, all abutting easements and rights-of-way being adjacent thereto and extending beyond the property line of any such property to the edge of the blacktop of adjacent streets where a curb line has not been established, or to the back of the curb where curb line has been established, and also to the center of adjacent alleys, easements, and undeveloped streets." What this would mean for property owners, is that they would be required to keep their grass maintained to the curb or edge of the roadway and also to the center of adjacent alleys, easements, and undeveloped streets.

Attached is a draft copy of a proposed amendment to the City of Wharton Code of Ordinances, Chapter 34, Health and Sanitation; Article II Cleanliness and Sanitation of Premises; Littering; Section 34-51 Accumulation of growth of weeds or brush.

City Attorney, Paul Webb, has reviewed the ordinance and will give his recommendation to the City Council.

If you have any questions, please contact Paula Favors at (979) 532-2491 Ext. 225. Thank you.

**CITY OF WHARTON
ORDINANCE NO. 2022-XX**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 34 HEALTH AND SANITATION; ARTICLE II. CLEANLINESS AND SANITATION OF PREMISES; LITTERING; SECTION 34-51 ACCUMULATION OR GROWTH OF WEEDS OR BRUSH; ITEM (b) DUTY TO CUT GROWTH; ITEM (1); 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 SEPARABILITY 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 34 Health and Sanitation; Article II. Cleanliness and Sanitation of Premises; Littering; Section 34-51 Accumulation or growth of weeds or brush through Section 34-55. Same—Performance by City shall read as follows:

Sec. 34-51. Accumulation or growth of weeds or brush.

- (a) Nuisance declared. It shall be unlawful for any owner(s) of any premises within the city to allow weeds, grass or uncultivated plants to grow upon such premises or to allow trash or rubbish to accumulate upon such premises to such an extent as is reasonably calculated to create a fire hazard or to become injurious to the health of the citizens. Any such act is declared to constitute a public nuisance.
- (b) Duty to cut growth.
- (1) It shall be unlawful for any owner(s) of any premises to permit weeds, grass or uncultivated plants to grow upon such premises to a height greater than ten (10) inches on an average or to grow in rank profusion thereon. **For purposes of owner(s) responsibility, it shall include, in addition to those grounds within their respective boundaries, all abutting easements and rights-of-way being adjacent thereto and extending beyond the property line of any such property to the edge of the blacktop of adjacent streets where a curb line has not been established, or to the back of the curb where curb line has been established, and also to the center of adjacent alleys, easements, and undeveloped streets.** Any premises upon which any weeds, grass or uncultivated plants grow above such height or in rank profusion shall be deemed a public nuisance. Provided, however, the provisions of this subsection shall not apply to any owner(s) of any premises who has received and maintains a valid permit to grow and harvest hay within the city limits.

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 24th day of June, 2022 at 12:01 a.m.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 13th day of June, 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

Published in the Wharton Journal Spectator on Wednesday, June 15, 2022 and Wednesday, June 22, 2022.

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	Debris Removal Services and Debris Monitoring Services: <ul style="list-style-type: none"> A. Resolution: A resolution of the Wharton City Council establishing a Consultant Selection Committee and developing evaluation criteria for the selection of a debris removal and disposal firm to be used in the event of a major disaster. B. Resolution: A resolution of the Wharton City Council establishing a Consultant Selection Committee and developing evaluation criteria for the selection of a debris monitoring firm to be used in the event of a major disaster.
<p>The contracts for Debris Removal Services and Debris Monitoring Services have expired requiring new services be procured. It is the City Staff's recommendation that at this time a Consultant Selection Committees be created and advertisements be posted for the procurement of Debris Removal Services and Debris Monitoring Services for the City of Wharton as the 2022 Hurricane Season begins.</p> <p>Attached are the draft resolutions and exhibits.</p> <p>Emergency Management Coordinator, Ben Guanajuato, will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, June 9, 2022	
Approval: 			
Mayor: Tim Barker			



City of Wharton

Office of Emergency Management

1407 N. Richmond Rd., Wharton, TX 77488

Phone (979) 532-4811 x 502 Fax (979)532-1800

Date: May 31, 2022

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

From: Lt. Ben Guanajuato

Contracts for Debris Removal Services and Debris Monitoring Services have expired thus requiring new services be procured. It is my recommendation, at this time, that a Consultant Selection Committee be created and advertisements be posted for the procurement of Debris Removal Services and Debris Monitoring Services for the City of Wharton as the 2022 Hurricane Season begins.

Attached are the draft resolutions and exhibits for the committees.

If you have any questions, please feel free to contact me.

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

A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF A DEBRIS REMOVAL AND DISPOSAL FIRM TO BE USED IN THE EVENT OF A MAJOR DISASTER.

WHEREAS, The Wharton City Council wishes to establish a Consultant Selection Committee for the selection of a debris removal and disposal firm to be used in the event of a major disaster and provide recommendations to the City Council; and,

WHEREAS, The Wharton City Council wishes the Consultant Selection Committee to consist of the Emergency Management Coordinator, the Public Works Director, the City Manager, and the Finance Director; and,

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

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

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

Section I. That the Wharton City Council hereby establishes a Consultant Selection Committee.

Section II. That the Consultant Selection Committee will consist of the Emergency Management Coordinator, the Public Works Director, the City Manager, and the Finance Director.

Section III. That the criteria as set forth in Attachment A is hereby approved.

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

Passed, Approved, and Adopted this 13th day of June 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

CONSULTANT RATING SHEET				
SPONSOR: City of Wharton		{Name} _____		
PROJECT: Disaster Debris Removal		Committee Member's Signature _____		
		Date: _____		
A . TECHNICAL RESPONSE				
Debris Removal Contractor				
RATING CRITERIA	MAX. POINTS			
1. Has adequate equipment available?	10			
2. Vendor approach and methodology?	5			
3. Service as stated in RFP?	5			
Subtotal Technical Response	20			
COMMENTS:				
B. QUALIFICATIONS AND EXPERIENCE				
RATING CRITERIA	MAX. POINTS			
1. History of similar work?	20			
2. Previous experience with FEMA?	15			
3. Team experience.	10			
4. References.	20			
Subtotal Qualification & Experience	65			
COMMENTS:				
C. CONTRACT COST				
RATING CRITERIA	MAX. POINTS			
1. Contract Cost	15			
Subtotal Capacity to Perform	15			
COMMENTS:				
TOTAL SCORING				
RATING CRITERIA	MAX. POINTS			
A. Technical Response	20			
B. Qualifications & Experience	65			
C. Contract Cost	15			
TOTAL SCORE	100			

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

A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF A DEBRIS MONITORING FIRM TO BE USED IN THE EVENT OF A MAJOR DISASTER.

WHEREAS, The Wharton City Council wishes to establish a Consultant Selection Committee for the selection of a debris monitoring firm to be used in the event of a major disaster and to provide recommendations to the City Council; and,

WHEREAS, The Wharton City Council wishes the Consultant Selection Committee to consist of the Emergency Management Coordinator, the Public Works Director, the City Manager, and the Finance Director; and,

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

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

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

Section I. That the Wharton City Council hereby establishes the a Consultant Selection Committee.

Section II. That the Consultant Selection Committee will consist of the Emergency Management Coordinator, the Public Works Director, the City Manager, and the Finance Director.

Section III. That the criteria as set forth in Attachment A is hereby approved.

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

Passed, Approved, and Adopted this 13th day of June 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

CONSULTANT RATING SHEET				
SPONSOR: City of Wharton		{Name} _____		
PROJECT: Disaster Debris Monitoring		Committee Member's Signature _____		
		Date: _____		
Debris Removal Monitoring Contractor				
RATING CRITERIA	MAX. POINTS			
1. Qualifications/Experience	20			
2. Resources & Availability	20			
3. Project Approach & Management	15			
4. FEMA Reporting & Reimbursement	20			
5. Compensation	25			
TOTAL SCORING	100			
COMMENTS:				

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	Resolution: A resolution of the Wharton City Council approving a Perpetual Blanket Overhead and Underground Easement between the City of Wharton and CenterPoint Energy to provide electrical service to the new City of Wharton Water Well and Storage Facilities and authorizing the Mayor of the City of Wharton to execute the agreement.
<p>The construction of the newest water well on C.R. 222 is progressing and utility services are ready to be extended to the property. It is a requirement of CenterPoint Energy to provide an easement on the property for the services.</p> <p>Attached is the draft Easement Agreement and resolution to enter into the agreement. This agreement has been reviewed by City Attorney, Paul Webb, and meets his approval.</p> <p>Director of Planning & Development, Gwyn Teves, will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, June 9, 2022	
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

DATE: June 2, 2022

FROM: Gwyneth Teves, Director of Planning & Development

TO: Honorable Mayor and City Council

SUBJECT: Easement Agreement with CenterPoint Energy for the Water Well on C.R. 222

The construction of the newest water well on C.R. 222 is progressing and utility services are ready to be extended to the property. It is a requirement of CenterPoint Energy to provide an easement on the property for the services.

Attached is the draft easement agreement and resolution to enter into the agreement. This agreement has been reviewed by City Attorney, Paul Webb, and meets his approval. It is my recommendation that the Council consider approving this agreement at this time to continue the progress of the water well completion.

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

**SHORT FORM BLANKET EASEMENT
3-PHASE OVERHEAD AND UNDERGROUND**

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS }
 } KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF WHARTON }

THAT, City of Wharton, a Texas Municipal Corporation, its successors and assigns, hereinafter referred to as "Grantor", whether one or more, for and in consideration of the sum of ONE DOLLAR (\$1.00) CASH to Grantor paid by CenterPoint Energy Houston Electric, LLC, its successors and assigns, hereinafter referred to as "Grantee", whose principal address is P. O. Box 1700, Houston, Texas 77251-1700, has **GRANTED, SOLD AND CONVEYED** and by these presents, does **GRANT, SELL AND CONVEY** unto said Grantee, all or in part, a perpetual **blanket** easement, hereinafter referred to as the "Easement", for electric distribution and related communication facilities consisting of a variable number of wires and cables and all necessary and desirable equipment and appurtenances, including, but not limited to, towers or poles made of wood, metal or other materials, props and guys, hereinafter referred to as "Facilities", lying on, over, under, and across the following described lands owned by Grantor, ("Grantor's Property"), to wit:

That certain 17.03-acre tract of land situated in the Alexander Jackson Timber League, Abstract 34, and in the William Kincheloe League, Abstract 38, in Wharton County, Texas, being the same property described in a deed from Wharton Economic Development Corporation to City of Wharton, dated September 27, 2001, and filed for record under County Clerk's Volume 428, Page 582 in the Official Public Records of said County and State, (the "Easement Area").

The Easement Area herein granted is a blanket easement and shall apply only insofar as the boundaries of Grantor's Property will permit. Grantee further reserves the right to extend services and drops within Grantor's Property and to adjacent landowners from said Facilities.

Grantor or its successors or assigns shall observe and exercise all notification laws as per the Underground Facility Damage Prevention and Safety Act, also known as "ONE CALL" & "CALL BEFORE YOU DIG" when working in or near the Easement Area.

To the extent that such laws and codes apply to Grantor, its successors and assigns, Grantor, its successors and assigns shall observe all safety codes and laws which apply to working along, within and or near the Easement Area and Facilities during construction activities and safe clearance from such Facilities, including the Occupational Safety and Health Administration ("O.S.H.A."), Chapter 752 of the Texas Health and Safety Code, the National Electric Code, and the National Electrical Safety Code.

Grantor herein reserves the right to grant easements in favor of third parties across the herein described Easement Area in a near perpendicular fashion to Grantee's Facilities, the approximate locations of which are shown on Exhibit "A", attached hereto and made a part hereof, provided (i) no other utilities are permitted to cross within a vertical distance of twenty-four (24) inches of Grantee's below ground Facilities, (ii) no other facilities or structures shall be permitted longitudinally within a distance of five (5) feet of the centerline of any of Grantee's below ground and above ground Facilities, (iii) no other utilities or structures shall be permitted longitudinally within a distance of fifteen (15) feet of the centerline of any of Grantee's overhead Facilities, beginning at a plane sixteen (16) feet above the ground and extending upward, hereinafter collectively referred to as "Grantee's

Exclusive Easement Area”, and, (iv) doing so does not, in the sole opinion of Grantee, endanger or interfere with the efficient, safe and proper operation and maintenance of Grantee’s Facilities.

Grantor herein covenants and agrees that, in the event that any third party facilities or obstructions are located within Grantee’s Exclusive Easement Area, Grantor will take immediate action to remove and/or relocate said facilities and/or obstructions to a location outside of Grantee’s Exclusive Easement Area at Grantor’s sole cost and expense.

If Grantor, its successors or assigns should, at any future date, request that the Easement Area herein granted be further defined, Grantee agrees, at Grantor’s expense, to prepare a new, defined easement described by a sealed survey sketch. Defined easements shall be unobstructed and may be further described by, but not limited to, the following descriptions:

- 1.) A ten (10) foot wide easement (for above and below ground facilities);
- 2.) A ten (10) foot wide easement together with ten (10) foot aerial easements adjoining both sides of said ten (10) foot wide easement (for above ground and overhead facilities that are not along a perimeter);
- 3.) A ten (10) foot wide easement together with an adjoining eleven (11) foot, six (6) inch wide aerial easement (for above ground and overhead perimeter facilities);
- 4.) A fourteen (14) foot wide easement together with an adjoining seven (7) foot, six (6) inch wide aerial easement (for above ground and overhead perimeter facilities);
- 5.) An easement sixteen (16) feet wide and twenty-four (24) feet long (for Grantee’s pad-mounted transformer station purposes).

Grantee further agrees to release this Easement upon execution and delivery of the new defined easement by Grantor.

In the event that Grantor, its successors and assigns, desires that Grantee's Facilities be relocated, then Grantee agrees to relocate said Facilities provided that Grantor furnishes a suitable and feasible site or location for such relocation and, provided that

Grantor, its successors and assigns, shall, if requested by Grantee, furnish to Grantee a suitable and acceptable easement covering the new location. Any and all costs associated with relocating said Facilities will be at Grantor's sole expense.

Grantee shall also have reasonable rights of ingress and egress to and from said Easement Area, together with reasonable working space, for the purposes of erecting, installing, operating, maintaining, replacing, inspecting, and removing said Facilities, together with the additional right to remove from said Easement Area, all bushes, trees and parts thereof, or other structures which, in the opinion of Grantee, endanger or may interfere with the efficiency, safe and proper operation, and maintenance of said Facilities.

TO HAVE AND TO HOLD the above described Easement, together with all and singular the rights and appurtenances thereto in anywise belonging, unto Grantee forever, and Grantor does hereby bind itself and its successors, heirs, assigns, and legal representatives, to fully warrant and forever defend all and singular the above described Easement and rights unto said Grantee, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise. In the event of a deficiency in title or actions taken by others which results in the relocation of Grantee's Facilities, the Grantor herein, its successors and assigns, will be responsible for all costs associated with the relocation and/or removal of Grantee's Facilities.

The terms, conditions and provisions contained herein constitute the complete and final agreement between Grantor and Grantee, (collectively the "Parties") with respect to the subject matter hereof and supersedes all prior agreements, representations and understandings of the Parties and, by Grantor's signature affixed hereto and Grantee's use of the Easement, the Parties evidence their agreement thereof. No oral or written agreements made or discussed prior to, or subsequent to, the execution of this Easement shall supersede those contained herein. Any and all revisions, amendments and/or exceptions to the terms, conditions and provisions contained in this Easement shall be in

written, recordable form and executed by both parties, or their respective successors or assigns in order to be deemed valid.

EXECUTED this [] day of [], 20[].

City of Wharton, a Texas Municipal Corporation

BY: []
Signature

[]
Name typed or printed

[]
Title

STATE OF TEXAS }

COUNTY OF [] }

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared [], [] of City of Wharton, a Texas Municipal Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that () he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

Given under my hand and seal of office this [] day of [], 20[].

[]
Notary's Signature

[]
Name typed or printed

[]
Commission Expires

**ATTACHMENT
AFFIDAVIT**

STATE OF TEXAS }

COUNTY OF WHARTON }

BEFORE me the undersigned authority on this day personally appeared

_____ the _____

of City of Wharton, a Texas Municipal Corporation, hereinafter referred to as Affiant, who being duly sworn, deposes and says that Affiant is the current owner of the tract of land described in an easement instrument executed by the same on even date herewith, said tract of land is further described as follows:

That certain 17.03-acre tract of land situated in the Alexander Jackson Timber League, Abstract 34, and in the William Kincheloe League, Abstract 38, in Wharton County, Texas, being the same property described in a deed from Wharton Economic Development Corporation to City of Wharton, dated September 27, 2001, and filed for record under County Clerk’s Volume 428, Page 582 in the Official Public Records of said County and State, (the “Easement Area”).

Affiant further says that the said premises have been held by Affiant, that possession thereof has been peaceable and undisturbed, and that the title thereto has never been disputed or questioned to Affiant's knowledge, nor does Affiant know of any facts by reason of which said possession or title might be disturbed or questioned, or by reason of which any claim to said premises, or any part thereof, might arise or be set up adverse to this Affiant.

EXECUTED this [] day of [], 20[].

City of Wharton, a Texas Municipal Corporation

BY: []
Signature

[]
Title

[]
Name typed or printed

SUBSCRIBED and SWORN before me this [] day of [], 20[].

[]
Notary's Signature

[]
Name typed or printed

[]
Commission Expires

**AFTER RECORDING RETURN TO:
SURVEYING & RIGHT OF WAY
CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC
P. O. BOX 1700
HOUSTON, TX 77251-1700**

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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A PERPETUAL BLANKET OVERHEAD AND UNDERGROUND EASEMENT BETWEEN THE CITY OF WHARTON AND CENTERPOINT ENERGY TO PROVIDE ELECTRICAL SERVICE TO THE NEW CITY OF WHARTON WATER WELL AND STORAGE FACILITIES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The new City of Wharton Water Well and Storage Facility property is located on C.R. 222 and the Wharton City Council wishes to obtain electrical service from CenterPoint Energy; and,

WHEREAS, The Wharton City Council wishes to approve a Perpetual Blanket Overhead and Underground Easement Agreement with CenterPoint Energy to obtain electrical service to said property; and,

WHEREAS, The easement would be located on City-owned property described as a certain 17.03-acre tract of land situated in the Alexander Jackson Timber League, Abstract 34, and in the William Kincheloe League, Abstract 38, in Wharton County, Texas, this being the same property described in the deed from the Wharton Economic Development Corporation to City of Wharton, dated September 27, 2001, and filed for record under County Clerk's Volume 428, Page 582 in the Official Public Records of said County and State; and,

WHEREAS, The City of Wharton and CenterPoint Energy wishes to be bound by the conditions set forth in the agreement; and,

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

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

Section I. That the City Council of the City of Wharton hereby approves a Perpetual Blanket Overhead and Underground Easement Agreement with CenterPoint Energy to obtain electrical service to the new City of Wharton Water Well and Storage Facility located on C.R. 222.

Section II. The Wharton City Council hereby authorizes the Mayor 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 13th day of June 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

DRAFT

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	Resolution: A resolution approving a contract between the City of Wharton and the Wharton Economic Development Corporation for water improvements located at 1106 North Richmond Road, Wharton, Texas, for the Alamo Lumber Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
<p>The City Staff has been working closely with the Alamo Lumber development and have encountered a lack of appropriate water supply to adequately provide water pressure for fire protection measures on the line on Armstrong Street. At the request of Alamo Lumber, the City Staff contacted the Wharton Economic Development Corporation (EDC) for assistance with improving the water line on Armstrong Street for their development.</p> <p>The Wharton EDC Board met on May 25, 2022, and approved working with the City and Alamo Lumber to assist in infrastructure improvement reimbursements not to exceed \$198,000.00 to place a 6" water main on Armstrong Street. The reimbursement will be for actual costs incurred by the City.</p> <p>Attached is the draft agreement and resolution to enter into the agreement. This agreement has been reviewed by City Attorney, Paul Webb, and meets his approval.</p> <p>Director of Planning & Development, Gwyn Teves, will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, June 9, 2022	
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

DATE: June 2, 2022

FROM: Gwyneth Teves, Director of Planning & Development

TO: Honorable Mayor and City Council

SUBJECT: Infrastructure Improvement Reimbursement Agreement with the Wharton Economic Development Corporation

The City Staff has been working closely with the Alamo Lumber development and have encountered a lack of appropriate water supply to adequately provide water pressure for fire protection measures on the line on Armstrong Street. At the request of Alamo Lumber, the City Staff contacted the Wharton Economic Development Corporation (EDC) for assistance with improving the water line on Armstrong Street for their development.

The Wharton EDC board met on May 25, 2022, and approved working with the City and Alamo Lumber to assist in infrastructure improvement reimbursements not to exceed \$198,000.00 to place a 6” water main on Armstrong Street. The reimbursement will be for actual costs incurred by the City.

Attached is the draft agreement and resolution to enter into the agreement. This agreement has been reviewed by City Attorney, Paul Webb, and meets his approval. It is my recommendation that the Council consider approving this agreement at this time to further the economic strength of the community.

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

**CLASS III ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST
6-INCH WATERLINE ALONG ARMSTRONG STREET
CITY OF WHARTON
6/2/2022**

Item

<u>No.</u>	<u>Description</u>	<u>Unit</u>	<u>Qty.</u>	<u>Unit Price</u>	<u>Total⁽¹⁾</u>
1.	Mobilization, Bonds & Insurance	L.S.	1	6,000	6,000

Waterline Items

2.	6" Waterlines by Open Cut	L.F.	790	\$ 50	\$ 40,000
3.	6" Waterlines by Trenchless	L.F.	160	\$ 75	\$ 12,000
4.	6" Gate Valve & Box	EA.	3	\$ 4,000	\$ 12,000
5.	Fire Hydrant Assembly	EA.	3	\$ 4,500	\$ 14,000
6.	Abandon Exist 2" Waterline	L.F.	950	\$ 10	\$ 10,000
7.	Remove & Replace Exist Service Lead	EA.	7	\$ 1,000	\$ 7,000
8.	Trench Safety System	L.F.	790	\$ 1	\$ 1,000

Miscellaneous Items

9.	Site Restoration (Grading, Landscaping, Irrigation, etc.)	L.S.	1	\$ 5,000	\$ 5,000
10.	Traffic Control	L.S.	1	\$ 10,000	\$ 10,000
11.	TxDOT Permit	L.S.	1	\$ 5,000	\$ 5,000
12.	Well Pointing/Dewatering	L.S.	1	\$ 5,000	\$ 5,000
13.	Storm Water Pollution Prevention Plan	L.S.	1	\$ 5,000	\$ 5,000

SUBTOTAL \$132,000

Contingencies (25%) \$33,000
Engineering & Testing (18%) \$30,000 ⁽⁴⁾

TOTAL ⁽²⁾⁽³⁾ \$195,000 ⁽⁵⁾

This Document is Released for the Purpose of:
General Financial Planning
Under the Authority of:
Engineer: Brian T. Geier, P.E.
License No.: 129554
It is Preliminary in Nature and not to be Used for Feasibility of
Land Purchases, Bond Applications, Loans or Grants.

Notes:

⁽¹⁾ All Totals have been rounded to the nearest \$1,000.

⁽²⁾ The Engineer has prepared this OPCC in accordance with the guidelines outlined in the Association for the Advancement of Cost Engineering (AACE) Recommended Practice Manual No. 17R-97 and 56R-08. This cost estimate is designated as Class 3 based on the project scope defined and methodology for estimating the projected construction costs. Unit prices are subject to change based on market conditions.

⁽³⁾ This estimate represents my best judgment as a design professional familiar with the construction industry. Quiddity Engineering, LLC dba Jones & Carter, Inc. has no control over the cost of labor, materials, or equipment; over the Contractor's methods of determining bid prices; or over competitive bidding or market conditions. The current construction market has experienced a significant increase in labor cost as well as an increase in cost on equipment due to tariffs. Accordingly, we cannot and do not guarantee that bids will not vary from this cost estimate.

⁽⁴⁾ Costs associated with Engineering and Testing required for the project includes but not limited to engineering design, bidding services, construction phase services, inspection services, topographic surveying, preparation of metes & bounds descriptions for easements, geotechnical investigation, project coordination, and materials testing in construction. This value does not include easement or property acquisition costs.

⁽⁵⁾ This estimate does not include inflation or escalation. Market conditions remain volatile due to, but not limited to, labor shortages, material shortages, and supply chain disruptions since the start of the COVID-19 pandemic. More recently, market conditions are experiencing an added strain due to recent and ongoing global conflicts. The U.S. Bureau of Labor Statistics Consumer Index reported an average overall inflation of 7.5% over the last 12 months. The unknown decisions of federal government monetary policy, in connection with the events noted above, may increase or decrease the current inflation rates. In addition to inflation, Quiddity has seen a significant market escalation, on the order of 30-40%, over the past 24 months due to the significant deficit in supply versus demand in the local construction industry in connection with the events noted above. It is recommended the Client take these items in consideration when preparing the budget for the project.

**AGREEMENT FOR REIMBURSEMENT OF INFRASTRUCTURE IMPROVEMENT
AT 1106 NORTH RICHMOND ROAD BETWEEN THE CITY OF WHARTON
AND
THE WHARTON ECONOMIC DEVELOPMENT CORPORATION**

**THE STATE OF TEXAS §
COUNTY OF WHARTON §**

KNOW ALL MEN BY THESE PRESENTS:

THIS AGREEMENT between the City of Wharton, a Municipal Corporation, acting by and through its Mayor, situated in Wharton County, Texas (hereinafter referred to as “City”), and the Wharton Economic Development Corporation acting by and through its President, is as follows:

WITNESSETH

The Wharton Economic Development Corporation hereby agrees to reimburse the City in an amount not to exceed \$198,000.00 for infrastructure improvements for the commercial development at 1106 North Richmond Road, Wharton, Texas. Infrastructure improvements shall include the following: the installation of a six-inch water main for proposed commercial development.

WHEREAS, The City of Wharton will be entering into contracts for the development at the property at 1106 North Richmond Road and obtaining services as to legal issues, engineering, and any other professional services the City of Wharton feels necessary to obtain.

WHEREAS, The City of Wharton will incur these expenses and shall pay the same from the funds of the City of Wharton and reimbursement will be made from the Wharton Economic Development Corporation to the City of Wharton upon presentation and documentation of the incurred expenses.

IN WITNESS WHEREOF, the parties have executed this Agreement in the year and on the day indicated.

EXECUTED on the _____ day of June 2022.

CITY OF WHARTON

**WHARTON ECONOMIC
DEVELOPMENT CORPORATION**

By: _____
TIM BARKER, Mayor

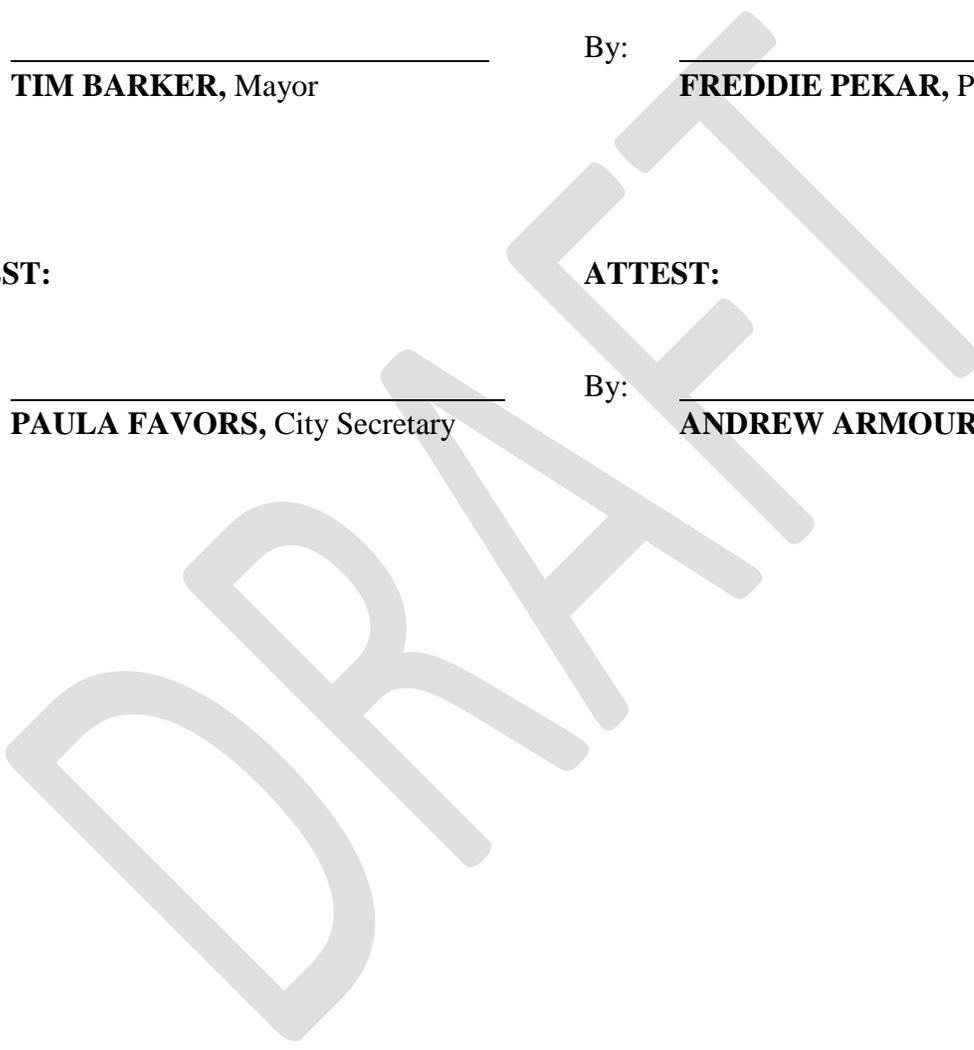
By: _____
FREDDIE PEKAR, President

ATTEST:

ATTEST:

By: _____
PAULA FAVORS, City Secretary

By: _____
ANDREW ARMOUR, Secretary



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

A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF WHARTON AND THE WHARTON ECONOMIC DEVELOPMENT CORPORATION FOR WATER IMPROVEMENTS LOCATED AT 1106 NORTH RICHMOND ROAD, WHARTON, TEXAS, FOR THE ALAMO LUMBER PROJECT 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 with the Wharton Economic Development Corporation for water improvements located at 1106 North Richmond Road, Wharton, Texas, for the Alamo Lumber Project; and,

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

WHEREAS, The City of Wharton and the Wharton Economic Development Corporation wishes to be bound by the conditions as set forth in the contract.

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

Section I. That the City Council of the City of Wharton hereby approves the contract between the City of Wharton and the Wharton Economic Development Corporation for water improvements located at 1106 North Richmond Road, Wharton, Texas, for the Alamo Lumber Project.

Section II. The Wharton City Council hereby authorizes the Mayor 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 13th day of June 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	Resolution: A resolution of the Wharton City Council approving the purchase and installation of MyGov, LLC Software for the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
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The Wharton City Council adopted the Wharton Recovery Plan associated with the implementation of the City’s American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) on April 25, 2022. As part of the plan, one of the approved items was the purchase of a GIS System.

The City Staff has contacted multiple vendors and met with multiple representatives to develop a recommendation for the purchase of software that would best benefit the City of Wharton. As per the City’s adopted Procurement Policies and Procedures for Federal Grants Small Purchase guidelines, multiple quotes were obtained and the recommendation of the City Staff is to enter into a contract with MyGov, LLC., for software services to include Code Enforcement, Permits, Work Orders, Asset Management, Credential Management, Electronic Plan Review, GIS/Mapping, as well as the setup, online training and six-week detailed installation.

The cost for the purchase and installation is \$30,970.00. This includes and annual cost of \$23,964.00 to be shared between multiple departments after the initial first year and a one-time set up cost of \$7,006.00.

Attached is the quote and breakdown of fees as well as the procurement worksheet showing the other companies that were contacted.

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

City Manager: Joseph R. Pace	Date: Thursday, June 9, 2022
Approval: 	
Mayor: Tim Barker	



City of Wharton

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

MEMORANDUM

DATE: June 1, 2022
FROM: Gwyneth Teves, Director of Planning & Development
TO: Honorable Mayor and City Council
SUBJECT: American Rescue Plan Act (ARPA) Purchase

The City of Wharton City Council adopted the Wharton Recovery Plan associated with the implementation of City’s American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds (CLFRF) on April 25, 2022. As part of the plan, one of the approved items was the purchase of a GIS system.

The City Staff has contacted multiple vendors and met with multiple representatives to develop a recommendation for the purchase of software that will be to the best use for the City of Wharton. As per the City’s adopted Procurement Policies and Procedures for Federal Grants Small Purchase guidelines, multiple quotes were obtained and the recommendation of the City Staff is to enter into a contract with MyGov, LLC., for software services to include Code Enforcement, Permits, Work Orders, Asset Management, Credential Management, Electronic Plan Review, GIS/Mapping as well as the setup, online training, and six-week detailed install.

The cost will be \$30,970.00. This includes an annual cost of \$23,964.00 to be shared over multiple departments after the initial first year and a one time set up cost of \$7,006.00.

Attached is the quote and breakdown of fees as well as the procurement worksheet showing the other companies that were contacted.

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

Date: 5.31.22

Name: Gwyneth Teves

Title: Director of Planning & Development

Procurement by Small Purchase Procedures (Under \$50,000)

Services Being Procured: Online permitting, Electronic Plan Review + Tracking, Code Enforcement Digitalization, Work Order and Asset Management Documentation, GIS/Mapping Software to work w/ existing Incode software.

Estimated Amount of Contract: \$ 35,000

Contract Term: Annual

Quote #	Name of Company	Contact Person	Contact Type (Phone/Email)	HDB/HUB (Y/N) If "Yes" Specify Type	Notes From Call
1	Eplan Software	Esther Byrd	esther@eplan soft.com		Would require 3rd party EPR Software + not compatible w/ incode
2	(Dude solutions) SmartGov	Gene Nagy	210-269-2843 MOB gene.nagy@dudesolutions.com I+DB	Y	Would require 3rd party EPR software and no mapping capabilities
3	My Gov	Evan Bachman	ebachman@mygov.us	N	Provides all requested services w/ option to add on services later. Also compatible w/ incode.
4	Esri	Sean Gill	s.gill@esri.com	N	Only mapping + very costly
5	Accele	Hilary Huntington	hhuntington@ accele.com	N	Comparable to MyGov, but lacks some of the additional modules

***Make sure to retain a copy of the suspension/debarment check of the selected firm from www.SAM.gov.



**Building Better
Communities**

Subscription Proposal

Created for City of Wharton, TX

For:

Gwyn Teves
Community Development Director
120 East Caney Street
Wharton, Texas 77488
979-532-2491
gteves@cityofwharton.com

MyGov Contact:

Evan Bachman
Account Executive
P.O. Box 646003
Dallas, TX 75264-6003
(866) 332-4558
ebachman@mygov.us

Pricing

	Price	Years	
ANNUAL SUBSCRIPTION FEES			
Business License	\$4,788.00	0	\$0.00
Code Enforcement	\$4,788.00	1	\$4,788.00
Permits	\$4,788.00	1	\$4,788.00
Work Orders	\$4,788.00	1	\$4,788.00
Asset Management	\$2,400.00	1	\$2,400.00
Credential Manager	\$2,400.00	1	\$2,400.00
Electronic Plan Review	\$2,400.00	1	\$2,400.00
GIS / Mapping	\$2,400.00	1	\$2,400.00
Lien and Collection	\$2,400.00	0	\$0.00
Collaborator Portal	\$0.00	1	\$0.00
Public Portal	\$0.00	1	\$0.00
Request Manager	\$0.00	1	\$0.00
			\$23,964.00
ONE-TIME FEES			
Module Setup	\$3,974.00	1	\$3,974.00
Online Training	\$3,032.00	1	\$3,032.00
Detailed Install (6 Week)	\$0.00	1	\$0.00
			\$7,006.00
Total of Annual & One-Time Fees			\$30,970.00

Ready to Start?

Please complete the information below. Upon receipt, a "Subscription Services Agreement" and detailed "Services Order Form" will be emailed to you. Proposal is valid for 180 days from issue date or to the end of the calendar year.

Signer's Name:

Date:

Signature:



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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE AND INSTALLATION OF MYGOV, LLC SOFTWARE 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 Personnel and Citizens to purchase and install MyGov, LLC software, which will allow for online permitting, electronic plan reviews, asset management, GIS/mapping and other modules; and,

WHEREAS, The Wharton City Council has designated the necessary funding for the purchase and installation of said software through the City’s Recovery Plan utilizing the American Rescue Plan Act Funds; and,

WHEREAS, The Wharton City Council wishes to approve funding in the amount of \$30,970.00 to be used to purchase and install said software; and,

WHEREAS, The Wharton City Council wishes to purchase MyGov, LLC 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 \$30,970.00 to purchase and install MyGov, LLC 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 13th day of June 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	Appointments, Resignations and Vacancies to the City of Wharton Boards, Commissions and Committees: <ul style="list-style-type: none"> A. Appointments. B. Resignations. C. Vacancies.
Attached you will find the list of persons serving on the various City Boards, Commissions and Committees. There are still vacancies that also need to be filled. <p><u>Appointments:</u> None.</p> <p><u>Resignations:</u> None.</p> <p><u>Vacancies:</u> None.</p>			
City Manager: Joseph R. Pace		Date: Thursday, June 9, 2022	
Approval: 			
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, 2022	
Jimmy Zissa	June 30, 2022	
Glenn Erdelt	June 30, 2022	

BEAUTIFICATION COMMISSION	TWO YEAR TERM	Reappointment
Tammie Janik	June 30, 2022	
Debbie Newlin	June 30, 2022	
Rachel Roberson	June 30, 2022	
Stephanie Konvicka	June 30, 2023	
Adrayelle Watson	June 30, 2023	
Debbie Folks	June 30, 2023	
Kenneth Dimmick	June 30, 2023	

BUILDING STANDARDS COMMISSION	TWO YEAR TERM	Reappointment
Leonard Morales	June 30, 2023	
Burnell Neal	June 30, 2023	
Shaun Stockwell	June 30, 2023	
Paul Shannon	June 30, 2023	
Vacant	June 30, 2022	
Howard Singleton	June 30, 2022	
Chester Houston	June 30, 2022	
Ronnie Bollom, 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, 2022	
Milton Barbee	June 30, 2022	
Hector Hernandez- Fire Marshal		

HOLIDAY LIGHT DECORATING CHAIRMAN	TWO YEAR TERM	Reappointment
Tim Barker	June 30, 2022	

MAYOR'S COMMITTEE ON PEOPLE WITH DISABILITIES	TWO YEAR TERM	Reappointment
Johnnie Gonzalez	June 30, 2022	

Faye Evans	June 30, 2022
Rebekah Kirschke	June 30, 2022
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
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Dr. Jeff Gubbels, MD	June 30, 2022
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VETERINARIAN	TWO YEAR TERM	Reappointment
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Dr. Cody Poler, DVM	June 30, 2022
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MUNICIPAL COURT JUDGE	TWO YEAR TERM	Reappointment
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Jared Cullar	June 30, 2023
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PLANNING COMMISSION	TWO YEAR TERM	Reappointment
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Burnell Neal	June 30, 2023
Rob Kolacny	June 30, 2023
Michael Quinn	June 30, 2023
Marshall Francis	June 30, 2022
Adraylle Watson	June 30, 2022
Michael Wootton	June 30, 2022
Russell Cenko	June 30, 2022

PLUMBING AND MECHANICAL BOARD	TWO YEAR TERM	Reappointment
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A. J. Rath	June 30, 2022
Tom Faust	June 30, 2023
Vacant	June 30, 2022
Robert Sanchez	June 30, 2023
Vacant	June 30, 2022

Ronnie Bollom, Building Official - ExOfficio

Public Works Director Anthony Arcidiacono- Ex Officio

Mayor Tim Barker - Ex Officio

WHARTON ECONOMIC DEVELOPMENT CORPORATION	TWO YEAR TERM	Reappointment
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Michael Wootton	September 30, 2022
David Schroeder	September 30, 2022
Freddie Pekar	September 30, 2022
Clifford Jackson (Councilmember)	September 30, 2022
Russell Machann- (Councilmember)	September 30, 2023
Andrew Armour	September 30, 2023
Michael Roberson	September 30, 2023

HOUSING FINANCE CORPORATION	TWO YEAR TERM	Reappointment
Position 1 District 1-Curtis Edwards	June 30, 2023	
Position 2 District 2-Worthy Carpenter	June 30, 2022	
Position 3 District 3-Morris Dean	June 30, 2023	
Position 4 District 4-Vacant	June 30, 2022	
Position 5 District 5-At Large-Gary Nunez	June 30, 2023	
Position 6 District 6-At Large-Tonya Machann	June 30, 2022	
Position 7 Mayor-At Large-Morrow Lou Sims	June 30, 2022	

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 COMMITTEE

Tim Barker
 Clifford Jackson
 Russell Machann

PARKS AND RECREATION COMMITTEE

Steven Schneider
 Russell Machann
 Terry Freese

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/13/2022	Agenda Item:	City Council Boards, Commissions and Committee Reports: A. Beautification Committee meeting held May 11, 2022. B. Housing Committee meeting held May 23, 2022.
Attached you will find the reports from the above-mentioned Committees.			
City Manager: Joseph R. Pace		Date: Thursday, June 9, 2022	
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

DATE: June 2nd, 2022
FROM: Krystal Hasselmeier, Beautification Commission Liaison
TO: Joseph R. Pace, City Manager
SUBJECT: Report from the Beautification Commission Meeting held on May 11, 2022

The following was discussed during the Wednesday, May 11, 2022 meeting.

1. Minutes: Reading of the minutes for the regular meeting held April 13, 2022 – *Approved as written*
2. Financial Report – *Current balance \$6,603*
3. Certificate of Recognition
 - A. Review and consider business / residence nominations for consideration of a Certificate of Recognition – *Motion to approve both addresses nominated.*
 1. Residence – 1725 Schley
 2. Business – Wharton Dental at 1802 N. Richmond
4. 2022 Planning – *Commission discussed project priority areas.*
 - A. Advocacy – *1. Fundraising: Working to get online donation option in place. 2. Dog park: Fundraising total at \$1,373. Discussed some draft dog-park themed shirts but made no decision on designs. Approved reimbursement for test merchandise product – flashlight dog waste bag holder. Approved purchase of more flashlight dog waste bag holders. 3. Fire hydrant survey: Survey currently running on social media and accepting submissions. There have been no submissions from the letters with hard copies of survey sent to all known churches and non-profits. Submissions being collected to give to Public Works for prioritizing hydrant painting.*
 - B. Art – *1. Park mini-mural: Subcommittee lead, Stephanie Konvicka provided project designed with Parks Department Director has been approved by Council. Art subcommittee will begin plans for event to occur in summer.*
 - C. Community - *Grant giving for projects & community requests for supplies/Volunteers – 1. Community grant requests at this time. 2. Event/Merchandise booths: Discussed setting up table for upcoming community event Jam Fest. 3. Train Depot signs: Commission member Ken Dimmick not present, pending information from Eagle Scout on project. Will present to Council for*

approval once plant has been outlined.

D. Education – 1. Social Media Campaigns: Social media posts continue to be scheduled.

E. Garden – 1. Planter Adoption program: All planters currently adopted, in process of identifying additional locations. Approved reimbursement for event supplies. 2. Civic Center planting: Project on hold pending update from Civic Center staff on whether or not a new sign will be installed before planting. 3. Wildflower Shake-up: Wildflower seed shake at Mockingbird Park was great success, plans underway at proposed train caboose location on FM 102. 4. <Supplemental> Rock Garden: Proposal to create art Rock Garden at Santa Fe Trail planters presented and approved.

F. Trash/Recycling – 1. Fall Sweep: planning to start in late summer. 2. Commission hosted community clean ups: Chairperson Adryalle Watson discussed status of social clean up walks with Wharton EDC and Wharton Lion's Club.

5. *Announcements – Staff Liaison reminded Commission that membership expirations were coming up, need interested individuals to submit request for consideration.*

Members in attendance: *Debbie Folks, Stephanie Konvicka, Rachel Roberson, Adraylle Watson*

Members not in attendance: *Ken Dimmick, Tammie Janik, Deborah Newlin*



City of Wharton

120 E. Caney Street ° Wharton, TX
77488

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

MEMORANDUM

Date: May 24, 2022

From: City Council Housing Committee

To: Mayor & City Council

Subject: Report/Recommendations from the meeting held May 23, 2022

At the May 23, 2022, City Council Housing Committee Meeting, the Committee met discussed the following items:

1. Review & Consider: Reading of the minutes from the meeting held May 24, 2021.
2. Review & Consider: Presentation on “Greenlight” Housing Development.