



**CITY OF WHARTON
PARKS & RECREATION COMMITTEE MEETING**

**Monday, March 13, 2023
6:15 PM**

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

**NOTICE OF
CITY OF WHARTON
PARKS & RECREATION COMMITTEE MEETING**

Notice is hereby given that a Parks & Recreation Committee Meeting will be held on Monday, March 13, 2023 at 6:15 PM at the Wharton City Hall, 120 East Caney Street, Wharton, Texas, at which time the following subjects will be discussed to-wit:

SEE ATTACHED AGENDA

Dated this 9th day of March 2023.

By: 
Joseph R. Pace, City Manager

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Parks & Recreation Committee 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 March 9, 2023, at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

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

Dated this 9th day of March 2023.

CITY OF WHARTON

By: 
Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
Parks & Recreation Committee Meeting
Monday, March 13, 2023
City Hall - 6:15 PM

Call to Order.

Roll Call.

Public Comments.

Review and Consider:

1. Minutes from the meeting held on February 27, 2023.
2. Resolution: A resolution of the Wharton City Council approving a lease agreement between the City of Wharton and Hessed House of Wharton for use of the Dickson Rowan House located in Dinosaur Park, 421, 421A, 421B, 501 and 505 Colorado Street and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement.

Adjournment.

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

PARKS & RECREATION COMMITTEE

Meeting Date:	3/13/2023	Agenda Item:	Minutes from the meeting held on February 27, 2023.
Attached are the minutes from the meeting held on February 27, 2023.			
City Manager: Joseph R. Pace		Date: Thursday, March 9, 2023	
Approval: 			
Mayor: Tim Barker			

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL PARKS AND RECREATION COMMITTEE MEETING
City Hall, 120 East Caney Street, Wharton, Texas
Monday, February 27, 2023
5:30 p.m.**

Assistant City Manager, Paula Favors, declared a meeting of the City Council Parks and Recreation Committee duly open for the transaction of business at 5:32 p.m.

Committee Members present: Councilmember, Russell Machann; Councilmember, Steven Schneider and Councilmember, Terry Freese.

Committee Member absent: None.

Council Member present: None.

Staff Members present: Assistant City Manager, Paula Favors; Assistant to the City Manager, Brandi Jimenez; Finance Director, Joan Andel; Public Works Director, Anthony Arcidiacono; Building Official, Claudia Velasquez; Code Enforcement Officer, Nathan Vogt and Facilities Maintenance Director, Bob Baker via phone.

Staff Members absent: City Manager, Joseph R. Pace.

Visitors present: Beautification Commissioner, Adraylle Watson.

Public comments. There were no public comments.

The first item on the agenda was to review and consider minutes from the meeting held May 9, 2022. Councilmember, Russell Machann, made a motion to approve the minutes as presented. Councilmember, Steven Schneider, seconded. All voted in favor.

The second item on the agenda was to review and consider Resolution: A resolution of the Wharton City Council accepting the Bay Area Council on Drugs & Alcohol (BACODA) Grant Agreement awarding \$61,700.13 towards installation of equipment and fencing for a dog park. Building Official, Claudia Velasquez, stated to the Committee that on January 18, 2023, the Bay Area Council on Drugs & Alcohol (BACODA) announced that they would fully fund the Beautification Commission Dog Park Project in the amount of \$61,700.13. She stated that the City Council approved to implement and fundraise for the Dog Park in an existing City Park in January 2022. She stated that the Beautification Commission and City Liaison had received notification that the project had been selected for award and funding. After some discussion, Councilmember, Russell Machann, made a motion to recommend to the City Council to approve the acceptance of the grant from

the Bay Area Council on Drugs & Alcohol (BACODA) in the amount of \$61,700.13 to go toward the installation of equipment and fencing. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider Resolution: A resolution of the Wharton City Council awarding a contract for the installation of fencing and equipment for the Dog Park and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Building Official, Claudia Velasquez, stated to the Committee that on January 10, 2022, the City Council had approved to implement and fundraise for a Dog Park in an existing City Park. She stated with fundraising efforts and assistance from the Bay Area Council on Drugs & Alcohol (BACODA) the Dog Park would be fully funded to build the Dog Park located at 900 N. Fulton. She stated three proposals were received.

The following proposals were received:

1. Kraftsman Commercial Playgrounds & Equipment-\$56,793.38.
2. Dog On It Parks-\$68,080.00
3. Adventure Playground Systems-\$87,957.80

She stated that the City Staff was recommending Kraftsman Commercial Playgrounds & Water Parks for the purchase of the equipment and installation for the Dog Park. After some discussion, no action was taken.

The fourth item on the agenda was adjournment.

The meeting adjourned at 6:01 p.m.

Joseph R. Pace, City Manager

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

PARKS & RECREATION COMMITTEE

Meeting Date:	3/13/2023	Agenda Item:	Resolution: A resolution of the Wharton City Council approving a lease agreement between the City of Wharton and Hesed House of Wharton for use of the Dickson Rowan House located in Dinosaur Park, 421, 421A, 421B, 501 and 505 Colorado Street and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement.
<p>On September 9, 2019, the Wharton City Council approved a lease agreement with Hesed House of Wharton, a nonprofit 501(c) 3 organization, for the lease of the Dickson Rowan House at Dinosaur Park. The Hesed House has been providing numerous services to the community since opening as outlined in the original lease agreement beginning November 13, 2018.</p> <p>On April 26, 2021, Ms. Konvicka, presented a proposal to the City Council Parks and Recreation Committee and City Council for an expansion of services and extension of the current lease to include the three adjoining houses at 421, 421A & 421B Colorado Street owned by the City of Wharton. The City Council approved a new lease with Hesed House of Wharton Texas to include the houses at Dinosaur Park, 421, 421A & 421B Colorado Street for a term of ten (10) years with a one (1) time renewal of five (5) years.</p> <p>The programs and funding at the Hesed House have been growing daily and it is the intent of Hesed House to further expand services, if approved, to include the adjoining properties of 501 and 505 Colorado Street to the lease to incorporate a new technology center and provide possible space for the Wharton County Recovery Team in times of need.</p> <p>It has also been requested to expand the lease to a twenty-five (25) year term to provide more stability to the funders who are generously providing funds to continue the programs and expansion that we have seen on the property. There would be a twelve (12) month termination clause to allow for the move and set up of the services at a new location or termination of the program if this was ever to happen.</p> <p>City Attorney, Paul Webb, has reviewed the lease and has recommended a six (6) month termination clause, but Hesed House and their board are requesting the twelve (12) month termination time remain. Mr. Webb had no other recommendations for modifications and approved the remainder of the lease.</p> <p>Attached are the draft resolution and draft lease.</p> <p>Director of Planning & Development, Gwyn Teves, will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, March 9, 2023	
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

DATE: March 8, 2023
FROM: Gwyneth Teves, Director of Planning & Development
TO: Honorable Mayor and City Council
SUBJECT: Expansion and modification to Lease with Hesed House of Wharton

On September 9, 2019, the Wharton City Council approved a lease with Hesed House of Wharton, a nonprofit 501(c)3 organization, for the lease of the Dickson Rowan House at Dinosaur Park. The Hesed House has been providing numerous services to the community since opening as outlined in the original lease agreement beginning November 13, 2018.

On April 26, 2021, Ms. Konvicka presented a proposal to the City Council Parks and Recreation Committee and City Council for an expansion of services and extension of the current lease to include the three adjoining houses at 421, 421A & 421B Colorado Street owned by the City of Wharton. The City Council approved a new lease with Hesed House of Wharton Texas to include the houses at Dinosaur Park, 421, 421A & 421B Colorado Street for a term of ten (10) years with a one (1) time renewal of five (5) years.

The programs and funding at the Hesed House have been growing daily and it is the intent of Hesed House to further expand services is approved to include the adjoining properties of 501 & 505 Colorado Street to the lease to incorporate a new technology center and provide possible space for the Wharton County Recovery Team in times of need.

It has also been requested to expand the lease to a twenty-five (25) year term to provide more stability to the funders who are generously providing funds to continue the programs and expansion that we have seen on the property. There would be a twelve (12) month termination clause to allow for the move and set up of the services at a new location or termination of the program if this was ever to happen.

City Attorney, Paul Webb, has reviewed the lease and has recommended a six (6) month termination clause, but Hesed House and their board are requesting the twelve (12) month termination time remain. Mr. Webb had no other recommendations for modifications and approved the remainder of the lease.

Attached are the draft resolution and draft lease.

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

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF WHARTON §

LEASE AGREEMENT

This lease, made this ___ day of _____ 2023, by and between the CITY OF WHARTON, TEXAS, a municipal corporation, hereinafter referred to as Lessor, and the Hased House of Wharton, Inc., a nonprofit corporation of Wharton County, Texas, hereinafter referred to as Lessee:

WITNESSETH:

That for and in consideration of the rentals of One Dollar (\$1.00) per year to be paid, and the mutual covenants herein contained, Lessor does hereby lease to Lessee the following described premises as is, situated in the City of Wharton, Wharton County, Texas, to – wit which will be open to the public and for the benefit of the public:

That certain building known as the Dickson -Rowan House, located in Dinosaur Park a part of Riverfront Park, Colorado Street, in the City of Wharton, Wharton County, Texas.

421 Colorado St., WHARTON BLOCK 60 LOT 5

421A Colorado St., WHARTON BLOCK 60 LOT 5-1

421B Colorado St., WHARTON BLOCK 60 LOT 5C

501 Colorado St., WHARTON BLOCK 60 LOT 4

505 Colorado St., WHARTON BLOCK 60 LOT 1A, 2A, 3, 3A

TO HAVE AND TO HOLD the demised premises unto Lessee, from the ___ day of _____ 2023, for and during the full term of twenty-five (25) years and terminating the ___ day of _____ 2048. This lease shall be renewable for one (1) term of ten (10) years upon mutual agreement of both parties. Should one party choose not to extend the lease, the other party shall receive one hundred eighty (180) days’ notice. As consideration for the granting of said lease, Lessee shall, in lieu of paying actual cash, do and perform the following:

Lessee shall keep the buildings and premises in a clean and neat order and perform all minor repairs at Lessee's sole cost and expense during the twenty-five (25) year term of this lease.

Minor repairs to be defined as repairs not to exceed \$1500.00 per repair. Any repairs over and above that amount shall be discussed with the City Manager and decision made regarding those repairs between the Lessee and the Lessor. Such improvements shall be made at the sole discretion of Lessee.

I.

Lessor or Lessee reserves the right to cancel and terminate this lease at any time during the term hereof provided a one (1) year notice is given to the other party.

II.

Lessee does further agree to pay all utility charges, if any, as may be charged to the Lessee because of the Lessee's operation of facilities upon the above-described premises, except for any charges for water and sewer which will be paid for by Lessor.

III.

It is further agreed between the Lessor and Lessee that all buildings and improvements thereto located on the above-described premises may not be removed from said premises upon termination of this lease agreement, and further provided that upon termination of this lease that Lessee will leave the building and the premises in a clean, neat, and orderly condition.

IV.

Lessee further agrees to keep the grounds of the leased premises neat and clean, free of paper and other debris and keep the landscape and grass mowed and trimmed and to keep the sidewalks, alleys, parking lot, or passageways contiguous or appurtenant to said premises in good repair.

V.

Lessee agrees to indemnify and forever hold harmless the Lessor against each and every claim, demand or cause of action that may be made or come against it by reason of or in any way arising out of any defect or imperfection in any of the improvements which Lessee may erect or which have been erected upon the above described premises, or any failure to repair the same, and also against every claim, demand or cause of action the Lessor by reason of any liability that is or may be imposed on it as owner of said premises, under the laws of the state or any other law or federal regulation, or on account of any

defect, imperfection or failure to repair Lessee' s improvements or on account of any act or omission of the Lessee, as tenant and occupier of said premises in or about the same or because of the Lessee' s operation of its business on said premises. Lessee shall obtain liability insurance with the City of Wharton as a Certificate Holder and additional insured. Lessor shall also be notified within 30 days of cancellation.

VI.

The Lessee may not sub-lease said premises for any purposes.

VII.

Such property and buildings shall be used and occupied by the Hased House of Wharton, Inc. for yoga, counseling, teaching and other functions in connection with the promotion of Community Wellness in the Wharton area open to the public, if not so used, this lease shall terminate.

VIII.

In the normal course of business, the Lessee shall be entitled to host public and private events without need for approval from the Lessor. Lessee shall comply with all applicable state and local liquor laws and regulations. Alcohol will not be allowed in Dinosaur Park without prior written approval per City of Wharton Ordinance Chapter 54 – Parks and Recreation, Section 54-12.

IX.

Lessee shall not make any major structural changes or alterations to said building **without first obtaining written permission from the City Manager** of the City of Wharton, Texas.

X.

In the event that the property herein leased shall be destroyed by fire or act of God, the Lessor is under no obligation to rebuild the property and this lease shall terminate upon destruction of the property.

XI.

This lease may be renewed by mutual consent of the parties upon the termination of the original terms of this lease.

XII.

Lessee does further agree to abide by all of the ordinances enacted by the City of Wharton, Texas.

EXECUTED IN DUPLICATE ORIGINALS this 13th day of March 2023.

CITY OF WHARTON, TEXAS

BY: _____
TIM BARKER, Mayor
LESSOR

ATTEST:

PAULA FAVORS
City Secretary

HESED HOUSE OF WHARTON, INC.

BY: _____
LAUREN LATHON, President
LESSEE

DRAFT

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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF WHARTON AND HESED HOUSE OF WHARTON FOR USE OF THE DICKSON ROWAN HOUSE LOCATED IN DINOSAUR PARK, 421, 421A, 421B, 501 & 505 COLORADO STREET AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The City of Wharton wishes to approve a lease agreement with Hased House of Wharton and to enter into said agreement as per the requirements set forth in said agreement (Attachment A.); and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute a lease agreement with Hased House of Wharton.

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

Section I. That the City Council hereby approves the lease agreement for twenty-five (25) years with one (1) renewal term of ten (10) years in accordance with the lease agreement between the City of Wharton and Hased House of Wharton.

Section II. That the City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute the lease agreement with Hased House of Wharton.

Section III. That the City of Wharton and Hased House of Wharton are hereby bound by the conditions set forth in the agreement.

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

Passed, Approved, and Adopted this 13th of March 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary