



**CITY OF WHARTON
CITY COUNCIL REGULAR MEETING**

**Monday, June 10, 2024
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 10, 2024, 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 6th day of June 2024.

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 6, 2024, at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

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

Dated this 6th day of June 2024.

CITY OF WHARTON

By: 
Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
City Council Regular Meeting
Monday, June 10, 2024
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 13, 2024, and May 28, 2024.
2. Update from Mr. Jeremy McDonald regarding the Rise Broadband installation and services.
3. Request from Mr. David Bowlin on behalf of Chapel Creek Investments, LLC to replat 1113 College St., High School, Lot 6, 7, NW Corner of 8 for multifamily development.
4. Request from Mr. Robert Fleming Jr. on behalf of Keith Gerard Home Solutions to replat 606 Old Boling Rd., Wm. Kincheloe, Block 64-A9 for residential development.
5. Resolution: A resolution of the Wharton City Council authorizing the Mayor of the City of Wharton to submit a Letter of Intent for the City of Wharton's participation in the Texas Department of Transportation Aviation Division Capital Improvement Program by submitting an application for funding to be used for design and rehabilitation of the runway, Parallel Alpha, and Connector Taxiways to include construction phase services at the Wharton Regional Airport.
6. Resolution: A resolution of the Wharton City Council awarding a contract for the Wharton Municipal Court renovation and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
7. Resolution: A resolution of the Wharton City Council ratifying and approving Change Order No. 1 for a cost increase with Capital Underground Utilities, LLC, for the Titus Express Waterline Extension and authorizing the Mayor to execute all documents related to said Change Order.
8. Pay Request No. 1 from Reddico Construction Company for the U.S. 59 Water & Wastewater Utility Relocations.

9. Appointments, Resignations, and Vacancies to the City of Wharton Boards, Commissions, and Committees:

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

10. City Council Boards, Commissions, and Committee Reports:

- A. Finance Committee meeting held May 28, 2024.

Executive Session:

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

Discussion:

- A. City Managers Evaluation.

Return to Open Session:


12. Action on items discussed in Executive Session:

- A. City Managers Evaluation.

Adjournment.

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/10/2024	Agenda Item:	Reading of the minutes from the regular meetings held May 13, 2024, and May 28, 2024.
<p>Attached you will find the draft minutes from the regular meetings held May 13, 2024, and May 28, 2024.</p>			
City Manager: Joseph R. Pace		Date: Thursday, June 6, 2024	
Approval: 			
Mayor: Tim Barker			

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
MAY 13, 2024**

Mayor, Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. at City Hall 120 E. Caney Street Wharton, TX. Councilmember, Burnell Neal, led the opening devotion, and Mayor Pro-Tem, Don Mueller, led the pledge of allegiance.

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

Councilmembers absent were: None.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Andel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC, IPMA-CP; Assistant to the City Manager, Brandi Jimenez; Planning and Development Director, Gwyn Teves; Police Chief, Terry David Lynch; Patrol Lt., Lance Bothell; Public Works Director, Roderick Semien; Makyla Monroe; EMS Director, Christy Gonzales; Assistant City Attorney, Amy Rod; EMS Supervisor II, Nancy McKelvy; Paramedic, Chris Fiore, Paramedic Supervisor, Kevin Earomirski; Advanced EMT, Amanda Gomez; Paramedic, Renae Boullion, and Patrol Sgt. Stephen Jimenez.

Visitors present were: Ryan Salazar; Oscar Del Bosque; Ron Sanders, Executive Director of the Wharton Chamber of Commerce; Sandy Sanders; Andres Garza, Jr.; Addie Garza; Josh Owens, Executive Director, Wharton Economic Development Corporation; David Schroeder, Jana Schroeder; Betty Mueller; Jim Maddox; Brian Jarrad; Donna Chudalla; Sheriff, Shannon Srubar; Linda Lins; Commissioner, Richard Zahn; Patricia Blair; Linda Voulgaris, and Al Dube with the Wharton County Leader-Journal.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

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

Wharton Moment

Mayor Pro-Tem, Don Mueller, called for Wharton Moment. No comments were given

Public Hearing

1. Public Hearing: Conduct a Public Hearing to consider testimony regarding accepting and approving a final Wharton Public Improvement District No. 2 Service and Assessment Plan.

Mayor Pro-Tem Don Mueller opened the Public Hearing at 7:02 p.m.

No comments were given.

Mayor Pro-Tem Don Mueller closed the Public Hearing at 7:03 p.m.

Proclamation

Mayor Pro-Tem Don Mueller presented the following Proclamations:

1. Proclamation: National Public Works Week.

CITY OF WHARTON OFFICE OF THE MAYOR PROCLAMATION

National Public Works Week Proclamation

May 19-25, 2024

“Advancing Quality of Life For All”

WHEREAS, Public Works professionals focus on infrastructure, facilities, 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 infrastructure, facilities, and services could not be provided without the dedicated efforts of Public Works professionals, who are 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 of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, The year 2024 marks the 64th 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 of May 19-25, 2024, 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 13th day of May, in the year of our Lord two thousand twenty-four A.D.

Tim Barker
Mayor
City of Wharton

2. Proclamation: Law Enforcement.

**CITY OF WHARTON
OFFICE OF THE MAYOR**

**Proclamation
“Honoring Law Enforcement”**

WHEREAS, In 1962, President John F. Kennedy signed a Joint Resolution of Congress, proclaiming May 15th as Peace Officer Memorial Day and the week in which that date falls as National Police Week. This week, the nation should pay special tribute to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others; and,

WHEREAS, The dedicated men and women of the Wharton Police Department put themselves at risk every day to keep their fellow Americans safe regardless of the peril or hazard to themselves; and,

WHEREAS, It is important that all citizens know and understand the responsibilities, duties, hazards, and sacrifices their law enforcement agencies make by safeguarding lives, property, and protecting our citizens against violence and disorder; and,

WHEREAS, Our citizens fulfill an important civic responsibility by supporting our Wharton Police Department’s work. The men and women that serve deserve our appreciation for the work they do protecting our communities and keeping us safe from harm.

Now, Therefore, I, Tim Barker, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim the week of May 12th through May 18th, 2024, as:

“National Police Week” 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 13th day of May, in the year of our Lord two thousand and twenty-four A.D.

Tim Barker

Mayor
City of Wharton

3. Proclamation: Emergency Medical Services Week.

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

**Emergency Medical Services Week Proclamation
May 19 - 25, 2024
“Honoring Our Past, Forging Our Future”**

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 19-25, 2024, in the City of Wharton as:

“EMERGENCY MEDICAL SERVICES WEEK”

with the EMS Strong Theme, EMS WEEK: Honoring Our Past, Forging Our Future, 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 13th day of May, in the year of our Lord two thousand twenty-four A.D.

Tim Barker
Mayor
City of Wharton

Review and Consider:

The first item on the agenda was a Presentation: Mayor Pro-Tem Don Mueller for years of service to the City of Wharton. Mayor, Tim Baker, presented outgoing Mayor Pro-Tem Don Mueller with a plaque for his years of service on the Wharton City Council. Mayor Barker asked how does someone thank a person for 32 years of service. Mrs. Donna Chudalla stated she was proud of her father for his years of service. Mr. Andres Garza, Jr. thanked Councilmember Mueller for his support over his years of tenure.

The second item on the agenda was an ordinance canvassing the election returns and declaring the results of the City Officers' Election held May 4, 2024.

Ordenanza: Una ordenanza haciendo el escrutinio y declarando los resultados de la eleccion de concejales municipales que se celebros el 4 de mayo de 2024.

City Secretary, Paula Favors, presented the City Council with the election returns. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2024-07 and 2024-07b, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2024-07**

**AN ORDINANCE CANVASSING THE ELECTION RETURNS AND
DECLARING THE RESULTS OF THE CITY OFFICERS' ELECTION
HELD ON MAY 4, 2024.**

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 **4th of May 2024**, 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>Absentee</u>	<u>Election Day</u>	<u>Total</u>
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Councilmember District No. 2

Steve Schneider	0	0	0	0
Unopposed				

Councilmember District No. 4

David Voulgaris	0	0	0	0
Unopposed				

Councilmember District No. 6 – At Large

Larry Pittman	322	20	92	434
Alice Heard-Roberts	241	13	141	395

Mayor-At Large

Tim Barker	0	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; **David Voulgaris**, 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 13th of May, 2024.

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 2024-07b

UNA ORDENANZA HACIENDO EL ESCRUTINIO Y DECLARANDO LOS RESULTADOS DE LA ELECCIÓN DE FUNCIONARIOS MUNICIPALES QUE SE CELEBRO EL 4 DE MAYO 2024

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 **4 de mayo del 2024**, 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	Ausente	Día de la elección	Total
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Councilmember District No. 2

Steve Schneider	0	0	0	0
Sin oponente				

Councilmember District No. 4

David Voulgaris	0	0	0	0
Sin oponente				

Councilmember District No. 6 – At Large

Larry Pittman	322	20	92	434
Alice Heard-Roberts	241	13	141	395

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, **David Voulgaris** 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 inválida 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 13 de mayo 2024.

CIUDAD DE WHARTON, TEXAS

Por: _____
TIM BARKER
Alcalde

ATESTIGADO POR:

PAULA FAVORS
Secretaria Municipal

APROBADO EN TANTO A FORMA:

PAUL WEBB
Abogado de la Ciudad

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

The third item on the agenda was to Administer Oath of Office to Elected Officials: Councilmembers Steve Schneider, David Voulgaris, Larry Pittman, and Mayor Tim Barker. City Attorney, Paul Webb, administered the Oath of Office to Elected Officials: Councilmembers Steve Schneider, David Voulgaris, Larry Pittman, and Mayor Tim Barker.

The fourth item on the agenda was to review and consider the Appointment of Mayor Pro-Tem. After some discussion, Councilmember, Larry Pittman, moved to appoint Councilmember, Russell Machann, to Mayor Pro-Tem. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held April 8, 2024, and April 22, 2024. After some discussion, Councilmember, Russell Machann, moved to approve the reading of the minutes from the regular meetings held on April 8, 2024, and April 22, 2024. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council approving the termination of the current land lease agreement between the City of Wharton and the Veterans Memorial Home Committee and authorizing the Mayor of the City of Wharton to execute all documents relating to said termination. City Manager, Joseph R. Pace, presented a copy of the request from Ms. Rosita Chlebek, Commander Post 87, American Legion Post 87, regarding the termination of the land lease agreement between the City of Wharton and the Veterans Memorial Home Committee. City Manager Pace stated the City of Wharton had leased the property to the Veterans Memorial Home Committee since June 8, 1948. City Attorney, Paul Webb, stated he had reviewed the agreement and the agreement met his approval. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2024-46, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-46**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE TERMINATION OF THE CURRENT LAND LEASE AGREEMENT BETWEEN THE CITY OF WHARTON AND THE VETERANS MEMORIAL HOME COMMITTEE AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID TERMINATION.

WHEREAS, The City of Wharton wishes to authorize the Mayor of the City of Wharton to terminate the land lease agreement between the Veterans Memorial Home Committee and the City of Wharton; and,

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

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

Section I. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to terminate, on behalf of the City of Wharton, the land lease agreement with the Veterans Memorial Home Committee.

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

Passed, Approved, and Adopted this 13th day of May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The seventh item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission of an application to the Texas Historical Commission for an official Texas Historical Marker for Harris Park and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. Ms. Patricia Blair, Chair of the Wharton County Historical Commission submitted a request to allow the submission of a 2024 Official Texas Historical Marker Sponsorship Application for a Texas Historical Marker for Harris Park. Ms. Blair stated the application would be completed by her and the Mayor's signature would be required. She said there was not a specific location for the placement of the sign but the request was that it would be in a prominent place where it could be seen and read since the purpose was educational. Ms. Blair stated the expense for the application and marker would be paid by Ms. Annette Harris Scott, a direct descendant of John Harris, who donated the property for the park. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-47, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-47**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS HISTORICAL COMMISSION FOR AN OFFICIAL TEXAS HISTORICAL MARKER FOR HARRIS PARK AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.

WHEREAS, The City of Wharton City Council wishes to approve the submission of an application to the Texas Historical Commission for an official Texas Historical Marker for Harris Park by the Wharton County Historical Commission; and,

WHEREAS, The application fee and historical marker would be paid for by the descendants of John Harris; and,

WHEREAS, If awarded, the marker would be installed by the City of Wharton in Harris Park; and,

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

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

SECTION I. The Wharton City Council hereby approves the submission of an application to the Texas Historical Commission by the Wharton County Historical Commission for an official Texas Historical Marker for Harris Park.

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

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

PASSED, APPROVED, and ADOPTED this 13th day of May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth item on the agenda was to review and consider an ordinance of the City Council of the City of Wharton, Texas, accepting and approving a Service and Assessment Plan and Phase #1 Assessment Roll for the Wharton Public Improvement District No. 2; making a finding of special benefit to the property in Phase #1 of the District; levying special assessments against property within Phase #1 of the District and establishing a lien on such property; providing for the method of assessment and the payment of the assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing penalties and interest on delinquent assessments; providing for severability; and providing an effective date. Finance Director, Joan Anandel, presented a copy of an ordinance accepting and approving a Service and Assessment Plan and Phase #1 Assessment Roll for the Wharton Public Improvement District No. 2. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2024-08, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2024-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS,
ACCEPTING AND APPROVING A SERVICE AND ASSESSMENT PLAN AND PHASE
#1 ASSESSMENT ROLL FOR THE WHARTON PUBLIC IMPROVEMENT DISTRICT
NO. 2; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN PHASE**

#1 OF THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN PHASE #1 OF THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 5, 2023, a petition was submitted and filed with the City Secretary (the “City Secretary”) of the City of Wharton, Texas (the “City”) pursuant to the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code, as amended (the “PID Act”), requesting the creation of a public improvement district in the City to be known as the Wharton Public Improvement District No. 2 (the “District”); and

WHEREAS, the petition contained the signatures of the owners of taxable property representing more than fifty percent of the appraised value of taxable real property liable for assessment within the District, as determined by the then current ad valorem tax rolls of the Wharton Central Appraisal District, and the signatures of the property owners who owned taxable real property that constituted more than fifty percent of the area of all taxable property within the District that is liable for assessment; and

WHEREAS, on October 23, 2023, after due notice, the City Council of the City (the “City Council”) held a public hearing in the manner required by law on the advisability of the public improvements and services described in the petition as required by Section 372.009 of the PID Act and made the findings required by Section 372.009(b) of the PID Act and, by Resolution No. 2023-88 (the “Authorization Resolution”) adopted by a majority of the members of the City Council, authorized and created the District in accordance with its finding as to the advisability of the Authorized Improvements; and

WHEREAS, the Authorization Resolution provides that the authorization takes effect on the date the resolution is adopted, as required by law; and

WHEREAS, the Authorization Resolution was filed with the county clerk of Wharton County, as required by law; and

WHEREAS, no written protests regarding the creation of the District from any owners of record of property within the District were filed with the City Secretary; and

WHEREAS, on April 8, 2024, the City Council adopted a resolution approving a preliminary amended and restated service and assessment plan update, including a proposed assessment roll for Phase #1 of the District (the “Proposed Phase #1 Assessment Roll”); calling for a public hearing to consider an ordinance levying assessments on property within Phase #1 of the District (the “Assessments”); authorizing and directing the City Secretary to file the Proposed Phase #1 Assessment Roll and make such assessment roll available for public inspection; authorizing and directing the publication of notice of a public hearing to consider the levying of

the Assessments against the property within Phase #1 of the District (the “Levy and Assessment Hearing”); authorizing and directing the mailing of notice of the Levy and Assessment Hearing to owners of property liable for assessment; and directing related action; and

WHEREAS, on April 9, 2024, the City Secretary filed the Proposed Phase #1 Assessment Roll and made the same available for public inspection; and

WHEREAS, the City Secretary, pursuant to Section 372.016(b) of the PID Act, published notice of the Levy and Assessment Hearing on May 1, 2024, in the *Wharton County Leader Journal*, a newspaper of general circulation in the City; and

WHEREAS, the City Secretary, pursuant to Section 372.016(c) of the PID Act, mailed the notice of the Levy and Assessment Hearing to the last known addresses of the owners of the property liable for the Assessments; and

WHEREAS, the City Council opened the Levy and Assessment Hearing on May 13, 2024, and at which all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or contest the Phase #1 Assessment Roll (as defined below), and the proposed Assessments, and to offer testimony pertinent to any issue presented on the amount of the Assessments, the allocation of the estimated costs of the Authorized Improvements to be undertaken for the benefit of the property located within Phase #1 (the “Phase #1 Projects”), the purposes of the Assessments, the special benefits of the Phase #1 Projects, and the penalties and interest on annual installments and on delinquent annual installments of the Assessments; and

WHEREAS, the City Council finds and determines that the Phase #1 Assessment Roll and the Wharton Public Improvement District No. 2 Service and Assessment Plan, dated May 13, 2024, in a form substantially similar to the attached *Exhibit A* hereto (as updated, the “Service and Assessment Plan”), and which is incorporated herein for all purposes, should be approved and that the Assessments should be levied as provided in this Ordinance and the Service and Assessment Plan and the assessment roll for Phase #1 attached thereto as Appendix F (the “Phase #1 Assessment Roll”); and

WHEREAS, the City Council further finds that there were no objections or evidence submitted to the City Secretary in opposition to the Service and Assessment Plan, the allocation of the Actual Costs of the Phase #1 Projects (as described in the Service and Assessment Plan), the Phase #1 Assessment Roll, or the levy of the Assessments against the benefitted property within Phase #1 of the District; and

WHEREAS, the owners (the “Landowners”), or their representatives, of the majority of the privately-owned and taxable property located within Phase #1 of the District (the “Phase #1 Assessed Property”), the legal description of which is shown in Exhibit B, who are the persons to be assessed pursuant to this Ordinance, have indicated their approval of the Service and Assessment Plan, approval of the Phase #1 Assessment Roll, approval of this Ordinance, and approval of the levy of the Assessments against their property located within Phase #1 of the District; and

WHEREAS, the City Council closed the Levy and Assessment Hearing, and, after considering all written and documentary evidence presented at the hearing, including all written comments and statements filed with the City, determined to proceed with the adoption of this Ordinance in conformity with the requirements of the PID Act.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON,
TEXAS:**

SECTION 1. Terms.

Terms not otherwise defined herein are defined in the Service and Assessment Plan.

SECTION 2. Findings.

The findings and determinations set forth in the preambles hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section. The City Council hereby finds, determines, and ordains, as follows:

The apportionment of the estimated Actual Costs of the Phase #1 Projects (as reflected in the Service and Assessment Plan) and the Administrative Expenses (as reflected in the Service and Assessment Plan) is fair and reasonable, reflects an accurate presentation of the special benefit each assessed parcel of the Phase #1 Assessed Property will receive from the construction of the Phase #1 Projects identified in the Service and Assessment Plan, and is hereby approved;

(a) The Service and Assessment Plan (i) covers a period of at least five years, (ii) defines the annual indebtedness and projected costs for the Phase #1 Projects, and (iii) includes a copy of the notice form required by Section 5.014 of the Texas Property Code, as amended. The Service and Assessment Plan has been reviewed and updated annually;

(b) The Service and Assessment Plan apportions the estimated Actual Costs of the Phase #1 Projects to be assessed against the Phase #1 Assessed Property as Assessments and such apportionment is made on the basis of special benefits accruing to the property because of the Phase #1 Projects;

(c) All of the real property in Phase #1 of the District which is being assessed in the amounts shown in the Phase #1 Assessment Roll will be benefited by the Phase #1 Projects proposed to be constructed as described in the Service and Assessment Plan, and each assessed parcel of Phase #1 Assessed Property will receive special benefits in each year equal to or greater than each annual installment of the Assessment against such property and will receive special benefits during the term of the Assessments equal to or greater than the total amount assessed;

(d) The method of apportionment of the estimated Actual Costs of Phase #1 Projects and the Administrative Expenses set forth in the Service and Assessment Plan results in imposing equal shares of the estimated Actual Costs of the Phase #1 Projects and the Administrative Expenses on property similarly benefited, and results in a reasonable classification and formula for the apportionment of the estimated Actual Costs of the Phase #1 Projects and the Administrative

Expenses;

(e) The Service and Assessment Plan should be approved as the service plan and assessment plan for the District as described in Sections 372.013 and 372.014 of the PID Act;

(f) The Phase #1 Assessment Roll should be approved as the assessment roll for the Phase #1 Assessed Property within the District;

(g) The provisions of the Service and Assessment Plan relating to due and delinquency dates for the Assessments, interest on Annual Installments, interest and penalties on delinquent Assessments and delinquent Annual Installments, and procedures in connection with the imposition and collection of Assessments should be approved and will expedite collection of the Assessments in a timely manner in order to provide the services and improvements needed and required for Phase #1 of the District; and

(h) A written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon.

SECTION 3. Service and Assessment Plan.

The Service and Assessment Plan is hereby accepted and approved pursuant to Sections 372.013 and 372.014 of the PID Act as the service and assessment plan for the District.

SECTION 4. Phase #1 Assessment Roll.

The Phase #1 Assessment Roll is hereby accepted and approved pursuant to Section 372.016 of the PID Act as the assessment roll for Phase #1 of the District.

SECTION 5. Levy and Payment of Assessments for Estimated Costs of Phase #1 Projects.

(a) The City Council hereby levies an assessment on each parcel of the Phase #1 Assessed Property (excluding Non-Benefitted Property, as described in the Service and Assessment Plan), as shown and described in the Service and Assessment Plan and the Phase #1 Assessment Roll, in the respective amounts shown on the Phase #1 Assessment Roll, as a special assessment on the properties set forth in the Phase #1 Assessment Roll.

The levy of the Assessments shall be effective on the date of execution of this Ordinance levying the Assessments and strictly in accordance with the terms of the Service and Assessment Plan and the PID Act.

The collection of the Assessments shall be as described in the Service and Assessment Plan

and the PID Act.

Each Assessment may be paid in a lump sum at any time or may be paid in Annual Installments pursuant to the terms of the Service and Assessment Plan.

Each Assessment shall bear interest at the rate or rates specified in the Service and Assessment Plan.

Each Annual Installment shall be collected each year in the manner set forth in the Service and Assessment Plan.

The Administrative Expenses for the Phase #1 Assessed Property shall be calculated and collected pursuant to the terms of the Service and Assessment Plan.

SECTION 6. Method of Assessment.

The method of apportioning the estimated Actual Costs of the Phase #1 Projects and the Administrative Expenses is as set forth in the Service and Assessment Plan.

SECTION 7. Penalties and Interest on Delinquent Assessments.

Delinquent Assessments shall be made subject to the penalties, interest, procedures, and foreclosure sales set forth in the Service and Assessment Plan.

SECTION 8. Prepayment of Assessments.

As provided in Section F of the Service and Assessment Plan, the owner of any Phase #1 Assessed Property subject to an Assessment may prepay the Assessments levied by this Ordinance.

SECTION 9. Lien Priority.

The City Council and the Landowners intend for the obligations, covenants and burdens on the Landowners of each parcel of Phase #1 Assessed Property, including without limitation such Landowners' obligations related to payment of the Assessments and the Annual Installments thereof, to constitute covenants that shall run with the land. The Assessments and the Annual Installments thereof which are levied hereby shall be binding upon the Landowners, as the owners of each parcel of Phase #1 Assessed Property, and their respective transferees, legal representatives, heirs, devisees, successors and assigns in the same manner and for the same period as such parties would be personally liable for the payment of ad valorem taxes under applicable law. The Assessments shall have lien priority as specified in the Service and Assessment Plan and the PID Act.

SECTION 10. Appointment of an Administrator and Collector of Assessments.

a. Appointment of Administrator.

MuniCap, Inc. is hereby appointed and designated to initially serve, or until otherwise determined by the City Council, as the Administrator of the Service and Assessment Plan and of the Assessments levied by this Ordinance. The Administrator shall perform the duties of the Administrator described in the Service and Assessment Plan, in this Ordinance, and in any contract between the City and the Administrator. The Administrator's fees, charges and expenses for providing such service shall constitute an Administrative Expense.

b. Appointment of Collector.

The Wharton County Tax Assessor/Collector is hereby appointed and designated as the collector of the Assessments.

SECTION 11. Applicability of Tax Code.

To the extent not inconsistent with this Ordinance, and not inconsistent with the PID Act or the other laws governing public improvement districts, the provisions of the Texas Tax Code shall be applicable to the imposition and collection of the Assessments by the City.

SECTION 12. Filing in Land Records.

The City Secretary or the Assistant City Secretary is directed to cause a copy of this Ordinance, including the Service and Assessment Plan and the Phase #1 Assessment Roll, to be recorded in the real property records of Wharton County, not later than the seventh day after the date the City Council adopts this Ordinance approving the Service and Assessment Plan. The City Secretary or the Assistant City Secretary is further directed to similarly file each Annual Service Plan Update approved by the City Council not later than the seventh day after the date that the City Council approves each Annual Service Plan Update.

SECTION 13. Severability.

If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity or any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

SECTION 14. Effective Date.

This Ordinance shall take effect and be in force immediately from and after its adoption on the date shown below in accordance with Texas Government Code, Section 1201.028, as amended.

PASSED AND APPROVED, this the 13th day of May, 2024.

CITY OF WHARTON, TEXAS

Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

Councilmember, Larry Pittman, 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 approving an Amendment to the Interlocal Agreement for Jail Services between the City of Wharton and Wharton County and authorizing the Mayor of the City of Wharton to execute the agreement. Chief of Police, Terry David Lynch, presented a copy of an Amendment to the Interlocal Agreement for Jail Services with Wharton County. Chief Lynch stated the amendment was changing the daily rate increase to \$65.00. City Attorney Paul Webb stated he had reviewed the agreement and it met his approval. After some discussion, Councilmember, Burnell Neal, moved to approve City of Wharton Resolution No. 2024-48, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-48**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT FOR JAIL SERVICES BETWEEN THE CITY OF WHARTON AND WHARTON COUNTY AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The City of Wharton receives jail services from Wharton County; and,

WHEREAS, Wharton County wishes to increase the rates for said services to \$65.00 per day per inmate; and,

WHEREAS, The Wharton City Council wishes to amend the contract by increasing the rate to \$65.00 per day per inmate for said services; and,

WHEREAS, The Wharton City Council and Wharton County wish to be bound by the conditions of the agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton, Texas, 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 of Wharton hereby approves an amendment to the contract with Wharton County for jail services by increasing the rates to \$65.00 per day per inmate.

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the contract.

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

Passed, Approved, and Adopted this 13th day of May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement for benefits consulting services and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. Over the last several years, the City of Wharton has seen large increases in health insurance premiums through the TX Health Benefits Pool, and it is believed that this year will not be an exception. City Secretary, Paula Favors, stated many cities were going out to the health insurance market and the City Staff was requesting to contract with a company to issue a Request for Proposals (RFP). She said the Finance Committee met and reviewed proposals from HUB International and Higginbotham to provide RFP services and possible assistance with the problems of benefits with the contracted insurance vendor. After

some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-49, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-49**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR BENEFITS CONSULTING SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The Wharton City Council wishes to engage the services of HUB International to provide Benefits Consulting Services; and,

WHEREAS, HUB International wishes to provide said services for the City of Wharton Employee Benefits and,

WHEREAS, The City of Wharton and HUB International wishes to be bound by the conditions of said professional services 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. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a professional services agreement with HUB International for City of Wharton Employee Benefits.

Section II. The City of Wharton and HUB International are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 13th day of May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BAKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for construction for the 2016 Community Development Block Grant – Disaster Recovery (CDBG-DR) Grant Programs administered by the Texas General Land Office (GLO) and authorizing the Mayor of the City of Wharton to execute all documents related to said award. Director of Planning & Development, Gwyn Teves, stated that on February 4, 2019, the Mayor was notified that the City had been awarded Community Development Block Grant - Disaster Recovery (CDBG-DR) funds in the amount of \$2 million dollars for the CDBG-DR 2016 Floods Program. Mrs. Teves said the City Staff recommended that the City Council award the contract to James W. Turner Construction based on GrantWorks' recommendation and previous satisfactory experience with the contractor. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-50, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-50**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR CONSTRUCTION FOR THE 2016 COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY (CDBG-DR) GRANT PROGRAMS ADMINISTERED BY THE TEXAS GENERAL LAND OFFICE (GLO) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AWARD.

WHEREAS, The Wharton City Council wishes to award services to James W. Turner Construction for the 2016 Community Development Block Grant – Disaster Recovery (CDBG-DR) Grant Programs administered by the Texas General Land Office (GLO) for construction and renovation services; and,

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

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

Section I. The Wharton City Council hereby awards services to James W. Turner Construction for the 2016 Community Development Block Grant – Disaster Recovery (CDBG-DR) Grant Programs administered by the Texas General Land Office (GLO) for construction and renovation services.

Section II. The Wharton City Council authorizes the Mayor of the City of Wharton to execute said award.

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

Passed, Approved, and Adopted this 13th day of May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider an ordinance declaring a public necessity for rights of entry and/or acquisition to the below-listed properties located in Wharton, Texas, for a public purpose, namely for geotechnical studies, appraisal, surveying, environmental assessments and borings and/or acquisition, to include fee simple acquisition, public drainage, and levee easements for the Lower Colorado River Basin Phase II, Texas, Wharton Flood Risk Management Project; ratifying and affirming all prior acts and proceedings done or initiated by attorneys and employees of the City to acquire such rights of entry/acquisitions for the property; authorizing all other lawful action necessary or incidental to such rights of entry/acquisitions. Director of Planning & Development, Gwyn Teves, stated the City of Wharton had been working with the United States Army Corps of Engineers (USACE) on the Wharton Colorado Levee Project. Mrs. Teves said the USACE had been working to complete the design of Phase II and the City had received authorization from the USACE to begin partial Phase II acquisitions. She said the notice was required before any acquisition to be eligible for reimbursement from the USACE. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2024-09, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2024-09**

AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR RIGHTS OF ENTRY AND/OR ACQUISITION TO THE BELOW LISTED PROPERTIES LOCATED IN WHARTON, TEXAS, FOR A PUBLIC PURPOSE, NAMELY FOR GEOTECHNICAL STUDIES, APPRAISAL, SURVEYING, ENVIRONMENTAL ASSESSMENTS AND BORINGS AND/OR ACQUISITION, TO INCLUDE FEE SIMPLE ACQUISITION,

PUBLIC DRAINAGE, AND LEVEE EASEMENTS FOR THE LOWER COLORADO RIVER BASIN PHASE II, TEXAS, WHARTON FLOOD RISK MANAGEMENT PROJECT; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS AND EMPLOYEES OF THE CITY TO ACQUIRE SUCH RIGHTS OF ENTRY/ACQUISITIONS FOR THE PROPERTY; AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH RIGHTS OF ENTRY/ACQUISITIONS.

WHEREAS, The City of Wharton, Texas, has determined that the tract(s) or parcel(s) of land, hereinafter described, are required for investigation/acquisition for the City public works Levee flood control improvements; and,

WHEREAS, The City may be unable to obtain rights of entry/acquire or purchase fee simple interest, public drainage, or levee easements in said parcel(s) by negotiation, and the City would then be compelled to exercise its power of eminent domain.

NOW BE IT ORDAINED BY THE WHARTON CITY COUNCIL that:

SECTION I. AUTHORIZATION. The City Attorney, Paul Webb, and the Special Legal Counsel of the City, Winstead P. C., is hereby authorized and funded to prepare appropriate legal documents and enter appropriate negotiations for the right to enter and/or acquisition of the properties described in Exhibit “A”. Failing such final attempt at negotiation, Special Legal Counsel is hereby authorized to initiate eminent domain condemnation proceedings in a court of competent jurisdiction in Wharton County, Texas on behalf of the City to obtain rights of entry and/or fee simple ownership of said parcel(s).

SECTION II. PUBLIC NECESSITY. The City Council of Wharton, Wharton County, Texas, declares that a public necessity exists for the City of Wharton to obtain rights of entry and/or acquire the real property located in Wharton County, Texas, and described in Exhibit “A” attached hereto and made a part hereof. The City Attorney, Paul Webb, and Special Legal Counsel, Winstead P.C., are hereby directed to finally determine the owner(s) of said real property, coordinate with the Wharton City Manager in an attempt to finally negotiate the right of entry and/or purchase or grant of a fee simple interest in and to said properties in Exhibit “A”; and failing such effort at final negotiation, to institute and prosecute to conclusion, an eminent domain condemnation suit against the known and/or unknown owner(s) of said property and against any and all other person(s) and legal entities who own or claim any interest in said lands; and to obtain the right to enter and/or acquire the real estate for the City of Wharton for use as a public flood control Levee.

SECTION III. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct and incorporates such recitals as findings of fact.

SECTION IV. SEVERABILITY. If any provision of this Ordinance or the application hereof to any circumstance shall ever be held to be invalid, the remainder of this Ordinance and the

application thereof to other circumstances shall nevertheless be valid, and the governing body hereby declares that this Ordinance would have been enacted without such invalid provision; and that in lieu of each clause or provision of this Ordinance that is deemed invalid, illegal, or unenforceable, there then will be added by the Mayor as necessary, with the approval of the City Manager and City Attorney as to form and legality, and as a part of the Ordinance, a substitute or additional clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be legally possible, valid and enforceable.

SECTION V. EFFECTIVE DATE. This Ordinance shall become effective immediately following its passage.

SECTION VI. OPEN MEETINGS. The City finds that this Ordinance was discussed, considered, and appropriate action was taken upon it in accordance with the Texas Open Meetings Act requirements of Texas law, set forth in Tex. Gov't Code Ann. as amended, Title 5, Chapter Sec. 551.001 et seq.

PASSED AND ADOPTED this the 13th day of May 2024.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

Exhibit "A"

R062178	A20003 ABST.3 TRACT 33D
R027591	A20003 ABST.3 TRACT 33 PT (NORTH)
R068876	A20003 ABST.3 TRACT 33PT (SOUTH) & 33RR
R068875	A20034 ABST.34 TRACT 69 PT (SOUTH) & 86RR
N/A	TXDOT & WHARTON COUNTY FM 102

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

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission of an application to the Economic Development Administration (EDA) FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance Programs for Water & Sewer Utilities in support of the existing and future commercial development of the Wharton Economic Development property on U.S. 59 and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. Planning and Development Director, Gwyn Teves, stated the Economic Development Administration (EDA) had announced funding availability for FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance Notice of Funding Opportunity. Mrs. Teves stated the City Staff was requesting authorization to apply for the FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance to expand water and sewer utilities to the Wharton Industrial Foundation property to support existing and potential businesses. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-51, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-51**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) FY 2023/2024 PUBLIC WORKS AND ECONOMIC DEVELOPMENT FACILITIES AND ECONOMIC ADJUSTMENT ASSISTANCE PROGRAMS FOR WATER & SEWER UTILITIES IN SUPPORT OF THE EXISTING AND FUTURE COMMERCIAL DEVELOPMENT OF THE WHARTON ECONOMIC DEVELOPMENT PROPERTY ON U.S. 59 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.

WHEREAS, The City of Wharton City Council wishes to submit an application to the EDA FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance Programs for water and sewer utilities in support of existing and future commercial development of the Wharton Economic Development Property on US 59; and,

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

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

SECTION I. The Wharton City Council hereby approves the City of Wharton Staff to prepare an application for the EDA FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance Programs for water and sewer utilities

in support of existing and future commercial development of the Wharton Economic Development Property on US 59.

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

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

PASSED, APPROVED, and ADOPTED this 13th day of May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fourteenth item on the agenda was to review and consider a request from Executive Director Joshua Owens on behalf of the Wharton Economic Development Corporation to replat 108 W. Elm St., Wharton, Block 3, Lot 2, 2D, 3, 3D. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Executive Director Joshua Owens on behalf of the Wharton Economic Development Corporation to replat 108 W. Elm St., Wharton, Block 3, Lot 2, 2D, 3, 3D. Mrs. Teves stated the Planning Commission met on May 6, 2024, and were recommending this item to the City Council for consideration. After some discussion, Councilmember, Terry Freese, moved to approve the request from Executive Director Joshua Owens on behalf of the Wharton Economic Development Corporation to replat 108 W. Elm St., Wharton, Block 3, Lot 2, 2D, 3, 3D. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider reschedule the May 27, 2024, Regular City Council Meeting. After some discussion, Councilmember Burnell Neal, moved to approve rescheduling the May 27, 2024, Regular Meeting to May 28, 2024. Councilmember, Terry Freese, seconded the motion. All voted in favor.

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

A. Resignations.

- B. Appointments.
- C. Vacancies.

After some discussion, Councilmember, Russell Machann, moved to appoint Councilmember, David Voulgaris, to the Public Safety, Public Works, and Telecommunications Committees. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

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

The meeting adjourned at 7:34 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 28, 2024**

Mayor, Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. at City Hall 120 E. Caney Street Wharton, TX. Councilmember, Burnell Neal, led the opening devotion, and Mayor, Tim Barker led the pledge of allegiance.

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

Councilmember absent was: None.

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

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

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

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

Wharton Moment.

Mayor, Tim Barker, called for Wharton Moments.

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

Review and Consider:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, The Wharton City Council wishes to authorize the Mayor to execute all documents related to the Change Order.

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

Section I. The Wharton City Council hereby authorizes Change Order No. 1 for the cost increase of \$2,600 for project closeout with Texas Pride Utilities, LLC, for the S. East Avenue Sanitary Sewer Rehabilitation Project Phase 1.

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

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

Passed, Approved, and Adopted this 28th day of May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, The Wharton City Council wishes to authorize the Mayor to execute all documents related to the Change Order.

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

Section I. The Wharton City Council hereby authorizes Change Order No. 1 for the cost increase of \$1,104 for project closeout with Texas Pride Utilities, LLC, for the S. East Avenue Sanitary Sewer Rehabilitation Project Phase 2.

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

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

Passed, Approved, and Adopted this 28th day of May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

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

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

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

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

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

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

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

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

Term ending:

Ms. Amanda Gonzales	Beautification Commission	June 30, 2025
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Councilmember, Burnell Neal, seconded the motion. All voted in favor.

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

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

After some discussion, no action was taken.

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

- A. City Secretary/Personnel.

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

After some discussion, no action was taken.

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

The meeting adjourned at 7:40 p.m.

CITY OF WHARTON, TEXAS


By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary


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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/10/2024	Agenda Item:	Update from Mr. Jeremy McDonald regarding the Rise Broadband installation and services.
<p>Mr. Jeremy McDonald will give the City Council an update on the Rise Broadband installation and services.</p>			
City Manager: Joseph R. Pace		Date: Thursday, June 6, 2024	
Approval: 			
Mayor: Tim Barker			

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/10/2024	Agenda Item:	Request from Mr. David Bowlin on behalf of Chapel Creek Investments, LLC to replat 1113 College St., High School, Lot 6, 7, NW Corner of 8 for multifamily development.
<p>Attached you will find the request from Mr. David Bowlin on behalf of Chapel Creek Investments, LLC to replat 1113 College St., High School, Lot 6, 7, NW Corner of 8 for multifamily development.</p> <p>The Planning Commission met and is recommending this item to the City Council for consideration.</p> <p>Director of Planning & Development Gwyn Teves will be present to answer any questions.</p>			
City Manager: Joseph R. Pace			Date: Thursday, June 6, 2024
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

DATE: June 3, 2024

FROM: Mike Wootton, Planning Commission Chairperson

TO: Honorable Mayor and City Council

SUBJECT: Recommendation to City Council from the Regular Called Planning Commission Meeting held Monday, June 3, 2024

The following item was discussed during the Monday, June 3, 2024, meeting:

1. Request from Mr. David Bowlin on behalf of Chapel Creek Investments, LLC to replat 1113 College St., High School, Lot 6, 7, NW Corner of 8 for multifamily development.

The Planning Commission is recommending that the City Council approve the above request and is referring it to City Council for a final determination.

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

This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.



This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document .

- Flood Hazard Boundary Information:
- As of this date (May, 2024), the "Replat of Lots 6, 7 & 8A, High School Addition", is located, by scaled map location and graphic plotting only, in Flood Hazard Boundary Zone "X". Community No. 480654, Map No. 48481C0355F, dated December 21, 2017. Property IS NOT in the area subject to inundation by the 1% annual chance flood event, a.k.a. the 100 Year Flood Plain, as designated on FEMA's National Flood Insurance Program Flood Insurance Rate Map. The National Flood Insurance Program FIRM is for use in administering the National Flood Insurance Program. The property is not subject to flooding, particularly from local drainage sources, or all planned features outside Special Flood Hazard Areas. This flood statement does not imply that the property and/or structure located thereon will be free from flooding or flood damage. The flood hazard area is subject to change as detailed studies occur and/or watershed or channel conditions change. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

14
13
12
11
10

- Preliminary -

This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document .

Known all men by these presents

That I, David Bowlin, owner of Chapel Creek Investments, and owner of the property shown in the above and foregoing map, do hereby make a Plat of said property according to the lines, streets, drives, lots, common areas, building lines and easements therein shown, and designate said property as the "Replat of Lots 6, 7 & 8A, High School Addition" in the City of Wharton, Wharton County, Texas, and do hereby bind myself, my heirs and assigns to warrant and forever defend the title to the land so dedicated.

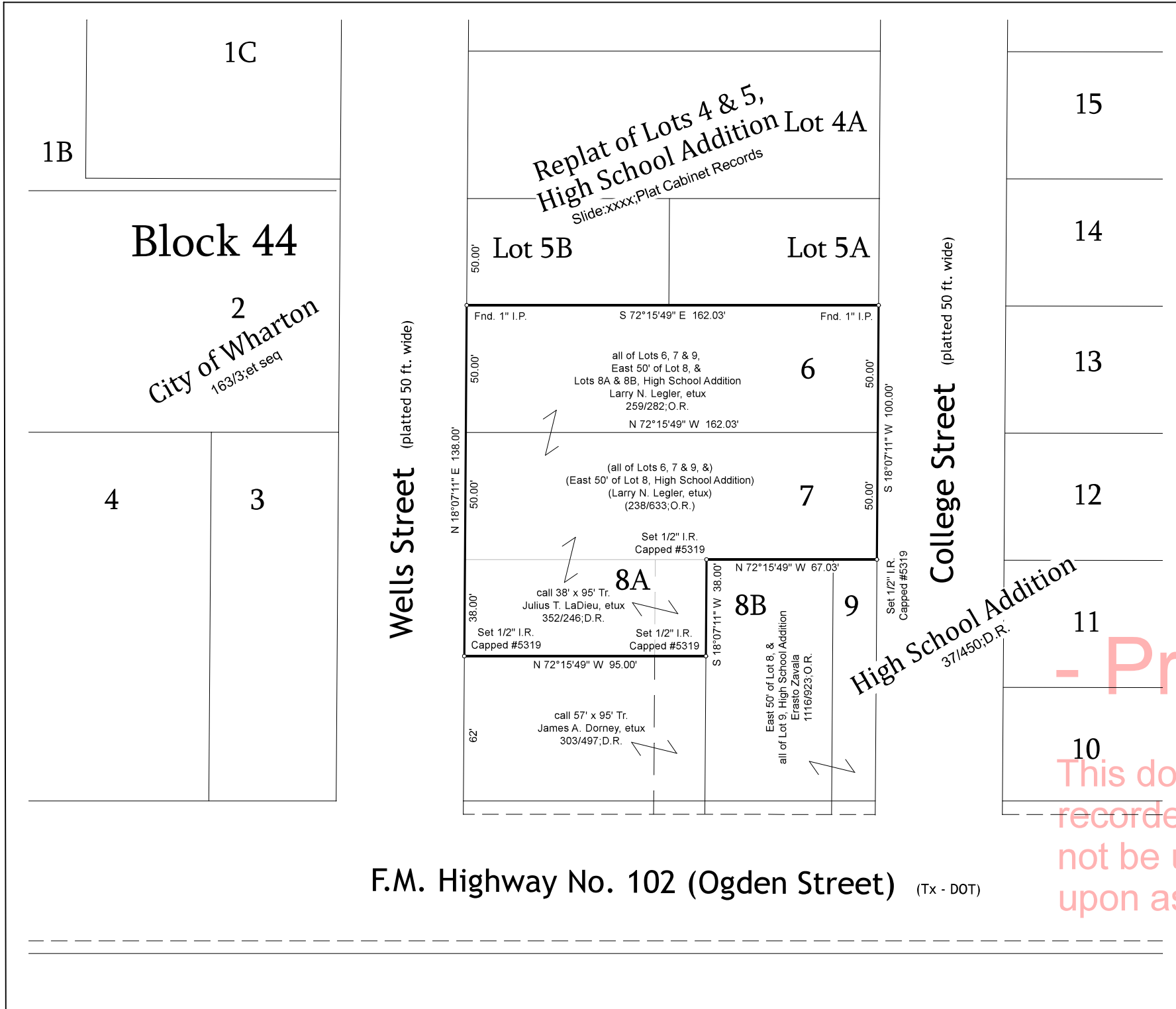
David Bowlin, Owner

Before me, the undersigned authority, on this day personally appeared David Bowlin, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledgement to me that he executed the same for the purposes and considerations therein expressed.

Witness my hand and seal of office

this _____ day of _____, 2024.

By _____
Notary Public in and for the State of Texas



Property Before Development
Scale: 1" = 50'

THE STATE OF TEXAS
COUNTY OF WHARTON

I, Barbara Svatek, County Clerk in and for Wharton County, Texas,
hereby certify that the foregoing instrument was filed for recordation in

my office on the _____ day of _____, 2024.

At : O'clock M. In Slide Number of

the Plat Cabinet Records III, of Wharton County, Texas

Witness my hand and seal of office, at Wharton, Wharton

Witness my hand and seal of office, at Wharton, Wharton County,
Texas, the day and date last above written.

County Clerk, Wharton County, Texas

By: _____
Deputy

THE STATE OF TEXAS
COUNTY OF WHARTON
CITY OF WHARTON

This plat is hereby approved by the Planning Commission of the City of Wharton, Wharton County, Texas. In testimony whereof witness the official signature:

Chairman, Planning Commission Secretary, Planning Commission

Approved by the Planning Commission this _____ day of _____, 2024.

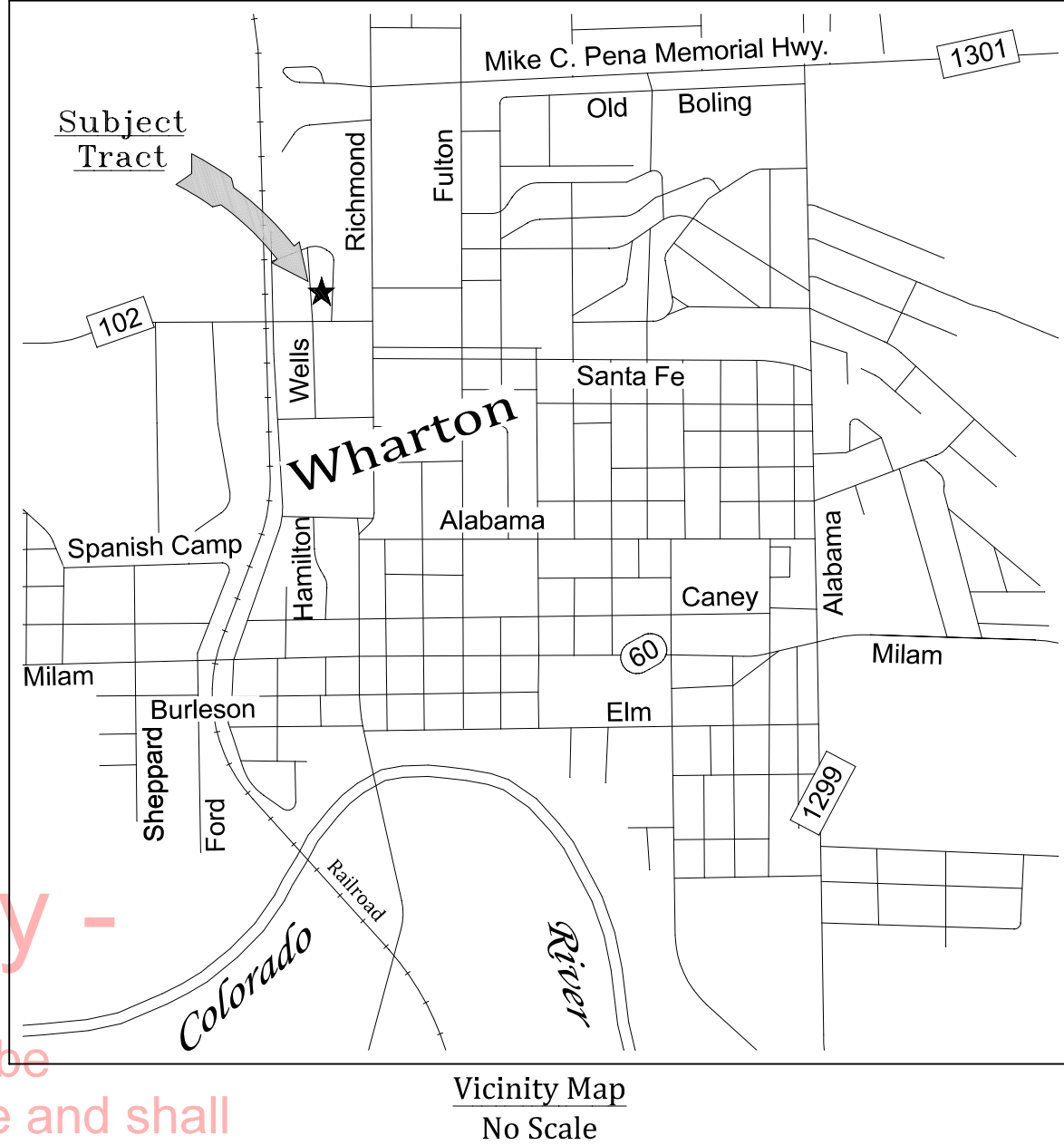
THE STATE OF TEXAS
COUNTY OF WHARTON
CITY OF WHARTON

This plat is hereby approved by the City Council of the City of Wharton,
Wharton County, Texas. In testimony whereof witness the official signature:

Mayor

City Secretary

Approved by the City Council this _____ day of _____, 2024.



- Preliminary -

This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document .

I, Robert W. Kolasny, am authorized under the laws of the State of Texas to practice the Profession of Land Surveying and hereby certify that the above plat is true and correct, was prepared from an actual survey of the property made under my supervision on the ground and that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron monuments.

Dated: March 12, 2020.

Robert W. Kolacny
Registered Professional Land Surveyor No. 5319
Ph. (979) 532-8056

- Preliminary -

This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

Preliminary Plat

Replat of Lots 6, 7 & 8A High School Addition

in the City of Wharton, William Kincheloe League,
Abstract No. 38, Wharton County, Texas

1 Lot 0 Reserves 1 Block

05/29/2024

Developers:
 Chapel Creek Investments
 David Bowlin, Owner
 3722 Lost Creek Blvd
 Austin, TX. 78735
 512-289-2929

ROBERT KOLACNY
 AND ASSOCIATES, LLC
 RPLAS8339 FIRM# 101070007

140 S. HOUSTON STREET | WHARTON TEXAS 77488 | 979.532.8056

- Registered Professional Land Surveyors -

OFFICE (979) 532-8056 - kolacny.survey@gmail.com

**CITY OF WHARTON
PLANNING COMMISSION
APPLICATION
FOR
PLAT OR RE-PLAT**

NOTE: If plat or re-plat 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.

Chapel Creek Investments, LLC (David Bowlin)

05/29/2024

Name (Printed)
1113 College Street

Date
3722 Lost Creek Blvd

Physical Address
Wharton, TX 77488

Mailing Address
Austin, TX 78735

Legal Address

Phone

***ATTACH A PRELIMINARY/FINAL DRAWING OF THE RE-PLAT.**

***ATTACH TAX CERTIFICATES.**

SIGNATURE OF APPLICANT:

David Bowlin

05/29/2024

Signature

Date

Planning commission Meeting: 06/03/2024 4:30pm

City Council Meeting: 06/10/2024 7pm

ADJACENT PROPERTY OWNER(S):

Chapel Creek Investments, LLC

512-289-2929

Name
1115 College St

Phone
3722 Lost Creek Blvd

Legal Address
Wharton, TX 77488

Physical Address
Austin, TX 78735

Name
Chapel Creek Investments, LLC

Phone
5122892929

Legal Address
1116 Wells Street

Physical Address
3722 Lost Creek Blvd

Name
Wharton, TX 77488

Phone
Austin, TX 78735

Legal Address

Physical Address

APPROVAL:

Gwyneth Teves

Planning Department

05/30/2024

Date

Chairman of the Planning Commission

6.3.24
Date

☒ Recommend

☐ Do Not Recommend

☒ Recommend


☐ Do Not Recommend

Mayor

Date

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/10/2024	Agenda Item:	Request from Mr. Robert Fleming Jr. on behalf of Keith Gerard Home Solutions to replat 606 Old Boling Rd., Wm. Kincheloe, Block 64-A9 for residential development.
<p>Attached you will find the request from Mr. Robert Fleming Jr. on behalf of Keith Gerard Home Solutions to replat 606 Old Boling Rd., Wm. Kincheloe, Block 64-A9 for residential development.</p> <p>The Planning Commission met and is recommending this item to the City Council for consideration.</p> <p>Director of Planning & Development Gwyn Teves will be present to answer any questions.</p>			
City Manager: Joseph R. Pace			Date: Thursday, June 6, 2024
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

DATE: June 3, 2024

FROM: Mike Wootton, Planning Commission Chairperson

TO: Honorable Mayor and City Council

SUBJECT: Recommendation to City Council from the Regular Called Planning Commission Meeting held Monday, June 3, 2024

The following item was discussed during the Monday, June 3, 2024, meeting:

1. Request from Mr. Robert Fleming Jr. on behalf of Keith Gerard Home Solutions to replat 606 Old Boling Rd., Wm. Kincheloe, Block 64-A9 for residential development.

The Planning Commission is recommending that the City Council approve the above request and is referring it to City Council for a final determination.

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

**CITY OF WHARTON
PLANNING COMMISSION
APPLICATION
FOR
PLAT OR RE-PLAT**

Item-4.

NOTE: If plat or re-plat 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.

Robert Fleming Jr

5/28/2024

Name (Printed)

Date

606 Old Boling rd, Wharton, TX 77488

1110 Plantation dr, Richmond, TX 77406

Physical Address

Mailing Address

WM.KINCHELOE BLOCK 64A-9

Legal Address

Phone

***ATTACH A PRELIMINARY/FINAL DRAWING OF THE RE-PLAT.**

***ATTACH TAX CERTIFICATES.**

SIGNATURE OF APPLICANT:

Robert Fleming Jr
Signature

5/28/24

Date

Planning commission Meeting: 06/03/2024 4:30pm

City Council Meeting: 06/10/2024 7:00pm

ADJACENT PROPERTY OWNER(S):

Kelly Boedeker

Name

Phone

WM.KINCHELOE BLOCK 64A-9B 1776 AIRLINE SERIAL # 544356

1601 John Knox Street, Wharton, TX 77488

Legal Address

Physical Address

Louis Hernandez

Name

Phone

WM.KINCHELOE BLOCK 64A-9A

602 OLD BOLING RD, WHARTON, TX 77488

Legal Address

Physical Address

Name

Phone

Legal Address

Physical Address

APPROVAL:

Gwyneth Teves
Planning Department

5/29/2024

Date

☒ Recommend

☐ Do Not Recommend

Michael Woolson
Chairman of the Planning Commission

6.3.24

Date

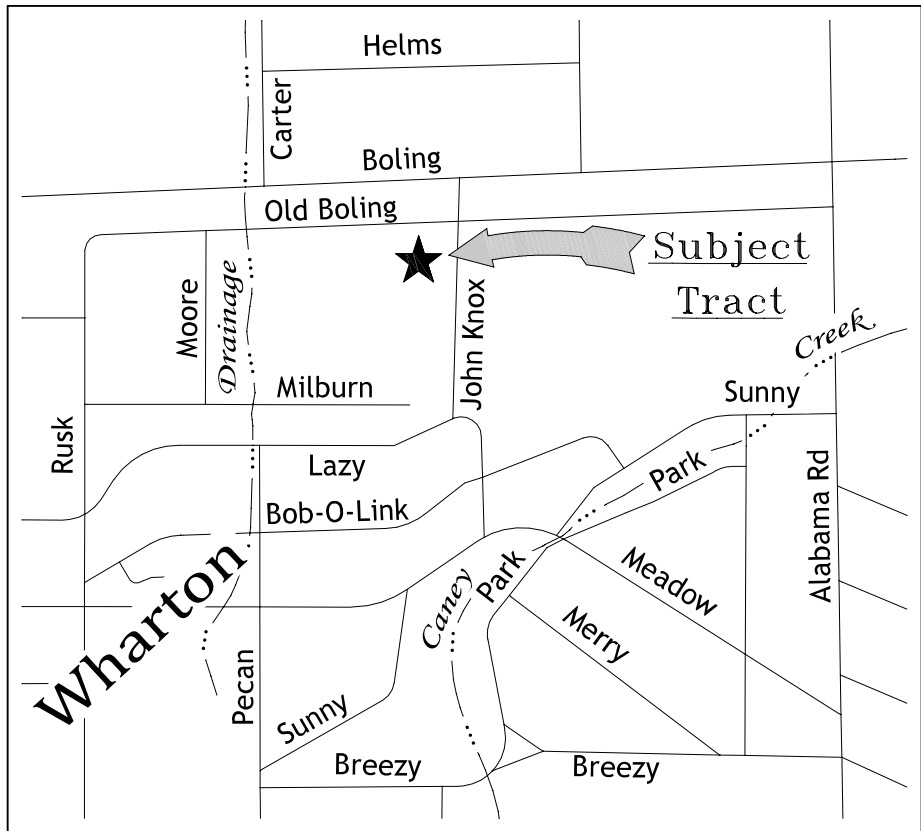
☒ Recommend

☐ Do Not Recommend

Chairman of the Planning Commission

Mayor

Date



Vicinity Map
No Scale

I, Robert W. Kolacny, am authorized under the laws of the State of Texas to practice the Profession of Land Surveying and hereby certify that the above plat is true and correct, was prepared from an actual survey of the property made under my supervision on the ground and that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron monuments.

Dated: May 15, 2024

Robert W. Kolacny
Registered Professional Land Surveyor No. 5319
Ph. (979) 532-8056

Preliminary Plat
of the

Fleming - Etienne Subdivision

A 0.354 Ac. Tract of land, situated in the
William Kincheloe League, Abstract No. 38,
in the
City of Wharton
Wharton County, TX

2 Lots 0 Reserves 1 Block 05/20/2024

Developer:
Robert Fleming, Jr.
606 Old Boling Rd.
Wharton, TX 77488
832-782-7233

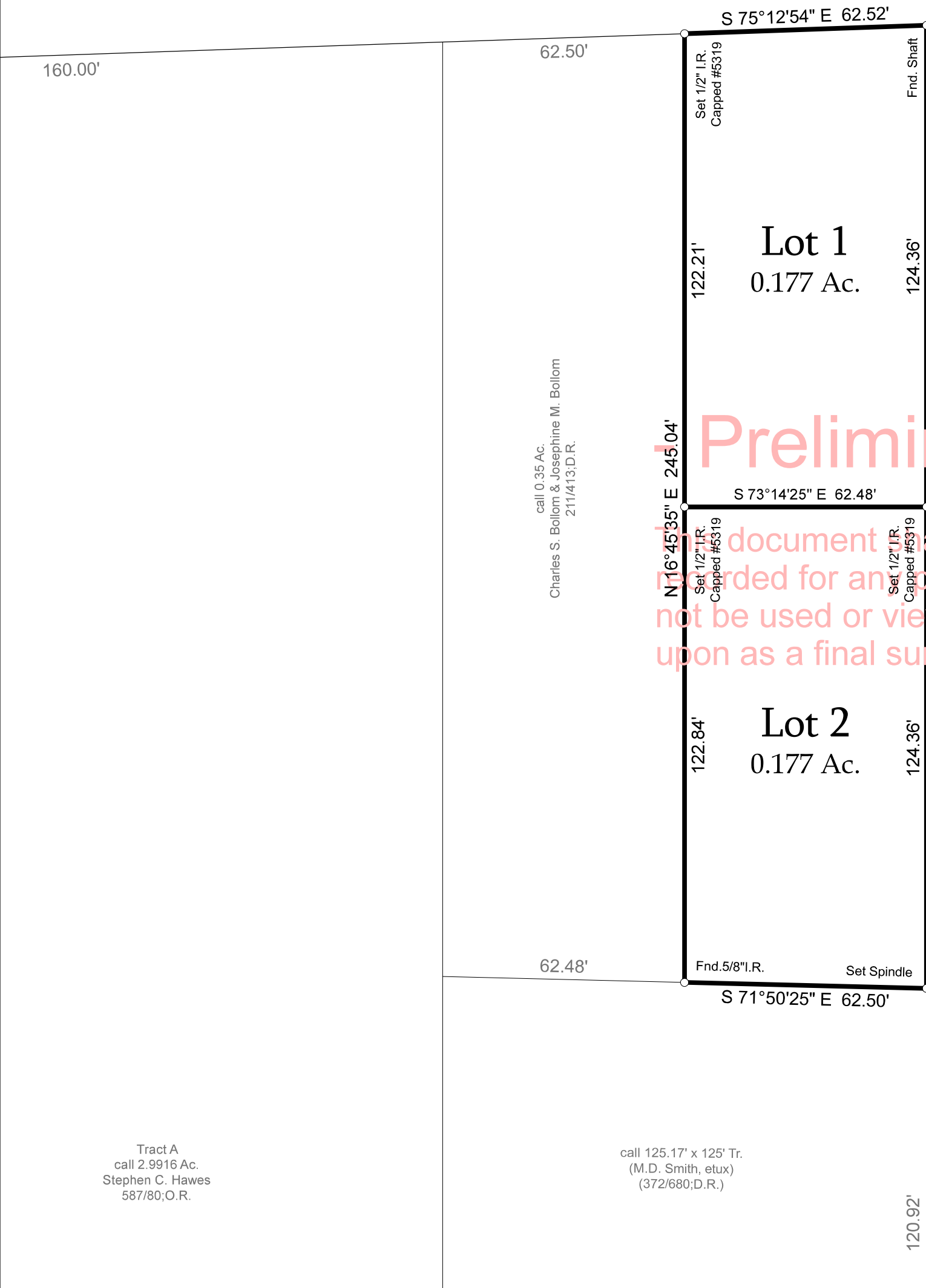
Developer:
Brian Etienne
606 Old Boling Rd.
Wharton, TX 77488
713-894-1402



FILE: Replat 606 Old Boling Rd SD.dwg
PROJECT: W Wharton City Lots Addition
CRD: Sonix CRD
BY: PV Arriaga

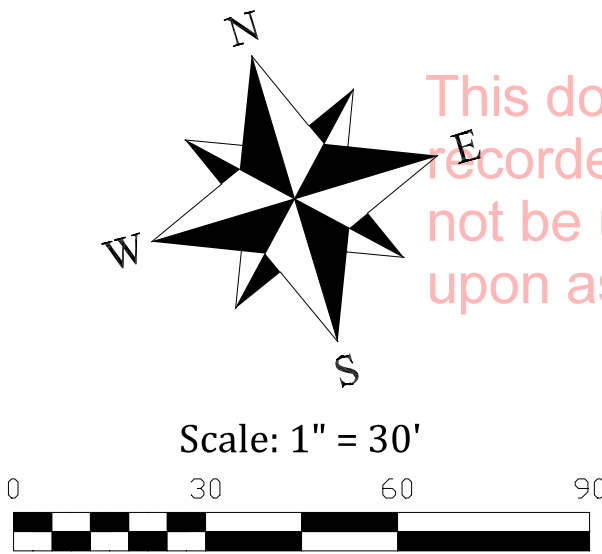
140 S. HOUSTON STREET | WHARTON TEXAS 77488 | 979.532.8056
- Registered Professional Land Surveyors -
OFFICE (979) 532-8056 - kolacny.survey@gmail.com

Old Boling Road (platted 60 ft. wide)



- Preliminary -

This document shall not be
recorded for any purpose and shall
not be used or viewed or relied
upon as a final survey document .



Building Lines set by City
Ordinance and/or City Council.

The subject tract is wholly within
the city limits of the City of Wharton,
Wharton County, Texas.

Note:

- This property is subject to any conflicting rights, claims or other matters which may exist or arise by virtue of any discrepancy between the fences, improvements and actual property lines as shown on the survey plat.
- This property is subject to the rights of the public to any area located within a public roadway, street or alley.
- This may not be a complete inventory of fences.
- This property is subject to any and all covenants, restrictions, easements, conditions and ordinances which may be applicable.
- This survey is valid for this transaction only.
- Title: No Title Commitment was provided to Surveyor. No attempt was made by Surveyor to independently research or locate easements that may or may not affect Subject Tract.
- Property owners must call the pipeline's owner or an official notification center for a precise physical location of all pipelines.

THE STATE OF TEXAS
COUNTY OF WHARTON

I, Barbara Svatek, County Clerk in and for Wharton County, Texas, hereby certify that the foregoing instrument was filed for recordation in my office

on this _____ day of _____, 2024,

at _____ O'clock ____ M. in Slide Number _____ of

the Plat Cabinet Records III, Wharton County, Texas.

Witness my hand and seal of office, at Wharton, Wharton County, Texas, the day and date last above written.

County Clerk, Wharton County, Texas

By: _____
Deputy

THE STATE OF TEXAS
COUNTY OF WHARTON
CITY OF WHARTON

This plat is hereby approved by the Planning Commission of the City of Wharton, Wharton County, Texas. In testimony whereof witness the official signature:

Chairman, Planning Commission Secretary, Planning Commission

Approved by the Planning Commission this _____ day of _____, 2024.

THE STATE OF TEXAS
COUNTY OF WHARTON
CITY OF WHARTON

This plat is hereby approved by the City Council of the City of Wharton, Wharton County, Texas. In testimony whereof witness the official signature:

Mayor City Secretary

Approved by the City Council this _____ day of _____, 2024.

THE STATE OF TEXAS
COUNTY OF WHARTON
CITY OF WHARTON

Known all men by these presents:

That I, Robert Fleming, Jr., do hereby make a Plat of said property according to the lines, streets, drives, lots, common areas, building lines and easements therein shown, and designate said property as the "Fleming - Etienne Subdivision" in the City of Wharton, Wharton County, Texas, and do hereby bind myself, my heirs and assigns to warrant and forever defend the title to the land so dedicated.

Witness my hand this _____ day of _____, 2024.

Robert Fleming, Jr., Owner

THE STATE OF TEXAS
COUNTY OF WHARTON

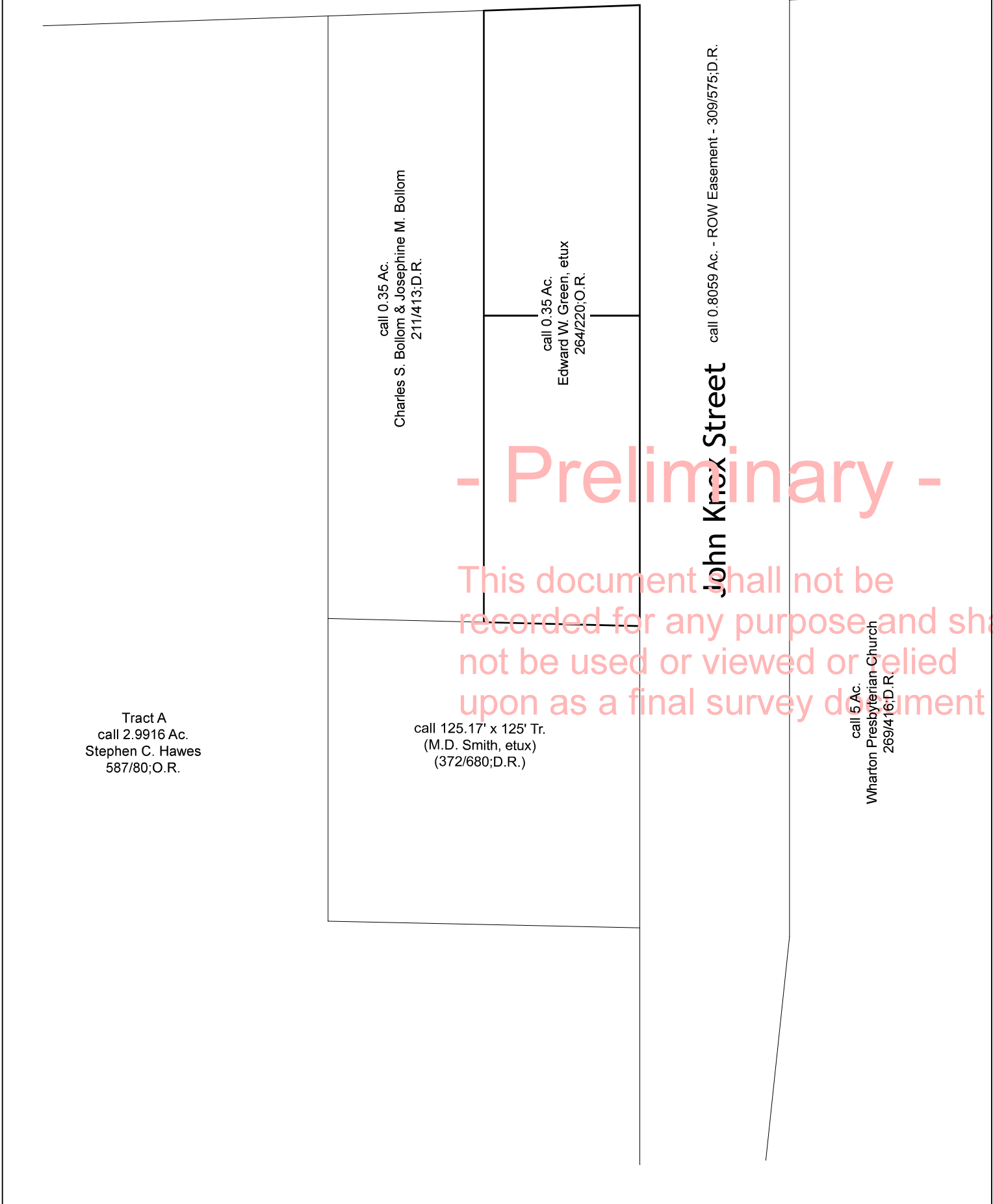
Before me, the undersigned authority, on this day personally appeared Robert Fleming, Jr., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledgement to me that he executed the same for the purposes and considerations therein expressed.

Witness my hand and seal of office

this _____ day of _____, 2024.

By _____
Notary Public in and for the State of Texas

Old Boling Road (platted 60 ft. wide)



Property before Development
Scale: 1" = 50'

- Preliminary -

This document shall not be
recorded for any purpose and shall
not be used or viewed or relied
upon as a final survey document .

THE STATE OF TEXAS
COUNTY OF WHARTON
CITY OF WHARTON

Known all men by these presents:

That I, Brian Etienne, do hereby make a Plat of said property according to the lines, streets, drives, lots, common areas, building lines and easements therein shown, and designate said property as the "Fleming - Etienne Subdivision" in the City of Wharton, Wharton County, Texas, and do hereby bind myself, my heirs and assigns to warrant and forever defend the title to the land so dedicated.

Witness my hand this _____ day of _____, 2024.

Brian Etienne, Owner

THE STATE OF TEXAS
COUNTY OF WHARTON

Before me, the undersigned authority, on this day personally appeared Brian Etienne, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledgement to me that he executed the same for the purposes and considerations therein expressed.


Witness my hand and seal of office

this _____ day of _____, 2024.

By _____
Notary Public in and for the State of Texas

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/10/2024	Agenda Item:	Resolution: A resolution of the Wharton City Council authorizing the Mayor of the City of Wharton to submit a Letter of Intent for the City of Wharton’s participation in the Texas Department of Transportation Aviation Division Capital Improvement Program by submitting an application for funding to be used for design and rehabilitation of the runway, Parallel Alpha, and Connector Taxiways to include construction phase services at the Wharton Regional Airport.
<p>On May 28, 2024, the Finance Committee met regarding improvements to the Wharton Regional Airport Runway and Taxiway. The project cost for the design and rehabilitation of the runway, Parallel Alpha, and Connector Taxiways to include construction phase services is estimated at \$2,775,000.00. This project would be funded through the Texas Department of Transportation Aviation Division Capital Improvement Program which is a 90% Federal and 10% Local Cost Sharing Program.</p> <p>It was the recommendation from the Finance Committee to submit this item to the City Council for final approval and to pursue this project with TxDOT Aviation Division.</p> <p>Finance Director Joan Andel and Airport Manager Dwayne Pospisil will be present to answer any questions.</p>			
City Manager: Joseph R. Pace			Date: Thursday, June 6, 2024
Approval: 			
Mayor: Tim Barker			



City of Wharton

120 E. Caney Street ° Wharton, TX
77488

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

MEMORANDUM

To: Mr. Joseph R. Pace
City Manager

From: Joan Andel

Date: June 4, 2024

Re: Wharton Regional Airport Runway Project

On May 28, 2024, the Finance Committee met regarding improvements to the Wharton Regional Airport Runway and Taxiway. The project cost for design and rehabilitation of the runway, Parallel Alpha, and Connector Taxiways to include construction phase services is estimated at \$2,775,000.00. This project would be funded through the Texas Department of Transportation Aviation Division Capital Improvement Program which is a 90% Federal and 10% Local Cost Sharing Program.

The design is estimated to cost \$175,000.00 which the City would incur 10% or \$17,500.00, which is estimated to be payable in FY25. The construction is scheduled to occur in FY26 and at that time the remainder of the City portion would be due.

It was the recommendation from the Finance Committee to submit this item to the City Council for final approval and to pursue this project with TxDOT Aviation Division.

I would like to place this item on the City Council agenda for June 10, 2024.

Should you have any questions, please contact me.

Thank you.

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

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO SUBMIT A LETTER OF INTENT FOR THE CITY OF WHARTON'S PARTICIPATION IN THE TEXAS DEPARTMENT OF TRANSPORTATION AVIATION DIVISION CAPITAL IMPROVEMENT PROGRAM BY SUBMITTING AN APPLICATION FOR FUNDING TO BE USED FOR DESIGN AND REHABILITATION OF THE RUNWAY, PARALLEL ALPHA, AND CONNECTOR TAXIWAYS TO INCLUDE CONSTRUCTION PHASE SERVICES AT THE WHARTON REGIONAL AIRPORT.

WHEREAS, The Wharton City Council wishes for certain improvements to be conducted at the Wharton Regional Airport; and,

WHEREAS, Said improvements would include a design and rehabilitation of the runway, Parallel Alpha, and Connector Taxiways at the Wharton Regional Airport to include Construction Phase Services; and,

WHEREAS, To fund the costs for said project, the Wharton City Council wishes to participate in the Texas Department of Transportation Aviation Division, Capital Improvement Program, which is a 90% federal/ 10% local cost share program; and,

WHEREAS, Total project costs are estimated to be \$2,775,000.00, and the City of Wharton would be responsible for 10% which is currently estimated to be \$277,500.00; and,

WHEREAS, The Wharton City Council names the Texas Department of Transportation as its agent for purposes of applying for, receiving, and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to submit a Letter of Intent to participate in said program.

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

Section I. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to submit a Letter of Intent to participate in the Texas Department of Transportation Aviation Division, Capital Improvement Program to apply for funding to be used for the design and rehabilitation of runway, Parallel Alpha, and Connector Taxiways to include construction phase services at the Wharton Regional Airport.

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

Passed, Approved, and Adopted this the 10th day of June 2024.

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:	6/10/2024	Agenda Item:	Resolution: A resolution of the Wharton City Council awarding a contract for the Wharton Municipal Court renovation and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
<p>The Wharton Municipal Court Security Committee met and discussed the security of the Court. One of the major obstacles with the design of the courtroom is an emergency exit for the Judge and staff if there is an emergency. The Committee is recommending the installation of an emergency exit door with a panic exit device be installed in the jury room. This would be the only way to allow the Judge and staff a safe exit from the courtroom in an emergency.</p> <p>Assistant City Manager Paula Favors sent a request for proposals to three (3) contractors, Total Outdoor Solutions, Exeter Architectural, and BLS Construction, receiving only the included bid for \$24,843.60 from BLS Construction.</p> <p>It is the City Staff's recommendation to accept the bid by BLS Construction for \$24,843.60.</p> <p>Assistant City Manager Paula Favors will be present to answer any questions.</p> <p>DIVISION 5. - MUNICIPAL COURT SECURITY COMMITTEE</p> <p>Sec. 2-160. - Establishment and membership.</p> <p>(a)The presiding or municipal judge, as applicable, shall establish a court security committee composed of:(1)The presiding judge, or the presiding judge's designee;(2)A representative of the City of Wharton Police Department;(3)The chief clerk of the municipal court, or the chief clerk's designee;(4)Any other person the committee determines necessary to assist the committee.(b)The person described by subsection (a)(1) serves as presiding officer of the committee.</p> <p>Sec. 2-161. - Powers and duties.</p> <p>(a)Establish the policies and procedures necessary to provide adequate security to the municipal courts served by the presiding or municipal judge, as applicable. (b)The committee may recommend to the municipality the uses of resources and expenditures of money for courthouse security, but may not direct the assignment of those resources or the expenditure of those funds.</p>			
City Manager: Joseph R. Pace			Date: Thursday, June 6, 2024
Approval: 			
Mayor: Tim Barker			



COURT

207 FAHRENTHOLD STREET
EL CAMPO, TX 77431

Item-6.

Office: 979-543-2696
Fax: 979-543-5006


March 25, 2024

Attn: Paula Favors
Wharton Police Department
New door & concrete ramp

BLS will supply the following labor and materials listed below:

- Demo (1) section for a new doorway to be installed
- Install a hollow metal door and frame/painted with a panic exit device
- Supply and install (1) concrete ramp because finished floor is higher than outside grades

Total Cost for Labor & Materials: \$24,843.60 tax exempt

Accepted by: 
William Key, President

Date: 3-25-2024

Accepted by: _____

Date: _____

Print Name/Title: _____

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

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE WHARTON MUNICIPAL COURT RENOVATION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Bids were received for the creation of an emergency exit at the Wharton Municipal Court; and,

WHEREAS, BLS Construction was deemed the best lowest qualified bidder in the amount of \$24,843.60; and,

WHEREAS, The Wharton City Council wishes to award a contract to BLS Construction for the construction of an emergency exit at the Wharton Municipal Court in the amount of \$24,843.60; and,

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

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

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

Section I. The Wharton City Council hereby authorizes the Mayor to execute a contract for the construction of an emergency exit at the Wharton Municipal Court to BLS Construction in the amount of \$24,843.60.

Section II. The City of Wharton and BLS Construction are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 10th day of June 2024.

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:	6/10/2024	Agenda Item:	Resolution: A resolution of the Wharton City Council ratifying and approving Change Order No. 1 for a cost increase with Capital Underground Utilities, LLC, for the Titus Express Waterline Extension and authorizing the Mayor to execute all documents related to said Change Order.
<p>Work for the Titus Waterline Extension started the week of May 28, 2024, due to the TxDOT Sidewalks going in prior to the waterline relocation beginning. Once construction began, the contractor met with City Staff, and it was determined to be in the best interest of the City to authorize the contractor to bore the portions of the line that had originally been bid as open cut to avoid damage to the new sidewalk and incur additional repair costs. The City Staff is requesting that the City Council ratify Change Order No. 1 in the amount of \$5,850.00. This is a total construction cost of \$150,850.00. To date, the Wharton EDC has agreed to fund the construction of the project in the amount of \$147,240.00. The City Staff will be presenting the difference of \$3,610.00 to the Wharton EDC Board Meeting at their June monthly meeting for potential additional reimbursement for the project.</p> <p>Attached is the Change Order and resolution.</p> <p>Director of Planning & Development Gwyn Teves will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, June 6, 2024	
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

DATE: June 5, 2024

FROM: Gwyneth Teves, Director of Planning & Development

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

SUBJECT: Request for approval of Change Order 1 for the Titus Waterline Extension.

Work for the Titus Waterline Extension started the week of May 28th and due to the TxDOT Sidewalks going in prior to the waterline relocation beginning. Once construction began the contractor met with City Staff and it was determined to be in the best interest of the City to authorize the contractor to bore the portions of the line that had originally been bid as open cut to avoid damage to the new sidewalk and incur additional repair costs. I am requesting that the City Council ratify Change Order 1 in the amount of \$5,850.00. This is a total construction cost of \$150,850.00. To date Wharton EDC has agreed to fund the construction of the project in the amount of \$147,240.00. We will be presenting the difference of \$3,610 to the Wharton EDC Board Meeting at their June monthly meeting for potential additional reimbursement for the project.

Attached is the Change Order and resolution. It is my recommendation that the City Council approve and ratify Change Order 1.

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

Capital Underground Utilities, LLC

Underground Utilites • Site Work • Paving
918 Tassell St, Houston Texas 77076
Phone: (281)827-2133

Change Order Proposal No. 01

May 28, 2024

Project: **Titus Express Car Wash Waterline Extension**

Owner: **City of Wharton**

RE: **Additional cost to bore extra footage for trenchless construction of 12" Waterline**

GC: **Capital Underground Utilities, LLC**

We hereby propose to furnish all labor, material, equipment, services, and supplies required for the complete installation of the below listed line items:

[illegible]

Base Proposal :	\$5,850.00
Mark Up 0%:	0.00
Total Change Order Proposal:	5,850.00

Original Contract Amount:	\$145,000.00
Change Order NO. 1:	\$5,850.00
Contract Sum to Date:	<u>\$150,850.00</u>

Time Extension Request: **TBD Calendar Days**

This proposal is valid for 30 days.

Acceptance

Signature

Date _____

Print Name, Title

Please contact us with any questions or concerns.

Yours very truly,

George Morales
Project Manager
Capital Underground Utilities, LLC

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

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND APPROVING CHANGE ORDER NO. 1 FOR A COST INCREASE WITH CAPITAL UNDERGROUND UTILITIES, LLC, FOR THE TITUS EXPRESS WATERLINE EXTENSION AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

WHEREAS, The Wharton City Council wishes to ratify and approve Change Order No. 1 for the cost increase of \$5,850.00 with Capital Underground Utilities, LLC, for the Titus Carwash Express Waterline Extension; 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 ratifies and approves Change Order No. 1 for the cost increase of \$5,850.00 with Capital Underground Utilities, LLC, for the Titus Carwash Express Waterline Extension.

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 10th day of June 2024.

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:	6/10/2024	Agenda Item:	Pay Request No. 1 from Reddico Construction Company for the U.S. 59 Water & Wastewater Utility Relocations.
<p>Attached you will find Pay Request No. 1 from Reddico Construction Company for the U.S. 59 Water & Wastewater Utility Relocations in the amount of \$1,526,893.74.</p> <p>Director of Planning & Development Gwyn Teves will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, June 6, 2024	
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

DATE: June 4, 2024

FROM: Gwyneth Teves, Director of Planning & Development

TO: Honorable Mayor and City Council

SUBJECT: Recommendation for payment to Reddico Construction Company for Pay Estimate No. 1 for the US 59 Water & Wastewater Utility Relocations

The City Council awarded a contract for construction to Reddico Construction Company for the US 59 Water & Wastewater Utility Relocations.

Pay Estimate No. 1 has been sent and a recommendation for payment by the engineer is attached.

It is my recommendation that the City Council approve Pay Estimate 1 for \$1,526,893.74 and issue payment.

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



June 3, 2024

Ms. Gwyneth Teves
Director of Planning & Development
City of Wharton
120 E. Caney Street
Wharton, Texas 77488

Re: US 59 Water and Wastewater Utility Relocations
City of Wharton
State Infrastructure Bank (SIB) Loan and TxDOT Relocation Reimbursement
TIN: 74-6002557

Dear Ms. Teves:

Enclosed is Application and Certificate for Payment No. 1 from Reddico Construction Company, Inc. for the referenced project. This application covers construction activities for the referenced project during the period from February 12, 2024 to April 30, 2024. During this period, the Contractor mobilized, installed sanitary sewer force mains and gravity lines by open cut and trenchless, installed waterline by open cut and trenchless, and installed flush valves. The estimate is in order and we recommend payment in the amount of \$1,526,893.74 to Reddico Construction Company, Inc.

The Contractor did not request impact days for the current payment period. We did not note any impact days for the current payment period.

The project is now 25% complete by total contract value and 37% complete by total contract time. The current contractual Substantial Completion date is September 9, 2024.

Sincerely,

A handwritten signature in blue ink that reads 'Matthew Matula'.

Matthew W. Matula, PE, ENV SP

MWM:dbm

K:\05135\05135-0239-00 US 59 Public Utility Relocations\3 Construction Phase\Pay Estimates\01

Enclosure

cc: Mr. Steve Redd – Reddico Construction Company, Inc.
Mr. Ryan Redd – Reddico Construction Company, Inc.
Mr. Joseph Pace – City of Wharton
Mr. Rodrick Semien – City of Wharton

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER/CLIENT:

City of Wharton
120 E Caney Street,
Wharton, Texas 77488 United States

PROJECT:

City of Wharton US 59 Water &
Wastewater Utility Relocations
U.S. 59
Wharton, Texas 77488

APPLICATION NO: 01

INVOICE NO: 01

DISTRIBUTION TO:

PERIOD: 2/12/2024 – 4/30/2024

PROJECT NOS: 05135-0239-00

FROM CONTRACTOR:

Reddico Construction Company, Inc.
10083 Airport Rd,

Conroe, Texas 77303 United States

VIA ENGINEER

Matthew Matula - Quiddity Engineering,
LLC
6330 W Loop South
Suite 150
Bellaire, Texas 77401

CONTRACT DATE:

2/2/2024

CONTRACT FOR: Construction of US 59 Water and Wastewater Utility Relocates

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract, Continuation sheet is attached.

1.	Original Contract Sum	\$6,783,569.00
2.	Net change by change orders	\$0.00
3.	Contract sum to date (line 1 ± 2)	\$6,783,569.00
4.	Total completed and stored to date (Column G on detail sheet)	\$1,696,548.60
5.	Retainage	
	a. 10.00% of completed work	\$169,654.86
	b. 10.00% of stored material	\$0.00
6.	Total earned less retainage (Line 4 less Line 5 Total)	\$1,526,893.74
7.	Less previous certificates for payment (Line 6 from prior certificate)	\$0.00
8.	Current payment due	\$1,526,893.74
9.	Balance to finish, including retainage (Line 3 less Line 6)	\$5,256,675.26

The undersigned certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract documents, that all amounts have been paid by the Contractor for Work which previous Certificates for payment were issued and payments received from the Owner/Client, and that current payments shown herein is now due.

CONTRACTOR: Reddico Construction Company, Inc.

By:



Date:

6-03-2024

ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on the on-site observations and the data comprising this application, the Architect/Engineer certifies to the Owner/Client that to the best of the Engineer's knowledge, information and belief that Work is in accordance with the Contract documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED:

\$1,526,893.74

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	\$0.00	\$0.00
Total approved this Month:	\$0.00	\$0.00
Totals:	\$0.00	\$0.00
Net changes by change order:	\$0.00	

ENGINEER:



By:


Date:

6/3/2024

This certificate is not negotiable. The amount certified is payable only to the contract named herein. Issuance, payment, and acceptance of payment are without prejudice to the rights of the Owner/Client or Contractor under this Contract.

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/10/2024	Agenda Item:	Appointments, Resignations, and Vacancies to the City of Wharton Boards, Commissions, and Committees: A. Resignations. B. Appointments. C. Vacancies.
<p>Attached is the list of people serving on the various City Boards, Commissions, and Committees. There are still vacancies that also need to be filled.</p> <p><u>Resignations:</u> None.</p> <p><u>Appointments:</u> None.</p> <p><u>Vacancies:</u></p> <ul style="list-style-type: none">A. Beautification Commission.B. Building Standards Commission.C. Mayor’s Committee on People with Disabilities.D. Plumbing and Mechanical Board.E. Wharton Economic Development Corporation.			
City Manager: Joseph R. Pace			Date: Thursday, June 6, 2024
Approval: 			
Mayor: Tim Barker			

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

WHARTON REGIONAL AIRPORT BOARD	TWO YEAR TERM	Reappointment
Eric Nelson	June 30, 2025	
Randy Rodriguez	June 30, 2025	
Bill Kingrey	June 30, 2025	
Larry David	June 30, 2024	
Jimmy Zissa	June 30, 2024	
Glenn Erdelt	June 30, 2024	
BEAUTIFICATION COMMISSION	TWO YEAR TERM	Reappointment
Nancy Mata	June 30, 2024	
Vacant	June 30, 2024	
Rachel Roberson	June 30, 2024	
Amanda Gonzales	June 30, 2025	
Adraylle Watson	June 30, 2025	
Debbie Folks	June 30, 2025	
Sheryl Joost	June 30, 2025	
BUILDING STANDARDS COMMISSION	TWO YEAR TERM	Reappointment
Leonard Morales	June 30, 2025	
Vacant	June 30, 2025	
Vacant	June 30, 2025	
Paul Shannon	June 30, 2025	
Vacant	June 30, 2024	
Howard Singleton	June 30, 2024	
Shaun Stockwell	June 30, 2024	
Claudia Velasquez, Building Official - ExOfficio		
Jeff Gubbels - Health Officer-ExOfficio		
Hector Hernandez-Fire Marshall-ExOfficio		
ELECTRICAL BOARD	TWO YEAR TERM	Reappointment
Councilmember Burnell Neal	June 30, 2025	
Oscar Uribe	June 30, 2025	
Philip Hamlin	June 30, 2024	
Milton Barbee	June 30, 2024	
Hector Hernandez- Fire Marshal		
HOLIDAY LIGHT DECORATING CHAIRMAN	TWO YEAR TERM	Reappointment
Tim Barker	June 30, 2024	
MAYOR'S COMMITTEE ON PEOPLE WITH DISABILITIES	TWO YEAR TERM	Reappointment
Johnnie Gonzales	June 30, 2024	

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

CITY COUNCIL COMMITTEES - Renew June 30th of Each Year

ANNEXATION COMMITTEE

Tim Barker
Russell Machann
David Voulgaris

FINANCE COMMITTEE

Russell Machann
Larry Pittman
Tim Barker

HOUSING COMMITTEE

Terry Freese
Russell Machann
Burnell Neal

INTERGOVERNMENTAL RELATIONS COMMITTEE

Terry Freese
Tim Barker
Larry Pittman

LEGISLATIVE COMMITTEE

Tim Barker
Larry Pittman
Steven Schneider

PUBLIC HEALTH COMMITTEE

Terry Freese
Larry Pittman
Russell Machann

PUBLIC SAFETY COMMITTEE

Larry Pittman
Terry Freese
David Voulgaris

PUBLIC WORKS COMMITTEE

Terry Freese
David Voulgaris
Burnell Neal

TELECOMMUNICATIONS COMMITTEE

Burnell Neal
Terry Freese
David Voulgaris

WHARTON ECONOMIC DEVELOPMENT CORP BOARD OF DIRECTORS SELECTION COMMITTEE

Tim Barker
Steven Schneider
Larry Pittman

ECONOMIC DEVELOPMENT COMMITTEE


Tim Barker
Burnell Neal
Russell Machann

PARKS AND RECREATION COMMITTEE

Steven Schneider
Russell Machann
Terry Freese

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/10/2024	Agenda Item:	City Council Boards, Commissions, and Committee Reports: A. Finance Committee meeting held May 28, 2024.
Attached you will find the reports from the above-mentioned Committees.			
City Manager: Joseph R. Pace		Date: Thursday, June 6, 2024	
Approval: 			
Mayor: Tim Barker			



City of Wharton

120 E. Caney Street ° Wharton, TX
77488

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

MEMORANDUM

Date: May 29, 2024

From: City Council Finance Committee

To: Mayor & City Council

Subject: Report/Recommendations from the meeting held May 28, 2024


At the May 28, 2024, City Council Finance Committee Meeting, the Committee met and discussed the following items:

1. Review & Consider: Minutes from the meeting held May 13, 2024.
2. Review & Consider: City of Wharton Final ESPC Implementation Phase Closeout Proposal. The Committee voted to recommend this item to the City Council for consideration.
3. Review & Consider: Wharton Regional Airport Runway Project. No action was taken.

Adjournment.


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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/10/2024	Agenda Item:	<p>City Council may adjourn into an Executive Session in accordance with Sections 551.074 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision, or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.</p> <p>Discussion:</p> <p>A. City Managers Evaluation.</p>
City Manager: Joseph R. Pace		Date: Thursday, June 6, 2024	
Approval: 			
Mayor: Tim Barker			

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

CITY COUNCIL COMMUNICATION

Meeting Date:	6/10/2024	Agenda Item:	Action on items discussed in Executive Session: A. City Managers Evaluation.
City Manager: Joseph R. Pace		Date: Thursday, June 6, 2024	
Approval: 			
Mayor: Tim Barker			