



**CITY OF WHARTON
CITY COUNCIL REGULAR MEETING**

**Monday, September 09, 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, September 09, 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 5th day of September 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 September 5, 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 5th day of September 2024.

CITY OF WHARTON

By: 
Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
City Council Regular Meeting
Monday, September 09, 2024
City Hall - 7:00 PM

Call to Order –Opening Devotion –Pledge of Allegiance.

Roll Call and Excused Absences.

Public Comments.

Wharton Moment.

Public Hearing:

1. Public Hearing: Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2024, to September 30, 2025.

Review and Consider:

1. Reading of the minutes from the regular meetings held August 12, 2024, and August 26, 2024, and special meeting held August 5, 2024.
2. Request from the Monterey Square Business Association for the following for the Monterey Square Wine and Arts Fair on October 12, 2024:
 - A. Close Fulton Street between Burleson Street and Milam Street, as well as close Houston Street between Burleson Street and Hawes Street from 11:30 a.m. until 10:00 p.m. on Saturday, October 12, 2024.
 - B. Pick up and return six (6) generator lights for safety for the fair location and Guffey Park parking area.
 - C. Allow open containers for alcohol on City property on the exterior sides of Monterey Square and approximately two adjoining blocks to include all participating businesses.
 - D. Waive all local permits and fees.
 - E. Provide trash containers and bags.
3. Resolution: A resolution of the Wharton City Council ratifying and approving a contract with Branch Construction for Lead Service Line Inventory (LSLI) and authorizing the City Manager to execute all documents related to said ratification.
4. Resolution: A resolution of the Wharton City Council authorizing the City Manager to approve LED lighting installation at the Wharton Regional Airport and authorizing the City Manager to execute all documents related to said installation.
5. Ordinance: An Ordinance regarding the City of Wharton's Texas Municipal Retirement System benefits providing for (1) an increase to the employee contribution rate; and (2) adopting: (i) annually accruing updated service credits; and (ii) annually accruing annuity


increases, also referred to as cost-of-living adjustments (COLA) for retirees and their beneficiaries.

- [6.](#) Resolution: A resolution of the Wharton City Council approving a Facilities Extension Agreement with CenterPoint Energy for Removal of Utility Service and Release of Easement at 500 S. Caney Dr. as part of the CDBG-DR Hurricane Harvey Buyout Contract #20-066-005-C034 and authorizing the Mayor of the City of Wharton to execute all documents related to the agreements.
- [7.](#) Resolution: A resolution of the Wharton City Council awarding a contract for Demolition, Hazardous Material Testing, and Abatement Services for Contract #20-066-005-C034 GLO CDBG DR Hurricane Harvey - Buyouts and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
- [8.](#) Pay Request No. 2 from Capital Underground Utilities for the Titus Express Carwash Waterline Extension.
- [9.](#) Pay Request No. 15 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction.
- [10.](#) Official Ballot of the Texas Municipal League (TML) Region 14 Director Election.
- [11.](#) Appointments, Resignations, and Vacancies to the City of Wharton Boards, Commissions, and Committees:
 - A. Resignations.
 - B. Appointments.
 - C. Vacancies.
- [12.](#) City Council Boards, Commissions, and Committee Reports:
 - A. Finance Committee meeting held August 26, 2024.

Adjournment.


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

CITY COUNCIL COMMUNICATION

Meeting Date:	9/9/2024	Agenda Item:	Public Hearing: Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2024, to September 30, 2025.
City Manager: Joseph R. Pace		Date: Thursday, September 5, 2024	
Approval: 			
Mayor: Tim Barker			

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

CITY COUNCIL COMMUNICATION

Meeting Date:	9/9/2024	Agenda Item:	Reading of the minutes from the regular meetings held August 12, 2024, and August 26, 2024, and special meeting held August 5, 2024.
Attached you will find the draft minutes from the regular meetings held August 12, 2024, and August 26, 2024, and special meeting held August 5, 2024.			
City Manager: Joseph R. Pace		Date: Thursday, September 5, 2024	
Approval: 			
Mayor: Tim Barker			

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
AUGUST 12, 2024**

Mayor, Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:04 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.

Councilmembers absent were: None.

Staff members present were: City Manager, Joseph R. Pace; Assistant City Attorney, Amy Rod; Finance Director, Joan Andel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC, IPMA-CP; Assistant to the City Manager, Brandi Jimenez; Director of Planning and Development, Gwyn Teves; Public Works Director, Roderick Semien; Building Official, Claudia Velasquez and Airport Manager, Dwayne Pospisil.

Visitors present were: Jim Maddox; Thelma Hayes; Ronnie Wittig; Executive Director of Wharton Economic Development Corporation, Josh Owens; Ryan Salazar; Lee Allen; Anezma Trevino, and Stephanie Konvicka.

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.

1. Police Chief, Terry David Lynch, stated that he wanted to commend all Public Safety Officials on working together on an 18-wheeler rollover that spilled fertilizer and diesel. Chief Lynch said all entities worked together very well on the accident and on a gas leak on the West side of the City.
2. Councilmember, Burnell Neal, congratulated the 10u Softball All-Stars representing Wharton in the National Championship tournament placing 3rd, and their Brenham tournament placing 2nd.

Review and Consider:

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held July 8, 2024, and July 22, 2024, and special meeting held July 15, 2024. After some discussion, Councilmember, Russell Machann, moved to approve the reading of the minutes from the regular meetings held July 8, 2024, and July 22, 2024, and special meeting held July 15, 2024. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request from Ms. Thelma Hayes to address the City Council regarding damage to her driveway. Ms. Hayes requested to address the Council regarding damage to her driveway stating the waste collection service Green for Life (GFL) had damaged the entry to her driveway. After some discussion, no action was taken.

The third item on the agenda was to review and consider a request from Ms. Alice Heard-Roberts to address the City Council regarding Wharton Economic Development Corporation Board Meeting attendance records. City Manager, Joseph R. Pace, stated since Ms. Heard-Roberts was not in attendance the item would not be presented. After some discussion, no action was taken.

The fourth item on the agenda was to review and consider a request from Internal Fortitude 2.0 to host a Retro 5K Run for the following:

- A. Waive all permit fees, specifically for food truck vendors.
- B. Waive Park Fee.
- C. Allow the use of electricity in the park, including the electricity on light poles, if the City can unlock the power box for access.
- D. Waive the City of Wharton Noise Ordinance for DJ Music and Live Performances.
- E. Provide one (1) Roll-Off Dumpster.
- F. Provide twelve (12) trash barrels, cans, and liners to help keep the Downtown Area Clean.
- G. Provide barricades for the street closures mentioned below.
- H. Advertise the Run on the I-69 Digital Billboard.
- I. Close N. Houston, Polk St., and Caney St. (the streets surrounding Guffey Park) between 3:00 p.m. and 10:00 p.m. on November 2, 2024.
- J. Wharton Police Department to assist with security.

Anezma Trevino with Internal Fortitude 2.0 requested the aforementioned items for a Retro 5K Run on November 2, 2024, from 5:00 p.m. to 10:00 p.m. After some discussion, Councilmember, Terry Freese, moved to approve the aforementioned item with a change only to item E. changing a Roll-Off Dumpster to just a dumpster. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a request from Ms. Sheila Hoffman, 212 S. Resident St., Wharton, Block 5, Lot 5A, 7 & 8, for a 20' front building line setback from the required 25' setback to construct a patio cover 5' from the property line. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Ms. Sheila Hoffman, 212 S. Resident St., Wharton, Block 5, Lot 5A, 7 & 8, for a 20' front building line setback from the required 25' setback to construct a patio cover 5' from the property line. Mrs. Teves stated the Planning Commission met and was recommending this item to the City Council for consideration.

After some discussion, Councilmember, Russell Machann, moved to approve the request from Ms. Sheila Hoffman, 212 S. Resident St., Wharton, Block 5, Lot 5A, 7 & 8, for a 20' front building line setback from the required 25' setback to construct a patio cover 5' from the property line. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request from Mr. Ronnie Wittig on behalf of F & W Storage Company LLC, to replat 1014 N. Richmond Rd., Toxey, Block ODD, Lot 3, 3B & Victor Subdivision, Block 4, Lot 7 replat for commercial redevelopment. Director of Planning & Development, Gwyn Teves, presented a request from Mr. Ronnie Wittig on behalf of F&W Storage Company LLC to replat 1014 N. Richmond Rd., Toxey, Block ODD, Lot 3, 3B & Victor Subdivision, Block 4, Lot 7 replat for commercial redevelopment. Mrs. Teves stated the Planning Commission met and was recommending to the City Council for consideration. After some discussion, Councilmember, Russell Machann, moved to approve the request from Mr. Ronnie Wittig on behalf of F & W Storage Company LLC, to replat 1014 N. Richmond Rd., Toxey, Block ODD, Lot 3, 3B & Victor Subdivision, Block 4, Lot 7 replat for commercial redevelopment. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of a sign for the Wharton Regional Airport and authorizing the City Manager of the City of Wharton to execute all documents related to said purchase. Airport Manager Dwayne Pospisil stated he obtained a quote from Core Displays for a new two-sided sign, which would be lit, for the Wharton Regional Airport. Mr. Pospisil said the current sign needed replacement due to age and sun damage. He said Core Displays was a member of the TIPS Co-Operative, they submitted a cost of \$29,670.00 and funds for the sign were available through the Routine Airport Maintenance Plan (RAMP). After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-75, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-75**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF A SIGN FOR THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Wharton City Council wishes to approve Core Displays for the purchase of a sign at the Wharton Regional Airport in the amount of \$29,670; and,

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

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

Section I. The Wharton City Council hereby authorizes the City Manager of the City of Wharton, Texas, to execute all documents related to the purchase from Core Displays for the sign at the Wharton Regional Airport in the amount of \$29,670.

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

Passed, Approved, and Adopted this 12th day of August 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 eighth item on the agenda was to review and consider a resolution of the Wharton City Council amending the agreement with HDR Engineering Inc. for the levee real estate support services for the City of Wharton, Wharton Flood Risk Management Project and authorizing the Mayor of the City of Wharton to execute the agreement. Director of Planning & Development, Gwyn Teves, stated the City Council approved and entered into an agreement for Levee Real Estate Support Services Consultant for the City of Wharton, Wharton Flood Risk Management Project with HDR Engineering Inc., on June 18, 2019, for a term of five (5) years with two (2) one (1) year extension options. Mrs. Teves said the five (5) year expiration date was June 17, 2024, and the project was still ongoing, and the services were still required. She presented a copy of a one (1) year extension. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-76, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-76**

A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING THE AGREEMENT WITH HDR ENGINEERING INC. FOR THE LEVEE REAL ESTATE SUPPORT SERVICES FOR THE CITY OF WHARTON, WHARTON FLOOD RISK MANAGEMENT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On June 18, 2019, the Wharton City Council entered into an agreement with HDR Engineering Inc. for the Levee Real Estate Support Services for the City of Wharton, Wharton Flood Risk Management Project; and,

WHEREAS, The Wharton City Council wishes to ratify and grant a 1-year extension to the agreement with HDR Engineering Inc. for Levee Real Estate Support Services for the City of Wharton, Wharton Flood Risk Management Project; and,

WHEREAS, The City of Wharton and HDR Engineering, Inc. wishes 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 said contract amendment.

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to ratify and execute the amended agreement with HDR Engineering Inc. for the Levee Real Estate Support Services for the City of Wharton, Wharton Flood Risk Management Project.

Section II. The City of Wharton and HDR Engineering, Inc. are hereby bound by the conditions as set forth in the contract amendment.

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

PASSED, APPROVED, and ADOPTED this 12th day of August 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 ninth item on the agenda was to review and consider a resolution of the Wharton City Council ratifying and approving Change Order No. 2 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. Director of Planning & Development, Gwyn Teves, stated the work for the Titus Waterline extension started the week of May 28th and during construction, the

contractor met with City Staff, and both were unable to locate a shutoff valve to connect the newly installed service lines. Mrs. Teves said the Change Order was to install a stop and a permanent connection and valve and the City Staff was requesting that the City Council ratify Change Order 2 in the amount of \$5935.99. After some discussion, Councilmember, Burnell Neal, moved to approve City of Wharton Resolution No. 2024-77, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-77**

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND APPROVING CHANGE ORDER NO. 2 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. 2 for the cost increase of \$5,935.99 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. 2 for the cost increase of \$5,935.99 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 12th day of August 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, David Voulgaris, seconded the motion.

The tenth item on the agenda was to review and consider Pay Request No. 2 from Alsay Incorporated for the Valhalla Water Well Rehabilitation 2023 Project. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 2 from Alsay Incorporated for the Valhalla Water Well Rehabilitation 2023 Project in the amount of \$131,014.50. Mrs. Teves stated the City Council awarded a contract for construction to Alsay Incorporated for the Valhalla Water Well Rehabilitation 2023 Project. She said Pay Estimate No. 2 had been sent, and a recommendation for payment was requested by the engineer. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 2 from Alsay Incorporated for the Valhalla Water Well Rehabilitation 2023 Project in the amount of \$131,014.50. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider the Wharton Economic Development Corporation Fiscal Year 2024-2025 Annual Budget. Mr. Josh Owens presented a copy of the Wharton Economic Development Corporation Fiscal Year 2024-2025 Annual Budget. After some discussion, Councilmember, Terry Freese, moved to approve the Wharton Economic Development Corporation Fiscal Year 2024-2025 Annual Budget. Councilmember, David Voulgaris, seconded the motion. All voted in favor.

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

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

After some discussion, no action was taken.

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

- A. Finance Committee meeting held July 22, 2024.

After some discussion, no action was taken.

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

The meeting adjourned at 7:30 p.m.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

DRAFT

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
AUGUST 26, 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; Steve Schneider; Larry Pittman, and David Voulgaris.

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; Assistant City Attorney, Amy Rod; Finance Director, Joan Andel; City Secretary, Paula Favors, TRMC, CPM, MMC; Director of Planning and Development, Gwyn Teves, CPM; Assistant to the City Manager, Brandi Jimenez; Building Official, Claudia Velasquez; Police Chief, Terry David Lynch; Public Works Director, Roderick Semien; EMS Director, Christy Gonzales, and Emergency Management Coordinator, Lt. Ben Guanajuato.

Visitors present were: Wharton Chamber of Commerce Executive Director, Karen Smith; James Perez; Mindi Synder; Walter Garrett; Gary Bonewald; Ryan Salazar; Richard Lockley; Sara Lockley, and Colby Primeaux with the Wharton Journal Spectator.

Roll Call and Excused Absences.

Public Comments.

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

Wharton Moment.

Mayor, Tim Barker, called for Wharton Moments. Police Chief, Terry David Lynch, congratulated the WTX Elite Girls Softball team on their victory gaining first place in the 14U select tournament.

Review and Consider:

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

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

The second item on the agenda was to review and consider the City Manager's submission of the City of Wharton, Texas, Proposed Budget for the Fiscal Year October 1, 2024-September 30, 2025. Finance Director, Joan Anandel, stated that on or about Friday, August 23, 2024, it was filed with City Secretary Paula Favors the City of Wharton Fiscal Year October 1, 2024, to September 30, 2025, Proposed Budget as required by State Law. Mrs. Anandel said under separate cover, on Monday, August 26, 2024, the City Council received a copy of the Proposed City Budget as required by Article VI-Section 51 of the City's Charter. After some discussion, no action was taken.

The third item on the agenda was to review and consider setting a Public Hearing date for the City of Wharton, Texas, Proposed Budget for the Fiscal Year October 1, 2024-September 30, 2025. Finance Director, Joan Anandel, stated that under Article VI, Section 53 of the City of Wharton Charter, the City Council shall set a time and place for a Public Hearing. Mrs. Anandel said that if the City Council approved the date, the City Staff would publish the Notice of Public Hearing in the Wharton County Leader Journal on Wednesday, August 31, 2024. She recommended setting the Public Hearing for the September 09, 2024, Regular City Council Meeting to comply with Section 53 of the City Charter and State law. After some discussion, Councilmember, Russell Machann, moved to approve setting the Public Hearing for September 09, 2024, for the City of Wharton, Texas, Proposed Budget for the Fiscal Year October 1, 2024-September 30, 2025. Councilmember, David Voulgaris, 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 adopting a Proposed Property Tax Rate for the City of Wharton October 1, 2024-September 30, 2025, Fiscal Year Budget as required by state law. Finance Director, Joan Anandel, presented a copy of the 2024 Tax Rate Calculation Worksheet, which was prepared listing the applicable tax rates to be used in setting the tax rate. Mrs. Anandel said the State required the City Council to adopt a proposed rate and the City of Wharton's Proposed Budget was based on the Voter-Approved Tax Rate of \$0.43964. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 20224-78, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-78**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING A PROPOSED PROPERTY TAX RATE FOR THE CITY OF WHARTON OCTOBER 1, 2024- SEPTEMBER 30, 2025, FISCAL YEAR BUDGET AS REQUIRED BY STATE LAW.

WHEREAS, The State of Texas Property Tax Code requires the City Council to approve a tax rate prior to setting a final tax rate; and,

WHEREAS, The Wharton City Council wishes to adopt a proposed tax rate prior to setting

a final rate; and,

WHEREAS, The City Manager of the City of Wharton has submitted to the City Council a Proposed Budget for the October 1, 2024-September 30, 2025, Fiscal Year.

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 wishes to adopt the proposed tax rate as follows:

1. Voter Approval Tax Rate- \$0.43964

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

Passed, Approved, and Adopted this 26th day of August 2024.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, David Voulgaris, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 86, Sections 86-15, 86-16, 86-17, and 86-21, Utilities and Services, Article I in General; Providing that a violation of the ordinance or any part of the Code as adopted hereby shall constitute a penalty upon conviction of a fine; Providing a savings clause and revoking all ordinances or parts of ordinances in conflict herewith only to the extent same are in conflict herewith otherwise provided herein. Finance Director, Joan Andel, presented a copy of the memorandum dated August 20, 2024, regarding the proposed increase in utility rates for customers effective October 1, 2024. Mrs. Andel stated the Proposed Budget included a 10% increase in water and sewer rates. She said the Finance Committee met on Monday, August 26, 2024, and were recommending the City Council consider approving the request. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2024-10, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2024-10**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 86, SECTIONS 86-15, 86-16, 86-17, 86-18 AND 86-21, UTILITIES AND SERVICES, ARTICLE I IN GENERAL; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING A SAVINGS CLAUSE AND REVOKING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ONLY TO THE EXTENT SAME ARE IN CONFLICT HEREWITH OTHERWISE PROVIDED HEREIN.

BE IT ORDAINED by the City Council of the City of Wharton, Texas that Chapter 86, Utilities and Services, Article I in General; Sections 86-15, 86-16, 86-17, 86-18, and 86-21 be amended by the following:

Section I. Amendment

The Code of Ordinances of the City of Wharton, Texas, Chapter 86 Utilities and Services is hereby amended to be enforced by the City of Wharton as follows:

Sec. 86-15. - Water and sewer tap charges, deposits, administrative penalties and other charges.

Water and sewer tap charges, deposits, administrative penalties, and other charges shall be as follows:

(1) *Water*. Standard water tap fees for customers inside the city limits and outside the city limits are as follows:

	Size of Tap	Cost of Service
a.	¾-inch T-off	\$417.69
b.	¾-inch	\$835.34
c.	1-inch	\$1,097.88+ cost of meter

d.	1½-inch	\$1,646.81+ cost of meter
e.	2-inch	\$2,195.12+ cost of meter

(3) *Deposits.* As a condition of receiving water, sewer, and garbage service, the following deposits shall be charged:

a. Deposit amount:

Residential customer\$150.00

Residential—Senior citizens (60 years or over)\$75.00

Commercial customers (Based on estimated bill)\$150.00 minimum

(2) *Sewer.* Standard sewer tap fees for customers inside the city limits and outside the city limits are as follows:

	Size of Tap	Cost of Service
a.	4-inch	\$835.34
b.	6-inch	\$1,372.14

5) *Other charges* include the following:

a, *Late charges.* If payment is not received by the 15th of each month, a penalty will be assessed on the 16th of each month at the rate noted below:

Late charges5% of
balance due

b. After hours charge. An after hours charge will be assessed for any services requested with the exception of a reconnection due to nonpayment. Reconnection services due to non-payment will only be performed between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday. Services requested on holidays will also be charged an after hour charge.

After hours charge\$50.00

Sec. 86-16. - Water service charges.

(a) The monthly charges for water service rendered by the city shall be as follows:

Volume Charges:

First 2,000 gallons (minimum)...	\$37.95
Next 2,000 gallons, per 1,000...	\$7.22
Next 3,000 gallons, per 1,000...	\$7.46
Next 4,000 gallons, per 1,000...	\$7.74
Next 4,000 gallons, per 1,000...	\$8.25
Next 35,000 gallons, per 1,000...	\$8.73
Next 50,000 gallons, per 1,000...	\$9.05
Next 50,000 gallons, per 1,000...	\$9.72
Next 50,000 gallons, per 1,000...	\$10.33

(b) Customers requesting temporary water services (seven-day increments) can apply for a temporary water rate based on the following:

Volume Charges:

First 8,000 gallons for seven days...	\$87.67
Over 8,000 gallons, per 1,000...	\$8.01

Sec. 86-17. - Sewer service charges.

(a) The monthly charges for sanitary sewer services rendered by the city shall be as follows:

Volume Charges:

First 2,000 gallons (minimum)...	\$40.77
Next 2,000 gallons, per 1,000...	\$6.34
Next 3,000 gallons, per 1,000...	\$7.74
Next 4,000 gallons, per 1,000...	\$8.60
Next 4,000 gallons, per 1,000...	\$9.22
Next 35,000 gallons, per 1,000...	\$10.15
Next 50,000 gallons, per 1,000...	\$10.87
Next 50,000 gallons, per 1,000...	\$11.50
Next 50,000 gallons, per 1,000...	\$12.34

Sec. 86-18. - Billing, collection, etc

(e) In the event of discontinuation of service, all amounts due the city including any penalties and charges are required to be paid in full before reconnection to the system. The account will be finalized the following month after applying any remaining deposit.

Sec. 86-21. - Bulk water rates.

- (a) Bulk sales through fire hydrant water meters temporarily installed at locations remote from the Wharton Volunteer Fire Department on Fulton Street will require the following:
- (1) Advance, nonrefundable payment of \$50.00 to the City of Wharton at City Hall for setting the meter connection at the fire hydrant or other appropriate locations as the city may determine; and
 - (2) Payment of bulk sales rate of \$146.09 per month for the first 1,000 gallons of water dispensed, or any fraction thereof: \$58.45 per month per 1,000 gallons dispensed, or any fraction thereof, beyond the initial 1,000 gallons dispensed; and
 - (3) Advance, refundable fire hydrant meter deposit payment of \$200.00 to the City of Wharton at City Hall.
- (b) Bulk sales through permanently installed water meter dispensation point at the Wharton Volunteer Fire Department on Fulton Street will require the following:
- (1) No requirement for payment of meter setting fee; and,
 - (2) Payment of bulk sales rate of \$146.09 for the first 1,000 gallons of water dispensed, or any fraction thereof; \$58.45 per 1,000 gallons dispensed, or any fraction thereof, beyond the initial 1,000 gallons dispensed; and,
 - (3) No requirement for payment of the \$200.00 fire hydrant meter deposit, however each water dispensation transaction authorized under this section must be prepaid to the City of Wharton at City Hall where a one-day dispensation voucher will be issued for presentation to the water plant operator to authorize a one-day dispensation of a not to exceed amount of water in gallons. The one-day dispensation voucher identifying the cumulative number of gallons purchased will allow for scheduled multiple withdrawals of water, but only during the same City of Wharton working day upon which initial dispensation commences.

Severability

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

Penalties and Fines

Any person knowingly or recklessly found violating and are convicted of a violation of this ordinance shall be fined in an amount not to exceed \$2,000.00. Each day or fraction of a day during which this ordinance or any part thereof is violated shall be deemed a separate offense and punishable as such.

Effective Date

This ordinance shall be effective on the 1st day of October 2024 at 12:01 a.m.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, this 26th day of August 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

Paula Favors
City Secretary

APPROVED AS:

PAUL WEBB
City Attorney

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

The sixth item on the agenda was to review and consider a Green for Life (GFL) Rate Modification to the Solid Waste Collection and Disposal Service Franchise Agreement:

- A. Resolution: A resolution of the Wharton City Council approving Amendment No. 5 to the Franchise Agreement for Solid Waste Collection Services with Green for Life (GFL) and authorizing the Mayor of the City of Wharton to execute said agreement.
- B. Ordinance: An ordinance repealing and replacing the City of Wharton Code of Ordinances, Chapter 86 Utilities and Services, Article III, Solid Waste Disposal Exhibit A, providing that a violation of the ordinance or any part of the Code as adopted hereby shall constitute a penalty upon conviction of a fine and setting an effective date.

Finance Director, Joan Andel, presented a copy of the memorandum dated August 20, 2024, providing a copy of the letter dated August 23, 2024, from Mr. David Selesky of Green for Life (GFL) regarding their rate modification to the Solid Waste Collection and Disposal Service Franchise between the City of Wharton and GFL. Mrs. Andel stated the letter was received via email on August 15, 2024, and GFL requested rate modifications in accordance with Section 14.00, Basis and Methods of Payment, Item 14.02 Modification of Rates of the General Specifications of the Franchise Agreement. She said as Mr. Selesky stated in the letter, the rate increase was 5% in accordance with the price index mentioned in the City's franchise agreement with GFL. Mrs. Andel said the Finance Committee was recommending the City Staff renegotiate with GFL. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Ordinance No. 2024-11, which read as follows

**CITY OF WHARTON
ORDINANCE NO. 2024-11**

AN ORDINANCE REPEALING AND REPLACING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 86 UTILITIES & SERVICE, ARTICLE III, SOLID WASTE DISPOSAL EXHIBIT A; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Wharton, Texas, that Chapter 86 Utilities & Service, Article III Solid Waste Disposal Exhibit A shall be replaced as follows:

**SCHEDULE "A"
Base Rates**

Monthly Residential Waste Collection
\$30.29 per Residential Unit, which includes a \$3.00 per month fee.

Monthly Commercial Hand Collection
\$39.39 per Commercial Unit, which includes a \$3.50 per month fee.

Container Service (per month) includes a \$3.50 fee

2 yd 1xwk	\$79.94
2xwk	\$140.65
3xwk	\$179.97
4xwk	\$247.08
5xwk	\$306.94
Additional Pick-up	\$86.92
3yd 1xwk	\$116.08
2xwk	\$205.72

3wk	\$273.89
4wk	\$366.80
5wk	\$456.54
Additional Pick-up	\$124.29
4yd 1wk	\$144.31
2wk	\$249.52
3wk	\$352.28
4wk	\$486.52
5wk	\$606.21
Additional Pick-up	\$155.29
6yd 1wk	\$203.81
2wk	\$387.62
3wk	\$540.10
4wk	\$725.95
5wk	\$905.53
Additional Pick-up	\$217.83
8yd 1wk	\$251.92
2wk	\$467.15
3wk	\$696.93
4wk	\$965.37
5wk	\$1204.81
Additional Pick-up	\$266.63
Rates for Roll-offs:	
Delivery Fee	\$132.99
Monthly Rental	\$ 151.99
Pull Price (per pull)	\$161.81
Disposal Fee-Loose (per yard)	\$8.98
Disposal Fee-Compact (per yard)	\$10.47
Rates for Other Services:	
Hourly Rate	\$121.35
Disposal per cubic yard	\$8.47

PENALTY

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

SEVERABILITY

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

EFFECTIVE DATE

This Ordinance shall become effective at 12:01 a.m. on the 1st day of October 2024.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 26th day of August 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

The seventh item on the agenda was to review and consider a request from Mr. Danny Moses, Manager of Moses Gin, for a variance for a camper/trailer placement at 407 Hamilton Street and between 209 N. Cloud Street and the adjoining lot at 600 W. Caney Street from August 2024 to December 31, 2024. City Manager, Joseph R. Pace, stated the item would not be presented since a representative was not present. After some discussion, no action was taken.

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving a second extension of the Memorandum of Understanding and Temporary Certificate of Occupancy between the City of Wharton and Wharton Feed and Supply and authorizing the Mayor of the City of Wharton to execute all documents related to said extension. Director of Planning & Development, 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 that once all drainage and detention requirements were completed and inspected, with approval, a final Certificate of Occupancy was to be issued. She said the MOU and TCO expired on May 26, 2024 and Mr. & Mrs. Lockley requested an extension from the City Council and were granted a 90-day extension that would expire on August 26, 2024. Mrs. Teves stated Mr. & Mrs. Lockley had made a request to the City Manager's office requesting a 2nd extension to the MOU and TCO and had provided the City with a copy of the drainage easement that had been acquired to move forward with the final design and construction of the drainage for the Wharton Feed and Supply project. She said that after reviewing the information and speaking with Mrs. Lockley, the City Staff recommended that the Council consider the extension request for the MOU and TCO through December 31, 2024, to allow the plan review and construction to be completed. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution no. 2024-80, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-80**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A SECOND EXTENSION OF THE MEMORANDUM OF UNDERSTANDING AND TEMPORARY CERTIFICATE OF OCCUPANCY BETWEEN THE CITY OF WHARTON AND WHARTON FEED AND SUPPLY 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 a second extension of the Memorandum of Understanding with Wharton Feed and Supply and the Temporary Certificate of Occupancy through December 31, 2024; 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 a second extension of the Memorandum of Understanding with Wharton Feed and Supply and the Temporary Certificate of Occupancy through December 31, 2024.

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 26th day of August 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 ninth item on the agenda was to review and consider a request by Ms. Karen Smith, Executive Director of the Wharton Chamber of Commerce & Agriculture, for the City of Wharton's assistance by approving the following for Party Under the Bridge to be held Thursday, October 17, 2024, at Riverfront Park:

1. Traffic control as needed, including the route of a children's train.
2. Access to electrical power within the park.
3. Additional trash cans and liners.
4. Request for mosquito spraying and fire ant treatment.
5. Allow open containers within the confines of the event area coordinated with the Wharton Police Department.
6. Labor and logistics to pick up, set up, and return chairs and round tables owned by the Chamber.
7. Picking up, setting up, operating, and returning four generator-light plants that the chamber will rent.
8. Waive all fees.

Executive Director, Karen Smith, stated the location of the event would be changed to Riverfront Park due to the construction at Dinosaur Park. After some discussion, Councilmember, Russell

Machann, moved to approve the aforementioned items as requested. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a request from Mr. James Perez, Wharton County Hispanic Chamber of Commerce President, for the 2024 Dia De Los Muertos Celebration on October 26, 2024, at Guffey Park, for the following:

- A. Close Houston Street between Milam Street and Caney Street on Saturday, October 26, 2024, from 2:00 p.m. to 12:00 a.m.
- B. Close Polk Street between Milam Street and Caney Street on Saturday, October 26, 2024, from 2:00 p.m. to 12:00 a.m.
- C. Close Caney Street between Houston Street and Polk Street from Saturday, October 26, 2024, from 2:00 p.m. to 12:00 a.m.
- D. Close Guffey Park from 2:00 p.m. to 12:00 a.m.
- E. Waive the City of Wharton Noise Ordinance to allow for music performances.
- F. Waive the City of Wharton Alcohol Ordinance to allow the public to consume alcohol in Guffey Park.
- G. Waive all local permit fees.
- H. Provide two (2) generator lights for safety and clean up.
- I. Provide one (1) roll-off dumpster.
- J. Provide twelve (12) trash barrels and trash bags.
- K. Provide road closure barricades to close off the above-mentioned streets.
- L. Provide access to the electrical breaker at the corner of Polk Street and Caney Street.
- M. Display signage of the 2024 Dia De Los Muertos Celebration advertisement on the I-69 digital billboard.
- N. Provide any financial or in-kind support to help offset the costs of the event.

Mr. James Perez presented a copy of his request as the Wharton County Hispanic Chamber of Commerce President, for the 2024 Dia De Los Muertos Celebration on October 26, 2024, from 6:00 p.m. to 11:00 p.m. at Guffey Park. After some discussion, Councilmember, Burnell Neal moved to approve items A., B., C., D., E., F., G., J., K., L., and M. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider the City of Wharton Debris Management and Debris Monitoring Services:

- A. Resolution: A resolution of the Wharton City Council approving a contract for Disaster Debris Clearance and Removal Services and authorizing the Mayor of the City of Wharton to execute all documents related to said contract and setting an effective date.
- B. Resolution: A resolution of the Wharton City Council approving a contract for Disaster Debris Removal Monitoring and authorizing the Mayor of the City of Wharton to execute all documents related to said contract and setting an effective date.

Emergency Management Coordinator Lt. Ben Guanajuato stated that on July 8, 2024, the City Council approved a Consultant Selection Committee (CSC) for the selection of disaster debris monitoring and disaster debris removal services consisting of the City Manager, the Finance Director, the Public Works Director, and the Emergency Management Coordinator. Lt. Guanajuato said that on August 13, 2024, proposals were received at City Hall and distributed to the CSC for scoring and four proposals were received for the Debris Monitoring Services as follows:

1. GMC-Goodwyn Mills Cawood.
2. DebrisTech, LLC.
3. Tidal Basin Government Consulting, LLC.
4. TetraTech.

Lt. Guanajuato said five proposals were received for the Debris Removal Services as follows:

1. Looks Great Services.
2. Ceres Environmental.
3. CTC Disaster Response.
4. DRC Emergency Services.
5. TFR Enterprises, Inc.

After some discussion, Councilmember, Terry Freese, moved to approve the City of Wharton Resolution No. 2024-81 and 2024-82, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-81**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR DISASTER DEBRIS CLEARANCE AND REMOVAL SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT AND SETTING AN EFFECTIVE DATE.

WHEREAS, The City of Wharton received sealed bids for Disaster Debris Clearance and Removal Services; and,

WHEREAS, The Wharton City Council wishes to approve a contract between the City of Wharton and TFR Enterprises as the primary firm for Disaster Debris Clearance and Removal Services and Ceres Environmental as the secondary firm for Disaster Debris Clearance and Removal Services; and,

WHEREAS, The City of Wharton and TFR Enterprises as primary service and Ceres Environmental as secondary service wishes to be bound by the conditions as set forth in the agreements.

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

Section I. The Wharton City Council hereby approves a contract between the City of Wharton and TFR Enterprises as the primary firm for Disaster Debris Clearance and Removal Services and Ceres Environmental as the secondary firm for Disaster Debris Clearance and Removal Services

Section II. The Wharton City Council hereby approves to authorize the Mayor of the City of Wharton to execute the agreements.

Section III. The City of Wharton and TFR Enterprises as primary service and Ceres Environmental as secondary service are hereby bound by the conditions as set forth in the agreements.

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

Passed, Approved, and Adopted this the 26th day of August 2024.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2024-82**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR DISASTER DEBRIS REMOVAL MONITORING AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT AND SETTING AN EFFECTIVE DATE.

WHEREAS, The City of Wharton received sealed bids for Disaster Debris Removal Monitoring on August 13, 2024; and,

WHEREAS, The Wharton City Council wishes to approve a contract between the City of Wharton and Tidal Basin for primary Disaster Debris Removal Monitoring and Tetra Tech for secondary Disaster Debris Removal Monitoring; and,

WHEREAS, The City of Wharton and Tidal Basin for primary Disaster Debris Removal Monitoring and Tetra Tech for secondary Disaster Debris Removal Monitoring wishes to be bound by the conditions as set forth in 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 approves a contract between the City of Wharton and Tidal Basin for primary Disaster Debris Removal Monitoring and Tetra Tech for secondary Disaster Debris Removal Monitoring for Disaster Debris Removal Monitoring.

Section II. The Wharton City Council hereby approves to authorize the Mayor of the City of Wharton to execute the agreement.

Section III. The City of Wharton and Tidal Basin for primary Disaster Debris Removal Monitoring and Tetra Tech for secondary Disaster Debris Removal Monitoring are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this the 26th day of August 2024.

CITY OF WHARTON

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 amending the City of Wharton Code of Ordinances, Chapter 82 Traffic, Sec. 82-56. School zones, providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine; providing for severability and setting an effective date. Chief of Police, Terry David Lynch, presented a copy of a memorandum from him regarding an amendment to the City of Wharton Code of Ordinances, Chapter 82 Traffic, Sec. 82-56. School zones. Chief Lynch stated that due to the closure of the Minnie Mae Hopper School and the sale of the property, the need for a designated school zone had ceased and the roads specified in the ordinance to be removed were as follows:

Sec. 82-56. - School zones. (a) Designated.

The following areas are designated as school zones:

- (1) Abell Street, from its intersection with Alabama Street to its intersection with Center Street.
- (4) Alabama Street, from its intersection with East Avenue to its intersection with Speed Street.
- (6) Center Street, from its intersection with Abell Street to its intersection with Speed Street.
- (13) Speed Street, from its intersection with Alabama Street to its intersection with Center Street.
- (15) Third Street, from its intersection with Rusk Street to its intersection with Pecan Street.

After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Ordinance No. 2024-12, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2024-12**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 82 TRAFFIC, SEC. 82-56. SCHOOL ZONES, PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

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

ARTICLE II. OPERATION OF VEHICLES

Sec. 82-56. School zones. (a) Designated.

The following shall be removed as designated School Zones as follows:

- (1) Abell Street, from its intersection with Alabama Street to its intersection with Center Street.
- (4) Alabama Street, from its intersection with East Avenue to its intersection with Speed Street.
- (6) Center Street, from its intersection with Abell Street to its intersection with Speed Street.
- (13) Speed Street, from its intersection with Alabama Street to its intersection with Center Street.
- (15) Third Street, from its intersection with Rusk Street to its intersection with Pecan Street.

Penalty Clause

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

Severability

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

Effective Date

This Ordinance shall become effective on the 6th day of September 2024 at 12:01 a.m.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 26th day of August 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

Councilmember, Burnell Neal, 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 purchase of a vehicle for the City of Wharton Police Department and authorizing the City Manager to execute all documents related to said purchase. Chief of Police Terry David Lynch presented a memorandum regarding the purchase of a vehicle for the Wharton Police Department. Chief Lynch stated the quotes were received, and they were as follows:

1. Wharton Chevrolet GMC-\$42,570.87.
2. Wharton Chevrolet GMC-\$42,884.54.
3. Wharton Chevrolet GMC-\$46,204.43.
4. Wharton Ford-\$32,348.00.
5. Ram Country Wharton-\$35,481.00.

Chief Lynch said the City Staff and the Finance Committee was recommending the purchase of a 2019 Chevrolet Silverado 1500 from Wharton Chevrolet GMC in the amount of \$42,570.87. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-83, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-83**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF A VEHICLE FOR THE CITY OF WHARTON POLICE DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, Quotes were received for the purchase of a vehicle for the Police Department; and,

WHEREAS, Wharton Chevrolet GMC was deemed the best lowest qualified bidder in the amount of \$42,570.87; and,

WHEREAS, The Wharton City Council wishes to approve Wharton Chevrolet GMC for the purchase of a vehicle for the Police Department in the amount of \$42,570.87; and,

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

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

SECTION I. The Wharton City Council hereby authorizes the City Manager to purchase a vehicle for the Police Department from Wharton Chevrolet GMC in the amount of \$42,570,87.

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

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

PASSED AND APPROVED this 26th day of August 2024.

CITY OF WHARTON

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 resolution of the Wharton City Council authorizing the City Manager to purchase three (3) vehicles for the City of Wharton Public Works Department from Cameron Country Dodge through Buyboard Co-operative and authorizing the City Manager to execute all documents related to said purchase. Public Works Director, Roderick Semien, received a quote for the purchase of three (3) 2023 Dodge Ram 2500 Crew Cab 4x4 vehicles. Director Semien stated each department, water, streets, and facilities maintenance would receive one (1) vehicle. He said the quote was received from Cameron Country Dodge, which was a member of the BuyBoard Co-operative, and was in the amount of \$147,925.00 for the three (3) vehicles. Finance Director, Joan Anzel, stated the funds to pay for the vehicles had been allocated through the American Rescue Plan and the FEMA Alternate project funds. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-84, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-84**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PURCHASE THREE (3) VEHICLES FOR THE CITY OF WHARTON PUBLIC WORKS DEPARTMENT FROM CAMERON COUNTRY DODGE THROUGH BUYBOARD CO-OPERATIVE AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Wharton City Council has appropriated funds for the purchase of vehicles for the Public Works Department; and,

WHEREAS, The City of Wharton is a member of and participates in the Buy Board Co-operative Purchasing Program; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to purchase three (3) vehicles for the Public Works Department from Cameron Country Dodge through Buyboard Co-operative in the amount of \$147,925.00; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to execute all documents related to the purchase of the vehicles.

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

SECTION I. The Wharton City Council hereby authorizes the City Manager to purchase three (3) vehicles for the Public Works Department from Cameron Country Dodge through Buyboard Co-operative in the amount of \$147,925.00.

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

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

PASSED AND APPROVED this 26th day of August 2024.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fifteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of a vehicle for the Wharton Emergency Medical Services Department and authorizing the City Manager to execute all documents related to said purchase. EMS Director, Christy Gonzales, presented a copy of a memorandum regarding the purchase of a vehicle for the Emergency Medical Services Department. Mrs. Gonzales stated quotes were received, and they were as follows:

1. Lavaca County Emergency Medical Services-\$10,000.00
2. Ambulance Depot-\$29,900.00

She said the City Staff was recommending Lavaca County Emergency Medical Services for the purchase. Mrs. Gonzales stated the Finance Committee met on Monday, August 26, 2024, and were recommending the City Council consider approving the request. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-85, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-85**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF A VEHICLE FOR THE WHARTON EMERGENCY MEDICAL SERVICES DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, Quotes were received for the purchase of a vehicle for the EMS Department; and,

WHEREAS, Lavaca County Emergency Medical Services was deemed the best lowest qualified bidder in the amount of \$10,000.00; and,

WHEREAS, The Wharton City Council wishes to approve Lavaca County Emergency Medical Services for the purchase of a vehicle for the EMS Department in the amount of \$10,000.00; and,

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

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

SECTION I. The Wharton City Council hereby authorizes the City Manager to purchase a vehicle for the EMS Department from Lavaca County Emergency Medical Services in the amount of \$10,000.00.

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

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

PASSED AND APPROVED this 26th day of August 2024.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The sixteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving a one-year extension for the City of Wharton Bank Depository Services and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. Finance Director, Joan Andel, stated that on July 14, 2021, the City Council approved a bank depository contract with Prosperity Bank for a three-year period from October 1, 2021, through September 30, 2024, with an additional one-year extension period not to exceed two additional years. Mrs. Andel presented a copy of a letter from Prosperity Bank renewing the agreement for an additional year through September 30, 2025. She said the Finance Committee met on Monday, August 26, 2024, and were recommending the City Council consider approving the request. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-86, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-86**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A ONE-YEAR EXTENSION FOR THE CITY OF WHARTON BANK DEPOSITORY SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, On June 14, 2021, the City of Wharton awarded a contract to Prosperity Bank for Depository Services for a three-year period to include two one-year extensions; and,

WHEREAS, The Wharton City Council wishes to approve the first one-year extension with Prosperity Bank in accordance with the contract; and,

WHEREAS, The City of Wharton and Prosperity Bank wishes 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 extension.

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

Section I. That the Wharton City Council hereby approves the first one-year extension of Depository Services in accordance with the agreement between the City of Wharton and Prosperity Bank

Section II. That the Wharton City Council wishes to authorize the Mayor of the City of Wharton, Texas, to execute all documents related to said contract.

Section. III. That Prosperity Bank and the City of Wharton are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this the 26th day of August 2024.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

—

PAULA FAVORS
City Secretary

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

The seventeenth item on the agenda was to review and consider the acceptance of the Wharton Lakes Phase 1 Infrastructure. Director of Planning & Development, Gwyn Teves, stated Wharton Lakes had completed the construction of the Infrastructure for Phase 1. Mrs. Teves said the City Staff and the City Inspector performed a walkthrough and created a punch list on June 11, 2024,

and the items were corrected, and a final walk-through of the project was completed on August 12, 2024. She said the City Inspector was present at the final walk-through and was recommending acceptance of the project. Mrs. Teves presented a copy of the Certificate of Completion from McKim & Creed and Wharton Lakes was requesting a Certificate of Acceptance from the City to turn the infrastructure over to the City and to begin the one-year warranty period. After some discussion, Councilmember, Terry Freese, moved to approve the acceptance of the Wharton Lakes Phase 1 Infrastructure. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider the resolution of the Wharton City Council approving and adopting the City of Wharton Downtown Master Plan prepared in coordination with the Wharton Economic Development Corporation. Director of Planning & Development, Gwyn Teves, stated that in January 2023, the City of Wharton began working with the community and Staff to create the City of Wharton Downtown Master Plan in partnership with the Wharton Economic Development Corporation. Mrs. Teves said Ardurra, Inc. worked with City staff, elected officials, and community partners to get their input on the plan and held multiple meetings and presentations. She said the plan had been completed and reviewed by the City Staff and the Advisory Committee and posted for any public comments. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-87, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-87**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AND ADOPTING
THE CITY OF WHARTON DOWNTOWN MASTER PLAN PREPARED IN
COORDINATION WITH THE WHARTON ECONOMIC DEVELOPMENT
CORPORATION.**

WHEREAS, A need was identified for the creation of a Downtown Master Plan for the City of Wharton's continued growth and economic viability; and,

WHEREAS, The Wharton City Council contracted with Ardurra, Inc., to create the City of Wharton Downtown Master Plan; and,

WHEREAS, The Wharton City Council wishes to approve and adopt the City of Wharton Downtown Master Plan.

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

Section I. The Wharton City Council hereby approves and adopts the City of Wharton Downtown Master Plan.

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

Passed, Approved, and Adopted this 26th day of August 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 nineteenth item on the agenda was to review and consider Pay Request No. 3 from Reddico Construction Company for the U.S. 59 Water & Wastewater Utility Relocations. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 3 from Reddico Construction Company for the U.S. 59 Water & Wastewater Utility Relocations in the amount of \$1,388,695.86. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 3 from Reddico Construction Company for the U.S. 59 Water & Wastewater Utility Relocations in the amount of \$1,388,695.86. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The twentieth item on the agenda was to review and consider the Official Ballot of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. City Manager, Joseph R. Pace, presented a copy of the Official Ballot of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. City Manager Pace stated the officials listed on the ballot had been nominated to serve a six-year term and he recommended the City Council cast its vote for the following:

Place 11-Randy Criswell-Incumbent
Place 12-Allison Heyward-Incumbent
Place 13-Harlan Jefferson-Incumbent
Place 14- Mike Land - Incumbent

After some discussion, Councilmember, Terry Freese, moved to approve voting for the aforementioned officials on the Official Ballot of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

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

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

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

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

City Manager, Joseph R. Pace, stated Mr. Joel Williams requested to resign from the Planning Commission, and Mr. Howard Singleton wished to continue serving on the Building Standards Commission. After some discussion, Councilmember, Burnell Neal, moved to approve the following:

- | | | |
|------------------|-------------------------------|----------------------|
| A. Resignations | Planning Commission | |
| Joel Williams | | |
| B. Appointments | Building Standards Commission | <u>Term Expiring</u> |
| Howard Singleton | | June 30, 2026 |

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

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

- A. Economic Development Committee meeting held August 12, 2024.

After some discussion, no action was taken.

The twenty-fifth item on the agenda was to review and consider the Department Head Reports:

- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department/Civic Center.
- D. Emergency Management.
- 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. All voted in favor.

The meeting adjourned at 7:38 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
AUGUST 5, 2024**

Mayor, Tim Barker, declared a Special Meeting duly open for the transaction of business at 6:00 P.M. Councilmember, Russell Machann, led the opening devotion, and Mayor, Tim Barker, led the pledge of allegiance.

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

Councilmembers absent were: Burnell Neal.

Staff members present were: Finance Director, Joan Anandel; Assistant City Manager/City Secretary, Paula Favors; Assistant to the City Manager, Brandi Jimenez; Director of Planning and Development, Gwyn Teves, Finance Accountant, London Davis, Police Chief, Terry David Lynch, Building Official, Claudia Velasquez, and EMS Director, Christy Gonzales.

Visitors present were: Gary Bonewald.

Roll Call and Excused Absences.

After some discussion, Councilmember, Russell Machann, moved to excuse Councilmember, Burnell Neal. Councilmember, David Voulgaris, seconded the motion. All voted in favor.

Public Comments.

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

Wharton Moment.

The first item on the agenda was Budget Workshop: the City of Wharton 2024-2025 Fiscal Year Budget:

A. Funding Request:

1. Women's Crisis Center.
2. Wharton Chamber of Commerce.
3. SPOT.
4. Friends of Wharton Animal Control.
5. Just Do It Now.

B. Five-year Vehicle & Equipment Capital Needs:

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

C. Five-Year Capital Infrastructure Improvement Program:

1. Transportation Systems.
 - A. Streets.
 - B. Major Thoroughfares.
 - C. Sidewalks.
2. Drainage System.
3. Flood Reduction Project-Levee.
4. Water and Sewer Utility System.
5. Garage.
6. Parks & Facilities Department.

D. General Fund.

E. PEG Fund.

F. Hotel Motel Fund.

G. Narcotics Seizure Fund.

H. Debt Fund.

I. Capital Improvement Fund.

J. Water & Sewer Fund.

K. Solid Waste Fund.

L. Emergency Medical Services Fund.

M. Civic Center Fund.

N. Airport Fund.

Finance Director, Joan Andel and Finance Accountant, London Davis, presented the City Council the Capital Improvements Projects. After some discussion, no action was taken.

Finance Director, Joan Andel, stated the 2024-2025 fiscal year budget would include a 10% increase in water and sewer rates and no increase in solid waste rates. Mrs. Andel stated the current year's budget was very tight and there was a deficit in the General Fund of the proposed budget of \$634,934 that would have to be rectified before the next time that it would be presented to the City Council.

Finance Director, Joan Andel, and Finance Accountant, London Davis, presented the City of Wharton 2024-2025 fiscal year budget. Mrs. Andel stated the budget would be presented at a future meeting for possible City Council approval. After some discussion, no action was taken.

Adjournment.

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

The meeting was adjourned at 6:52 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:	9/9/2024	Agenda Item:	Request from the Monterey Square Business Association for the following for the Monterey Square Wine and Arts Fair on October 12, 2024: A. Close Fulton Street between Burleson Street and Milam Street, as well as close Houston Street between Burleson Street and Hawes Street from 11:30 a.m. until 10:00 p.m. on Saturday, October 12, 2024. B. Pick up and return six (6) generator lights for safety for the fair location and Guffey Park parking area. C. Allow open containers for alcohol on City property on the exterior sides of Monterey Square and approximately two adjoining blocks to include all participating businesses. D. Waive all local permits and fees. E. Provide trash containers and bags.
<p>Attached is a copy of the letter dated August 12, 2024, from Ms. Kristi Kocian of Monterey Square Business Association, providing her request for the aforementioned items.</p> <p>Ms. Kocian will be available during the meeting to answer questions regarding her request.</p>			
City Manager: Joseph R. Pace			Date: Thursday, July 20, 2023
Approval: 			
Mayor: Tim Barker			



August 12, 2024

Mr. Joseph R. Pace
City of Wharton
120 E Caney St.
Wharton, Texas 77488

RE: Permission – Monterey Square Wine and Arts Fair 2024

Dear Mr. Pace:

The Monterey Square Business Association plans to hold the 16th annual Monterey Square Wine and Arts Fair on October 12, 2024 from 4pm to 10pm.

In this event, patrons will be able to shop the various businesses in the downtown community and sample wines, foods and boutique beer. Other activities include live music, horse and carriage rides, food and craft vendors, caricature artist, balloon artist, car show, photo booth and live music. Patrons will also be able to purchase wine by the bottle or glass and beer by the bottle on the 100 block of South Houston Street. We are applying for a temporary TABC permit.

Therefore, we respectfully request the City of Wharton to:

1. Close Fulton Street between Burleson Street and Milam Street. And close Houston Street between Burleson Street and Hawes Street from 11:30am until 10pm on Saturday October 12, 2024.
2. Pick up and return 6 generator lights for safety for the fair location and Guffey Park parking area.
3. Allow open containers for the alcohol on city property on the exterior sides of the Monterey Square and approximately two adjoining blocks to include all participating businesses.
4. Waive all local permit fees.
5. Provide city trash containers and bags.

Please feel free to contact me in the event of any questions.


Respectfully

A handwritten signature in black ink that reads "Kristi Kocian".

Kristi Kocian
Monterey Square Business Association
P O Box 1054, Wharton, TX 77488
979-531-000

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

CITY COUNCIL COMMUNICATION

Meeting Date:	9/9/2024	Agenda Item:	Resolution: A resolution of the Wharton City Council ratifying and approving a contract with Branch Construction for Lead Service Line Inventory (LSLI) and authorizing the City Manager to execute all documents related to said ratification.
<p>Attached you will find the proposal for Branch Construction to complete the field verification of the initial LSLI. On August 1, 2024, Quiddity Engineering LLC contacted the City Staff and stated they received two quotes from agencies significantly higher than their original estimate of \$55,000.00. The quotes were to cover a quantity of 1,736 residential meters and 212 commercial meters to be inspected. After some discussion and the limited timeline to complete the inventory, the City has chosen to seek out a third option, Branch Construction, although still above the original estimate, but still the lowest bid.</p> <p>Amerseco-\$123,240.00 (\$68,240.00) Power Scoop-\$93,420.00 (\$38,420.00) Branch Construction-\$80,000.00 (\$25,000.00)</p> <p>Branch Construction is a member of the TIPs cooperative and was hired to work on August 6, 2024.</p> <p>Public Works Director Roderick Semien will be present to answer any questions.</p>			
City Manager: Joseph R. Pace			Date: Thursday, September 5, 2024
Approval: 			
Mayor: Tim Barker			



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

MEMORANDUM

Date: September 3, 2024
To: Joeseeph R. Pace, City Manager
From: Roderick Semien, Director of Public Works
Subject: Hiring Branch Construction to complete the field verification of the initial lead service line inventory. (LSLI)

In your attachment, you will find the proposal for Branch construction to complete the field verification of the initial LSLI. On August 1st, 2024, Quiddity Engineering LLC contacted The City and stated they received two quotes from agencies significantly higher than their original estimate of \$55,000. The quotes were to cover a quantity of 1,736 residential meters and 212 commercial meters to be inspected. After some discussion, and the limited timeline to complete the inventory, The City has chosen to seek out a third option Branch Construction, although still above the original estimate, but still the lowest bid:

Amerseco	\$123,240 (\$68,240)
Power Scoop	\$93,420 (\$38,420)
Branch Construction	\$80,000 (\$25,000)

Branch Construction is a member of the TIPs cooperative and was hired to work on August 6th, 2024.

Please place this on the City Council agenda for September 9th, 2024, for ratification.

If you have any questions, please contact me at 979-532-2491 Ext. 801. Thank you.



Project Proposal

Company: City of Wharton
Name: Roderick Semien
Phone: 979-532-4811 ext 800
Email: rsemien@cityofwharton.com
Date: August 7, 2024
Reference: Lead and Copper Study Revised
SO# 2817
TIPS Contract Number 23010401

Scope

Supply labor and tools to dig on public and private side of each meter to identify service materials included on City of Wharton field verification list. Material type will be clearly listed in a field form for each address provided by either Quiddity Engineering or City of Wharton to adequately complete the TCEQ LSL inventory template. BCG will provide 3 photographs of each meter location consisting of 1 photo of the address location, 1 photo of the exposed private service line and 1 photo of the public service line. Complete in place.

Total Contract Price: **\$80,000**

- **Proposal is valid for 15 days from date of issuance.**
- Delays not caused by Branch Construction Group will be billed at the applicable rate.
- If non-standard working hours are requested additional charges will be applied unless previously agreed on. Definition - Night Work 5:30PM – 7AM or Weekend Work Saturday/Sunday at applicable rate.
 - Pricing does not include boring through rock, compensation for utility conflicts, locating services or delays not caused by Branch Construction Group. See unit pricing below for individual rates and charges.
 - Additional \$3.00/Lf will be charged for boring through rock, shale, slate, and similar materials
 - Mobilization will be billed at \$2.50/mile for boring rig setup if applicable.
 - Mobilization will be billed at \$1.50/mile for workforce mobilization if applicable



Project Proposal

Indemnification

- BRANCH CONSTRUCTION GROUP (HEREAFTER "BCG") SHALL INDEMNIFY CLIENT FOR DAMAGES ARISING OUT OF THE PERFORMANCE OF WORK, BUT ONLY TO THE EXTENT CAUSED BY THE NEGLIGENT ACTS, ERRORS OR OMISSIONS OF BCG AND THE TOTAL LIABILITY TO CLIENT AND ANYONE CLAIMING BY, THROUGH, OR UNDER CLIENT FOR ANY COST, LOSS, LEGAL FEES, OR DAMAGES SHALL NOT EXCEED THE PERCENTAGE SHARE THAT BCG'S NEGLIGENCE BEARS TO THE TOTAL NEGLIGENCE OF CLIENT, BCG, AND ALL OTHER NEGLIGENT ENTITIES AND INDIVIDUALS.
- BY WAY OF FURTHER LIMITATION, BCG SHALL NOT BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES, WHETHER GROUNDED IN TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, OR CONTRACT, AND UNDER NO CIRCUMSTANCES WILL BCG'S LIABILITY EXCEED THE PROJECT PROPOSAL PRICE CLIENT PAID BCG FOR THE GOODS OR SERVICES UPON WHICH LIABILITY IS CLAIMED. ANY ACTION FOR BREACH OF CONTRACT MUST BE COMMENCED WITHIN ONE (1) YEAR AFTER THE CAUSE OF ACTION HAS ACCRUED.

Accepted by:

Company Name:

City of Wharton

Signature:

Joseph R. Pace

Name Printed:

Joseph R. Pace

Date:

08/16/2024



1575 Sawdust Road, Suite 400
The Woodlands, Texas 77380
Tel: 281.363.4039
www.quiddity.com

March 7, 2024

City of Wharton
Mr. Joseph R. Pace
City Manager
120 East Caney Street
Wharton, Texas 77488

Re: Proposal for Support with Lead and Copper Rule Revisions (LCRR)
Initial Lead Service Line Inventory Task

Dear Mr. Pace:

Quiddity Engineering, LLC (Quiddity) appreciates the opportunity to support the City of Wharton (City) in meeting the requirements included in the Environment Protection Agency's (EPA) Lead and Copper Rule Revisions (LCRR). The services included in this proposal consist of assisting the City of Wharton (Wharton or City) with the development and submission of the initial lead service line inventory (or LSLI) to the Texas Commission on Environmental Quality (TCEQ) by the October 16, 2024, deadline.

LCRR LEAD SERVICE LINE INVENTORY PROJECT UNDERSTANDING

On December 16, 2021, the Environment Protection Agency (EPA) announced new changes to the Lead Copper Rule. Regardless of a public water system's lead levels or known presence of lead service lines, the 2021 EPA Lead and Copper Rule Revisions (LCRR) require all public water systems to develop a lead service line (LSL) inventory. The inventory will identify all service lines within the public water system and classify each service lines' material type as lead, non-lead, galvanized requiring replacement or lead status unknown. Classification for both the public and private sides of the service lines must be included. The inventory and supporting documentation must be submitted to the Texas Commission on Environmental Quality (TCEQ) by October 16, 2024. To assist in classifying the service lines, the following guidance and clarification has been provided by the TCEQ:

- Service lines construction after 1988 can be categorized as Non-Lead. In Texas, the 1986 EPA Lead Ban officially went into effect in 1988. This ban date (post-1988) can be used as a cutoff date to classify a service line as non-lead as long as there is documented evidence of when the service line was installed.

In this initial inventory, the focus is to develop a comprehensive inventory by reviewing various historical documents and records. Field investigations are not required by the LCRR but are encouraged to assess the accuracy of the historical records and gather additional information when a service line material is unknown. It is strongly recommended to minimize the number of unknowns included in the initial inventory since any "Unknown" included will require public notice in compliance with the LCRR. Based on information provided from the City, it is our understanding there is estimated to be approximately 1,500 service lines constructed pre-1988.



City of Wharton

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March 7, 2024

The LCRR also includes requirements for public water systems to prepare a lead service line replacement plan, changes to Lead and Copper sampling, water system reporting, various public notice and education requirements, and the introduction of a new lead trigger level and action steps. Additionally, the EPA recently released the Lead and Copper Rule Improvements (or the LCRI) which includes additional requirements associated with replacing all lead service lines within 10-years following the new LCRI compliance date. At this time, the regulations included in the LCRI have not been finalized but are expected to have an effective date of October 16, 2024, with a compliance date 3-years after the effective date. Services to undertake the additional requirements included in the LCRR, and future LCRI, are not part of this scope of work and will be addressed, if needed or requested by the City, in future proposals.

Wharton has requested Quiddity develop the City's initial LSL inventory and make the formal submission to the TCEQ by the October 16, 2024, deadline. Quiddity has prepared a scope of services which outlines the specific tasks required to complete this work.

SCOPE OF SERVICES

Based on our understanding of the City's water system, the Engineer will perform the following scope of services to complete the City's initial LSL inventory.

Step 1 – Records Research and Data Composition

- Coordinate with City Staff to gather and review information for all water service lines including approximate construction dates of public and private service lines, pipe material, line size, and location.
- Coordinate with City Staff to gather and review City records including, but not limited to record drawings, GIS database information, work orders, and related documents (water tap data, service line repair records, water meter replacement program information), meter records, customer service inspection records, historical lead sampling data, satellite imagery, and appraisal district property information.
- Coordinate with the commercial and institutional customers to receive historical service line information if available.
- Compile and format all the records required for each service line into the LSL inventory database template.
- Preparation of a records research summary table.
- Preparation of a field verification locations exhibit for the City's review and use by the field investigation team(s). The field verification locations will be based on the service lines in which the material type is unable to be determined using historical records and lead sampling information.

Step 2 – Field Verifications Process

2a – Field Verifications Coordination

- Develop City's LSL Inventory GIS application layer and enter proposed field investigation locations into GIS for use with the ESRI's Field Maps application (GIS based) to collect required field documentation.



City of Wharton

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March 7, 2024

- Hold a kick-off meeting with the City staff and field team(s) to verify and confirm requirements of investigations and discuss use of ESRI's Field Maps application.
- Work with the City's Staff and Attorney to prepare customer access agreements, if required.
- Review and track field investigation data and progress.

2b – Field Investigations

- Initiate field investigation work based on results of Step 1, Step 2a and agreement from City Staff.
- Field investigation documentation will require investigation team(s) to utilize ESRI's Field Maps application (GIS based) to collect required field documentation at each selected location.

Fees for field investigations are based on an initial estimate of 1,500 locations. The final number, and conditions under which the fieldwork is performed (i.e. requires unexpected excavation), will be determined in Step 1. If more field investigations are required, additional fees may be requested, and Quiddity will request additional work authorization.

Step 3 – LSL Inventory Submittal and Exhibit for Public Use

- Compile and format the field verification data into the LSLI inventory database and update LSL inventory exhibit for public use.
- Finalize the TCEQ LSL inventory form for submission.
- Submit the LSL inventory and certification to the TCEQ and finalize the LSLI exhibit for public use.

Reimbursable Expenses

Reimbursable expenses under this contract will include items such as reproduction costs, delivery charges, mileage, etc.; and will be charged based on actual usage in accordance with the attached Standard Rates.

DELIVERABLES

1. Proposed field investigation location list and exhibit for City Staff approval;
2. LSL inventory and certification, submitted to TCEQ, by compliance date; and
3. LSL inventory exhibit (for public use).

COMPENSATION

The estimated engineering cost to perform the described scope of work is summarized below:

• Step 1 – Records Research and Data Composition (Hourly)	\$ 12,000
• Step 2a – Field Verifications Coordination (Hourly)	\$ 7,500
• Step 2b – Field Verifications (Variable – Estimated Only)	\$ 55,000 *
• Step 3 – LSL Inventory Submittal and Exhibit (Hourly)	\$ 5,000
• Reimbursable Expenses (Cost + 10%)	\$ 500
ESTIMATED TOTAL	\$ 80,000 **



City of Wharton

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March 7, 2024

Notes:

* Fees for field investigations are based on an initial estimate of 1,500 locations. The final number, and conditions under which the fieldwork is performed (i.e. requires unexpected excavation), will be determined in Step 1. If more field investigations are required, additional fees may be requested, and Quiddity will request additional work authorization.

**The compensation amount shown is estimated based on the assumed level of effort to support the City with the LCRR. The contract type is hourly based on the attached Rate Schedule. If additional time and compensation is needed, Quiddity will request additional work authorization. The scope of work for the LSL inventory is for the initial preparation and submission of the LSL inventory to comply with the October 16, 2024, deadline and is based on our understanding of the current requirements from the TCEQ and EPA. Additional updates or changes required by the TCEQ or EPA to comply with the LCRR and upcoming LCRI regulations are outside of this scope of work.

We request authorization to proceed with the Scope of Services for a total estimated cost of \$80,000 per the estimated fees above. Engineering services will be billed on an hourly basis unless noted otherwise in accordance with the PSA.

PROJECT SCHEDULE

The Engineer will complete the scope of services defined herein according to the following schedule. Note that the dates shown are contingent upon receipt of written notice-to-proceed by the Client and work being initiated by March 2024.

Step 1 – Records Research and Data Composition	60 calendar days
Step 2 – Field Verification Process (includes step 2a and 2b)	150 calendar days*
Step 3 – LSL Inventory Submittal and Exhibit for Public Use	45 calendar days

TOTAL DURATION	255 calendar days
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** Field verification duration will depend on the number of sites required to be field verified and the willingness of customers to participate in the field verification process. The number of sites requiring field verification is assumed to be 1,500 but may vary depending on the results of Step 1 and 2a above.*

SPECIAL CONSIDERATION

This proposal is based on the following special considerations:

1. This proposal shall be subject to the General Conditions of the Agreement provided in the proposal.
2. Reimbursable expenses including outside services not performed by the Engineer shall be provided in accordance with the enclosed Schedule of Reimbursable Expenses. This schedule is subject to revision each year. These services typically include reproduction, mailings, and deliveries.



City of Wharton

Page 5

March 7, 2024

3. Services requested by the City that are outside the scope of this proposal will be performed for additional compensation under a separate work authorization.
4. The Engineer will not be liable for any non-compliance related issues if the Client is unable to fulfill the requirements outlined in the proposal.

AUTHORIZATION

We thank you for the opportunity to submit this proposal and look forward to working with you on this project. The proposed compensation amounts shall be considered in their entirety for the scope of services. Should the Client wish to contract with the Engineer for only a portion of the work, the Engineer reserves the right to negotiate individual scope items on their own merits. This proposal shall be valid for thirty (30) calendar days from this date and may be extended upon written approval by the Engineer.

Sincerely,

Matthew B. Breazeale, PE
Vice President

PDM/

Enclosures

APPROVED BY:

Signature

Tim Barker, Mayor

Name and Title

3-25-24

Date

GENERAL CONDITIONS OF AGREEMENT

QUIDDITY ENGINEERING, LLC

PROCEEDING WITH SERVICES

These General Conditions of Agreement are a part of the Agreement for Professional Services (Agreement) between CLIENT and Quiddity Engineering, LLC (ENGINEER). CLIENT agrees that these General Conditions of Agreement shall be binding upon CLIENT when CLIENT requests that ENGINEER proceed with ENGINEER's services described in the proposed Agreement that they accompany. Signing of the Agreement or requesting that ENGINEER proceed with services shall be CLIENT's authorization for ENGINEER to proceed unless stated otherwise in the Agreement.

STANDARD OF CARE

ENGINEER's services performed under this Agreement shall be performed in a manner consistent with that level of care and skill ordinarily exercised by members of the engineering profession currently practicing in the same discipline, locality, conditions and circumstances as ENGINEER. ENGINEER makes no representations or warranties, express or implied, with respect to this Agreement, its performance or in any report, opinion or Document, as defined below, prepared by ENGINEER.

PAYMENT

The CLIENT, recognizing that timely payment is a material part of the consideration of this Agreement, shall pay ENGINEER for services performed and reimbursable expenses incurred in accordance with ENGINEER's then-current rate schedule and direct expense reimbursement policy. Invoices shall be submitted by ENGINEER on a monthly basis, and the full amount shall be due and payable to ENGINEER upon receipt. If the CLIENT disputes any portion of an invoice, the CLIENT shall notify ENGINEER in writing within seven (7) calendar days of the invoice date and pay that portion of the invoice not in dispute. The CLIENT shall pay any excise, VAT, gross receipts, or sales tax imposed upon ENGINEER's services.

The CLIENT shall pay ENGINEER the lesser of the highest non-usurious interest rate or 0.75% per month on the due but unpaid balance owed ENGINEER beginning thirty (30) days from receipt of the respective invoices. Payment thereafter shall be first applied to accrued interest and then to principal.

CLIENT INFORMATION

ENGINEER shall be entitled to rely upon the completeness and accuracy of information supplied by or through CLIENT.

OWNERSHIP OF DOCUMENTS

All documents, including original drawings, opinions of probable construction cost, specifications, field notes, and data provided or furnished by ENGINEER pursuant to this AGREEMENT are instruments of service in respect to the Project and ENGINEER shall retain ownership and property interest therein whether or not the project is completed. The CLIENT may make and retain copies for the use of the Project by the CLIENT and others; however, such documents are not intended or suitable for reuse by the CLIENT or others on extensions of the Project or on any other Project. Any such reuse without written approval or adaptation by ENGINEER for the specific purpose intended shall be at the CLIENT'S sole risk and without liability to ENGINEER, and the CLIENT shall

indemnify and hold harmless ENGINEER from all claims, damages, losses, and expenses including attorney's fees arising out of or resulting therefrom.

COST ESTIMATES

Cost estimates prepared by ENGINEER represent its judgment as a design professional familiar with the construction industry. The CLIENT recognizes, however, that ENGINEER has no control over the cost of labor, materials, or equipment; over the contractor's methods of determining prices; or over competitive bidding or market conditions. Accordingly, ENGINEER cannot and does not warrant or represent that bids or negotiated prices will not vary from the Owner's budget or any cost estimates prepared by ENGINEER.

CONSTRUCTION PHASE SERVICES

When providing any services during the construction phase, ENGINEER shall not have control over, charge of, or responsibility for the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Contractor's Work, nor shall it be responsible for the Contractor's failure to perform the Work in accordance with the requirements of the Documents.

INSURANCE

ENGINEER agrees to maintain: Workers' Compensation Insurance to cover all of its personnel engaged in performing services for the CLIENT under this Agreement; Commercial General Liability and Automobile Insurance; and Professional Liability Insurance. Certificates of insurance are available upon request.

CONSEQUENTIAL DAMAGES

TO THE FULLEST EXTENT PERMITTED BY LAW, THE PARTIES WAIVE ALL CLAIMS AGAINST EACH OTHER FOR ANY CONSEQUENTIAL OR SPECIAL DAMAGES, INCLUDING WITHOUT LIMITATION LOSS OF USE OF THE PROJECT AND LOSS OF PROFIT, INCURRED BY EITHER PARTY ALLEGEDLY DUE TO THE FAULT OF THE OTHER REGARDLESS OF THE NATURE OF THE FAULT.

LIMITATION OF LIABILITY

The CLIENT and ENGINEER, having balanced their respective risks and rewards to be realized under this Agreement, agree that the total liability of ENGINEER to CLIENT for any Loss, as defined below, whether arising under this Agreement, any services provided or the project shall not exceed in the aggregate the total professional fee paid to ENGINEER. The CLIENT waives any and all Loss and claims for Loss against ENGINEER in excess of such limitation. CLIENT further waives all claims for Loss against the individual owners, shareholders, or employees of ENGINEER and shall look solely to ENGINEER for satisfaction of any such claims of Loss.

THE TERM "LOSS" MEANS ANY AND ALL ACTUAL AND ALLEGED LOSS, COSTS AND DAMAGES OF ANY NATURE (INCLUDING WITHOUT LIMITATION, ACTUAL, SPECIAL AND CONSEQUENTIAL DAMAGES, VICARIOUS LIABILITY, PERSONAL INJURY, DEATH, PROPERTY DAMAGE

GENERAL CONDITIONS OF AGREEMENT QUIDDITY ENGINEERING, LLC

INCLUDING LOSS OF USE THEREOF, AND ECONOMIC LOSS); AND ANY EXPENSE (INCLUDING WITHOUT LIMITATION REASONABLE ATTORNEY'S AND EXPERTS' FEES AND COSTS OF LITIGATION AND DEFENSE) CLAIMED THROUGH ANY DIRECT CLAIMS, CROSS-CLAIMS, COUNTERCLAIMS OR CLAIMS FOR SUBROGATION, CONTRIBUTION OR INDEMNITY THAT ARISE, IN WHOLE OR IN PART, IN CONNECTION WITH THIS AGREEMENT, ITS PERFORMANCE OR INTERPRETATION OR WITH RESPECT TO THE PROJECT OR SERVICES THE AGREEMENT DESCRIBES.

INDEMNIFICATION

THE CLIENT AND ENGINEER INTEND THAT, TO THE FULLEST EXTENT PERMITTED BY APPLICABLE LAW, ALL OF THE TERMS OF THIS AGREEMENT AND ANY OF ITS CONSTITUENT PARTS THAT REQUIRE CLIENT TO INDEMNIFY, DEFEND, HOLD HARMLESS OR RELEASE ENGINEER OR THAT WAIVE ANY CLAIMS OR DAMAGES AGAINST ANY ANOTHER PARTY SHALL BE ENFORCED REGARDLESS OF WHETHER ANY SUCH CLAIMS, CAUSES OF ACTION, LOSS OR DAMAGES ARE CAUSED, OR ARE ALLEGED TO BE CAUSED, BY ANY NEGLIGENCE, NEGLIGENT MISREPRESENTATION, BREACH OF CONTRACT OR BREACH OF ANY OTHER DUTY OR OBLIGATION OF THE PARTY INDEMNIFIED, DEFENDED, HELD HARMLESS OR RELEASED OR OF ANY PARTY AGAINST WHOM SUCH CLAIMS, CAUSES OF ACTION, LOSS OR DAMAGES ARE WAIVED. ANY SUCH INDEMNITY, DEFENSE, HOLD HARMLESS, RELEASE OBLIGATIONS OR WAIVER PROVISION SHALL SURVIVE TERMINATION OR EXPIRATION OF THE AGREEMENT.

TERMINATION

Either party may terminate this AGREEMENT with or without cause at any time prior to completion of ENGINEER's services upon seven (7) days' written notice to the other party at the addresses of record. The CLIENT shall pay ENGINEER for all serves performed and reimbursable expenses incurred through the date of termination.

ADDITIONAL TERMS

Neither party may assign, sublet, or transfer this Agreement or their interest in this Agreement without the prior written consent of the other party. Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of any third party against either the CLIENT or ENGINEER.

In the event any one or more provisions of this Agreement, or the application thereof to any person or circumstance, shall for any reason be held invalid, illegal or unenforceable in any respect, any such invalidity, illegality or unenforceability shall be deemed stricken and shall not affect any other provision of this Agreement or the application of such provisions to other persons or circumstances, and the balance of this Agreement shall be enforced to the greatest extent permitted by law.

This Agreement shall be governed by the laws of the State of Texas. Exclusive venue for any dispute between the parties concerning the Agreement, its interpretation or performance, or the project shall be in a district court in Harris County, Texas.



SCHEDULE OF HOURLY RATES
Effective January 2021 - Subject to Annual Revision

ENGINEERING PERSONNEL

Design Engineer I	\$110
Design Engineer II	\$130
Professional Engineer I	\$150
Professional Engineer II	\$170
Professional Engineer III	\$195
Professional Engineer IV	\$225
Professional Engineer V	\$240
Practice Leader	\$260

ELECTRICAL ENGINEERING PERSONNEL

Electrical Design Engineer I	\$120
Electrical Design Engineer II	\$140
Electrical Professional Engineer I	\$165
Electrical Professional Engineer II	\$180
Electrical Professional Engineer III	\$200
Electrical Professional Engineer IV	\$235
Electrical Professional Engineer V	\$250

CONSTRUCTION PERSONNEL (Includes Mileage)

Construction Manager I	\$110
Construction Manager II	\$130
Construction Manager III	\$150
Construction Manager IV	\$170
Construction Manager V	\$195
Field Project Representative I	\$ 65
Field Project Representative II	\$ 90
Field Project Representative III	\$110
Specialist Field Project Representative I	\$120
Specialist Field Project Representative II	\$135
Senior Specialist Field Project Representative	\$150

SPECIALIST

Specialist I	\$100
Specialist II	\$125
Specialist III	\$195
Specialist IV	\$240

PLANNING PERSONNEL

Planner I	\$ 95
Planner II	\$125
Planner III	\$155
Planner Manager	\$225

DESIGNERS/DRAFTING PERSONNEL

CAD Operator I	\$ 60
CAD Operator II	\$ 85
CAD Operator III	\$100
Designer I	\$100
Designer II	\$120
Designer III	\$140
GIS I	\$ 85
GIS II	\$110
GIS III	\$145
GIS IV	\$180

SURVEYING PERSONNEL

1-Person Field Crew	\$130
2-Person Field Crew	\$180
3-Person Field Crew	\$220
4-Person Field Crew	\$250
Scanner Equipment	\$100
Survey Technician I	\$ 85
Survey Technician II	\$ 95
Project Surveyor I	\$ 90
Project Surveyor II	\$105
Project Surveyor III	\$125
Project Surveyor IV	\$150
Chief of Survey Crews	\$110
Certified Photogrammetrist	\$140
Remote Pilot I	\$ 85
Remote Pilot II	\$115
Remote Pilot III	\$150
Visual Observer	\$ 85
LiDAR Tech	\$ 95
Aerial Tech	\$ 80
Registered Professional Land Surveyor	\$170
Survey Manager	\$195

OFFICE PERSONNEL

Engineer's Assistant I	\$ 60
Engineer's Assistant II	\$ 75
Engineer's Assistant III	\$ 85
Admin I	\$ 60
Admin II	\$ 80
Admin III	\$105
Assistant Controller/ Chief Accountant	\$120
Corporate/Project Accountant	\$100



SCHEDULE OF REIMBURSABLE EXPENSES

Effective January 2019

Subject to Annual Revision

1. Reproduction performed in office

Size	Black & White	Color
8½ x 11 (single-sided)	\$0.05/page	\$.50/page
8½ x 11 (double-sided)	\$0.15/page	\$ 1.00/page
8½ x 14	\$0.15/page	\$.75/page
11 x 17	\$0.20/page	\$ 1.00/page
<u>Large Document Prints/Plots</u>	<u>Black & White</u>	<u>Color</u>
Bond	\$0.20/sq ft	\$ 1.00/sq ft
Photographic Bond	\$4.00/sq ft	\$ 5.00/sq ft
Mylar (4 mil)	\$2.00/sq ft	N/A

Aerial Backgrounds

All sizes \$5.00/sheet (plus above sq. ft. cost)

2. Transportation (mileage): Standard IRS mileage rate in effect
3. Subcontracts and all other outside expenses and fees: Cost, plus 10% service charge
4. Surveying Expenses
 - a. Crew Rates: Includes time charged portal to portal and the first 120 miles of transportation and standard survey equipment
 - b. Special Rental Equipment: Cost, plus 10%
 - c. Stakes: Cost, plus 10% service charge when an excessive number of wooden stakes or any special stakes are required
 - d. Iron Rods and Pipes: Cost, plus 10%
 - e. All-Terrain Vehicle (ATV): \$150/day
 - f. Overnight Stays: \$190/night
 - g. Overtime Rates: Jobs requiring work on weekends or holidays billed at 1.5 times the standard rate
 - h. Sales Tax: To be paid on boundary-related services.
 - i. Deliveries, abstracting services, outside reproduction costs, and other reimbursable expenses charged at cost, plus 10%

Final 2022
Standard

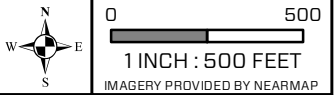


VICINITY MAP
1 INCH = 10 MILES

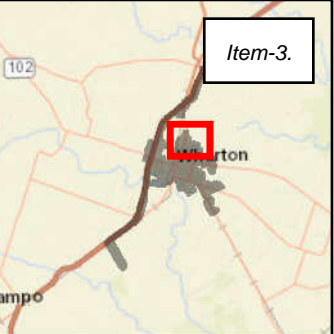
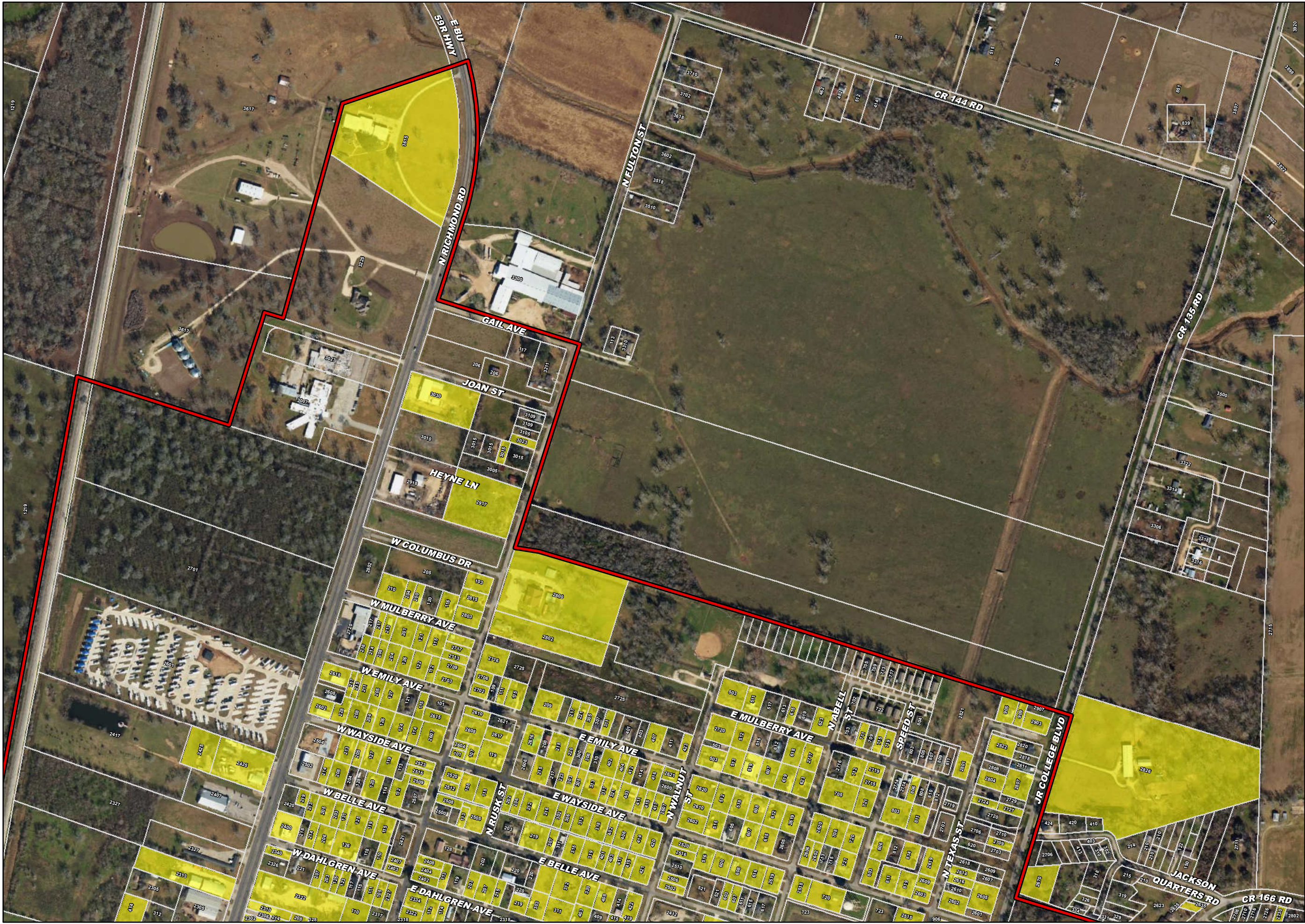
- LEGEND
- Proposed Field
 - Verification Location
 - District Boundary
 - WCAD Parcels

LSLI FIELD VERIFICATIONS
EXHIBIT 1

CITY OF WHARTON
WHARTON COUNTY, TEXAS



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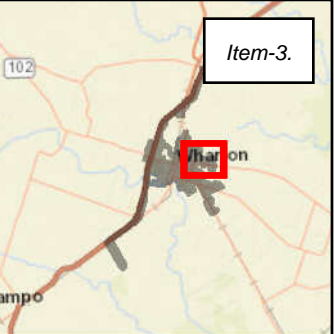
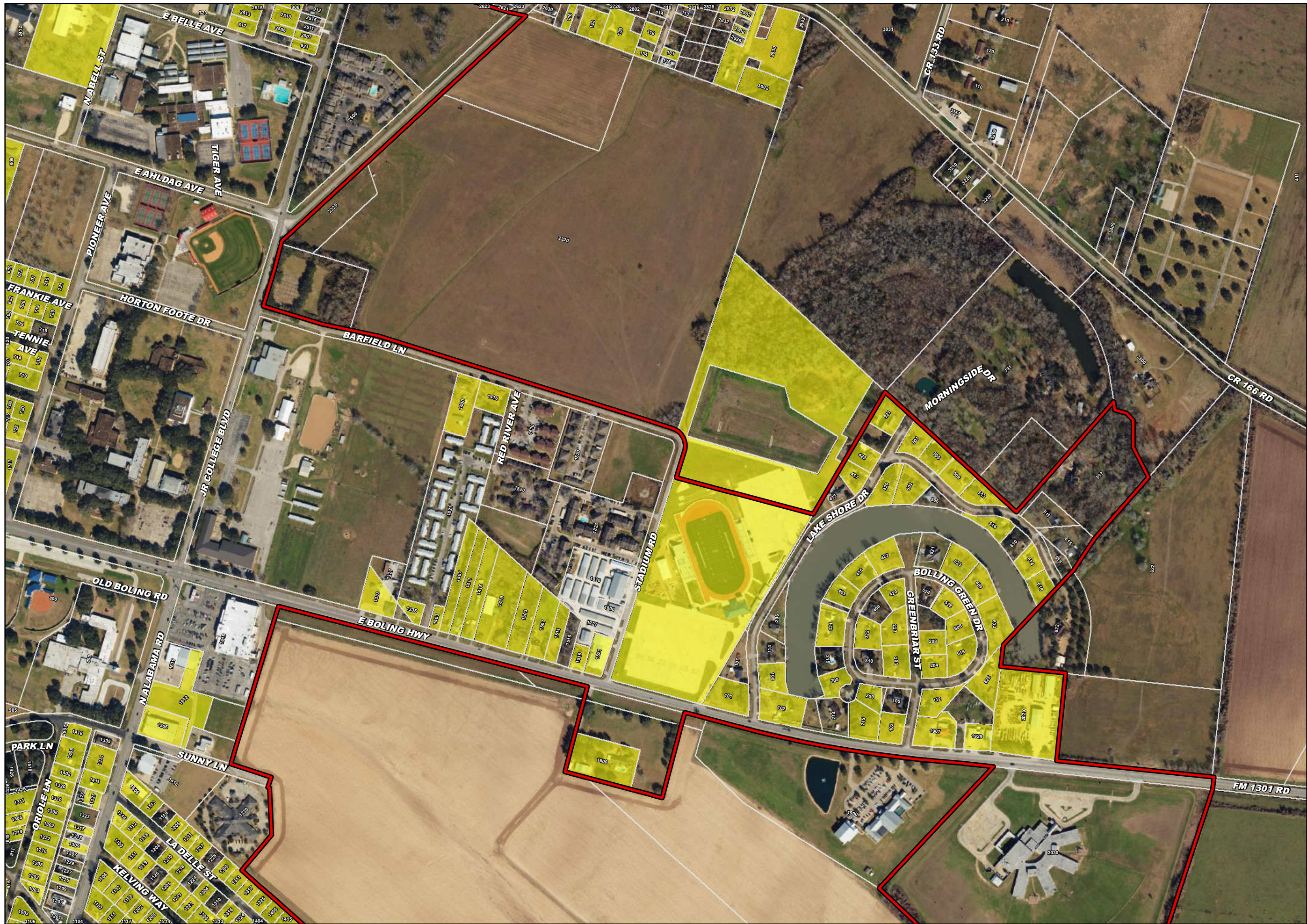
VICINITY MAP
1 INCH = 10 MILES

- LEGEND
- Proposed Field Verification Location
 - District Boundary
 - WCAD Parcels

LSLI FIELD VERIFICATIONS
EXHIBIT 3
CITY OF WHARTON
WHARTON COUNTY, TEXAS



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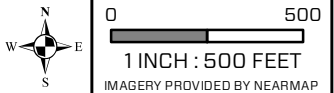
VICINITY MAP
1 INCH = 10 MILES

LEGEND

- Proposed Field
- Verification Location
- District Boundary
- WCAD Parcels

LSLI FIELD
VERIFICATIONS
EXHIBIT 4

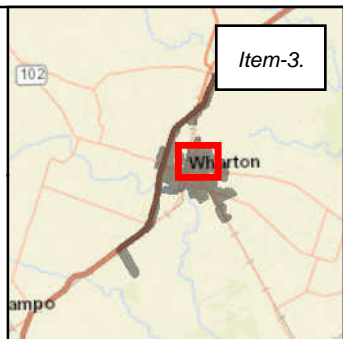
CITY OF WHARTON
WHARTON COUNTY, TEXAS



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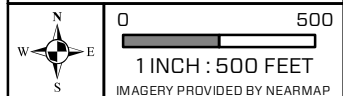
Item-3.



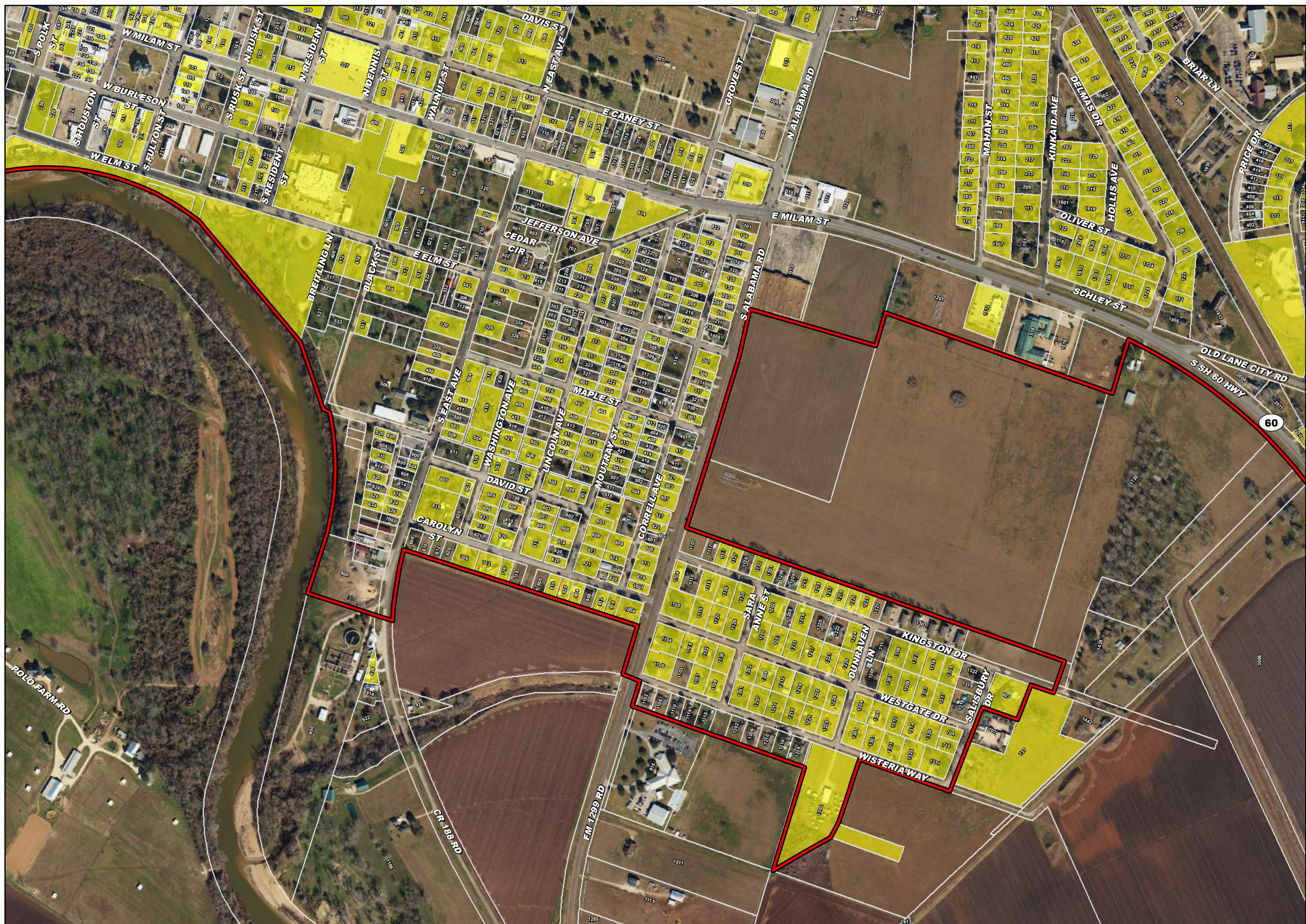
VICINITY MAP
1 INCH = 10 MILES

- LEGEND
- Proposed Field
 - Verification Location
 - District Boundary
 - WCAD Parcels

LSLI FIELD VERIFICATIONS
EXHIBIT 5
CITY OF WHARTON
WHARTON COUNTY, TEXAS






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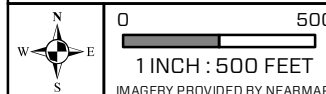
Item-3.

VICINITY MAP
1 INCH = 10 MILES

LEGEND

 Proposed Field
 Verification Location
 District Boundary
 WCAD Parcels

LSLI FIELD
VERIFICATIONS
EXHIBIT 7
CITY OF WHARTON
WHARTON COUNTY, TEXAS

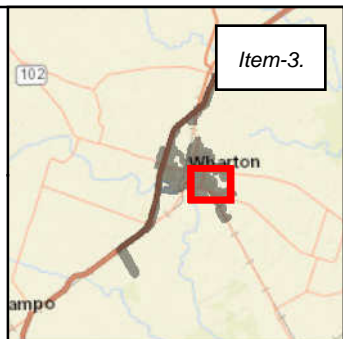


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 - Page 68 -
 Texas Board of Professional Engineers Registration No. F-23

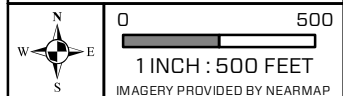
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VICINITY MAP
1 INCH = 10 MILES

- LEGEND**
- Proposed Field
 - Verification Location
 - District Boundary
 - WCAD Parcels

LSLI FIELD VERIFICATIONS EXHIBIT 8
CITY OF WHARTON
WHARTON COUNTY, TEXAS



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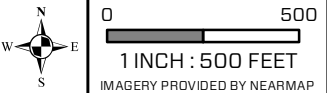
VICINITY MAP
1 INCH = 10 MILES

LEGEND

- Proposed Field
- Verification Location
- District Boundary
- WCAD Parcels

LSLI FIELD
VERIFICATIONS
EXHIBIT 9

CITY OF WHARTON
WHARTON COUNTY, TEXAS



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

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND APPROVING A CONTRACT WITH BRANCH CONSTRUCTION FOR LEAD SERVICE LINE INVENTORY (LSLI) AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID RATIFICATION.

WHEREAS, The Wharton City Council wishes to ratify and approve Branch Construction for the field verification of the initial Lead Service Line Inventory (LSLI); and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to execute all documents related to said ratification.

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 a contract with Branch Construction for the field verification of the initial Lead Service Line Inventory (LSLI).

Section II. The Wharton City Council hereby authorizes the City Manager to execute all documents related to said ratification.

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

Passed, Approved, and Adopted this 9th day of September 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:	9/9/2024	Agenda Item:	Resolution: A resolution of the Wharton City Council authorizing the City Manager to approve LED lighting installation at the Wharton Regional Airport and authorizing the City Manager to execute all documents related to said installation.
<p>Airport Manager Dwayne Pospisil solicited quotes for LED lighting installation at the Wharton Regional Airport.</p> <p>Quotes were solicited from: Gulf Coast A/C & Electrical-\$9,591.00 Barbee Electric-\$9,675.00 Penner Electric-no response</p> <p>The City Staff recommends Gulf Coast A/C & Electrical for the installation. Funds to pay for the LED lighting will be through the Routine Airport Maintenance Plan (RAMP).</p> <p>Mr. Pospisil will be present to answer any questions.</p>			
City Manager: Joseph R. Pace			Date: Thursday, September 5, 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: Joseph R. Pace, City Manager

From: Joan Andel, Finance Director

Date: September 4, 2024

Re: LED lighting installation

Airport Manager Dwayne Pospisil solicited quotes for LED lighting installation at the Wharton Regional Airport.

Quotes were solicited from:

Gulf Coast A/C & Electrical	\$9,591.00
Barbee Electric	\$9,675.00
Penner Electric	no response

City staff recommends Gulf Coast A/C & Electrical for the installation. Funds to pay for the LED lighting will be through the Routine Airport Maintenance Plan (RAMP).

Please include this item on the City Council agenda for Monday, September 9, 2024. for approval.

Please contact me or Dwayne Pospisil for any questions.

Thank you.

Barbee Services, Inc.

P.O. Box 1180 - 401 E. Caney St.
Wharton, TX 77488
979-532-4570

Quotation

Item-4.

DATE	No.
8/15/2024	08152024

NAME / ADDRESS
City of Wharton 120 E. Caney Wharton, TX 77488 Attn: Dewayne

			REP
			PC
QTY	DESCRIPTION	COST	TOTAL
1	<p>Re: Airport Lighting, Revised Quote</p> <p>Thanks for the opportunity to work with you. This quotation is for the installation of six LED highbays in the Maintenance Shop, nine dusk to dawn LED fixtures to replace the existing fixtures and seventy-two, 12", 24 watt flush mount fixtures.</p> <p>The total labor and material is \$9,675.00. Feel free to call with any questions or concerns.</p> <p>Thanks, Phillip Cox</p> <p>Tax exempt certificate on file.</p>	9,675.00	9,675.00
TOTAL			\$9,675.00

ESTIMATE

Gulf Coast A/C & Electrical
Services LLC
P.O. Box 1295
Wharton, TX 77488

gulfcoastservices@hotmail.com
800-808-2681

Bill to
City of Wharton

Estimate details

Estimate no.: 1200

Estimate date: 05/22/2024

#	Date	Product or service	Description	Qty	Rate	Amount
1.		Bid Proposal	Bid Proposal for electrical work at the Wharton Regional Airport to replace lights as indicated by Dwayne. Replace 9 dusk to dawn pole lights using LED fixtures Replace 6 High bay Fixtures in the A&P shop Replace 72 fixtures in the 24 Tee hangers using 15w disk LED fixtures	1	\$9,591.00	\$9,591.00

Total**\$9,591.00****Note to customer**

Thank you for your business.

Accepted date**Accepted by**

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

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER TO APPROVE LED LIGHTING INSTALLATION AT THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID INSTALLATION.

WHEREAS, The Wharton City Council has appropriated funds for the installation of LED lighting in the hangars and repair shop at the Wharton Regional Airport; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to approve the LED lighting installation at the Wharton Regional Airport from _____ in the amount of \$ _____; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to execute all documents related to the installation of the lighting.

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

SECTION I. The Wharton City Council hereby authorizes the City Manager to approve the LED lighting installation at the Wharton Regional Airport from _____ in the amount of \$ _____.

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

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

PASSED AND APPROVED this 9th day of September 2024.

CITY OF WHARTON


TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

CITY COUNCIL COMMUNICATION

Meeting Date:	9/9/2024	Agenda Item:	Ordinance: An Ordinance regarding the City of Wharton's Texas Municipal Retirement System benefits providing for (1) an increase to the employee contribution rate; and (2) adopting: (i) annually accruing updated service credits; and (ii) annually accruing annuity increases, also referred to as cost-of-living adjustments (COLA) for retirees and their beneficiaries.
<p>As discussed with the City Council Finance Committee on July 22, 2024, the City Staff is requesting to move forward with changes to the City of Wharton's employee retirement plan through the Texas Municipal Retirement System (TMRS).</p> <p>By statute, when a City changes its employee contribution rate and the City currently offers Cost of Living Adjustments (COLA) on an annually repeating basis, the City must readopt this annually repeating provision. This readoption is necessary because there is a new COLA cost associated with the new provision. Therefore, the enclosed ordinance includes the city's readoption of this benefit. When the ordinance becomes effective, the City must begin deducting the new contribution rate from each employee's gross monthly compensation.</p> <p>Beginning October 1, 2024, the City Staff is requesting to begin withholding 6%, as compared to the current 5% from eligible employees' salaries to deposit into their retirement accounts. The 100% Updated Service Credit without Transfers and 70% Cost of Living Adjustment Increase to Annuitants, Both Annually Repeating, would take effect on January 1, 2025.</p> <p>Attached model ordinance that includes adopting a 6% Employee Contribution Rate, effective Oct 1, 2024, and it also includes the adoption of a repeating 100% Updated Service Credit without transfers, with the readoption of a repeating 70% COLA, which is both effective Jan 1, 2025.</p>			
City Manager: Joseph R. Pace			Date: Thursday, September 5, 2024
Approval: 			
Mayor: Tim Barker			



August 22, 2024

Paula Favors
Human Resources Director/City Secretary
City of Wharton
120 East Caney St.
Wharton, TX 77488

Dear Ms. Favors:

We are pleased to enclose a model ordinance for your city to adopt:

6% Employee Contribution Rate

Effective October 1, 2024

&

**100% Updated Service Credit without Transfers
70% Cost of Living Adjustment Increase to Annuitants
Both Annually Repeating**

Both Effective January 1, 2025

By statute, when a city changes its employee contribution rate and the city currently offers Cost of Living Adjustments (COLA) on an annually repeating basis, the city must readopt this annually repeating provision. This readoption is necessary because there is new COLA cost associated with the new provision. Therefore, the enclosed ordinance includes the city's readoption of this benefit.

When the ordinance becomes effective, the city must begin deducting the new contribution rate from each employee's gross monthly compensation.

As reflected in the Plan Change Studies you previously received, when the employee's contribution rate increases, the city's contribution rate will be **8.80%** for the remainder of 2024. Beginning January 1, 2025, the city's contribution rate will be **8.63%**.

Please make sure the ordinance is adopted and signed before the effective date. When the ordinance is adopted, please send a copy to City Services at cityservices@tmrs.com.

If you have any questions about the model ordinance or anything else, please call me at 512-225-3742.

Sincerely,

A handwritten signature in blue ink, appearing to read "Colin Davidson".

Colin Davidson
Director of City and Member Services

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

AN ORDINANCE REGARDING THE CITY OF WHARTON'S TEXAS MUNICIPAL RETIREMENT SYSTEM BENEFITS PROVIDING FOR (1) AN INCREASE TO THE EMPLOYEE CONTRIBUTION RATE; AND (2) ADOPTING: (i) ANNUALLY ACCRUING UPDATED SERVICE CREDITS; AND (ii) ANNUALLY ACCRUING ANNUITY INCREASES, ALSO REFERRED TO AS COST OF LIVING ADJUSTMENTS (COLAS) FOR RETIREES AND THEIR BENEFICIARIES.

Whereas, the City of Wharton, Texas (the "City"), elected to participate in the Texas Municipal Retirement System (the "System" or "TMRS") pursuant to Subtitle G of Title 8, Texas Government Code, as amended (which subtitle is referred to as the "TMRS Act"); and

Whereas, the City Council finds that it is in the public interest to: (1) increase the employee contribution rate contributed to TMRS, (2) in accordance with TMRS Act §853.404 and §854.203(h), reauthorize annually accruing Updated Service Credits, although without new Transfer USC effective January 1, 2025, and (3) in accordance with TMRS Act §854.203 and §853.404, reauthorize annually accruing annuity increases, also referred to as cost of living adjustments ("COLAs") for retirees and their beneficiaries, now:

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

Section 1. Increased Employee Contribution Rate.

(a) The rate of member contributions to be made by the City to the System shall be **6%** of the compensation of City employees who are members of the System, in accordance with TMRS Act §855.401. The City shall submit a monthly payroll report and deposit the amounts deducted from employees' compensation to the System in accordance with TMRS Act §855.402.

(b) The increased employee contribution rate under this Section shall be effective on the first day of the month of October, 2024.

Section 2. Authorization of Annually Accruing Updated Service Credits.

(a) As authorized by TMRS Act §854.203(h) and §853.404, and on the terms and conditions set out in TMRS Act §§853.401 through 853.404, the City authorizes each member of the System who on the first day of January of the calendar year immediately preceding the January 1 on which the Updated Service Credits will take effect (i) has current service credit or prior service credit in the System by reason of service to the City, (ii) has at least 36 months of credited service with the System, and (iii) is a TMRS-contributing employee of the City, to receive "Updated Service Credit," as that term is defined and calculated in accordance with TMRS Act §853.402.

(b) The Updated Service Credit authorized and provided under this Ordinance shall be **100%** of the "base Updated Service Credit" of the TMRS member calculated as provided in TMRS Act §853.402.

(c) If the City previously adopted an ordinance authorizing Updated Service Credit for unforfeited prior service credit and/or current service credit with another System participating municipality (also known as “Transfer USC”), the calculations and adjustments set forth in TMRS Act §853.601 apply to any such prior Transfer USC.

(d) Each Updated Service Credit authorized and provided by this Ordinance shall replace any Updated Service Credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(e) The initial Updated Service Credit authorized by this Section shall be effective on January 1 immediately following the year in which this Ordinance is approved, subject to receipt by the System prior to such January 1 and approval by the Board of Trustees (“Board”) of the System. Pursuant to TMRS Act §853.404, the authorization and grant of Updated Service Credits in this Section shall be effective on January 1 of each subsequent year, using the same percentage of the “base Updated Service Credit” stated in Subsection (b) in computing Updated Service Credits for each future year, provided that, as to such subsequent year, the actuary for the System has made the determination set forth in TMRS Act §853.404(d), until this Ordinance ceases to be in effect as provided in TMRS Act §853.404(e).

Section 3. Authorization of Annual Increases in Retirement Annuities, or COLAs.

(a) On the terms and conditions set out in TMRS Act §854.203 and §853.404, the City authorizes and provides for payment of the increases described by this Section to the annuities paid to retired City employees and beneficiaries of deceased City retirees (such increases also called COLAs). An annuity increased under this Section replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of the annuity increase under this Section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by **70%** of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of the increase under this Section.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation under this Section does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed under this Section.

(e) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of the City and of its account in the benefit accumulation fund of the System.

(f) The initial increase in annuities authorized by this Section shall be effective on January 1 immediately following the year in which this Ordinance is approved, subject to receipt by the System prior to such January 1 and approval by the System’s Board. Pursuant to TMRS Act §853.404, an increase in retirement annuities shall be made on January 1 of each subsequent year, provided that, as to such

subsequent year, the actuary for the System has made the determination set forth in TMRS Act §853.404(d), until this Ordinance ceases to be in effect as provided in TMRS Act §853.404(e).

Severability

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

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 9th day of September 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:


PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

CITY COUNCIL COMMUNICATION

Meeting Date:	9/9/2024	Agenda Item:	Resolution: A resolution of the Wharton City Council approving a Facilities Extension Agreement with CenterPoint Energy for Removal of Utility Service and Release of Easement at 500 S. Caney Dr. as part of the CDBG-DR Hurricane Harvey Buyout Contract #20-066-005-C034 and authorizing the Mayor of the City of Wharton to execute all documents related to the agreements.
<p>The City Staff has been working with CenterPoint Energy to terminate service to 500 S. Caney Dr., a property purchased through the CDBG-DR Hurricane Harvey Buyout Contract #20-066-005-C034.</p> <p>The removal of these facilities, per CenterPoint Energy’s estimate, will be \$2,640.00. The cost covers the removal of services to the property per the Facilities Extension Agreement and overhead work as required.</p> <p>It will also be required to release the utility easement to have the work finalized. The property is required to remain a greenspace and is not allowed to be developed in the future, so these utilities will not be needed.</p> <p>Attached are the Facilities Extension Agreement, Rut Letter Agreement, Release of Easement Application, and Draft Resolution.</p> <p>Director of Planning & Development Gwyn Teves will be present to answer any questions.</p>			
City Manager: Joseph R. Pace			Date: Thursday, September 5, 2024
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

DATE: September 3, 2024

FROM: Gwyneth Teves, Director of Planning & Development

TO: Honorable Mayor and City Council

SUBJECT: 500 S. Caney Dr. CenterPoint Facilities Extension Agreement for removal of services and release of easement

The City staff has been working with CenterPoint Energy to terminate service to 500 S. Caney Dr., a property purchased through the CDBG-DR Hurricane Harvey Buyout Contract #20-066-005-C034.

The removal of these facilities per CenterPoint Energy's estimate will be \$2,640.00. The cost covers the removal of services to the property per the facilities extension agreement and overhead work as required.

It will also be required to release the utility easement to have the work finalized. The property is required to remain a greenspace and is not allowed to be developed in the future, so these utilities will not be needed.

Attached are the Facilities Extension Agreement, Rut Letter Agreement, Release of Easement Application and Draft Resolution. It is my recommendation to approve these items at this time.

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

Rut Letter Agreement

Date: 9/3/2024

Fort Bend Service Center
4011 Avenue H
Rosenberg, TX; 77471

Dear CenterPoint Energy Customer:

Providing electrical service to your address in a timely manner is important to me and to our company. CenterPoint Energy Houston Electric, LLC (CenterPoint Energy) construction crews and/or our contractors will be doing construction on your Property at your request, as per the Service Outlet Location. While doing this construction, it may be necessary for large machinery, equipment and/or vehicles to enter the Property at the location designated below. Although this equipment is often heavy, CenterPoint Energy will make every effort to minimize ruts or damage to the Property. Unfortunately, the current condition of the Property makes it likely that ruts or damage will occur. CenterPoint Energy would normally defer construction until the Property is in a condition to properly support its vehicles and equipment, and would not proceed with construction under the current conditions without being fully released and indemnified should damage to the Property occur.

By electing below to proceed with construction under conditions that may cause ruts or damage to the Property, the Customer signing below agrees to **release, protect, indemnify, and hold CenterPoint Energy, its affiliates, officers, employees and contractors free and harmless from and against any and all claims, demands, causes of actions, suits, damages to property or other litigation (including all costs thereof and attorney's fees) (the Damages) of any kind and character arising in favor of any person(s), where such Damages are caused by or arise out of the construction activities of CenterPoint Energy employees or contractors upon the Property, and even where the damages are alleged to be caused by the negligence of CenterPoint Energy or its contractors.**



Please indicate your preference by initialing one of the following choices:

 CenterPoint Energy can proceed with the construction under current conditions that may cause ruts or damage to the Property.

 CenterPoint Energy may delay construction until the Property is in a condition to properly support its vehicles and/or the equipment necessary for construction.

Please return this form to me at your earliest convenience at the above address or fax to (281) 341-4991, or feel free to call me at (281) 341-4979 with any questions you might have.

Sincerely,

Oscar Uribe

Oscar Uribe
Service Consultant
Fort Bend Service Center

Customer*: _____ Date: 09/09/2024Print Name: Tim Barker Title: MayprConstruction Address (the Property): 500 S. Caney Drive, Wharton, TX

***If the person signing this Agreement is not the Owner of the Property, that Person must be authorized by the Owner to sign the Agreement.**



RELEASE OF EASEMENT APPLICATION FORM LAND MANAGEMENT

Item-6.

MAILING ADDRESS: CENTERPOINT ENERGY, 1111 LOUISIANA ST, 7TH FLOOR
HOUSTON, TX 77002
TELEPHONE: (713) 207-6348

STREET ADDRESS
FOR THE PROPERTY: 500 S. Caney Drive, Wharton, TX

09/09/2024

Date of Application

REQUESTOR INFORMATION: *(Print or Type Only)*

Tim Barker, Mayor City of Wharton

979-532-2491

Name: Individual

Company

Phone Number

120 E. Caney St.,

Wharton,

TX

77488

Address

City

State

Zip Code

E-mail Address: tbarker@cityofwharton.com

PROPERTY LEGAL DESCRIPTION (Including Recording References)

See attached

THE FOLLOWING INFORMATION MUST BE INCLUDED WITH THIS APPLICATION:

1. One (1) copy of a property survey or drawing **highlighting the easement(s) to be released**. Said survey or drawing must be legible, show clear details and include a north arrow.
2. If improvements are being made to the property (new building or additions to an existing building), three (3) copies of the site plan should be included.
3. A **non-refundable** processing fee made payable by check or money order to CenterPoint Energy must accompany this application before it can be processed. **Select service from rate schedule below:**

RATE SCHEDULE

- | | |
|--|-------------------|
| <input type="checkbox"/> Within 14 working days | \$600.00 |
| <input type="checkbox"/> Within 7 working days | \$900.00 |
| <input type="checkbox"/> Within 4 working days | \$1,300.00 |
| <input type="checkbox"/> Within 2 working days | \$2,600.00 |

The scheduled turnaround times are null & void if electrical/gas facilities are located within the easement to be released.

The submitted information will be reviewed to determine if the easement in question can be released, based on existing and/or future needs of CenterPoint Energy. If approved, we will prepare a recordable form instrument to be executed by the appropriate authority. The requestor will be provided with an original executed instrument for reference.

If facilities exist there will be a minimum of **5-6 weeks** for the release of easement process to be completed. If any CenterPoint Energy facilities require physical location, in the field, as part of the review process, an additional fee of \$250.00 per hour or a minimum fee of \$1,000.00, whichever is greater, must be paid within 10 working days of notice of said required work. Should the relocation of facilities be necessitated by said release, the cost of such relocation(s) will be borne by a party or parties other than CenterPoint Energy and must be paid before the release is granted. Also, the acquisition of new easements or the relocation/removal of facilities must be completed prior to CenterPoint Energy issuing a release of easement.

CenterPoint Energy will make every effort to expedite your request as we realize that the processing of your request may be delaying a closing, building permit, or other important transaction.

I certify that the information provided is accurate and I realize that any inaccuracy or missing information, including failure to sign below, may delay processing or invalidate this application.

Signature of Requestor

CenterPoint Energy Houston Electric, LLC
Applicable: Entire Service Area

CNP 8038

6.3 AGREEMENTS AND FORMS

6.3.1 FACILITIES EXTENSION AGREEMENTS

6.3.1.1 FACILITIES EXTENSION AGREEMENT FOR DISTRIBUTION VOLTAGE FACILITIES

This Facilities Extension Agreement for Distribution Voltage Facilities is entered into by and between City of Wharton,
herein called "Retail Customer" and CenterPoint Energy Houston Electric, LLC, herein called
"Company" (hereinafter referred to as Agreement) for the extension of Company's Delivery
System distribution voltage facilities, including temporary facilities (hereinafter referred to as
facilities extension or extension), as described herein.

This Agreement covers the facilities extension to Retail Customer location at _____
500 S. Caney, Wharton

The Company agrees to accept payment of \$2,640.00 Dollars
to be paid by the Retail Customer, as a Non-Refundable Construction Payment in connection
with the Retail Customer request to extend Company facilities to the above described location as
follows: WO 113573189 Removal of facilities for new construction. Easement will need to be released once
facilities have been removed. Please call 713-207-6348 survey & right of way for cost setup.

- Unless otherwise stated by Company in writing, the Non-Refundable Construction Payment amount above is valid for twelve months.

In consideration of said Non-Refundable Payment, to be paid to Company by Retail Customer prior to commencement of construction, Company agrees to install and operate lines and equipment necessary to distribute electric service to the identified location under the following General Conditions:

- Company shall at all times have title to and complete ownership and control over facilities installed by Company.
- Retail Customer must make satisfactory payment arrangements (if payment is required to extend Company facilities) and sign and return this Agreement before Company can proceed with the requested extension.

CenterPoint Energy Houston Electric, LLC
Applicable: Entire Service Area

CNP 8038

- Extension of service facilities is contingent on acquisition of all necessary easements and rights of way.

If the facilities extension requested by Retail Customer calls for construction of underground Delivery System facilities at distribution voltages, Retail Customer must also agree to Company's additional specifications and terms and conditions determined by Company for the construction of underground electric service facilities.

The Company's Tariff for Retail Delivery Service, on file with the Public Utility Commission of Texas, is incorporated into this Agreement, including without limitation Sections 5.2.1 (limitation of liability), 5.2.4 (force majeure), and 5.2.6 (disclaimer of warranties) thereof.

Nothing herein contained within this Agreement shall be construed as a waiver or relinquishment by Company of any right that it has or may hereafter have to discontinue service for or on account of default in the payment of any bill owing or to become owing thereafter for any other reason or cause stated in Company's Tariff.

This Agreement shall not be binding upon Company unless and until it is signed by an authorized representative of the Company.

CenterPoint Energy Houston Electric, LLC

City of Wharton

Retail Customer

By _____

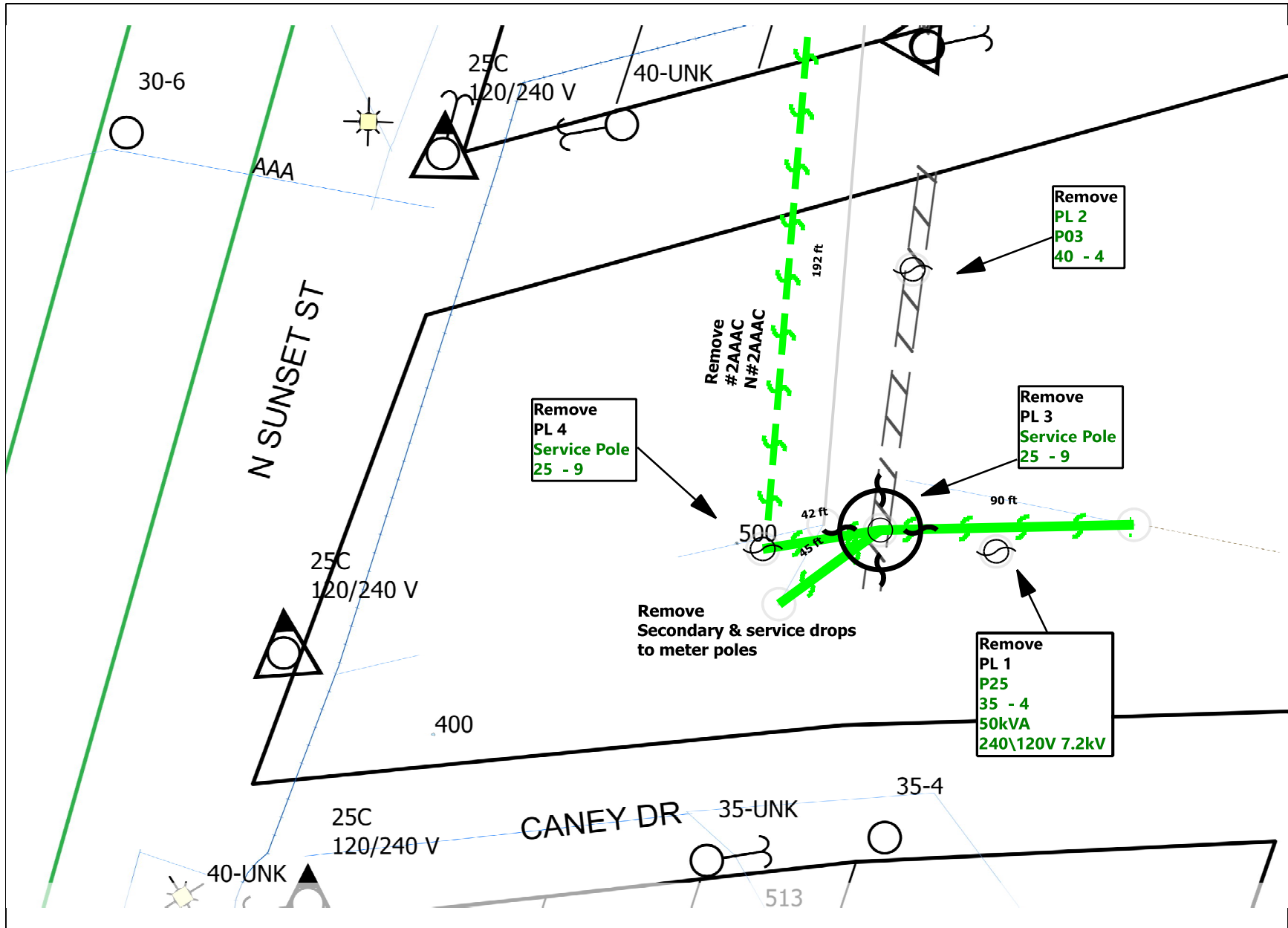
By _____

Oscar UribeTim Barker

(name printed or typed)

(name printed or typed)

Title Servcie ConsultantTitle MayorDate 09/03/2024Date 09/09/2024



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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A FACILITIES EXTENSION AGREEMENT WITH CENTERPOINT ENERGY FOR REMOVAL OF UTILITY SERVICE & RELEASE OF EASEMENT AT 500 S. CANEY DR. AS PART OF THE CDBG-DR HURRICANE HARVEY BUYOUT CONTRACT #20-066-005-C034 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE AGREEMENTS.

WHEREAS, The Wharton City Council wishes to approve and authorize CenterPoint Energy to remove electrical utilities & release the utility easement at 500 S. Caney Dr.; and,

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

WHEREAS, The Wharton City Council wishes to ratify and approve the City Staff to remit payment to CenterPoint Energy in the amount of \$2,640.00 for the cost to remove the services; and,

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

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

Section I. That the Wharton City Council hereby approves the Facilities Extension Agreement between the City of Wharton and CenterPoint Energy for the removal of electrical utilities & release of utility easement at 500 S. Caney Dr. as part of the CDBG-DR Hurricane Harvey Buyout Contract #20-066-005-C034.

Section II. The Wharton City Council hereby approves the City Staff to remit payment in the amount of \$2,640.00 to CenterPoint Energy to remove the service.

Section III. That the City of Wharton and CenterPoint Energy are hereby bound by the terms and conditions as set forth in the agreement.

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

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

Passed, Approved, and Adopted this 9th day of September 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:	9/9/2024	Agenda Item:	Resolution: A resolution of the Wharton City Council awarding a contract for Demolition, Hazardous Material Testing, and Abatement Services for Contract #20-066-005-C034 GLO CDBG DR Hurricane Harvey - Buyouts and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
<p>The City Staff solicited Scopes of Qualifications (SOQ) for demolition services in reference to the City of Wharton CDBG-DR Buyout Program. The City received seven (7) SOQs and identified the two most qualified to request bids for the above services.</p> <p>DSW & James W. Turner Construction both met with the City staff for a site walk and inspection on July 29, 2024, and submitted bids for review on August 6, 2024.</p> <p>It is the Staff’s recommendation that after reviewing the submittals, the contract for the demolition, testing, and abatement services be awarded to James W. Turner Construction.</p> <p>Attached for review are the bid submissions.</p> <p>Director of Planning & Development Gwyn Teves will be present to answer any questions.</p>			
City Manager: Joseph R. Pace			Date: Thursday, September 5, 2024
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

DATE: September 3, 2024

FROM: Gwyneth Teves, Director of Planning & Development

TO: Honorable Mayor and City Council

SUBJECT: Award Recommendation for City of Wharton CDBG-DR Buyout Program Demolition, Hazardous Material Testing & Abatement Services

The City Staff solicited Scopes of Qualifications (SOQ) for demolition services in reference to the City of Wharton CDBG-DR Buyout Program. The City received 7 SOQ and identified the two most qualified to request bids for the above services.

DSW & James W. Turner Construction both met with City staff for a site walk and inspection on July 29, 2024 and submitted bids for review on August 6, 2024.

It is the recommendation after reviewing the submittals that the contract for the demolition, testing and abatement services be awarded to James W. Turner Construction. Attached for review is the bid submissions.

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

Contractor	400 S Caney		Average Price
	Demo+Testing	Demo+Testing+Abatement	
JWTC	\$ 82,450.00	\$ 106,600.00	\$ 94,525.00
DSW	\$ 178,750.00	\$ 238,750.00	\$ 208,750.00

PLEASE USE PEN WITH BLUE OR BLACK INK TO RECORD FINAL RANKING
CONSULTANT SELECTION COMMITTEE RATING SHEET

SPONSOR City of Wharton
 Program: CDBG DR Buyout Demolition

2/12/2024

ENGINEERING FIRMS

RATING CRITERIA		MAX POINTS	DSW	Sitek	Grant	Albo	C4	JW Turner	Triple J
1	Relevance of Past Projects	50	47	30	44	29	21	49	37
2	Qualifications of Personnel	25	22	16	20	15	13	24	47
3	Project Understanding & Advantages	25	23	21	23	19	14	24	47
TOTAL		100	92	66	87	63	47	97	69

COMMENTS:

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

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR DEMOLITION, HAZARDOUS MATERIAL TESTING & ABATEMENT SERVICES FOR CONTRACT #20-066-005-C034 GLO CDBG DR HURRICANE HARVEY - BUYOUTS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Bids were received for demolition, hazardous material testing & abatement services at 400 S. Caney St.; and,

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

WHEREAS, The Wharton City Council wishes to award a contract to _____ for demolition, hazardous material testing & abatement services in the amount of \$ _____; and,

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

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute 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 demolition, hazardous material testing & abatement services at 400 S. Caney St. to _____ in the amount of \$ _____.

Section II. The City of Wharton and _____ 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 9th day of September 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:	9/9/2024	Agenda Item:	Pay Request No. 2 from Capital Underground Utilities for the Titus Express Carwash Waterline Extension.
<p>Attached you will find Pay Request No. 2 from Capital Underground Utilities for the Titus Express Carwash Waterline Extension in the amount of \$42,935.39.</p> <p>Director of Planning & Development Gwyn Teves will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, September 5, 2024	
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

DATE: September 3, 2024

FROM: Gwyneth Teves, Director of Planning & Development

TO: Honorable Mayor and City Council

SUBJECT: Recommendation for payment to Capital Underground Utilities for Pay Estimate No. 2 for the Titus Express Carwash Waterline Extension

The City Council awarded a contract for construction Capital Underground Utilities for the Titus Express Carwash Waterline Extension.

Pay Estimate No. 2 has been sent and a recommendation for payment by the engineer is attached.

It is my recommendation that the City Council approve Pay Estimate 2 for \$42,935.39 and issue payment.

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



August 29, 2024

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

Re: Construction of Titus Express Car Wash Waterline Extension
City of Wharton

Dear Ms. Teves:

Enclosed is Application and Certificate for Payment No. 2 from Capital Underground Utilities, LLC for the referenced project. This application covers construction activities for the referenced project during the period from June 16, 2024 to August 15, 2024. During this period, the Contractor installed a flush valve, installed the 12-inch, 8-inch and 6-inch plug and clamps, abandoned the 12-inch, 8-inch and 6-inch waterlines, replaced sidewalk concrete, asphalt and curbs, and restored the site. The estimate is in order and we recommend payment in the amount of \$42,935.39 to Capital Underground Utilities, LLC.

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

The project is now 99 % complete by total contract value and 167% complete by total contract time. The current contractual Substantial Completion date is July 6, 2024.

Sincerely,

A blue ink signature of Don M. Durgin, written in a cursive style.

Don M. Durgin, PE

DMD:mg/dbr

K:\05135\05135-0257-01 Titus Car Wash Waterline Extension\3 Construction Phase\Pay Estimates\Pay Estimate 2

Enclosure

cc: Mr. Joseph Pace – City of Wharton
Mr. Rodrick Semien – City of Wharton
Mr. Horacio Luna – Capital Underground Utilities, LLC

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER/CLIENT:

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

PROJECT:

Titus Express Car Wash Waterline
Extension
1601 N Richmond Road
Wharton, Texas 77488

APPLICATION NO: 02

INVOICE NO: 02

DISTRIBUTION TO:

PERIOD: 6/16/2024 – 8/15/2024

PROJECT NOS: 05135-0257-01

FROM CONTRACTOR:

Capital Underground Utilities, LLC
918 Tassell St,
Houston, Texas 77076 United States

VIA ENGINEER

Don Durgin - Quiddity Engineering, LLC
6330 W Loop South
Suite 150
Bellaire, Texas 77401

CONTRACT DATE:

4/30/2024

CONTRACT FOR: Construction of Titus Express Car Wash Waterline Extension

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	\$145,000.00
2.	Net change by change orders	\$11,625.99
3.	Contract sum to date (line 1 ± 2)	\$156,625.99
4.	Total completed and stored to date (Column G on detail sheet)	\$154,465.99
5.	Retainage	
	a. 10.00% of completed work	\$15,446.60
	b. 10.00% of stored material	\$0.00
6.	Total earned less retainage (Line 4 less Line 5 Total)	\$139,019.39
7.	Less previous certificates for payment (Line 6 from prior certificate)	\$96,084.00
8.	Current payment due	\$42,935.39
9.	Balance to finish, including retainage (Line 3 less Line 6)	\$17,606.60

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: Capital Underground Utilities, LLC

By:



Date:

8/30/24

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:

\$42,935.39

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	\$5,850.00	\$0.00
Total approved this Month:	\$5,775.99	\$0.00
Totals:	\$11,625.99	\$0.00
Net changes by change order:	\$11,625.99	

ENGINEER:

By:




Date:

08/30/2024

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:	9/9/2024	Agenda Item:	Pay Request No. 15 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction.
<p>Attached you will find Pay Request No. 15 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction in the amount of \$15,712.07.</p> <p>Director of Planning & Development Gwyn Teves will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, September 5, 2024	
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

DATE: September 3, 2024

FROM: Gwyneth Teves, Director of Planning & Development

TO: Honorable Mayor and City Council

SUBJECT: Recommendation for payment to E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction Pay Estimate No. 15

The City Council awarded a contract for construction to E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction.

Pay Estimate No. 15 has been sent and recommendation for payment by the engineer is attached.

It is my recommendation that the City Council approve the invoice in the amount of \$15,712.07 and recommend payment of the invoice so that current outstanding subcontractor invoices can be taken care of for materials provided.

The City will be holding the retainage of \$139,606.31 pending the completion of the punch list items and deficiencies identified since the well has been online. A final payment request and substantial completion will be brought before the Council when these items are completed.

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



August 22, 2024
AVO 31934.001

Mr. Roderick Semien
City of Wharton
120 E. Caney Street
Wharton, TX, 77488

RE: Wharton Well and Water Plant
Contract No. 1
Pay Estimate No. 15 – April 2024-May 2024

Dear Mr. Semien,

E-Contractor USA, LLC has submitted the following pay estimate for the above-referenced project:

Pay Estimate No.: 15
Dated: 6/03/2024
For Work Period: 4/21/2024 through 5/20/2024
Balance Due: \$15,712.07

Halff reviewed the estimate and recommend it for payment. Estimate was for approved change orders late in the project

Please call me at 713-380-4358 if you have any questions or comments.

Sincerely,
HALFF ASSOCIATES, INC.

Jim Miller, PE
Team Leader

A handwritten signature in black ink, appearing to read "Jim Miller", is written over a light blue horizontal line.

cc: Gwyneth Teves, City of Wharton
Amy Horelica, City of Wharton
Megan Morris, USDA
Eric Caudill, City Inspector
Jim Miller P.E., Halff Construction Manager

TO OWNER/CLIENT:

City of Wharton
120 East Caney Street
Wharton, Texas 77488

PROJECT:

COW-Wharton Well & Water Plant
240 CR 222
Wharton, Texas 77488

APPLICATION NO: 15

INVOICE NO: 15

PERIOD: 04/21/24 - 05/20/24

PROJECT NO: 20-0200

CONTRACT DATE: 07/20/2021

PURCHASE ORDER NO: CFDA No. 10.760

Item-9.

FROM CONTRACTOR:

E Contractors USA LLC
16554 Creek Bend Drive Suite 200
Sugar Land, Texas 77478

VIA ARCHITECT/ENGINEER:

CONTRACT FOR: COW-Wharton Well & Water Plant Prime Contract
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	\$ 2,600,000.00
2. Net change by change orders	\$ 208,663.20
3. Contract sum to date (line 1 ± 2)	\$ 2,808,663.20
4. Total completed and stored to date (Column G on detail sheet)	\$ 2,808,663.20
5. Retainage:	
a. 5.00% of completed work:	\$ 140,433.27
b. 0.00% of stored material:	\$ 0.00
Total retainage (Line 5a + 5b or total in column I of detail sheet)	\$ 140,433.27
3. Total earned less retainage (Line 4 less Line 5 Total)	\$ 2,668,229.93
7. Less previous certificates for payment (Line 6 from prior certificate)	\$ 2,652,517.86
3. Current payment due:	\$ 15,712.07
3. Balance to finish, including retainage (Line 3 less Line 6)	\$ 140,433.27

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	\$ 205,128.17	(\$13,004.00)
Total approved this Month:	\$ 19,249.89	(\$2,710.86)
Totals:	\$ 224,378.06	(\$15,714.86)
Net change by change orders:	\$ 208,663.20	

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: E Contractors USA LLC

By: Leslie BinghamState of: TexasCounty of: Fort Bend

Subscribed and sworn to before

me this

3rd

day of

June, 2024Date: 06-03-24Notary Public: Leslie BinghamMy commission expires: 8/25/25**ARCHITECT'S/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 Architect's/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:

\$ 15,712.07

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to confirm to the amount certified)


ARCHITECT/ENGINEER:

By: [Signature]Date: 8/22/2024

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:	9/9/2024	Agenda Item:	Official Ballot of the Texas Municipal League (TML) Region 14 Director Election.
<p>Attached is the Official Ballot of the Texas Municipal League (TML) Region 14 Director Election.</p> <p>Officials listed on the ballot are as follows:</p> <ol style="list-style-type: none"> 1. Frank W. Robinson, Councilmember, Shenandoah. 2. Joe Zimmerman, Mayor, Sugarland (Incumbent). 			
City Manager: Joseph R. Pace		Date: Thursday, September 5, 2024	
Approval: 			
Mayor: Tim Barker			



OFFICIAL BALLOT

Texas Municipal League (TML) Region 14 Director Election

This is the official ballot for the election of the Region 14 director of the TML Board of Directors. You received this ballot because you are the city's primary contact person with TML. Each TML member city is entitled to one vote, which vote must be cast by a majority vote of the city's governing body. Please record your city's choice by placing an "X" in the square beside the candidate's name or writing in the name of an eligible person in the space provided. You can only vote for one candidate.

The officials listed on this ballot have been nominated to serve a two-year term on the TML Board of Directors. A brief biography for each candidate is included after the ballot.

Ballots must reach the TML office by 5:00 p.m. Central Time on October 3, 2024. Ballots received after this date cannot be counted. **The ballot must be properly signed and mailed to: Rachael Pitts, Texas Municipal League, 1821 Rutherford Lane, Suite 400, Austin, TX 78754, or scanned and emailed to rpitts@tml.org. If the ballot is not signed, it will not be counted.**

Region 14 Director (select one)

☐

Frank W. Robinson, Councilmember, Shenandoah

☐

Joe Zimmerman, Mayor, Sugar Land (Incumbent)

Certificate

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the city named below.

Witness my hand, this _____ day of _____, 2024.

Signature of Authorized Official

Title

Printed Name of Authorized Official

Printed Name of City

Region 14 Director Candidate Biographies



Frank W. Robinson, Councilmember, Shenandoah

Frank W. Robinson, BA, MPA, ICMA-CM (Retired) is an elected member of the City of Shenandoah City Council and an accomplished public administrator. He holds a bachelor's degree from the University of North Texas and a Master of Public Administration degree from Sam Houston State University. After 38 years of public service, 29 of those years as a chief administrative officer and city manager in Texas and California, Mr. Robinson retired in 2017. Mr. Robinson began his public service career as a police officer in Denton, eventually receiving an appointment as chief of police in the City of West University Place before transitioning to city management. He is best known for his role in the development of The Woodlands downtown. Mr. Robinson served 14 years as the president and township manager for The Woodlands Township (formerly known as the Town Center Improvement District of Montgomery County). Mr. Robinson led the organization through visioning and goal setting to define the Township's vision and mission as a local government focused on creating public benefit. In 2020, Frank came out of retirement to assist the City of Conroe in the position of downtown manager and implemented the newly adopted *Downtown Conroe Development Plan* that promotes the historical preservation and economic development of downtown Conroe. Mr. Robinson successfully attracted new entertainment and dining venues to the downtown's central business district, brought in an estimated \$54 million in new development investment, and facilitated the recertification of Conroe as a Texas Main Street Community and receiving the coveted cultural district designation by the Texas Commission on the Arts. In January 2023, Mr. Robinson retired once again and was elected to the City of Shenandoah's City Council in May 2024. He remains an active member of the Texas City Managers Association.




Joe Zimmerman, Mayor, Sugar Land (Incumbent)

Mayor Zimmerman was elected the 10th mayor of Sugar Land on June 11, 2016, after serving four years as the at-large, position 2, city councilman. He is currently serving his fourth and final term as mayor. He serves on the Finance & Audit, Economic Development and Intergovernmental Relations Committees of the City of Sugar Land and is the City's representative on the HGAC Board and Transportation Policy Council. He is a past president of Texas Municipal League (TML) Region 14 and currently represents Region 14 on the TML Board of Directors. Mr. Zimmerman is a Senior Consultant for Halff Associates, Inc., a Texas-based civil engineering consulting firm founded in 1950. He has extensive business experience, having served in senior management positions in a number of different industries. Mr. Zimmerman earned his BSCE from the University of Houston, an MBA from Houston Baptist University, and is a licensed professional engineer in the State of Texas. He and his wife of 48 years, Nancy, have lived in Sugar Land since 1990 and are active members of Second Baptist Church Woodway. Their daughter, Allison, her husband Chris Wallace, granddaughter Emmy and grandson Campbell live in Houston.

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

CITY COUNCIL COMMUNICATION

Meeting Date:	9/9/2024	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> Ms. Debbie Folks from the Beautification Commission.</p> <p><u>Appointments:</u> Mr. Gary Nunez to the Planning Commission.</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. Planning Commission. E. Plumbing and Mechanical Board. F. Wharton Economic Development Corporation. 			
City Manager: Joseph R. Pace		Date: Thursday, September 5, 2024	
Approval: 			
Mayor: Tim Barker			



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

MEMORANDUM

Date: September 4, 2024

From: Nathan Vogt, Code Enforcement Officer

To: Joseph Pace, City Manager
City of Wharton Council Members

Subject: Membership Changes to the Beautification Commission.

As of September 4, 2024, changes to the Beautification Commission include, one new seat opening due to membership being vacated voluntarily by Commissioner Debbie Folks.

Please find attached a copy of her resignation notice. The Beautification Commission has no recommendation to fill in the vacancy as of this moment.



City of Wharton

120 E. Caney Street ° Wharton, TX 77488

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

Date: September 3, 2024

From: Gwyneth Teves, Director of Planning & Development

To: Honorable Mayor and City Council

Subject: Planning Commission Appointment

Mr. Gary Nunez has requested to be appointed to the Planning Commission. Mr. Nunez is a City of Wharton resident and has been an avid participant in many of the City's programs and local organizations. Mr. Nunez has previously served on the Building Standards Commission, Airport Board, and the Wharton Housing Finance Corporation.

It is my recommendation that Mr. Nunez be considered for appointment to the Planning Commission.

If you have any questions, please contact me at City Hall (979) 532-4811, Ext. 238.

**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, 2026	
Jimmy Zissa	June 30, 2026	
Glenn Erdelt	June 30, 2026	
BEAUTIFICATION COMMISSION	TWO YEAR TERM	Reappointment
Vacant	June 30, 2026	
Vacant	June 30, 2026	
Vacant	June 30, 2026	
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, 2026	
Howard Singleton	June 30, 2026	
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, 2026	
Milton Barbee	June 30, 2026	
Hector Hernandez- Fire Marshal		
HOLIDAY LIGHT DECORATING CHAIRMAN	TWO YEAR TERM	Reappointment
Tim Barker	June 30, 2026	
MAYOR'S COMMITTEE ON PEOPLE WITH DISABILITIES	TWO YEAR TERM	Reappointment
Johnnie Gonzales	June 30, 2026	

Vacant	June 30, 2026	
Vacant	June 30, 2026	
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, 2026	
VETERINARIAN	TWO YEAR TERM	Reappointment
Dr. Cody Pohler, DVM	June 30, 2026	
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	
Vacant	June 30, 2026	
Adraylle Watson	June 30, 2026	
Michael Wootton	June 30, 2026	
Vacant	June 30, 2026	
PLUMBING AND MECHANICAL BOARD	TWO YEAR TERM	Reappointment
Vacant	June 30, 2026	
Vacant	June 30, 2025	
Vacant	June 30, 2026	
Robert Sanchez	June 30, 2025	
Vacant	June 30, 2026	
Claudia Velasquez, Building Official - ExOfficio		
Public Works Director Roderick Semien- 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:	9/9/2024	Agenda Item:	City Council Boards, Commissions, and Committee Reports: A. Finance Committee meeting held August 26, 2024.
Attached you will find the reports from the above-mentioned Committees.			
City Manager: Joseph R. Pace		Date: Thursday, September 5, 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: August 27, 2024

From: City Council Finance Committee

To: Mayor & City Council

Subject: Report/Recommendations from the meeting held August 26, 2024

At the August 26, 2024, City Council Finance Committee Meeting, the Committee met and discussed the following items:

1. Review & Consider: Minutes from the meeting held July 22, 2024.
2. Review & Consider: Ordinance: An ordinance amending the City of Wharton Code of Ordinances, Chapter 86, Sections 86-15, 86-16, 86-17, and 86-21, Utilities and Services, Article I in General; Providing that a violation of the ordinance or any part of the Code as adopted hereby shall constitute a penalty upon conviction of a fine; Providing a savings clause and revoking all ordinances or parts of ordinances in conflict herewith only to the extent same are in conflict herewith otherwise provided herein. The Committee voted to recommend this item to the City Council for consideration.
3. Review & Consider: Green for Life (GFL) Rate Modification to the Solid Waste Collection and Disposal Service Franchise Agreement:
 - A. Resolution: A resolution of the Wharton City Council approving Amendment No. 5 to the Franchise Agreement for Solid Waste Collection Services with Green for Life (GFL) and authorizing the Mayor of the City of Wharton to execute said agreement.
 - B. Ordinance: An ordinance repealing and replacing the City of Wharton Code of Ordinances, Chapter 86 Utilities and Services, Article III, Solid Waste Disposal Exhibit A, providing that a violation of the ordinance or any part of the Code as adopted hereby shall constitute a penalty upon conviction of a fine and setting an effective date. The Committee voted to recommend this item to the City Council for consideration.

4. Review & Consider: Resolution: A resolution of the Wharton City Council approving a one-year extension for the City of Wharton Bank Depository Services and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. The Committee voted to recommend this item to the City Council for consideration.
5. Review & Consider: Resolution: A resolution of the Wharton City Council authorizing the purchase of a vehicle for the City of Wharton Police Department and authorizing the City Manager to execute all documents related to said purchase. The Committee voted to recommend this item to the City Council for consideration.
6. Review & Consider: Resolution: A resolution of the Wharton City Council authorizing the City Manager to purchase three (3) vehicles for the City of Wharton Public Works Department from Cameron Country Dodge through Buyboard Co-operative and authorizing the City Manager to execute all documents related to said purchase. The Committee voted to recommend this item to the City Council for consideration.
7. Review & Consider: Resolution: A resolution of the Wharton City Council authorizing the purchase of a vehicle for the Wharton Emergency Medical Services Department and authorizing the City Manager to execute all documents related to said purchase. The Committee voted to recommend this item to the City Council for consideration.

Adjournment.