



**CITY OF WHARTON
CITY COUNCIL REGULAR MEETING**

**Monday, December 12, 2022
7:00 PM**

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

**NOTICE OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING**

Notice is hereby given that a City Council Regular Meeting will be held on Monday, December 12, 2022 at 7:00 PM at the Wharton City Hall, 120 East Caney Street, Wharton, Texas, at which time the following subjects will be discussed to-wit:

SEE ATTACHED AGENDA

Dated this 8th day of December 2022.

By: 
Tim Barker, Mayor

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Council Regular Meeting is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board, at City Hall of said City or Town in Wharton, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on December 8, 2022, at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

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

Dated this 8th day of December 2022.

CITY OF WHARTON

By: 
Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
City Council Regular Meeting
Monday, December 12, 2022
City Hall - 7:00 PM

Call to Order –Opening Devotion –Pledge of Allegiance.

Roll Call and Excused Absences.

Public Comments.

Wharton Moment.

Review and Consider:

1. Reading of the minutes from the regular meetings held November 14, 2022 and November 28, 2022.
2. Expiration of 60-day extension of Variance for Temporary Placement of Travel Trailer for Temporary Housing for 517 Black Street and recommendation for next steps.
3. Resolution: A resolution of the Wharton City Council approving the lease of an Elgin Broom Bear Truck from Kinloch Equipment & Supply, Inc., and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
4. Resolution: A resolution of the Wharton City Council approving a contract for Ambulance Transfers with OakBend Medical Center and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
5. Resolution: A resolution of the Wharton City Council approving a Permanent Access Easement between the City of Wharton and Kansas City Southern Railroad to provide construction and maintenance access to their facilities and authorizing the Mayor of the City of Wharton to execute the agreement.
6. Resolution: A resolution of the Wharton City Council approving an Agreement for Construction, Maintenance and Operation of Continuous Highway Lighting Systems within a Municipality with Texas Department of Transportation; and authorizing the Mayor of the City of Wharton to execute the agreement.
7. Pay Request No. 3 from CR McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators.
8. Resolution: A resolution of the Wharton City Council approving Change Order No. 6, for additional contract time with Weisinger, Inc., for the Wharton Well and Water Plant Project and authorizing the Mayor to execute all documents related to said Change Order.
9. Pay Request No. 1 from HTI Construction for the Armstrong Street Waterline Improvements.

10. Resolution: A resolution of the Wharton City Council ratifying and approving Change Order No. 2 for additional costs with HTI Construction for the Armstrong Street Waterline Improvement Project and authorizing the Mayor to execute all documents related to said Change Order.
11. Appointments, Resignations and Vacancies to the City of Wharton Boards, Commissions and Committees:
- A. Appointments.
 - B. Resignations.
 - C. Vacancies.
12. City Council Boards, Commissions and Committee Reports:
- A. Finance Committee meeting held November 28, 2022.

Executive Session:

13. City Council may adjourn into an Executive Session in accordance with Section 551.074 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision, or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.
- Discussion:
- A. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:
 - 1. Wharton Volunteer Fire Department Chief and Fire Administrator.
 - 2. Building Official.


Return to Open Session:

14. Action on items discussed in Executive Session:
- A. Appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:
 - 1. Wharton Volunteer Fire Department Chief and Fire Administrator.
 - 2. Building Official.

Adjournment.

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

CITY COUNCIL COMMUNICATION

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|---|------------|----------------------------------|--|
| Meeting Date: | 12/12/2022 | Agenda Item: | Reading of the minutes from the regular meetings held November 14, 2022 and November 28, 2022. |
| <p>Attached you will find the draft minutes from the regular meetings held November 14, 2022 and November 28, 2022.</p> | | | |
| City Manager: Joseph R. Pace | | Date: Thursday, December 8, 2022 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
NOVEMBER 14, 2022**

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

Councilmember's present were: Mayor, Tim Barker and Councilmembers, Terry Freese; Clifford Jackson; Larry Pittman; Russell Machann and Steve Schneider.

Councilmember absent was: Don Mueller.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; City Secretary, Paula Favors, TRMC, CPM, MMC; Director of Planning and Development, Gwyn Teves, CPM; Assistant to the City Manager, Brandi Jimenez; Police Lieutenant, Ariel Soltura; EMS Director, Christy Gonzales; Assistant to the Building Official, Claudia Velasquez and Finance Account, London Davis.

Visitors present were: Karen Vannerson and Richard Hill with Linebarger Goggan Blair and Sampson, Wharton Economic Development Director, Josh Owens and Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

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

Public Comments.

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

Wharton Moment.

City Manager, Joseph R. Pace, congratulated the Houston Astros on winning the World Series.

Review and Consider:

The first item on the agenda was to review and consider reading of the minutes from the regular meetings held October 10, 2022 and October 24, 2022. After some discussion, Councilmember, Clifford Jackson, moved to approve the minutes from the regular meetings held October 10, 2022 and October 24, 2022. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement between the City of Wharton and Linebarger Goggan Blair & Sampson, for collection services of delinquent emergency medical services accounts and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. EMS Director, Christy Gonzales, stated the City Staff met with Linebarger Goggan Blair & Sampson, to discuss the City of Wharton's delinquent emergency medical services accounts. EMS Director Gonzales presented a copy of the draft agreement between the City of Wharton and Linebarger Goggan Blair & Sampson, for collection services of delinquent emergency medical services accounts. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-118, which read as follows:

**CITY OF WHARTON
RESOLUTION 2022-118**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS REGARDING LINEBARGER GOGGAN BLAIR & SAMPSON, LLP AS BEING FULLY QUALIFIED AS SPECIAL COUNCIL TO PERFORM ALL LEGAL SERVICES NECESSARY TO COLLECT UNPAID DELINQUENT EMERGENCY SERVICES ACCOUNTS.

WHEREAS, providing adequate notice as required by Sec. 2254.1036 of the Texas Government Code, the consideration of a Contract for Fines and Fees Collection Services with Linebarger Goggan Blair & Sampson, LLP, and

AFTER EXERCISING ITS DUE DILIGENCE, THE CITY OF WHARTON FINDS THAT:

1. There is a substantial need for the legal services to be provided pursuant to the Contract for Fines and Fees Collection Services; and
2. These legal services cannot be adequately performed by the attorneys and supporting personnel of the City of Wharton at a reasonable cost; and
3. These legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, and because the City of Wharton does not have the funds to pay the estimated amounts required under a contract only for the payment of hourly fees; and

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

SECTION 1. This statement set out in the preamble to this Resolution are true and correct.

SECTION 2. The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings, Texas Government Code, Chapter 551.

PASSED AND APPROVED this 14th day of November 2022.

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The third item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract between the City of Wharton and Triple C Services, LLC., for grease trap inspections and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Assistant to the Building Official, Claudia Velasquez, stated the contract for grease trap inspection services with Triple C Services, LLC., had expired and the Code Enforcement Department had received a new agreement to be effective November 1, 2022, with an automatic annual renewal and a 90-day termination notice by the City, if necessary. Mrs. Velasquez said that in the event of a rate modification, the City would be notified in writing prior to the adjustments. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-119, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-119**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT BETWEEN THE CITY OF WHARTON AND TRIPLE C SERVICES, LLC., FOR GREASE TRAP INSPECTIONS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to engage the services of Triple C Services, LLC., to provide grease trap inspections; and,

WHEREAS, Triple C Services, LLC., wishes to provide said services for the City of Wharton; and,

WHEREAS, The City of Wharton and Triple C Services, LLC., wishes to be bound by the conditions of said Grease Trap Inspection Contract; and,

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

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the Grease Trap Inspection Contract with Triple C Services, LLC., for the City of Wharton.

Section II. The City of Wharton and of Triple C Services, LLC., are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 14th day of November 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Larry Pittman, 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 awarding a contract for the re-striping of North Alabama Road from Milam Street to Ahldag Street and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. Public Works Director, Anthony Arcidiacono, presented a copy of an aerial of the 1.4-mile section of North Alabama Road from Milam Street to Ahldag Street. Mr. Arcidiacono stated that several complaints stating the existing striping was no longer visible and had become a safety concern in the evening/night hours had been received. He said the following quotes were received:

1. Stripes & Stops Co., Inc.: \$12,014.00
2. Batterson, LLP: \$16,075.00
3. Pavement Marking, LLC (PMI): No Response

After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-120, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-120**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE RE-STRIPING OF NORTH ALABAMA ROAD FROM MILAM STREET TO AHLDAG STREET AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, proposals were received for the re-striping of North Alabama Road from Milam Street to Ahldag Street; and,

WHEREAS, Stripes & Stops Co., Inc., was deemed the best lowest qualified bidder in the amount of \$12,014.00; and,

WHEREAS, the Wharton City Council wishes to award a contract to Stripes & Stops Co., Inc., for the re-striping of North Alabama Road from Milam Street to Ahldag Street of in the amount of \$12,014.00; and,

WHEREAS, the City of Wharton and Stripes & Stops Co., Inc., wish to be bound by the conditions as set forth in the agreement; and,

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

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton, Texas, to execute a contract for the re-striping of North Alabama Road from Milam Street to Ahldag Street to Stripes & Stops Co., Inc., in the amount of \$12,014.00.

Section II. The City of Wharton and Stripes & Stops Co., Inc., 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 14th day of November 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fifth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of a drone for the Wharton Police Department through the Wharton County 100 Club and authorizing the City Manager of the City of Wharton to execute all documents related to said purchase. Lt. Ariel Soltura stated the Wharton Police Department was building a Drone Program for the Department, which would utilize drones in the investigation of human smuggling, missing persons, crime scenes and vehicle crashes, along with an infinite number of other law enforcement uses. Lt. Soltura said the purchase of a drone was funded through the Wharton County 100 Club in the amount of \$7,737.00. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-121, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-121**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF A DRONE FOR THE WHARTON POLICE DEPARTMENT THROUGH THE WHARTON COUNTY 100 CLUB AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Wharton City Council authorizes the purchase of a drone for the Wharton Police Department through the Wharton County 100 Club in the amount of \$7,737.00; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to purchase said drone; and,

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

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 drone for the Wharton Police Department through the Wharton County 100 Club in the

amount of \$7,737.00.

SECTION II. The Wharton City Council hereby authorizes the City Manager to execute the agreement related to the purchase of the drone.

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

PASSED AND APPROVED this 14th day of November 2022.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The sixth item on the agenda was to review and consider a U.S. 59/I-69 Upgrade Continuous Lighting Agreement with the Texas Department of Transportation (TxDOT). Director of Planning & Development, Gwyn Teves, stated the TxDOT Staff in the Yoakum District Office had been in contact with the City in reference to entering into a Continuous Lighting Agreement for lighting to be constructed on I-69 during the construction upgrades. Mrs. Teves said TxDOT was requesting that the City provide power and maintain the lighting that is to be installed from south of JM Eagle to just north of the future F.M. 1301 interchange. She said the Finance Committee met on Monday, November 14, 2022, and were recommending the City Council consider approving the agreement. After some discussion, Councilmember, Russell Machann, moved to approve a U.S. 59/I-69 Upgrade Continuous Lighting Agreement with the Texas Department of Transportation (TxDOT). Councilmember, Terry Freese, second the motion. All voted in favor.

The seventh item on the agenda was to review a consider a resolution of the Wharton City Council authorizing the City Staff to issue Requests for Proposals (RFP) for qualified firms and establishing a consultant selection committee and developing evaluation criteria for the selection of qualified firms for the Downtown Master Plan funded through the City of Wharton American Rescue Plan Act – Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLRF), TX1666. Director of Planning & Development, Gwyn Teves, stated that as part of the City of Wharton Recovery Plan the City Council authorized funding to prepare a Downtown Master Plan. Mrs. Teves said the City Staff was requesting that the City Council authorize the City Staff to issue requests for proposals (RFP) for firms and services to prepare this Master Plan that was funded

through the City of Wharton American Rescue Plan Act – Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLRF), TX1666 and establish a consultant selection committee to review the RFP’s submitted for the program. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-122, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-122**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY STAFF TO ISSUE REQUESTS FOR PROPOSALS (RFP) FOR QUALIFIED FIRMS AND ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF QUALIFIED FIRMS FOR THE DOWNTOWN MASTER PLAN FUNDED THROUGH THE CITY OF WHARTON AMERICAN RESCUE PLAN ACT – FEDERAL CORONAVIRUS LOCAL FISCAL RECOVERY FUND (ARPA-CLRF), TX1666.

WHEREAS, The Wharton City Council wishes to authorize the City Staff to issue Requests for Proposals (RFP) for Qualified Firms for the Downtown Master Plan funded through the City of Wharton American Rescue Plan Act – Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLRF), TX1666; and,

WHEREAS, The Wharton City Council wishes to establish a Consultant Selection Committee for the Downtown Master Plan funded through the City of Wharton American Rescue Plan Act – Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLRF), TX1666 and provide recommendations to the entire City Council; and,

WHEREAS, The Wharton City Council wishes the Consultant Selection Committee to consist of the City Council Economic Development Committee along with the Assistant City Manager, Finance Director and the Director of Planning & Development; and,

WHEREAS, The Wharton City Council wishes for this Committee to exist until a recommendation is forwarded to the entire City Council.

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

Section I. That the Wharton City Council hereby authorizes City Staff to issue Requests for Proposals (RFP) for Qualified Firms for the Downtown Master Plan funded through the City of Wharton American Rescue Plan Act – Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLRF), TX1666.

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

Section III. That the Wharton City Council Consultant Selection Committee will consist of the City Council Economic Development Committee along with the Assistant City Manager, Finance Director, and the Director of Planning & Development.

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

Passed, Approved, and Adopted this 14th day of November 2022.

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 approving Change Order No. 1, for additional contract time and increased costs with C3 Constructors, LLC for the Wharton WWTP #1 Coarse Screen Project and authorizing the Mayor to execute all documents related to said change order. Director of Planning & Development, Gwyn Teves, presented a copy of the Wharton WWTP #1 Coarse Screen, Change Order No. 1 from C3 Constructors, LLC for additional time to the contract in the amount of 56 calendar days and \$11,987.00 for design change on the coarse screen to modify the discharge chute which was not originally in the scope. Mrs. Teves stated this would move the contract completion date to October 10, 2022, and cost to \$449,987.00. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-123, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-123**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 1, FOR ADDITIONAL CONTRACT TIME AND INCREASED COSTS WITH C3 CONSTRUCTORS, LLC FOR THE WHARTON WWTP#1 COARSE SCREEN PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

WHEREAS, The Wharton City Council wishes to approve Change Order No. 1, for additional contract time and increased costs in the amount of \$11,987.00 with C3 Constructors, LLC for the Wharton WWTP #1 Coarse Screen Project; and,

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

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

Section I. The Wharton City Council hereby authorizes Change Order No. 1, for 56 additional days and increased costs in the amount of \$11,987.00 with C3 Constructors, LLC for the Wharton WWTP #1 Coarse Screen Project.

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

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

Passed, Approved, and Adopted this 14th day of November 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council ratifying and approving Change Order No. 1 for additional costs with HTI Construction for the Armstrong Street Waterline Improvement Project and authorizing the Mayor to execute all documents related to said Change Order. Director of Planning & Development, Gwyn Teves, stated that on June 13, 2022, the Wharton City Council agreed to enter into an Infrastructure Improvement Agreement with the Wharton Economic Development Corporation for the waterline on Armstrong Street for the new construction of the Alamo Lumber Company. Mrs. Teves said the agreement was to reimburse costs not to exceed \$198,000.00 for the improvement and the contract for construction was awarded to HTI Construction on September 26, 2022. She said the

construction had been progressing on the Alamo Lumber Project and the utility work began mid October but once work started it was discovered that the line accounted for in the design plans did not extend to the location in the plans. Mrs. Teves stated in order to not delay work the Change Order for additional work to add an addition 120' of water line and the repairs of the roadway to loop the system as originally intended putting the construction contract over the original \$198,000.00 approved by the Wharton Economic Development Corporation and the additional will be covered out of the City funds as this is an improvement to the entire City System. She said the Change Order was for an increase in the amount of \$28,900.00 resulting in a contract amount of \$204,303.00. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-124, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-124**

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND APPROVING CHANGE ORDER NO. 1 FOR ADDITIONAL COSTS WITH HTI CONSTRUCTION FOR THE ARMSTRONG STREET WATERLINE IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

WHEREAS, The Wharton City Council wishes to approve Change Order No. 1, for an increase in the amount of \$28,900.00 for the addition 120' of waterline; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to the ratification and approval of Change Order # 1 on behalf of the City of Wharton.

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

Section I. The Wharton City Council hereby ratifies and approves Change Order No. 1 in the amount of \$28,900.00 for HTI Construction.

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

Passed, Approved, and Adopted this 14th day of November 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda to review and consider resolution of the Wharton City Council approving a contract for administration services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO) and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Director of Planning & Development, Gwyn Teves, stated the City Council approved the establishment of a Consultant Selection Committee on September 26, 2022, and authorized the City Staff to go out for administration services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO). Mrs. Teves said proposals were received at City Hall on November 2, 2022 from the following:

1. CSRS, LLC
2. GrantWorks, Inc
3. MPACT Strategic Consulting
4. Public Management

She said the Public Works Committee met on Monday, November 14, 2022, to score the proposals and were recommending the City Council consider approving MPACT Strategic Consulting. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2022-125, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-125**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR ADMINISTRATION SERVICES FOR THE REGIONAL COUNCIL OF GOVERNMENTS METHOD OF DISTRIBUTION (COG-MOD) PROGRAM(S) FUNDED AND ADMINISTERED THROUGH THE TEXAS GENERAL LAND OFFICE (GLO) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to approve a contract between the City of Wharton and MPACT for administration services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO); and,

WHEREAS, The City of Wharton and MPACT 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 MPACT for administration services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO).

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 MPACT 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 14th day of November 2022.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract for engineering services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO) and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Director of Planning & Development, Gwyn Teves, stated the City Council approved the establishment of a Consultant Selection Committee on September 26, 2022, and authorized the City Staff to go out for engineering services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO). Mrs. Teves said the proposals were received at City Hall on November 2, 2022 from the following:

1. Amani Engineering
2. Baker & Lawson, Inc.
3. Centerline Engineering
4. Gunda Corp. an Ardurra Co.
5. John D. Mercer & Assoc.
6. Kaluza, Inc.
7. KSA Engineering
8. LJA Engineering
9. Quiddity Engineering 1
0. Scheibe Consulting
11. Urban Engineering
12. Walter P. Moore

She said the Finance Committee will meet on Monday, November 14, 2022, to score the proposals and were recommending the City Council consider approving Gunda Corp. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-126, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-126**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR ENGINEERING SERVICES FOR THE REGIONAL COUNCIL OF GOVERNMENTS METHOD OF DISTRIBUTION (COG-MOD) PROGRAM(S) FUNDED AND ADMINISTERED THROUGH THE TEXAS GENERAL LAND OFFICE (GLO) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to approve a contract between the City of Wharton and Gunda for Engineering Services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO); and,

WHEREAS, The City of Wharton and Gunda 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 Gunda for Engineering Services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO).

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 Gunda 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 14th day of November 2022.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Clifford Jackson, seconded the motion.

The twelfth item on the agenda was to review and consider Pay Request No. 1 and Final from Ram Rod Utilities, LLC for the waterline improvements for Baird Subdivision. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 1 and Final from Ram Rod Utilities, LLC for the waterline improvements for Baird Subdivision in the amount of \$46,050.00. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 1 and Final from Ram Rod Utilities, LLC for the waterline improvements for Baird Subdivision in the amount of \$46,050.00. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider Pay Request No. 1 & 2 from CR McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 1 & 2 from CR McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 City of Wharton Critical Facility Generators. Mrs. Teves stated Pay Estimate No. 1 was in the amount of \$45,000.00 and Pay Estimate No. 2 was in the amount of \$184,500.00. After some discussion, Councilmember, Russell Machann, moved to approve Pay Request No. 1 & 2 from CR McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators in the amount of \$45,000.00 for Pay Estimate No. 1 and Pay Estimate No. 2 in the amount of \$184,500.00. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider Pay Request No. 1 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 1 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project in the amount of \$19,000.00. After some discussion,

Councilmember, Clifford Jackson, moved to approve Pay Request No. 1 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project in the amount of \$19,000.00. Councilmember, Terry Freese, seconded the motion. All voted in favor.

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

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

After some discussion, no action was taken.

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

- A. Public Works Committee meeting held October 24, 2022.

After some discussion, no action was taken.

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

The meeting adjourned at 7:31 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
NOVEMBER 28, 2022**

Mayor, Tim Barker, declared a Regular Meeting duly open for the transaction of business at 7:02 P.M. at City Hall 120 E. Caney Street Wharton, TX. Adraylle Watson, led the opening devotion and Mayor, Tim Barker, led the pledge of allegiance.

Councilmember's present were: Mayor, Tim Barker and Councilmembers, Terry Freese; Russell Machann; Don Mueller; Larry Pittman and Steve Schneider.

Councilmember absent was: Clifford Jackson.

Staff members present were: City Manager, Joseph R. Pace; 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; Facilities Maintenance Director, Bob Baker, EMS Director, Christy Gonzales; Public Works Director, Anthony Arcidiacono; Sgt. Stephen Jimenez and Assistant to the Building Official, Claudia Velasquez.

Visitors present were: Wharton Economic Development Director, Josh Owens; Adraylle Watson and Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

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

Public Comments.

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

Wharton Moment.

Councilmember, Terry Freese, stated the Wharton Chamber of Commerce Holiday Parade was a success with a large turnout.

Review and Consider:

The first item on the agenda was to review and consider City of Wharton Financial Report for October 2022. Finance Director, Joan Andel, presented the City of Wharton Financial Report for October 2022. After some discussion, Councilmember, Russell Machann, moved to approve the

City of Wharton Financial Report for October 2022. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider request from Mr. Seng Ooi, on behalf of Amber Ooi, owner of 505 Reed Ave., RBP Ranch, Block 1, Lot 1-10, 1 Reserve, Block 2, Lot 1 & 2 to replat the property. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Seng Ooi, on behalf of Amber Ooi, owner of 505 Reed Ave., RBP Ranch, Block 1, Lot 1-10, 1 Reserve, Block 2, Lot 1 & 2 to replat the property. Mrs. Teves stated the Planning Commission met on Monday, November 21, 2022, and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Terry Freese, moved to approve the request from Mr. Seng Ooi, on behalf of Amber Ooi, owner of 505 Reed Ave., RBP Ranch, Block 1, Lot 1-10, 1 Reserve, Block 2, Lot 1 & 2 to replat the property. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a resolution of the Wharton City Council approving a Memorandum of Understanding with the County of Wharton for Street Construction Services and authorizing the Mayor of the City of Wharton to execute all documents related to said Memorandum of Understanding. Public Works Director, Anthony Arcidiacono, presented a copy of an aerial of the 1050'X22' section of C.R. 140 from Hwy. 60 to C.R. 140 that needs to be reconstructed. Public Works Director Arcidiacono stated Wharton County Precinct No. 1 was currently working on their portion of the road and were interested in rebuilding the portion within the City limits. Mr. Arcidiacono said the County was willing to perform the rebuild if the City was willing to provide the expenses for the materials which were as follows:

1050'x22'
270 tons of gravel @ \$13.25 per ton = \$3,577.50
1.7 tons of MC-30 @ \$950.00 per ton = \$1,615.00
2 tons of CRS-2 @ \$ 608.91 per ton = \$1,217.82
35 tons or Gr 3 rock @ \$73.00 per ton = \$2,555.00
78 tons of hot-mix @ \$98.00 per ton = \$7,644.00
Trucking for the asphalt \$2,000.00

Approximate total to the City-\$18,609.32

He said this was an approximate estimate that will have to be adjusted after the new pricing starts in January. After some discussion, Councilmember, Don Mueller, moved to approve City of Wharton Resolution No. 2022-127, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-127**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF WHARTON FOR STREET CONSTRUCTION SERVICES AND AUTHORIZING THE MAYOR OF THE

CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID MEMORANDUM OF UNDERSTANDING.

WHEREAS, The City of Wharton City Council wishes to enter into a Memorandum of Understanding with the County of Wharton for Street Construction Services; and,

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

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

SECTION I. The Wharton City Council hereby approves the Memorandum of Understanding with the County of Wharton for Street Construction Services

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

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

PASSED, APPROVED, and ADOPTED this 28th day of November 2022.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Larry Pittman, 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 awarding a contract for the Emergency Medical Services Ambulance Bay Roof Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Facilities Maintenance Director, Bob Baker, and EMS Director, Christy Gonzales, presented a copy of bids obtained for the roof replacement to Emergency Medical Services Ambulance Bay. EMS Director Gonzales stated the Emergency Medical Services Bay Roof was over thirty years old and had several leaks therefore it was needing to be replaced. Mrs. Gonzales said the bids were received as follows:

1. C4 Construction Group, LLC \$30,300.00

2. Jaco Roofing & Construction, Inc. \$37,997.00

After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2022-128, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-128**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE EMERGENCY MEDICAL SERVICES AMBULANCE BAY ROOF PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Bids were received for the Emergency Medical Services Ambulance Bay Roof Project; and,

WHEREAS, C4 Construction Group, LLC, was deemed the best lowest qualified bidder in the amount of \$30,300.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to C4 Construction Group, LLC, for the Emergency Medical Services Ambulance Bay Roof Project in the amount of \$30,300.00; and,

WHEREAS, The City of Wharton and C4 Construction Group, LLC, wish to be bound by the conditions as set forth in the agreement; and,

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

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

Section I. The Wharton City Council hereby authorizes the Mayor to execute a contract for the Emergency Medical Services Ambulance Bay Roof Project to C4 Construction Group, LLC, in the amount of \$30,300.00.

Section II. The City of Wharton and C4 Construction Group, LLC, 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 28th day of November 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fifth item on the agenda was to review and consider a request from the Wharton Economic Development Corporation for the City Council’s consent to proceed with developing a new logo through a public process to gather citizen feedback on a logo design, funded by the Wharton Industrial Foundation’s bequest. Wharton Economic Development Corporation Executive Director, Josh Owens, presented a copy of his letter regarding the development of a new logo. After some discussion, Councilmember, Terry Freese, moved to approve proceeding with developing a new logo through a public process to gather citizen feedback on a logo design, funded by the Wharton Industrial Foundation’s bequest. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the City Manager of the City of Wharton to execute a Performance Agreement with the Wharton Economic Development Corporation regarding funding for the Mowing and Landscape Maintenance Agreement with Texas Department of Transportation of approximately 89 acres of land along Highway US 59 at its intersection with FM 102 and Highway 60. Wharton Economic Development Director, Josh Owens, presented a copy of an agreement between the City of Wharton and Wharton Economic Development Corporation. Mr. Owens stated the Municipal Maintenance Performance Agreement would be funded the City’s agreement with TxDOT for the Landscape and Maintenance Agreement the City had been approved. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-129, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022 - 129**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY
MANAGER OF THE CITY OF WHARTON TO EXECUTE A PERFORMANCE
AGREEMENT WITH THE WHARTON ECONOMIC DEVELOPMENT
CORPORATION REGARDING FUNDING FOR THE MOWING AND LANDSCAPE
MAINTENANCE AGREEMENT WITH TEXAS DEPARTMENT OF**

TRANSPORTATION OF APPROXIMATELY 89 ACRES OF LAND ALONG HIGHWAY 59 AT ITS INTERSECTION WITH FM 102 AND HIGHWAY 60.

WHEREAS, The Wharton City Council wishes to authorize a Municipal Maintenance Performance Agreement with the Wharton Economic Development Corporation for the maintenance of approximately 89 acres along US Highway 59 at its intersection with FM 102 and Highway 60; and,

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

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

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

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

Section I. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute a Municipal Maintenance Performance Agreement with Wharton Economic Development Corporation.

Section II. The City of Wharton and Wharton Economic Development Corporation are hereby bound by the conditions set forth in the agreement.

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

PASSED, APPROVED and ADOPTED this 28th day of November 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

BY: _____
PAULA FAVORS
City Secretary

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

The seventh item on the agenda was to review and consider proposed City of Wharton Write Offs:

- A. City of Wharton EMS.
- B. Utilities.

Finance Director, Joan Andel, presented a copy of the memorandum dated November 18, 2022, recommending the write offs for the EMS accounts and a copy of the memorandum dated November 18, 2022, that indicated the Utility Department's request for the uncollected balances for the Fiscal Year 2021 – 2022 to be written off due to non-payment. Mrs. Andel stated the City Council Finance Committee met on Monday, November 28, 2022 and were recommending the City Council consider approving the write offs for the EMS and Utility Departments. After some discussion, Councilmember, Russell Machann, moved to approve both the write offs for the EMS accounts and Utility Department's request for the uncollected balances for the Fiscal Year 2021 – 2022 to be written off due to non-payment. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the cancellation of the December 26, 2022, Regular Wharton City Council Meeting. City Manager, Joseph R. Pace stated that due to the Holiday Season, he was requesting the Mayor and City Council to consider canceling the December 26, 2022, Regular City Council Meeting. City Manager said that if it becomes necessary, a special meeting would be scheduled. After some discussion, Councilmember, Don Mueller, moved to approve the cancellation of the December 26, 2022, Regular Wharton City Council Meeting. Councilmember, Terry Freese, seconded the motion. All voted in favor.

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

The tenth item on the agenda was to review and consider an update of City of Wharton on-going Projects. City Manager, Joseph R. Pace, presented a copy of his memorandum dated November 21, 2022 regarding the City of Wharton on-going projects, which read as follows:

FLOOD REDUCTION (LEVEE) PROJECT:

The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report is located at the Wharton County Library and the office of the City of Wharton City Secretary for viewing or the report may be viewed on line at <http://www.cityofwharton.com/information-a-notices/lcrb-feasibility-study>. The Project Participation Agreement (PPA) has been executed. The City has hired HDR for Right-of-Way Acquisition and Jones & Carter for City and private company utility relocations. The City has acquired all properties for the project. Utility relocations for City utilities is near completion and all private utilities have been relocated or abandoned. All asbestos abatement has been completed. Phase 1 was awarded on May 27th, but due to a complication the award was terminated, and the project will need to be rebid. USACE is currently anticipating going back out for procurement in November 2022 with an anticipated award in April 2023. Phase II Acquisition is tentatively anticipated to be authorized by end of December 2022. Phase I Public Engagement

meeting to be held October 17th at the Civic Center. USACE will be present to speak about the current status of the project.

DRAINAGE:

1. Stavena Addition Drainage Project.

The design and construction plans are complete. The project is one of the construction projects to be funded with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program for partial assistance.

2. Ahldag Ditch Improvement.

The project was approved by the City Council. The ditch improvements were proposed under the Texas General Land Office (GLO) Infrastructure Grant Program. The staff is currently working with an appraiser for ROW acquisition. The project is also listed as one of the construction projects to be funded with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program for partial assistance. Project has currently been delayed due to environmental concerns with USACE permitting for jurisdictional waters.

3. On-going Drainage and Maintenance Program.

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

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

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

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

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

Monthly progress meetings are being held. Well drilling complete and pump being installed and set in October pending electrical service connection by CenterPoint. Ground storage tank construction complete. Plant construction still in progress.

STREET IMPROVEMENTS:

1. FM 1301 Extension and Overpass Project Progress Report.

IDC Inc. has submitted to TxDOT Yoakum District Office all required plans for the project. ROW is in process of being turned over to TxDOT for construction letting in October 2022.

2. I-69 Project.

The City submitted the comments as approved by the City Council to TxDOT. TxDOT has informed the City that CivilCorp engineering has begun design and the City is involved in regular coordination meetings. City staff is coordinating with Quiddity Engineering on utility relocations of water and sewer lines along I-69 that will be impacted by the expansion. 3 easements will have to be acquired by City Staff to replace existing easements on US59 to relocate the existing sanitary sewer facilities. City Staff is working with TxDot and Quiddity to compose a reimbursement agreement to be brought to the City Council.

3. NanYa Exit Ramp Project.

TxDOT has been coordinating with NanYa and JM Eagle on the exit design. As of last coordination meeting the ramp has been implemented in the design with a turnaround under the FM 102 overpass to allow for easy access to the retail area on the alternate side of the Interstate.

After some discussion, no action was taken.

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

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

After some discussion, no action was taken.

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

- A. Public Works Committee meeting held November 14, 2022.
- B. Finance Committee meeting held November 14, 2022.

After some discussion, no action was taken.

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

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

- K. Police Department.
- L. Public Works Department.
- M. Water/Sewer Department.
- N. Weedy Lots/Sign Ordinance.
- O. Wharton Regional Airport.

After some discussion, no action was taken.

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

The meeting adjourned at 7:32 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: | 12/12/2022 | Agenda Item: | Expiration of 60-day extension of Variance for Temporary Placement of Travel Trailer for Temporary Housing for 517 Black Street and recommendation for next steps. |
|---------------|------------|--------------|--|


Mr. Haywood Ross, has requested and received multiple temporary variances of Chapter 38- Manufactured Housing, Mobile Homes and Travel Trailers; Article II-Requirements Concerning Mobile Homes, Manufactured Housing and Travel Trailers; Division 3-Recreational Vehicles for 517 Black Street. The last extension expired December 9, 2022.

The City Council’s last extension was for 60-days for Mr. Ross to make alternate arrangements for housing and to vacate the premises. Mr. Ross still has not supplied any of the required utilities to the trailer as of this date and is still occupying the trailer.

Mr. Ross was notified by mail of the expiration date after the last City Council Meeting. It is the recommendation of the City Staff to proceed with applying penalty fees and filing with the Municipal Court. This is the standard course of action per the City Ordinance.

The City Staff is requesting the City Council make a final decision on terminating the variance and moving forward with the course of action recommended by the Staff.

Assistant to the Building Official, Claudia Velasquez, will be in attendance to answer any questions and will contact Mr. Ross to attend the meeting for representation.

| | |
|---|----------------------------------|
| City Manager: Joseph R. Pace | Date: Thursday, December 8, 2022 |
| Approval:  | |
| Mayor: Tim Barker | |



City of Wharton

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

MEMORANDUM

DATE: December 7, 2022

FROM: Gwyneth Teves, Director of Planning & Development
Claudia Velasquez, Assistant to the Building Official

TO: Honorable Mayor and City Councilmembers
City Attorney Paul Webb

SUBJECT: Expiration of 60-day extension of Variance for Temporary Placement of Travel Trailer for Temporary Housing for 517 Black St. and recommendation for next steps

Mr. Haywood Ross has requested and received multiple temporary variances of Chapter 38-Manufactured Housing, Mobile Homes and Travel Trailers; Article II-Requirements Concerning Mobile Homes, Manufactured Housing and Travel Trailers; Division 3-Recreational Vehicles for 517 Black Street. The last extension expired December 9, 2022.

The City Council's last extension was for 60-days for Mr. Ross to make alternate arrangements for housing and to vacate the premises. Mr. Ross still has not supplied any of the required utilities to the trailer as of this date and is still occupying the trailer.

Mr. Ross was notified by mail of the expiration date after the last Council meeting. It is the recommendation of the City Staff to proceed with applying penalty fees and filing with the Municipal Court. This is the standard course of action per the City Ordinance.

City Staff is requesting the Council make a final decision on terminating the variance and moving forward with the course of action recommended by staff.

Ms. Velasquez will be in attendance to answer any questions and will contact Mr. Ross to be in attendance at the meeting for representation.

If you should have any questions, please contact Ms. Velasquez or myself me at 979-532-2491. Thank You.

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


CITY COUNCIL COMMUNICATION

| | | | |
|---------------|------------|--------------|--|
| Meeting Date: | 12/12/2022 | Agenda Item: | Resolution: A resolution of the Wharton City Council approving the lease of an Elgin Broom Bear Truck from Kinloch Equipment & Supply, Inc., and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. |
|---------------|------------|--------------|--|

Attached you will find a memo from Public Works Director, Anthony Arcidiacono regarding the leasing of an Elgin Broom Bear Truck from Kinloch Equipment & Supply, Inc.

The Finance Committee will meet on Monday, December 12, 2022, and will formulate a recommendation for City Council consideration.

Mr. Arcidiacono, will be present to answer any questions.

| | |
|---|----------------------------------|
| City Manager: Joseph R. Pace | Date: Thursday, December 8, 2022 |
| Approval:  | |
| Mayor: Tim Barker | |



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

MEMORANDUM

Date: December 7, 2022
To: Mr. Joseph R. Pace, City Manager
From: Anthony Arcidiacono, Public Works Director
Re: Mile After Mile Lease proposal for the Elgin Broom Bear Street Sweeper

Attached please find the Mile After Mile Lease proposal for the Elgin Broom Bear Street Sweeper from Kinloch Equipment. With our current street sweeper down and the cost of repairs being higher than its worth, we will rent a sweeper for 1 week a month until the Elgin Broom Bear becomes available. The Broom Bear will be available the later part of next summer 2023.

I would like this placed on the City Council agenda for December 12, 2022.

Should you have any questions, please contact me. Thank you.



Kinloch
Equipment & Supply, Inc.

P.O. Box 4919
Pasadena, TX 77502
Tel: 713.473.6213 Fax: 713.473.7858
Toll Free: 800.231.6929

Item-3.

The logo for Mile After Mile features a stylized road with a yellow dashed center line and two grey road edges that taper towards the top.

MILE AFTER MILESM
Turnkey Leasing
Solution

Proposal For
The City of Wharton



As an alternative to the traditional equipment acquisition model, we offer a turnkey “cradle to grave” equipment acquisition and operation solution that achieves the best of both worlds.....high productivity and low cost of ownership and operation. We call this program **Mile After Mile™**.

We are pleased to offer our proposal based on the Elgin Broom Bear truck mounted mechanical sweeper. Elgin is the longest tenured manufacturer of sweepers in North America as well as being the market leader. The Broom Bear features:

- Single-engine technology
- Twin variable displacement hydraulic pumps for increased sweeper system efficiencies
- 4.5 yd³ hopper standard
- Variable dump height up to 11 feet, 2 inches
- 11" hopper side shift for maximizing dump truck/container payload distribution
- Squeegee with patented interchangeability to chevron conveyor belt system

Essentially, this is what this program offers:

- New and Unused Equipment built to the attached specifications.
- A four (4) year bumper-to-bumper warranty for both the truck chassis and sweeper
- All repairs & maintenance included (except brooms)
- Guaranteed minimum 95% equipment availability supported by free of charge loaner equipment in the event of protracted downtime

This again is designed to offer a low, fixed cost of operation and a correspondingly high level of equipment availability. This yields a lower cost of ownership per productive hour which will be explained and quantified later in this proposal.

This program is offered as a four (4) year lease with your choice of monthly or annual payments, a balloon payment at the end of the term with a guaranteed repurchase amount from Kinloch Equipment & Supply equivalent to the amount of the balloon payment resulting in net zero out of pocket to the City of Wharton

ACQUISITION OPTIONS

| | |
|--|---|
| Model | Broom Bear |
| Debris Body Capacity | 4.5 Cubic Yards |
| Water Tank Capacity | 360 Gallons |
| Conveyor System | Squeegee with replaceable rubber edging |
| Brooms | Dual 46" Side Brooms |
| Capital Cost | \$349,000. |
| Mile After Mile™ Program | |
| Four (4) Year Bumper to Bumper Warranty | Included |
| Four (4) Year Repair & Maintenance Agreement | Included |
| Free Loaner Equipment | Included |



| Payment Schedule | |
|--|-------------|
| Four (4) Annual Payments of | \$75,877.48 |
| Purchase Option | |
| Upon the conclusion of the four (4) year lease term, the City of Wharton has first option to purchase this equipment for \$171,803. The City of Wharton is under no obligation to exercise this option and can opt to return the equipment to Kinloch Equipment & Supply, Inc. with no further financial obligation. | |

COST PER PRODUCTIVE HOUR

Assumptions:

- 8 hours in a normal single shift workday.
- 52 weeks in a year equals 2,080 normal work hours.
- ~10 days per year (80 hours) of Federal holidays.
- Net 2,000 normal work hours per year or 8,000 total hours over four (4) year program term.
- Minimum of 95% guaranteed equipment availability equates to a minimum of 7,600 available hours of use over the four (4) year program term.

| Payment Frequency | Cost Per Productive Hour |
|--------------------------|---------------------------------|
| Annual | \$39.94 |

Under Texas Transportation Code Chapter 502, street sweepers are exempt from the requirement of titling, registering and plating in the State of Texas. As such, our proposal has made no such provisions or accommodations to provide these non-mandated services.

Prices quoted herein are in accordance with Sourcewell Cooperative Purchasing Contract # 093021-ELG.

Prices quoted herein are firm until December 30, 2022.

Sincerely,

Daniel J. Federico
 Sales Manager

SIGNED BY:

Date: _____



| | <u>Weekly</u> | <u>4 Weeks</u> |
|--|---------------|----------------|
| SWEEPERS | | |
| Truck Mounted Mechanical Street Sweepers | \$ 4,000 | \$ 12,000 |
| Truck Mounted Air Street Sweepers | \$ 3,850 | \$ 11,500 |



Mechanical Bear will be available two weeks out of a month starting Nov 28.
Regenerative air unit will be available the week of Nov 14.)

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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE LEASE OF AN ELGIN BROOM BEAR TRUCK FROM KINLOCH EQUIPMENT & SUPPLY, INC. AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to enter into a lease agreement with Kinloch Equipment & Supply, Inc.; and,

WHEREAS, The City of Wharton and Kinloch Equipment & Supply, Inc., wishes to be bound by the conditions as set forth in the contract; and,

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

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents with Kinloch Equipment & Supply, Inc., for the Elgin Broom Bear Truck.

Section II. The City of Wharton and Kinloch Equipment & Supply, Inc., are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 12th day of December 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

CITY COUNCIL COMMUNICATION


| | | | |
|---------------|------------|--------------|---|
| Meeting Date: | 12/12/2022 | Agenda Item: | Resolution: A resolution of the Wharton City Council approving a contract for Ambulance Transfers with OakBend Medical Center and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. |
|---------------|------------|--------------|---|

Attached you will find a contract for Ambulance Transfers between The City of Wharton and OakBend Medical Center to provide ambulance services to out of city facilities for patients of OakBend Medical Center that are hospitalized in the City of Wharton.

Also attached is a copy of the draft resolution.

City Attorney, Paul Webb, has reviewed the contract and will be present to answer any questions.

Emergency Medical Services Director, Christy Gonzales, will also be present to answer any questions.

| | |
|---|----------------------------------|
| City Manager: Joseph R. Pace | Date: Thursday, December 8, 2022 |
| Approval:  | |
| Mayor: Tim Barker | |

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

Item-4.

INTERDEPARTMENTAL MEMO

DATE: NOVEMBER 28, 2022
TO: JOSEPH PACE
FROM: CHRISTY GONZALES
RE: CONTRACT FOR AMBULANCE TRANSFERS

Mr. Pace,

Attached is the contract for emergency ambulance transfer of patients between the City of Wharton and Oak Bend Medical Center, Wharton.

I ask if we can place this on the Council's next agenda for their review. Should you have any questions please feel free to call.

Thank you,

Christy Gonzales

Christy Gonzales, Director EMS

THE STATE OF TEXAS §
COUNTY OF WHARTON §

CONTRACT FOR AMBULANCE TRANSFERS

WITNESSETH:

This is a contract and agreement for emergency ambulance transfer of patients between the City of Wharton, Texas, hereinafter referred to as "City", acting through and by its Mayor, and Oak Bend Medical Center, Wharton, Texas, hereinafter referred to as "OBMC," acting through and by its CEO, and the parties mutually agree and contract as follows:

I.

The city agrees to provide ambulance service to out of city facilities for patients of OBMC that are hospitalized in the City of Wharton, Texas.

II.

The term of this Contract is for two (2) years and shall begin _____, 2022 and shall end _____, 2024. The original contract may be extended for additional one-year periods upon written agreement by both parties. Termination of this agreement may be made by either party by giving ninety (90) days written notice to the other party.

III.

The City shall bill OBMC directly and all payments to the City of OBMC shall be due in 30 days. Failure by OBMC to pay will allow the City to charge a late fee of the highest amount allowed by the statutes of the State of Texas. Should OBMC fail to pay the City for 60 consecutive days, the City at it's sole option shall have the right to cancel this agreement on the 61st day of the described delinquency.

IV.

This agreement is contingent upon the City having an ambulance and crew available. If no ambulance and crew are available, OBMC shall find other ambulance services for their patients. This agreement is intended to be used as a backup ambulance service and not OBMC's primary ambulance service.

V.

OBMC (which title is intended to include any and all professional entities and technical persons rendering services under this Agreement), agrees to **INDEMNIFY AND HOLD THE CITY, ITS OFFICERS AND EMPLOYEES, HARMLESS**, against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees (including reasonable attorney's fees and costs of defense), proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including but not limited to, personal injury (including death), property damage, or other harm for which recovery of damages is sought that may **ARISE OUT OF OR BE OCCASIONED OR CAUSED BY OBMC'S NEGLIGENT ACT, ERROR, OR ORMISSION OF OBMC**. The Indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence of the City, its officers or employees, in instances where such negligence causes personal injury, death, or property damage.

The City of Wharton agrees to **INDEMNIFY AND HOLD OBMC, ITS OFFICERS AND EMPLOYEES HARMLESS TO THE EXTENT ALLOWED BY TEXAS LAW GOVERNING PUBLIC ENTITIES**.

VI.

Should the City transport OBMC inpatients to other facilities, the City will bill OBMC for these transfers subject to verification of the services by the City at the current Medicare rates and as amended in the future.

VII.

The level of care to be rendered to the patient by the City shall be based on the level of service required by the patient.

VIII.

OBMC shall strive to have all patients ready for transfer when request for services are made to the City as well as arrange for reception of transferred patient to other hospitals.

IX.

OBMC will not be responsible for services rendered by the City if not billed by the City within one year (1) after services are rendered by the City.

X.

This contract was executed in the City of Wharton, Wharton County, Texas and shall be construed under the law of the State of Texas.

XI.


This contract shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns.

EXECUTED this ____ day of _____, 2022.

CITY OF WHARTON, TEXAS

OAK BEND MEDICAL CENTER

By: _____
Tim Barker, Mayor

By: 
Joseph Freudenberger, CEO

ATTEST:

ATTEST:

By: _____
Paula Favors, City Secretary

By: _____
_____, _____

APPROVED AS TO FORM

By: _____
PAUL WEBB, City Attorney

Acknowledgments

STATE OF TEXAS)

COUNTY OF WHARTON)

This instrument was acknowledged before me on the ___ day of _____, 2022, by Tim Barker, Mayor of the City of Wharton, Texas, on behalf of said municipal corporation.

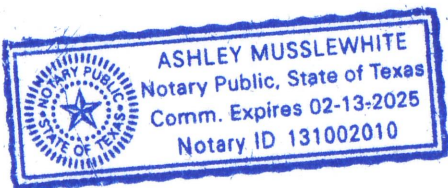
Notary Public, State of Texas

STATE OF TEXAS)

COUNTY OF WHARTON)

This instrument was acknowledged before me on the 28 day of November, 2022, by Joseph Freudenberger, CEO of Oak Bend Medical Center.

Ashley Musslewhite
Notary Public, State of Texas



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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR AMBULANCE TRANSFERS WITH OAKBEND MEDICAL CENTER AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to approve the contract with OakBend Medical Center for ambulance transfers; and,

WHEREAS, The City of Wharton and OakBend Medical wishes to be bound by the conditions set forth in the contract; and,

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

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

Section I. That the Wharton City Council hereby approves contract between the City of Wharton and OakBend Medical for ambulance transfers.

Section II. That the City of Wharton and OakBend Medical are hereby bound by the conditions set forth in the contract.

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

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

Passed, Approved, and Adopted this 12th day of December 2022.

CITY OF WHARTON


By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

CITY COUNCIL COMMUNICATION

| | | | |
|---|------------|----------------------------------|--|
| Meeting Date: | 12/12/2022 | Agenda Item: | Resolution: A resolution of the Wharton City Council approving a Permanent Access Easement between the City of Wharton and Kansas City Southern Railroad to provide construction and maintenance access to their facilities and authorizing the Mayor of the City of Wharton to execute the agreement. |
| <p>The City Staff was contacted by Foster Jones & Associate Engineering on behalf of Kansas City Southern Railroad in reference to an access easement to allow for their workers and equipment to access the new spur line that is being installed within the City. KCS is requesting to have an access easement off North Sunset in the area of South Caney Drive.</p> <p>KCS is requesting an easement of .139 acres as shown in the attached survey. This easement would be in surface only and would be secondary to any of the City Right-of-Way uses.</p> <p>Attached is also a draft agreement that has been reviewed by City Attorney, Paul Webb, and sent to KCS for approval.</p> <p>The City Staff is recommending approval of the easement and authorization to continue to work with Mr. Webb and KCS to finalize the language in the documents prior to filing.</p> <p>Director of Planning & Development, Gwyn Teves, will be present to answer any questions.</p> | | | |
| City Manager: Joseph R. Pace | | Date: Thursday, December 8, 2022 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |



City of Wharton

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

MEMORANDUM

DATE: December 7, 2022

FROM: Gwyneth Teves, Director of Planning & Development

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

SUBJECT: Kansas City Southern Railroad Permanent Easement Request

My department was contacted by Foster Jones & Associate Engineering on behalf of Kansas City Southern Railroad in reference to an access easement to allow for their workers and equipment to access the new spur line that is being installed within the city. KCS is requesting to have an access easement off of N. Sunset in the area of S. Caney Dr.

KCS is requesting an easement of .139 acres as shown in the attached survey. This easement would be in surface only and would be secondary to any of the City ROW uses. Attached is also a DRAFT agreement that has been reviewed by Mr. Webb and sent to KCS for approval.

City Staff is recommending approval of the easement and authorization to continue to work with Mr. Webb and KCS to finalize the language in the documents prior to filing.

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

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

PERMANENT ACCESS EASEMENT

STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF WHARTON §

THAT, City of Wharton, a Texas Municipal Corporation, its successors and assigns, hereinafter referred to as “Grantor”, for and in consideration of the sum of ONE AND NO/100 DOLLAR (\$1.00) and other good and valuable consideration paid to Grantor, the receipt and sufficiency of which is hereby acknowledged, does **BARGAIN, GRANT, AND CONVEY**, to **THE KANSAS CITY SOUTHERN RAILROAD COMPANY**, a _____ corporation, whose mailing address is _____ (“Grantee”), a permanent access easement in, over, and across the following property of Grantor:

Being a **0.139 acre** proposed Permanent Access Easement, being part of the WILLIAM KINCHELOE LEAGUE, A-38, City of Wharton, Wharton County, Texas, and being part of a tract of land conveyed by Lee Rieger and wife Mary Nell Rieger to the City of Wharton by Deed recorded on April 29, 1957 in Volume 298, Page 44, Official Public Records of Wharton County, Texas, said 0.139 acre tract being more particularly described on **EXHIBIT “A”** attached hereto and incorporated herein for all purposes (referred to herein as the "Land" or “Easement”).

The terms and conditions of this Easement (the “Agreement”) are as follows:

1. Permitted Use. A perpetual and assignable easement and right-of-way in, over and across to construct, maintain, repair, operate, patrol and replace railroad, reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines, related utilities, equipment, improvements and appurtenances (the “Facilities”) together with:
 - (i) The right of ingress and egress over the Easement;
 - (ii) The right to relocate and update such Facilities within the Easement; and
 - (iii) The right to remove from the Easement all trees, shrubs, or other obstructions.
 - (iv) Facilities shall not include any above-ground structures or appurtenances.
2. Use Restrictions. Grantor will not and it will not authorize others to construct or

maintain structures on the Easement, except as may be approved in writing by Grantee, and that no excavation shall be conducted, and no landfill placed on the Land without such approval as to the location and method of excavation and/or placement of landfill.

3. Binding Effect. The terms and provisions of this Agreement shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns and shall be covenants running with the Land.

4. Entire Agreement. This Agreement contains all of the agreements between the parties respecting the subject matter hereof, and no prior representations or statements, verbal or written, have been made modifying, adding to, or changing the terms of this instrument.

5. Amendments. No amendments, modifications, or revisions of this Agreement shall be effective unless made in writing, dated subsequent to the date hereof, and signed by the parties hereto, or their respective successors or assigns.

6. No Waiver of Immunity. Nothing herein shall be deemed to limit or waive the sovereign or governmental immunity of Grantee.

7. Permitted Crossing: Grantor shall have the right to grant additional easements across the Easement as long as said additional easements do not interfere with or interrupt the use or enjoyment of the Easement by Grantee.

8. Recording and Construction. This Agreement shall be construed and enforced in accordance with the laws of the State of Texas. Grantee, at its election, may record this instrument or may prepare, execute, acknowledge, and record a memorandum of same. Grantor will execute and acknowledge any such memorandum at Grantee's request.

Grantor WARRANTS and FOREVER DEFENDS the Easement and the rights granted to Grantee for the purposes set out above, against every person claiming any right in the Easement.

This Easement runs with the land described in **EXHIBIT "A"** and inures to the benefit of and is binding upon Grantor and Grantee and their respective successors and assigns.

***Remainder of Page Intentionally Left Blank
Grantor Signature & Acknowledgment Follows***

EXECUTED this the _____ day of _____, 20__.

GRANTOR:

CITY OF WHARTON,
a Texas home-rule city and
municipal corporation

By: _____
Name: _____
Title: _____

STATE OF TEXAS §
 §
COUNTY OF WHARTON §

This instrument was acknowledged before me on the _____ day of _____, 20__, by _____, in his/her capacity as _____, on behalf of the **CITY OF WHARTON**, a Texas home-rule city and municipal corporation, and acknowledged and executed the same for the purposes and consideration therein expressed on behalf of said City.

Notary Public, State of Texas

GRANTEE:

Name/Title

STATE OF _____ §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 20__, by _____, in his/her capacity as _____, on behalf of _____, a _____, and acknowledged and executed the same for the purposes and consideration therein expressed on behalf of said _____.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

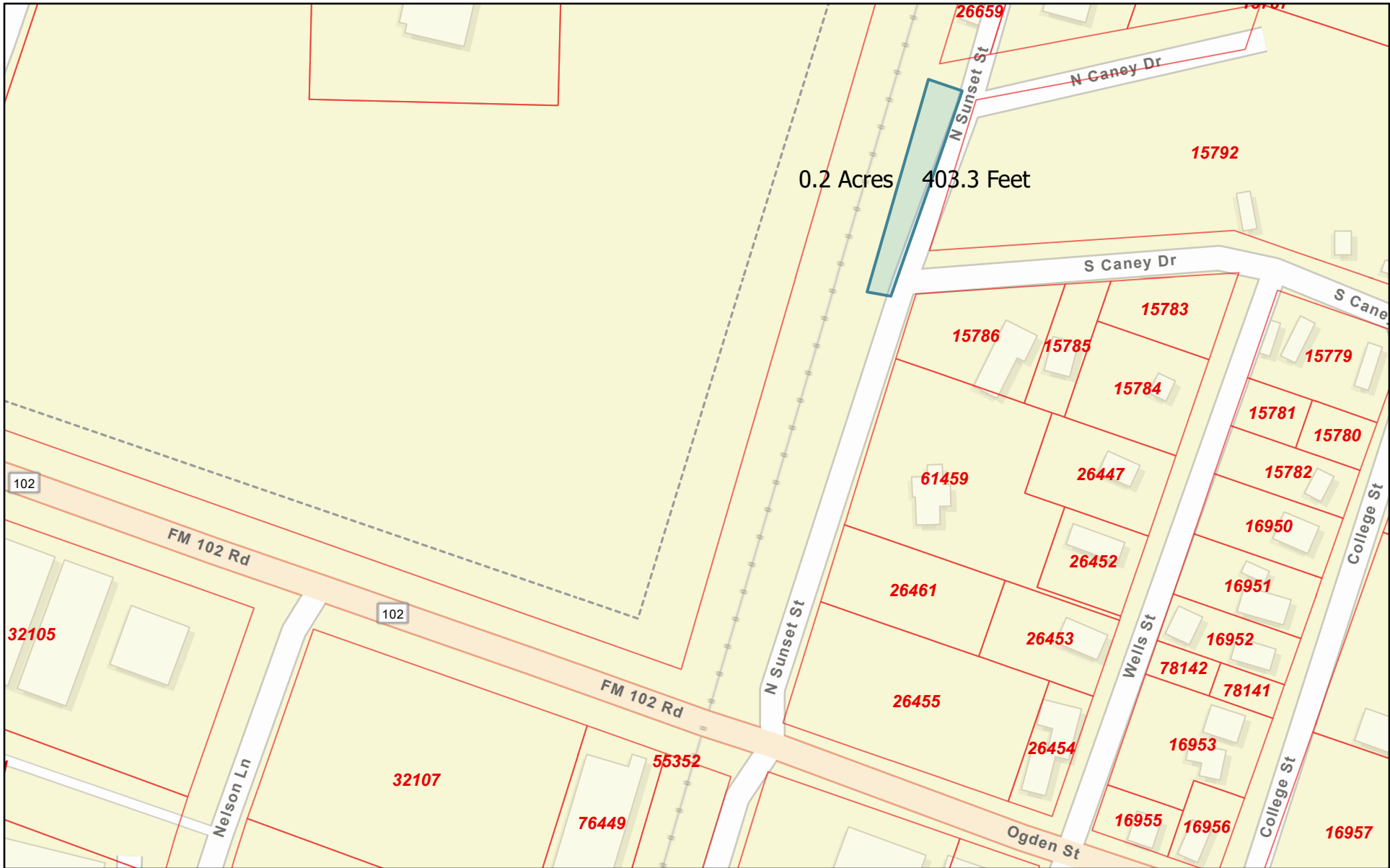
City of Wharton, Texas
Attn: Director of Planning & Development
120 E. Caney Street
Wharton, Texas 77488

EXHIBIT "A"

EASEMENT LEGAL DESCRIPTION

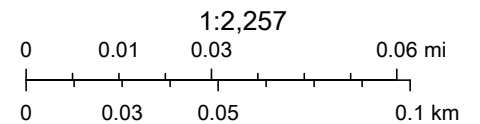
[ADD LEGAL DESCRIPTION]

KCS Easement



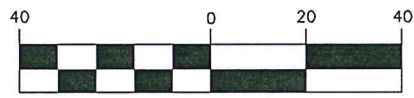
12/7/2022, 7:50:30 AM

Parcels



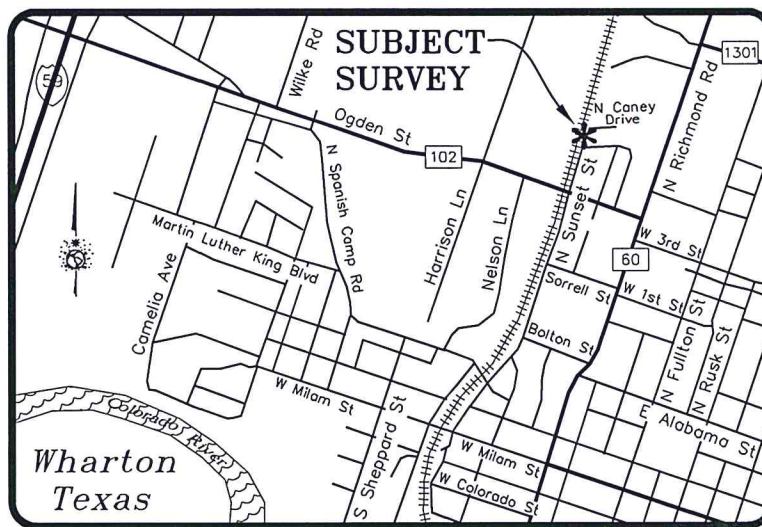
MAP OF SURVEY PREPARED FOR THE EXCLUSIVE USE OF
**The Kansas City Southern
 Railway Company**
 SHOWING A SURVEY OF A PROPOSED
 ACCESS EASEMENT LOCATED IN THE
 WILLIAM KINCHELOE LEAGUE, A-38
 CITY OF WHARTON, WHARTON COUNTY, TEXAS

GRAPHIC SCALE

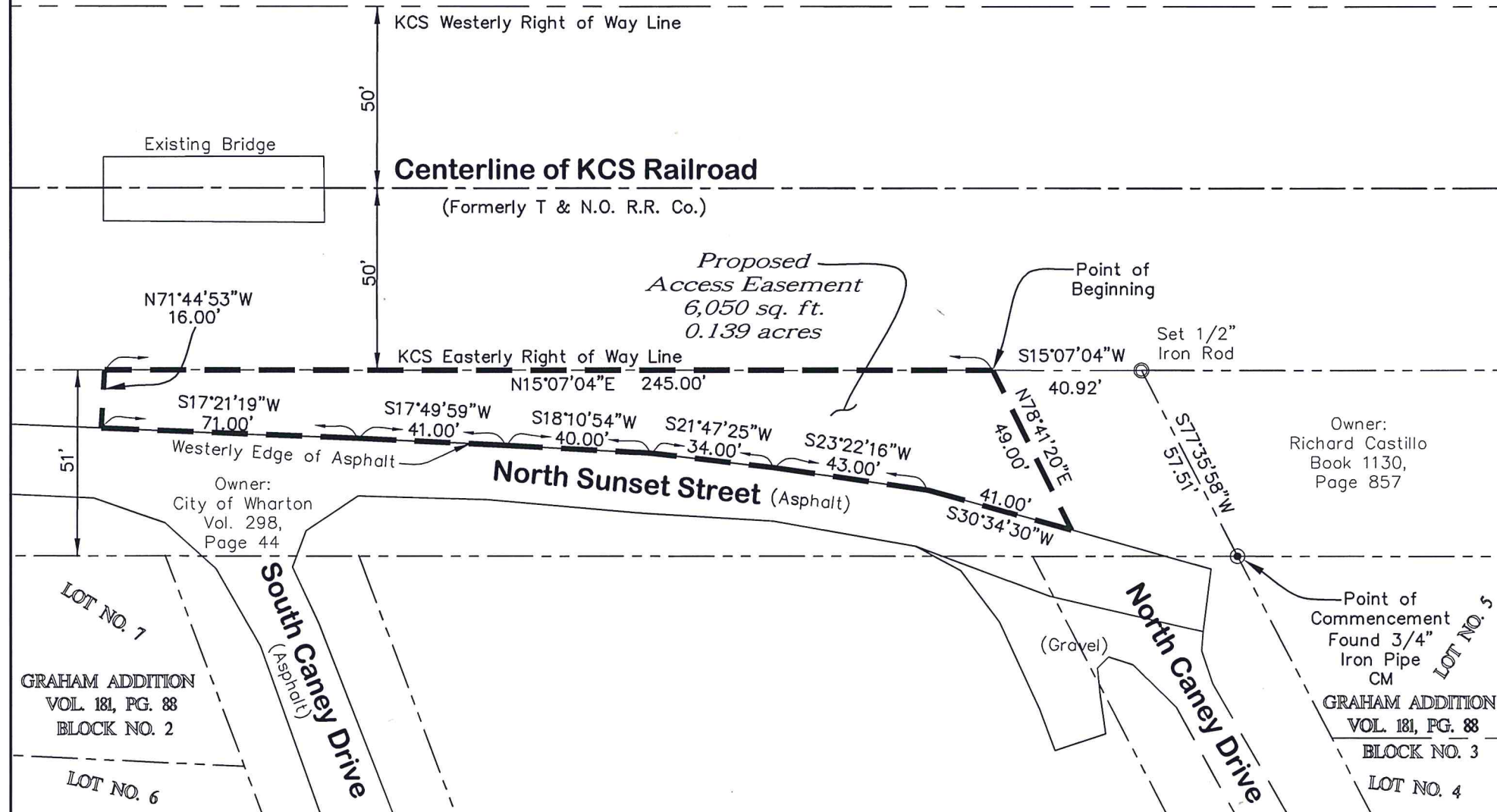


(IN FEET)

1 inch = 40 ft.



VICINITY MAP
 Not To Scale



LEGEND

- MONUMENT FOUND
- MONUMENT SET
- CM CONTROLLING MONUMENT
- CENTERLINE
- BOUNDARY/RIGHT OF WAY LINE
- ==== EASEMENT LINE

BASIS OF BEARING:

The basis of bearing used in this survey is grid based on the Texas State Plane Coordinate System, TX South Central Zone, NAD 1983, verified with GPS Observations using the Texas RTKnet. Combined Factor for the Point of Beginning is 0.999862688 and the Mapping Angle or Convergence is $1'25'12'' \frac{+}{-}$. Bearings and Distances shown hereon are grid.

NOTES:

1. This property is in the incorporated City Limits of Wharton, Texas.
2. This Map does Not constitute the following:
 - A. Wet Lands determination
 - B. Sub surface determinations
 - C. Environmental assessments
3. Field work was performed on September 2, 2022.
4. This survey was prepared without the benefit of a title commitment and may be subject to record evidence which is not available for consideration at this time.
5. Monument set is a 1/2" Iron Rod with Yellow plastic Cap, stamped "NOBLE TX 5845", unless otherwise noted.
6. See Page 2 of 2 for Field Notes Description of the Proposed Access Easement.

REFERENCE SURVEYS & DEEDS:

1. Map of Graham Addition to the City of Wharton, Texas Recorded in Volume 181, Page 88 of the Official Public Records of Wharton County, Texas.
2. Deed recorded in Volume 298, Page 44 of the Official Public Records of Wharton County, Texas.
3. Deed recorded in Book 1130, Page 857 of the Official Public Records of Wharton County, Texas.

RESEARCH NOTE:

THIS SURVEYOR AND POLARIS SERVICES, L.L.C. DO NOT GUARANTEE TITLE, OWNERSHIP OR THAT ALL EASEMENTS, RIGHT OF WAYS AND RESTRICTIONS OF RECORD OR USE AFFECTING THIS PROPERTY ARE SHOWN HEREON. THE TITLE, OWNERSHIP, EASEMENTS, RIGHT OF WAYS AND RESTRICTIONS SHOWN ARE LIMITED TO THOSE SET FORTH IN THE INFORMATION PROVIDED TO THIS FIRM. THE SURVEYOR AND POLARIS SERVICES, L.L.C. HAVE NOT MADE A COMPREHENSIVE TITLE SEARCH OR PUBLIC RECORD SEARCH IN COMPILING THE DATA FOR THIS MAP.

CERTIFICATION:

THIS MAP IS CERTIFIED TO BE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, REPRESENTING THE RESULTS OF A SURVEY MADE ON THE GROUND BY MYSELF OR BY PERSONNEL UNDER MY DIRECT SUPERVISION AND CONTROL. THIS MAP WAS MADE IN ACCORDANCE WITH THE CURRENT PROCEDURES AND PRACTICES ESTABLISHED BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS, AS AUTHORIZED BY THE PROFESSIONAL LAND SURVEYING PRACTICES ACT, AS AMENDED. (THE WORD "CERTIFY" OR "CERTIFIED" AS SHOWN AND USED HEREIN MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE EXPRESSED OR IMPLIED.)

Randall B. Noble
 RANDALL B. NOBLE, REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 5845

POLARIS SERVICES L.L.C.
 CONSULTING ENGINEERS - LAND SURVEYORS
 TBPELS # 10085900
 3602 NORTH MARKET STREET, SHREVEPORT, LA. 71107
 TELEPHONE 318-673-9985 FAX 318-673-9986

SCALE : 1" = 40' DATE: September 2, 2022

JOB # 3029 DRAWING NAME : 3029bmap 2022



Polaris Services, L.L.C.
Consulting Engineers - Land Surveyors
Randall B. Noble, P.L.S. (AR & TX)
Don R. Wood II, P.L.S. (LA)
Tim Blankenship, P.E. (AR, LA, TN), P.L.S. (AR)

3602 North Market St.
Shreveport, La 71107
randy@polarisservices.net

Ph: (318) 673-9985
Fax: (318) 673-9986

Field Notes Description
Proposed Access Easement

All that certain lot, tract or parcel of land for a Proposed Access Easement, being part of the WILLIAM KINCHELOE LEAGUE, A-38, City of Wharton, Wharton County, Texas, and being part of a tract of land conveyed by Lee Rieger and wife Mary Nell Rieger to the City of Wharton by Deed recorded on April 29, 1957 in Volume 298, Page 44, Official Public Records of Wharton County, Texas, said Proposed Access Easement being more particularly described as follows:

COMMENCE at a found 3/4 inch iron pipe marking the Southwest corner of Lot No. 5 in Block No. 3 of the Graham Addition to the City of Wharton, Wharton County, Texas as shown by plat recorded in Volume 181, Page 88, Official Public Records of Wharton County, Texas, also being the Southeast corner of a tract of land conveyed by Daniel Munoz to Richard Castillo by Special Warranty Deed recorded on April 12, 2019 in Book 1130, Page 857, Official Public Records of Wharton County, Texas, and measure South 77 degrees 35 minutes 58 seconds West, along the Southerly line of the said Richard Castillo tract, for a distance of 57.51 feet to a set 1/2 inch iron rod capped "NOBLE TX 5845" marking the Southwesterly corner of the said Richard Castillo tract and being the Northwesterly corner of the said tract to the City of Wharton, Texas, located on the Easterly right of way line of The Kansas City Southern Railroad (formerly T & N.O. R.R. Co.); thence leave the Southerly line of the said Richard Castillo tract and measure South 15 degrees 07 minutes 04 seconds West, along the Westerly line of the said tract to the City of Wharton, Texas, and the Easterly right of way line of the said Kansas City Southern Railroad, for a distance of 40.92 feet to the Point of Beginning and the Northwesterly corner of this Easement;

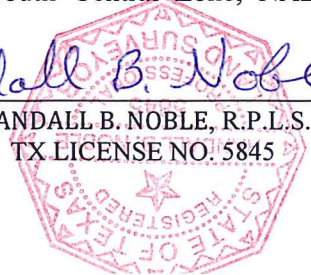
From the Point of Beginning leave the said lines and measure North 78 degrees 41 minutes 20 seconds East for a distance of 49.00 feet to a point being the Westerly Edge of Asphalt of North Sunset Street; thence measure the following six (6) courses along the said Westerly Edge of Asphalt of North Sunset Street:

- South 30 degrees 34 minutes 30 seconds West for a distance of 41.00 feet to a point,
- South 23 degrees 22 minutes 16 seconds West for a distance of 43.00 feet to a point,
- South 21 degrees 47 minutes 25 seconds West for a distance of 34.00 feet to a point,
- South 18 degrees 10 minutes 54 seconds West for a distance of 40.00 feet to a point,
- South 17 degrees 49 minutes 59 seconds West for a distance of 41.00 feet to a point,
- South 17 degrees 21 minutes 19 seconds West for a distance of 71.00 feet to a point being the Southeasterly corner of this Easement;

Thence leave the said Westerly Edge of Asphalt of North Sunset Street and measure North 71 degrees 44 minutes 53 seconds West for a distance of 16.00 feet to a point located on the Westerly line of the said tract to the City of Wharton, Texas and the said Easterly right of way line of The Kansas City Southern Railroad being the Southwesterly corner of this Easement; thence measure North 15 degrees 07 minutes 04 seconds East, along the said lines, for a distance of 245.00 to the Point of Beginning. Said tract for Proposed Access Easement contains 6,050 square feet or 0.139 acres, more or less, and is all in accordance with a Map of Survey dated September 02, 2022, prepared by Randall B. Noble and Polaris Services, L.L.C. Bearings and horizontal distances are grid based the Texas State Plane Coordinate System, South Central Zone, NAD 1983, as determined by GPS observations.

Randall B. Noble

RANDALL B. NOBLE, R.P.L.S.
TX LICENSE NO. 5845



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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A PERMANENT ACCESS EASEMENT BETWEEN THE CITY OF WHARTON AND KANSAS CITY SOUTHERN RAILROAD TO PROVIDE CONSTRUCTION AND MAINTENANCE ACCESS TO THEIR FACILITIES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council wishes to approve a Permanent Access Easement Agreement with Kansas City Southern Railroad to provide construction and maintenance access to their facilities; and,

WHEREAS, The easement would be located on City-owned property described as being a **0.139 acre** proposed Permanent Access Easement, being part of the WILLIAM KINCHELOE LEAGUE, A-38, City of Wharton, Wharton County, Texas, and being part of a tract of land conveyed by Lee Rieger and wife Mary Nell Rieger to the City of Wharton by Deed recorded on April 29, 1957 in Volume 298, Page 44, Official Public Records of Wharton County, Texas; and,

WHEREAS, The City of Wharton and Kansas City Southern Railroad wishes to be bound by the conditions set forth in the agreement; and,

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

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

Section I. That the City Council of the City of Wharton hereby approves a Permanent Access Easement Agreement with Kansas City Southern Railroad to provide construction and maintenance access to their facilities.

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

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

Passed, Approved, and Adopted this 12th day of December 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

CITY COUNCIL COMMUNICATION

| | | | |
|---------------|------------|--------------|--|
| Meeting Date: | 12/12/2022 | Agenda Item: | Resolution: A resolution of the Wharton City Council approving an Agreement for Construction, Maintenance and Operation of Continuous Highway Lighting Systems within a Municipality with Texas Department of Transportation; and authorizing the Mayor of the City of Wharton to execute the agreement. |
|---------------|------------|--------------|--|

The TxDOT Staff in the Yoakum District Office have been in contact with the City in reference to entering into a Continuous Lighting Agreement for lighting to be constructed on I-69 during the construction upgrades. TxDOT is requesting that the City power and maintain the lighting to be installed from south of JM Eagle to just north of the future FM 1301 interchange. This will be an estimated total of 41 - 48' tall poles with 400-watt (equivalent) LED lighting.

The construction would be financed and completed by TxDOT. The City is being requested to provide power and maintenance to the lighting once constructed. The Staff did speak with TxDOT about the possible maintenance costs associated. Per TxDOT representatives the illumination is mounted to the top of the center barrier so there is a small chance that the poles or arms will need maintenance. It would mostly be changing the bulbs and the associated traffic control. The bulbs should last approximately ten years. The increased cost would be for the traffic control. Estimates for the traffic control necessary could be in the \$2,500 - \$5,000 per day range to give access to change the bulb(s).

After the request of Council to speak with TxDOT about a Memorandum of Understanding (MOU) for the maintenance of the lights, the City Staff did meet with Yoakum District Staff. TxDOT is not in agreement with the MOU. It was determined that the lighting being requested to be maintained by the City is aesthetic for the City only and not required safety lighting. TxDOT is also providing the required safety lighting at each entrance and exit ramp and along the feeders as needed. The safety lighting will be powered and maintained by TxDOT. The TxDOT staff advised that if the City wished to not provide the lighting and maintenance to the lighting as requested in the agreement, these lights could be removed from the final design, so as to not impact either agency.

After discussing this with TxDOT, it is currently the City Staff's that the City Council consider executing the agreement at this time. While the lighting is only aesthetic in nature, it will enhance the future intersection of F.M. 1301 and I-69 as well as the F.M. 102 and I-69 area throughout the City Limits and provide a positive look to the City for future economic opportunities.

Attached is a draft copy of the agreement, approximate schematic and the draft resolution authorizing the agreement.

| | |
|---------------------------------|----------------------------------|
| City Manager: Joseph R. Pace | Date: Thursday, December 8, 2022 |
| Approval: <i>Joseph R. Pace</i> | |
| Mayor: Tim Barker | |



City of Wharton

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

MEMORANDUM

DATE: December 7, 2022
FROM: Gwyneth Teves, Director of Planning & Development
TO: Honorable Mayor and City Council
SUBJECT: US 59/I 69 Upgrade Continuous Lighting Agreement with TxDOT

TxDOT staff in the Yoakum District Office have been in contact with the City in reference to entering into a Continuous Lighting Agreement for lighting to be constructed on I-69 during the construction upgrades. TxDOT is requesting that the City power and maintain the lighting to be installed from south of JM Eagle to just north of the future FM 1301 interchange. This will be an estimated total of 41 - 48' tall poles with 400-watt (equivalent) LED lighting.

The construction would be financed and completed by TxDOT. The City is being requested to provide power and maintenance to the lighting once constructed. Staff did speak with TxDOT about the possible maintenance costs associated. Per TxDOT representatives the illumination is mounted to the top of the center barrier so there is a small chance that the poles or arms will need maintenance. It would mostly be changing the bulbs and the associated traffic control. The bulbs should last approximately ten years. The increased cost would be for the traffic control. Estimates for the traffic control necessary could be in the \$2,500 - \$5,000 per day range to give access to change the bulb(s).

After the request of Council to speak with TxDOT about a Memorandum of Understanding (MOU) for the maintenance of the lights, City Staff did meet with Yoakum District Staff. TxDOT is not in agreement with the MOU. It was determined that the lighting being requested to be maintained by the City is aesthetic for the City only and not required safety lighting. TxDOT is also providing the required safety lighting at each entrance and exit ramp and along the feeders as needed. The safety lighting will be powered and maintained by TxDOT. The TxDOT staff advised that if the City wished to not provide the lighting and maintenance to the lighting as requested in the agreement, these lights could be removed from the final design, so as to not impact either agency.

After discussing this with TxDOT, it is currently my recommendation that the City Council consider executing the agreement at this time. While the lighting is only aesthetic in nature, it will enhance the future intersection of FM 1301 and I 69 as well as the FM 102 and I 69 area throughout the city limits and provide a positive look to the city for future economic opportunities.

Attached is a draft copy of the agreement, approximate schematic and the draft resolution authorizing the agreement.

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

STATE OF TEXAS §

COUNTY OF TRAVIS §

**AGREEMENT FOR CONSTRUCTION, MAINTENANCE
AND OPERATION OF CONTINUOUS HIGHWAY LIGHTING
SYSTEMS WITHIN A MUNICIPALITY
(Specific Limits)**

THIS AGREEMENT, dated this _____ day of _____, 20_____, by and between the State of Texas, hereinafter referred to as the “State,” party of the first part, acting by and through the Texas Department of Transportation, and the City of Wharton, Wharton County, Texas, acting by and through its duly authorized officers under a ordinance or resolution passed the _____ day of _____, 20_____, hereinafter called the “City,” party of the second part, is made to become effective when fully executed by both parties.

WITNESSETH

WHEREAS, the City has requested the State to contribute financial aid in the construction, maintenance, and operation of a continuous highway lighting system on the highway designated as US 59 within the limits from 0.26 MI. NORTH OF FM 102 to 1 MI SOUTH OF FM 961 inside the City which is in accordance with 43 Texas Administrative Code, Section 25.11. Within the City, said lighting system hereinafter referred to as the “lighting system” is to consist of continuous lighting to be built in sections as financed and designated by the Texas Transportation Commission; and

WHEREAS, the Executive Director, acting for and in behalf of the Texas Transportation Commission, has made it known to the City that the State will construct said highway lighting system, conditioned that the City, as provided in 43 Texas Administrative Code, Section 25.11 and Transportation Code, §221.002, will maintain and operate said lighting system.

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, as hereinafter set forth, it is agreed as follows:

AGREEMENT

Article 1. CONSTRUCTION RESPONSIBILITIES

A. The State will prepare or provide for the plans and specifications, advertise for bids, let the construction contract, or otherwise provide for the construction, and will supervise construction, reconstruction or betterment work as required by said plans and specifications. As this lighting system project is developed to construction stage, either as a unit or in increments, the State will submit plans and specifications of the proposed work to the City and will secure the City’s consent to construct the lighting system prior to awarding the contract; said City consent being signified by the signatures of duly authorized City officers in the spaces provided on the title sheet of the plans containing the following notation.

“Attachment No. _____ to special AGREEMENT FOR CONSTRUCTION,

MAINTENANCE, AND OPERATION OF CONTINUOUS HIGHWAY LIGHTING SYSTEMS WITHIN A MUNICIPALITY (Specific Limits) dated _____.

The City-State construction, maintenance, and operation responsibilities shall be a heretofore agreed to, accepted, and specified in the Agreement to which these plans are made a part.”

- B. All costs of constructing the lighting system will be borne by the State, and the lighting system will remain the property of the State.

Article 2. MAINTENANCE AND OPERATION RESPONSIBILITIES

- A. The City hereby agrees to furnish at its expense the electrical energy required for proper operation of the lighting system, such electrical energy to be provided at points on the illumination system as designated by the State. The City further agrees to maintain and operate the lighting system in an efficient and sightly condition, including the furnishing of all equipment and labor and making any replacements which may become necessary, without cost to the State.
- B. The City shall assume maintenance and operation on a date to correspond with the date construction of the lighting system is completed and accepted by the State. The State will provide written notification to the City of such acceptance. The City hereby agrees to furnish at its expense the electrical energy consumed by the system during the period of trial operation prior to the acceptance by the State. If the lighting system is constructed by sections, this provision shall apply to each such separately constructed section.
- C. The City will obtain approval of the Executive Director before making any major changes in the design and/or operation of the lighting system as designed and constructed by the State or before the removal of any part of the installation except for the purpose of replacement where identical or accepted equivalent equipment to that originally installed is used.

Article 3. GENERAL

- A. This Agreement shall remain in force for a period of two years from the date that maintenance and operation responsibilities are first assumed by the City and shall be automatically renewed for two-year periods unless modified by mutual agreement by both parties
- B. The State will not incur any financial obligation to the City as a result of the Agreement.
- C. This Agreement may be terminated sixty (60) days after the filing of a written notice by either party of a desire for cancellation. The State reserves the right to remove the lighting system upon cancellation of the Agreement.
- D. If, at any time, the City does not maintain and operate the lighting system in a satisfactory manner, the State reserves the right to either arrange for maintenance at the expense of the City or to remove the lighting system. Should the lighting system be removed due to lack of maintenance, the City hereby agrees to reimburse the State for the cost of removal.
- E. Should disputes arise as to the parties' obligations under this Agreement, the State's decision shall be final and binding.
- F. The City shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any court, or administrative bodies or tribunals in any matter affecting the performance of this Agreement.
- G. Changes in time frame, character, cost, or obligations authorized herein shall be enacted by written amendment. Any amendment to this Agreement must be executed by both parties within the contract period.

- H. This Agreement shall bind, and shall be for the sole and exclusive benefit of the respective parties and their legal successors. The City shall not assign or transfer its interest in this Agreement without written consent of the State.
- I. In case any one or more of the provisions contained in this Agreement shall, for any reason, be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- J. This Agreement constitutes the sole and only agreement for lighting at the location described herein of the parties hereto and supersedes any prior understandings or written or oral agreement between the parties respecting within subject matter.
- K. The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
- L. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

Article 4. INDEMNIFICATION

The City acknowledges that it is not an agent, servant, or employee of the State and, thus, is responsible for its own acts and deeds and for those of its agents or employees during the performance of the work defined in this agreement.

Each party is signing this agreement on the date stated below that party's signature.

THE CITY OF _____

Executed on behalf of the City by:

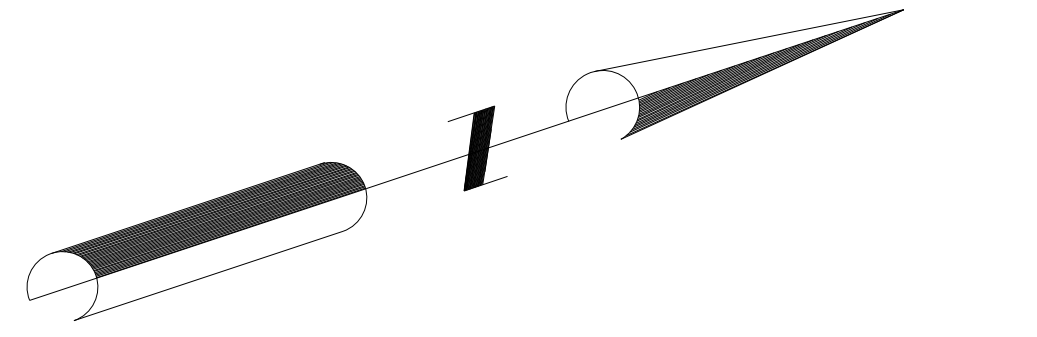
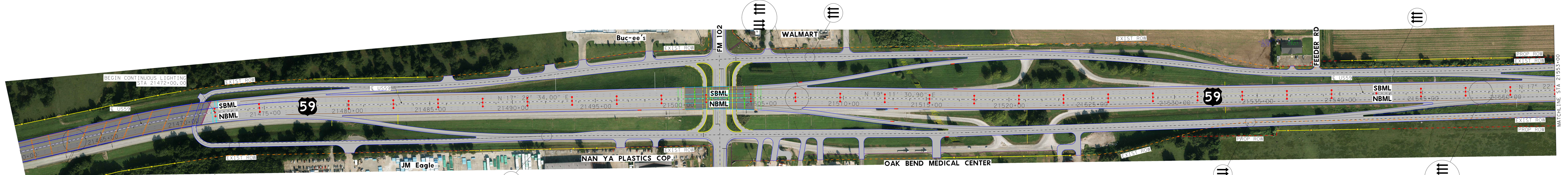
By _____ Date _____

Typed or Printed Name and Title _____

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____ Date _____
_____ District Engineer



NOT A BIDDING DOCUMENT

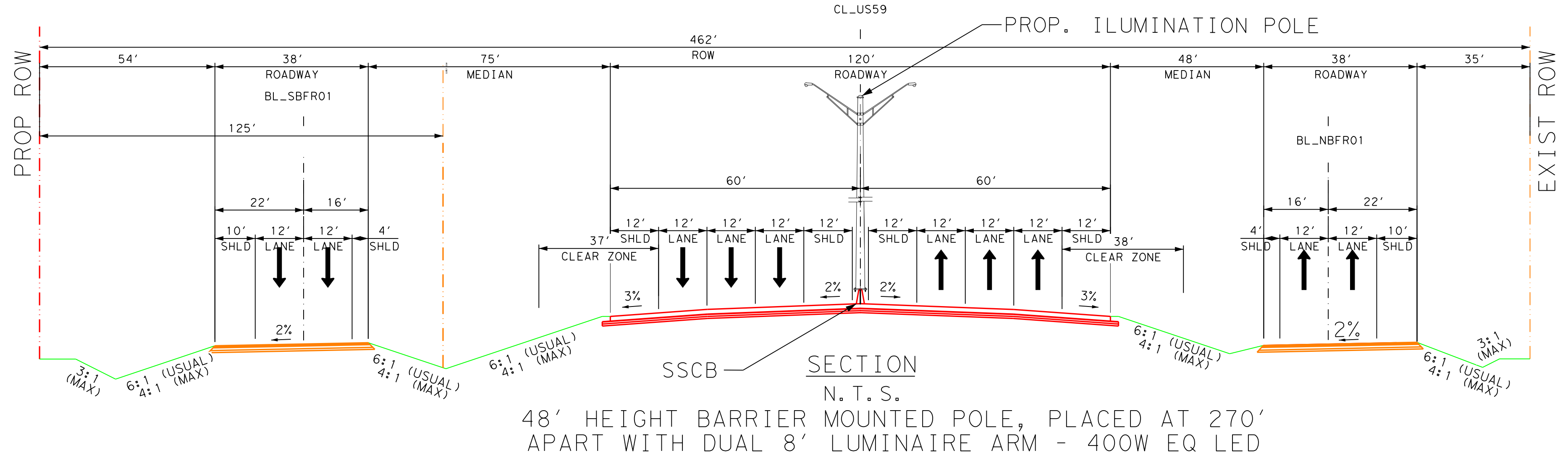
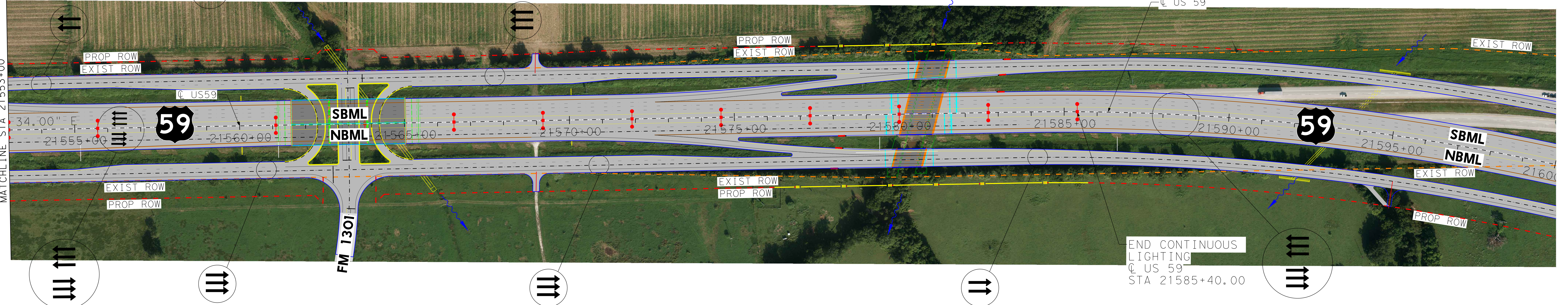
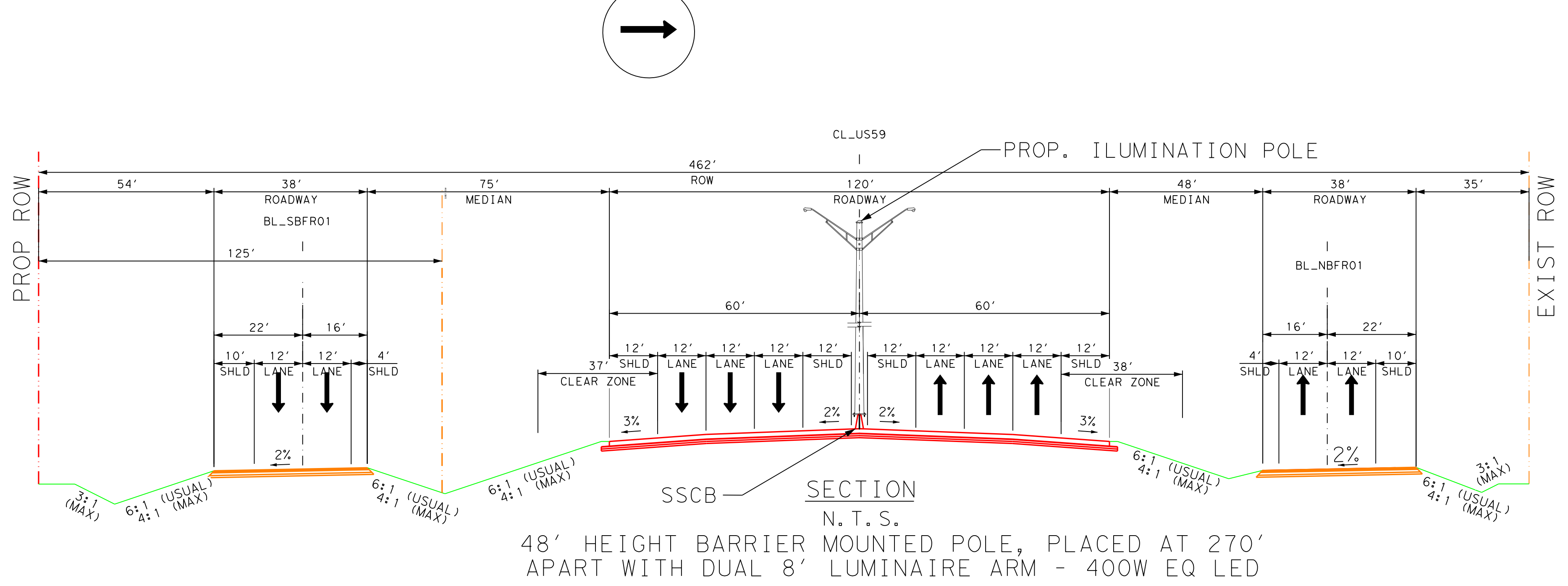
- LEGEND:**
- PROP. ROADWAY ILLUM ASSEMBLY (TY SP) 485-8-B (400W) EQ LED
 - PROP ROW
 - EXIST ROW
 - TRAFFIC FLOW ARROW
- * SYMBOLS ARE EXAGGERATED IN SIZE FOR CLARITY

SCALE: 0 50' 100'

CONSOR
P-12040

Texas Department of Transportation
© 2022

US 59
SCHEMATIC LAYOUT
STATION 21465+00 TO STATION 21590+00
SHEET 2 OF 1



NOT A BIDDING DOCUMENT

- LEGEND:**
- PROP. ROADWAY ILLUM ASSEMBLY (TY SP) 485-8-B (400W) EQ LED
 - PROP ROW
 - EXIST ROW
 - TRAFFIC FLOW ARROW
- * SYMBOLS ARE EXAGGERATED IN SIZE FOR CLARITY

SCALE: 0 50' 100'

CONSOR
P-12040

Texas Department of Transportation
© 2022

US 59
CONTINUOUS LIGHTING EXHIBIT
STA 21472+00 TO STA 21590+00
SHEET 2 OF 1

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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF CONTINUOUS HIGHWAY LIGHTING SYSTEMS WITHIN A MUNICIPALITY WITH TEXAS DEPARTMENT OF TRANSPORTATION; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council wishes to approve an Agreement for Construction, Maintenance and Operation of Continuous Highway Lighting Systems Within a Municipality with Texas Department of Transportation; and,

WHEREAS, The City of Wharton and Texas Department of Transportation wishes to be bound by the conditions set forth in the agreement; and,

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

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

Section I. That the Wharton City Council hereby approves an Agreement for Construction, Maintenance and Operation of Continuous Highway Lighting Systems Within a Municipality with Texas Department of Transportation.

Section II. That the City of Wharton and Texas Department of Transportation wishes to be bound by the conditions set forth in the agreement.

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

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

Passed, Approved, and Adopted this the 12th day of December 2022.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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


CITY COUNCIL COMMUNICATION

| | | | |
|---------------|------------|--------------|--|
| Meeting Date: | 12/12/2022 | Agenda Item: | Pay Request No. 3 from CR McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators. |
|---------------|------------|--------------|--|

Attached you will find Pay Request No. 3 from CR McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators in the amount of \$390,600.00.

The City Council awarded a contract for construction to CR McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators Project.

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

| | |
|---|----------------------------------|
| City Manager: Joseph R. Pace | Date: Thursday, December 8, 2022 |
| Approval:  | |
| Mayor: Tim Barker | |



City of Wharton

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

MEMORANDUM

DATE: December 7, 2022

FROM: Gwyneth Teves, Director of Planning & Development

TO: Honorable Mayor and City Council

SUBJECT: Recommendation for payment to CR McDonald Electric, Inc. for Pay Estimate No. 3 for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators

The City Council awarded a contract for construction to CR McDonald Electric, Inc. for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators Project.

Pay Estimate No. 3 has been sent and recommendation for payment by the engineer is attached.

It is my recommendation that the City Council approve Pay Estimate 3 for \$390,600.00 and recommend payment.

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



2322 W Grand Pkwy N, Suite 150
Katy, Texas 77449
Tel: 832.913.4000
Fax: 832.913.4001
www.quiddity.com

November 10, 2022

The Honorable Tim Barker
City of Wharton
120 East Caney
Wharton, TX 77488

Re: Construction of Water Plants & WWTP No. 2 Generator Addition
City of Wharton
Texas Division of Emergency Management (TDEM)
Hazard Mitigation Grant Program (HMGP), DR-4332

Dear Mayor Barker:

Enclosed is Progress Payment No. 3 from CF McDonald Electric, Inc. for the referenced project. The estimate is in order and we recommend payment in the amount of \$390,600.00 to CF McDonald Electric, Inc. .

Also enclosed is Construction Progress Report No. 3, which is submitted in accordance with Texas Commission on Environmental Quality Rule No. 293.62. This report covers construction activities for the referenced project during the period of August 12, 2022 through September 21, 2022.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael C. Mawdsley", written over a horizontal line.

Michael C. Mawdsley, PMP

MCM:jl
05135-0233-00

K:\05135\05135-0233-00 City of Wharton Generator Addition\3 Construction Phase\Pay Estimates\PE Water Plants & WWTP No. 2 05135-0233-00.xlsm

Enclosure

cc: CF McDonald Electric, Inc.

November 10, 2022

Construction Progress Report No. 3
 Period August 12, 2022 to September 21, 2022

Construction of Water Plants & WWTP No. 2 Generator Addition
 City of Wharton
 Texas Division of Emergency Management (TDEM)
 Hazard Mitigation Grant Program (HMGP), DR-4332

Contract:

- A. Contractor: CF McDonald Electric, Inc.
- B. Contract Date: June 29, 2022
- C. Authorization to Proceed: June 29, 2022 (337 Calendar Days)
- D. Completion Date: May 31, 2023
- E. Contract Time Used: 84 Calendar Days (25%)
- F. Days Remaining 253 Calendar Days
- G. Impact Days Requested this Pay Period: 0, Impact Days Approved this Pay Period: 0
- H. Impact Days Approved to Date: 0, Change Order Days: 0

I. General

Contractor has continued removing and replacing driveway, paving and installation of concrete pads.

II. Change Orders

None Issued this Report.

III. Completion Report

A. Estimated Cost of this Report

| | | | |
|----|--------------------------------|----|--------------|
| 1. | Contract Bid Price | \$ | 1,518,268.00 |
| 2. | Change Orders | \$ | 0.00 |
| 3. | Total Estimated Contract Price | \$ | 1,518,269.00 |

B. Actual cost as of this Report \$ 689,000.00

C. Amount Retained (10% of B) \$ 68,900.00

D. Total Paid Contractor \$ 620,099.99

E. Estimated Cost Remaining (A.3 - B) \$ 829,269.00

F. Construction Complete (B/A.3) 45%

IV. Frequency of Observation - Periodically

V. Problems

No Problems This Report.





PROGRESS PAYMENT # 3

OWNER: Texas Division of Emergency Management (TDEM)

PROJECT: Construction of Water Plants & WWTP No. 2 Generator Addition

City of Wharton

JOB NO.: 05135-0233-00

CONTRACTOR: CF McDonald Electric, Inc.

CONTRACT DATES

FROM TO

ORIGINAL 29-Jun-22 31-May-23

REVISED 29-Jun-22 31-May-23

THIS EST. 12-Aug-22 21-Sep-22

| ITEM NO. | DESCRIPTION | UNIT | ESTIMATED QUANTITY | UNIT PRICE | THIS ESTIMATE | | PREVIOUS ESTIMATE | | TOTAL TO DATE | | REMARKS |
|----------|---|------|--------------------|---------------|---------------|--------------|-------------------|-------------|---------------|--------------|---------|
| | | | | | QUANTITY | AMOUNT | QUANTITY | AMOUNT | QUANTITY | AMOUNT | |
| 1 | Bonds and insurance for all work associated with base bid items. Complete as specified. | LS | 1 | \$ 50,000.00 | 0.0% | \$0.00 | 100.0% | \$50,000.00 | 100.0% | \$50,000.00 | 100.0% |
| 2 | Move-in and set up for all work associated with the Alabama Water Plant. Complete as specified. | LS | 1 | \$ 20,000.00 | 0.0% | \$0.00 | 100.0% | \$20,000.00 | 100.0% | \$20,000.00 | 100.0% |
| 3 | Move-in and set up for all work associated with the Cloud Street Road Water Plant. Complete as specified. | LS | 1 | \$ 20,000.00 | 0.0% | \$0.00 | 0.0% | \$0.00 | 0.0% | \$0.00 | 0.0% |
| 4 | Move-in and set up for all work associated with the Valhalla Water Plant. Complete as specified. | LS | 1 | \$ 20,000.00 | 0.0% | \$0.00 | 100.0% | \$20,000.00 | 100.0% | \$20,000.00 | 100.0% |
| 5 | Move-in and set up for all work associated with the Wastewater Treatment Plant No. 2. Complete as specified. | LS | 1 | \$ 30,000.00 | 0.0% | \$0.00 | 100.0% | \$30,000.00 | 100.0% | \$30,000.00 | 100.0% |
| 6 | Installation, maintenance, and record keeping of a Storm Water Pollution Prevention Plan (SWPPP) for the three (3) water plant sites and one (1) wastewater treatment plant site, complete as specified. | LS | 1 | \$ 100.00 | 0.0% | \$0.00 | 0.0% | \$0.00 | 0.0% | \$0.00 | 0.0% |
| 7 | Construction of Alabama Water Plant Generator Addition which includes, but is not limited to the demolition of existing manual transfer switch, cam-loc connectors, construction of a proposed 400KW natural gas generator with a sound attenuated enclosure, automatic transfer switch, surge protection device, duct bank, conduit, and all else as shown on the construction drawings and detailed in the specifications, complete in place. | LS | 1 | \$ 338,000.00 | 52.4% | \$177,000.00 | 0.0% | \$0.00 | 52.4% | \$177,000.00 | 52.4% |



OWNER: Texas Division of Emergency Management (TDEM)

PROGRESS PAYMENT # 3

PROJECT : Construction of Water Plants & WWTP No. 2 Generator Addition
 City of Wharton
 JOB NO. : 05135-0233-00
 CONTRACTOR: CF McDonald Electric, Inc.

CONTRACT DATES
 FROM 29-Jun-22 TO 31-May-23
 REVISIONS 29-Jun-22 TO 31-May-23
 THIS EST. 12-Aug-22 TO 21-Sep-22

| ITEM NO. | DESCRIPTION | UNIT | ESTIMATED QUANTITY | UNIT PRICE | THIS ESTIMATE | | PREVIOUS ESTIMATE | | TOTAL TO DATE | | REMARKS |
|----------|--|------|--------------------|---------------|---------------|--------------|-------------------|-------------|---------------|--------------|---------|
| | | | | | QUANTITY | AMOUNT | QUANTITY | AMOUNT | QUANTITY | AMOUNT | |
| 8 | Construction of Cloud Street Water Plant Generator Addition which includes, but is not limited to the demolition of existing manual transfer switch, cam-1ok connectors, construction of a proposed 250KW natural gas generator with a sound attenuated enclosure, automatic transfer switch, main breaker, surge protection device, duct bank, conduit, and all else as shown on the construction drawings and detailed in the specifications, complete in place. | LS | 1 | \$ 233,000.00 | 46.4% | \$108,000.00 | 0.0% | \$0.00 | 46.4% | \$108,000.00 | 46.4% |
| 9 | Construction of Valhalla Water Plant Generator Addition which includes, but is not limited to the demolition of existing manual transfer switch, cam-1ok connectors, main breaker, construction of a proposed 400KW natural gas generator with a sound attenuated enclosure, automatic transfer switch, main breaker, surge protection device, duct bank, conduit, and all else as shown on the construction drawings and detailed in the specifications, complete in place. | LS | 1 | \$ 387,000.00 | 24.8% | \$96,000.00 | 15.5% | \$60,000.00 | 40.3% | \$156,000.00 | 40.3% |



OWNER: Texas Division of Emergency Management (TDEM)

PROGRESS PAYMENT # 3

PROJECT: Construction of Water Plants & WWTP No. 2 Generator Addition

City of Wharton

JOB NO. : 05135-0233-00

CONTRACTOR: CF McDonald Electric, Inc.

| CONTRACT DATES | |
|---------------------|-----------|
| FROM | TO |
| ORIGINAL 29-Jun-22 | 31-May-23 |
| REVISED 29-Jun-22 | 31-May-23 |
| THIS EST. 12-Aug-22 | 21-Sep-22 |

| ITEM NO. | DESCRIPTION | UNIT | ESTIMATED QUANTITY | UNIT PRICE | THIS ESTIMATE | | PREVIOUS ESTIMATE | | TOTAL TO DATE | | REMARKS |
|----------|---|------|--------------------|---------------|---------------|-------------|-------------------|-------------|---------------|--------------|---------|
| | | | | | QUANTITY | AMOUNT | QUANTITY | AMOUNT | QUANTITY | AMOUNT | |
| 10 | Construction of Wastewater Treatment Plant No. 2 Generator Addition which includes, but is not limited to the demolition of existing manual transfer switch, cam-lock connectors, construction of a proposed 550KW diesel generator with a sound attenuated enclosure, automatic transfer switch, MCC modifications, surge protection device, duct bank, conduit, and all else as shown on the construction drawings and detailed in the specifications, complete in place. | LS | 1 | \$ 330,169.00 | 16.1% | \$53,000.00 | 22.7% | \$75,000.00 | 38.8% | \$128,000.00 | 38.8% |
| 11 | Allowance for the Utility Company (CenterPoint Energy) to extend a natural gas line to the site and installation of a natural gas meter at N. Alabama Road Water Plant. | LS | 1 | \$ 27,500.00 | 0.0% | \$0.00 | 0.0% | \$0.00 | 0.0% | \$0.00 | 0.0% |
| 12 | Allowance for the Utility Company (CenterPoint Energy) to extend a natural gas line to the site and installation of a natural gas meter at N. Cloud Street Water Plant. | LS | 1 | \$ 20,000.00 | 0.0% | \$0.00 | 0.0% | \$0.00 | 0.0% | \$0.00 | 0.0% |
| 13 | Allowance for the Utility Company (CenterPoint Energy) to extend a natural gas line to the site and installation of a natural gas meter at Valhalla Drive Water Plant. | LS | 1 | \$ 18,500.00 | 0.0% | \$0.00 | 0.0% | \$0.00 | 0.0% | \$0.00 | 0.0% |



OWNER: Texas Division of Emergency Management (TDEM)

PROGRESS PAYMENT # 3

PROJECT : Construction of Water Plants & WWTP No. 2 Generator Addition

City of Wharton

JOB NO. : 05135-0233-00

CONTRACTOR: CF McDonald Electric, Inc.

| CONTRACT DATES | |
|----------------|-----------|
| FROM | TO |
| ORIGINAL | 29-Jun-22 |
| REVISED | 29-Jun-22 |
| THIS EST. | 12-Aug-22 |
| | 21-Sep-22 |

| ITEM NO. | DESCRIPTION | UNIT | ESTIMATED QUANTITY | UNIT PRICE | THIS ESTIMATE | | PREVIOUS ESTIMATE | | TOTAL TO DATE | | REMARKS | |
|-----------------------|---|------|--------------------|--------------|---------------|--------|-------------------|--------|---------------|--------|---------|--|
| | | | | | QUANTITY | AMOUNT | QUANTITY | AMOUNT | QUANTITY | AMOUNT | | |
| TOTAL BASE BID | | | | | | | | | | | | |
| ALT 1 | Wastewater Plant 2, provide a generator platform that is designed and sign/sealed by a Texas licensed Professional Engineer. Provide required access and working space accessories and tools, in accordance with NEC and OSHA requirements, including but not limited to Generator platform, step ladder. | LS | 1 | \$ 24,000.00 | 0.0% | \$0.00 | 0.0% | \$0.00 | 0.0% | \$0.00 | 0.0% | |



OWNER: Texas Division of Emergency Management (TDEM)

PROGRESS PAYMENT # 3

PROJECT: Construction of Water Plants & WWTP No. 2 Generator Addition

City of Wharton

JOB NO. : 05135-0233-00

CONTRACTOR: CF McDonald Electric, Inc.

| CONTRACT DATES | |
|----------------|-----------|
| FROM | TO |
| 29-Jun-22 | 31-May-23 |
| 29-Jun-22 | 31-May-23 |
| THIS EST. | 21-Sep-22 |
| 12-Aug-22 | |

| ITEM NO. | DESCRIPTION | UNIT | ESTIMATED QUANTITY | UNIT PRICE | THIS ESTIMATE | | PREVIOUS ESTIMATE | | TOTAL TO DATE | | REMARKS |
|----------|-------------|------|--------------------|------------|---------------|--------|-------------------|--------|---------------|--------|---------|
| | | | | | QUANTITY | AMOUNT | QUANTITY | AMOUNT | QUANTITY | AMOUNT | |

MATERIALS ON HAND

\$0.00

\$0.00

\$0.00

TOTAL MATERIALS ON HAND

CHANGE ORDER PLUS/MINUS

VALUE DAYS

- Change Order No. 001
- Change Order No. 002
- Change Order No. 003
- Change Order No. 004

\$0.00
\$0.00
\$0.00
\$0.00

\$0.00
\$0.00
\$0.00
\$0.00

TOTAL CONTRACT MODIFICATIONS

\$0.00

Subtotal (Line Items)

\$433,999.99

\$255,000.01

\$689,000.00

Materials on Hand

\$0.00

\$0.00

\$0.00

0 Impact Days Requested this Pay Period

Subtotal (Materials on Hand/Line Items)

\$433,999.99

\$255,000.01

\$689,000.00

0 Impact Days Approved this Pay Period

Less Retainage (10%)

\$43,400.00

\$25,500.00

\$68,900.00

0 Impact Days Approved to Date

Total

\$390,600.00

\$229,500.00

\$620,099.99

0 Change Order Days

Less Previous Estimates

\$229,500.00

\$229,500.00

\$390,600.00

252 Days Remaining

25% Complete by Time

Orig. Contract Amount

\$1,518,269.00

45% Complete by Value

Contract Modifications

\$0.00

Total Contract Amount

\$1,518,269.00

Construction Remaining

\$829,269.00

Amount Approved

\$390,600.00

APPROVED BY QUIDDITY

By: Michael C. Mawdsley, PMP

INVOICE

Item-7.

M C.F. McDONALD
ELECTRIC, INC.

CONTRACTORS • ENGINEERS

5044 Timber Creek • Houston, TX 77017 • (713) 921-1368

Sold To:

City of Wharton
C/O Quiddity
6330 W. Loop S., Suite 150
Houston, TX. 77401

Date: 9/21/22

Invoice No.
W024533-3

| PO. NO. | PROJECT NAME AND / OR ADDRESS | SUBCONTACT NO. |
|---------|--|----------------|
| | Water Plants & WWTP #2 Generator Addition | |

*NOTICE: Invoice due upon receipt. A Service charge equal to the maximum legal rate of interest allowable per month will be charged on any payment not received within 30 days after date of this invoice.
"Regulated by The Texas Department of Licensing and Regulations, License #18339, P.O. Box 12157, Austin, TX 78711, 1-800-803-9202, 512-463-6599, website: www.license.state.tx.us/complaints"*

Base Contract Amount ----- \$1,518,269.00

Progress Billing - Tax Exempt - \$689,000.00

Less 10% Retained \$68,900.00

\$620,100.00

Less Previous Billings \$229,500.00

TOTAL THIS INVOICE ----- \$390,600.00

Thank You!

AFFIDAVIT OF BILLS PAID

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Wayne Berkenmeier party to that certain Contract entered into between City Of Wharton (Owner) and C. F. McDonald Electric, Inc. (Contractor) for the erection, construction, and completion of certain improvements and/or additions upon the following described premises, to wit

Water Plants & WWTP #2 Generator Addition

Said party being by me duly sworn states upon oath that the said improvements have been erected and completed in full compliance with the above referred to Contract and the agreed plans and specifications therefore.

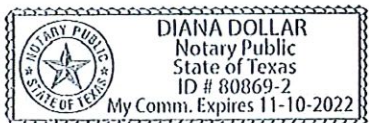
Deponent further states that he has paid all bills and claims for materials furnished and labor performed on said Contract and that there are no outstanding unpaid bills or legal claims for labor performed or materials furnished upon said job.

This affidavit is being made by the undersigned realizing that it is in reliance upon the truthfulness of the statements contained therein that final and full settlement of the balance due on said Contract is being made, and in consideration of the disbursement of funds by Owner, deponent expressly waives and releases all liens, claims and rights to assert a lien on said premises and agrees to indemnify, defend, and hold Owner safe and harmless from and against all losses, damages, costs and expenses of any character whatsoever specifically including court costs, bonding fees and attorney fees, arising out of or in any way relating to claims for unpaid labor or material used or associated with construction of improvements on the above described premises.

C. F. McDonald Electric, Inc.

Wayne Berkenmeier,
Vice President Special Projects

Subscribed and sworn to before me, the undersigned authority, on this the 21st day of September, 2022



[Signature]
Notary Public in and for Harris County
My Commission Expires 11/10/22

PARTIAL WAIVER OF LIEN

THE STATE OF TEXAS
COUNTY OF HARRIS

The undersigned contracted with City Of Wharton to furnish labor and materials in connection with certain improvements to real property located in Wharton County, Texas and owned by City Of Wharton which improvements are described as follows:

Water plants & WWTP #2 Generator Addition

In consideration of Pay Estimate No. 3 in the amount of Three Hundred Ninety Thousand Six Hundred Dollars 00/100 (\$ 390,600.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, the undersigned does hereby waive and release any mechanics' lien or materialmen's lien or claims of lien that the undersigned has or hereafter has on the above mentioned real property of accounts of any labor performed or materials furnished or to be furnished or labor performed and materials furnished by the undersigned pursuant to the above mentioned contract or any constitutional lien that the undersigned may have.

Undersigned hereby guarantees that all bids for labor performed and/or materials furnished in the erection and construction of such improvements on the Property have been fully paid and satisfied and Undersigned does further guarantee that if for any reason a lien or liens are filed for material or labor against said Property arising out of any bills for material or labor in connection with the erection or construction of said improvements thereon, Undersigned will obtain a settlement of such lien or liens and a proper release thereof shall be obtained.

C. F. McDonald Electric, Inc.
Contractor

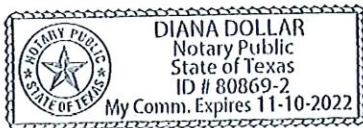
Wayne Berkenmeier

Signature

Vice President Special Projects

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 21st day of September, 2022, to certify which witness my hand and seal of office.

Notary Public in and for the State Of Texas



Diana Dollar
My Commission Expires: 11/10/22

Item-7.

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

TO OWNER: City of Wharton

PROJECT:

Water Plants & WWTP #2
Generator Addition

APPLICATION NO: 3

Distribution to:

- OWNER
- ENGINEER
- CONTRACTOR

FROM CONTRACTOR: C.F. McDonald Electric, Inc.
5044 Timber Creek
Houston, TX, 77017

VIA ENGINEER:

CONTRACT NO.

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM \$ 1,518,269.00
2. Net Change by Change Orders \$ 0.00
3. CONTRACT SUM TO DATE (LINE 1 + 2) \$ 1,518,269.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 689,000.00

5. RETAINAGE:
 - a. 10 % of Completed Work \$ 68,900.00
(Column D + E on G703)
 - b. 5 % of Stored Material \$ _____
(Column F on G703)
- Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$ 68,900.00

6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total) \$ 620,100.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from Prior Certificate) \$ 229,500.00
8. CURRENT PAYMENT DUE \$ 390,600.00
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 Less Line 6) \$ 898,169.00

| CHANGE ORDER SUMMARY | ADDITIONS | DEDUCTIONS |
|--|-----------|------------|
| Total changes approved in previous months by Owner | \$0.00 | \$0.00 |
| Total approved this Month | \$0.00 | \$0.00 |
| TOTALS | \$0.00 | \$0.00 |
| NET CHANGES by Change Order | \$0.00 | \$0.00 |

CONTRACT DATE:

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

CONTRACTOR: C.F. McDonald Electric, Inc.

By: Wayne Berkenmeier Date: 9/21/22

State of: Texas
County of: Harris
Subscribed and sworn to before me on: 8/9/2025
Notary Public:
My Commission expires: 8/9/2025



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ _____

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified).
ENGINEER: _____ 0

By: _____ Date: _____


This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Application No: 3
 Application Date: 9/21/22
 Period To: 9/30/22
 Project No:

| A ITEM NO. | B DESCRIPTION OF WORK 0.00 | C SCHEDULED VALUE | D WORK COMPLETED | | E THIS PERIOD | F MATERIALS PRESENTLY STORED | G TOTAL COMPLETED AND STORED TO DATE | | PERCENT % | H BALANCE TO FINISH | I RETAINAGE 10% |
|----------------------------|--|----------------------|----------------------------|--------|------------------|---------------------------------|---|----------------|--------------|------------------------|-----------------------|
| | | | FROM PREVIOUS APPLICATIONS | PERIOD | | | STORED TO DATE | STORED TO DATE | | | |
| BASE CONTRACT | | | | | | | | | | | |
| 1 | Bonds & Insurance | \$ 50,000.00 | \$ 50,000.00 | - | - | - | \$ 50,000.00 | 100% | \$ - | \$ 5,000.00 | |
| 2 | Mobilize on Alabama Water Plant | \$ 20,000.00 | \$ 20,000.00 | - | - | - | \$ 20,000.00 | 100% | \$ - | \$ 2,000.00 | |
| 3 | Mobilize on Cloud Street Road Water Plant | \$ 20,000.00 | \$ - | - | - | - | \$ - | 0% | \$ 20,000.00 | \$ - | |
| 4 | Mobilize on Halhalla Water Plant | \$ 20,000.00 | \$ 20,000.00 | - | - | - | \$ 20,000.00 | 100% | \$ - | \$ 2,000.00 | |
| 5 | Mobilize on Waste Water Treatment Plant #2 | \$ 30,000.00 | \$ 30,000.00 | - | - | - | \$ 30,000.00 | 100% | \$ - | \$ 3,000.00 | |
| 6 | Storm water pollution prevention plan, install/ maintain/ record | \$ 100.00 | \$ - | - | - | - | \$ - | 0% | \$ 100.00 | \$ - | |
| 7 ALABAMA WATER PLANT | | | | | | | | | | | |
| 7a | Duct bank | \$ 50,000.00 | \$ - | - | \$ 50,000.00 | - | \$ 50,000.00 | 100% | \$ - | \$ 5,000.00 | |
| 7b | Natural gas line | \$ 35,000.00 | \$ - | - | \$ 35,000.00 | - | \$ 35,000.00 | 100% | \$ - | \$ 3,500.00 | |
| 7c | Remove and replace driveway | \$ 15,000.00 | \$ - | - | \$ 15,000.00 | - | \$ 15,000.00 | 100% | \$ - | \$ 1,500.00 | |
| 7d | Install concrete pad | \$ 50,000.00 | \$ - | - | \$ 50,000.00 | - | \$ 50,000.00 | 100% | \$ - | \$ 5,000.00 | |
| 7e | Grounding | \$ 15,000.00 | \$ - | - | \$ 15,000.00 | - | \$ 15,000.00 | 100% | \$ - | \$ 1,500.00 | |
| 7f | Install ATS | \$ 35,000.00 | \$ - | - | \$ - | - | \$ - | 0% | \$ 35,000.00 | \$ - | |
| 7g | Install electrical equipment | \$ 15,000.00 | \$ - | - | \$ - | - | \$ - | 0% | \$ 15,000.00 | \$ - | |
| 7h | Install conduit | \$ 15,000.00 | \$ - | - | \$ 12,000.00 | - | \$ 12,000.00 | 80% | \$ 3,000.00 | \$ 1,200.00 | |
| 7i | Install wire | \$ 15,000.00 | \$ - | - | \$ - | - | \$ - | 0% | \$ 15,000.00 | \$ - | |
| 7j | Furnish and install natural gas generator | \$ 85,000.00 | \$ - | - | \$ - | - | \$ - | 0% | \$ 85,000.00 | \$ - | |
| 7k | Demo existing MTS and cam lock box | \$ 8,000.00 | \$ - | - | \$ - | - | \$ - | 0% | \$ 8,000.00 | \$ - | |
| 8 CLOUD STREET WATER PLANT | | | | | | | | | | | |
| 8a | Duct bank | \$ 20,000.00 | \$ - | - | \$ 20,000.00 | - | \$ 20,000.00 | 100% | \$ - | \$ 2,000.00 | |
| 8b | Natural gas line | \$ 20,000.00 | \$ - | - | \$ 20,000.00 | - | \$ 20,000.00 | 100% | \$ - | \$ 2,000.00 | |
| 8c | Remove and replace paving/ bore | \$ 20,000.00 | \$ - | - | \$ 20,000.00 | - | \$ 20,000.00 | 100% | \$ - | \$ 2,000.00 | |
| 8d | Install concrete pad | \$ 30,000.00 | \$ - | - | \$ 30,000.00 | - | \$ 30,000.00 | 100% | \$ - | \$ 3,000.00 | |
| 8e | Grounding | \$ 10,000.00 | \$ - | - | \$ 10,000.00 | - | \$ 10,000.00 | 100% | \$ - | \$ 1,000.00 | |
| 8f | Install ATS | \$ 30,000.00 | \$ - | - | \$ - | - | \$ - | 0% | \$ 30,000.00 | \$ - | |
| 8g | Install electrical equipment | \$ 10,000.00 | \$ - | - | \$ - | - | \$ - | 0% | \$ 10,000.00 | \$ - | |
| 8h | Install conduit | \$ 10,000.00 | \$ - | - | \$ 8,000.00 | - | \$ 8,000.00 | 80% | \$ 2,000.00 | \$ 800.00 | |
| 8i | Install wire | \$ 10,000.00 | \$ - | - | \$ - | - | \$ - | 0% | \$ 10,000.00 | \$ - | |
| 8j | Furnish and install natural gas generator | \$ 65,000.00 | \$ - | - | \$ - | - | \$ - | 0% | \$ 65,000.00 | \$ - | |
| 8k | Demo existing MTS and cam lock box | \$ 8,000.00 | \$ - | - | \$ - | - | \$ - | 0% | \$ 8,000.00 | \$ - | |
| 9 HALHALLA WATER PLANT | | | | | | | | | | | |
| 9a | Duct bank | \$ 40,000.00 | \$ 40,000.00 | - | \$ - | - | \$ 40,000.00 | 100% | \$ - | \$ 4,000.00 | |
| 9b | Natural gas line | \$ 30,000.00 | \$ - | - | \$ 30,000.00 | - | \$ 30,000.00 | 100% | \$ - | \$ 3,000.00 | |
| 9c | Remove and replace paving | \$ 10,000.00 | \$ 5,000.00 | - | \$ 5,000.00 | - | \$ 10,000.00 | 100% | \$ - | \$ 1,000.00 | |
| 9d | Install concrete pad | \$ 45,000.00 | \$ - | - | \$ 45,000.00 | - | \$ 45,000.00 | 100% | \$ - | \$ 4,500.00 | |
| 9e | Grounding | \$ 15,000.00 | \$ 15,000.00 | - | \$ - | - | \$ 15,000.00 | 100% | \$ - | \$ 1,500.00 | |
| 9f | Install ATS | \$ 55,000.00 | \$ - | - | \$ - | - | \$ - | 0% | \$ 55,000.00 | \$ - | |
| 9g | Install electrical equipment | \$ 20,000.00 | \$ - | - | \$ - | - | \$ - | 0% | \$ 20,000.00 | \$ - | |
| 9h | Install conduit | \$ 20,000.00 | \$ - | - | \$ 16,000.00 | - | \$ 16,000.00 | 80% | \$ 4,000.00 | \$ 1,600.00 | |

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

CITY COUNCIL COMMUNICATION

| | | | |
|---|------------|----------------------------------|---|
| Meeting Date: | 12/12/2022 | Agenda Item: | Resolution: A resolution of the Wharton City Council approving Change Order No. 6, for additional contract time with Weisinger, Inc., for the Wharton Well and Water Plant Project and authorizing the Mayor to execute all documents related to said Change Order. |
| <p>Attached you will find the Wharton Well & Water Plant – Contract #2 (Water Well), Change Order No. 6 from Weisinger, Inc., for additional time to the contract in the amount of 151 days. The extension is being requested due to multiple experienced delays on the part of E-Contractors – Contract #1. This will move the contract completion date to April 30, 2023.</p> <p>Attached is a copy of the Change Order for review.</p> <p>Director of Planning & Development, Gwyn Teves, will be present to answer any questions.</p> | | | |
| City Manager: Joseph R. Pace | | Date: Thursday, December 8, 2022 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |



City of Wharton

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

MEMORANDUM

DATE: December 7, 2022

FROM: Gwyneth Teves, Director of Planning & Development

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

SUBJECT: Wharton Well & Water Plant – Contract # 2 (Water Well), Change Order #6

Attached please find the Wharton Well & Water Plant – Contract #2 (Water Well), Change Order #6 from Weisinger, Inc. for additional time to the contract in the amount of 151 days. The extension is being requested due to multiple experienced delays on the part of E-Contractors – Contract #1. This will move the contract completion date to April 30, 2023. Attached is a copy of the change order for review.

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

Date of Issuance: _____ Effective Date: _____
 Owner: City of Wharton Owner's Contract No.: CFDA # 10.760
 Contractor: Weisinger Incorporated Contractor's Project No.: Contract No. 2
 Engineer: Halff Associates, Inc. Engineer's Project No.: AVO31934
 Project: Wharton Well and Water Plant Contract Name: Well Construction (Well No. 5)

The Contract is modified as follows upon execution of this Change Order:

Description: Permanent pumping equipment cannot be installed by Weisinger Incorporated (Contract No. 2) until permanent power, installation of MCC, and discharge piping has been complete by Contract No. 1, which is tentatively scheduled for January 15, 2023 by Contract No. 1, per November 2022 monthly meeting. Weisinger is requesting extension in contract times below.

Attachments: NA

| CHANGE IN CONTRACT PRICE | CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i> |
|--|--|
| Original Contract Price: \$ _____ | Original Contract Times: Substantial Completion: <u>270 days (April 17, 2022)</u> Ready for Final Payment: <u>300 days (May 17, 2022)</u> days or dates |
| [Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___: \$ _____ | [Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>5</u> : Substantial Completion: <u>93 (October 31, 2022)</u> Ready for Final Payment: <u>93 (November 30, 2022)</u> days |
| Contract Price prior to this Change Order: \$ _____ | Contract Times prior to this Change Order: Substantial Completion: <u>October 31, 2022</u> Ready for Final Payment: <u>November 30, 2022</u> days or dates |
| [Increase] [Decrease] of this Change Order: \$ _____ | [Increase] [Decrease] of this Change Order: Substantial Completion: <u>151 days (March 31, 2023)</u> Ready for Final Payment: <u>151 days (April 30, 2023)</u> days or dates |
| Contract Price incorporating this Change Order: \$ _____ | Contract Times with all approved Change Orders: Substantial Completion: <u>March 31, 2023</u> Ready for Final Payment: <u>April 30, 2023</u> days or dates |

| | | |
|--|---|---|
| RECOMMENDED: | ACCEPTED: | ACCEPTED: |
| By: <u>Mark Lockness</u> Engineer (if required) | By: _____ Owner (Authorized Signature) | By: <u>[Signature]</u> Contractor (Authorized Signature) |
| Title: <u>Principal</u> | Title: _____ | Title: <u>Vice President</u> |
| Date: <u>November 30, 2022</u> | Date: _____ | Date: <u>11/30/2022</u> |

Approved by Funding Agency (if applicable)

By: _____ Date: _____
 Title: _____

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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 6, FOR ADDITIONAL CONTRACT TIME WITH WEISINGER, INC. FOR THE WHARTON WELL AND WATER PLANT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

WHEREAS, The Wharton City Council wishes to approve Change Order No. 6, for additional contract time with Weisinger, Inc., for the Wharton Well and Water Plant Project; and,

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

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

Section I. The Wharton City Council hereby authorizes Change Order No. 6, for 151 additional days to the contract with Weisinger, Inc., for the Wharton Well and Water Plant Project.

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

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

Passed, Approved, and Adopted this 12th day of December 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary


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

CITY COUNCIL COMMUNICATION

| | | | |
|---------------|------------|--------------|--|
| Meeting Date: | 12/12/2022 | Agenda Item: | Pay Request No. 1 from HTI Construction for the Armstrong Street Waterline Improvements. |
|---------------|------------|--------------|--|

Attached you will find Pay Request No. 1 from HTI Construction for the Armstrong Street Waterline Improvements in the amount of \$92,350.80.

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

| | |
|---|----------------------------------|
| City Manager: Joseph R. Pace | Date: Thursday, December 8, 2022 |
| Approval:  | |
| Mayor: Tim Barker | |



City of Wharton

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

MEMORANDUM

DATE: December 7, 2022

FROM: Gwyneth Teves, Director of Planning & Development

TO: Honorable Mayor and City Council

SUBJECT: Recommendation for payment to HTI Construction for Pay Estimate No. 1 for the Armstrong Waterline Improvements

The City Council awarded a contract for construction to HTI Construction for the Armstrong Waterline Improvements.

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

It is my recommendation that the City Council approve Pay Estimate 1 for \$92,350.80 and recommend payment.

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



November 29, 2022

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

Re: Construction of Waterline Improvements on Armstrong Street
City of Wharton

Dear Mr. Pace:

Enclosed is Progress Payment No. 1 from HTI Construction, Inc. for the referenced project. The estimate is in order and we recommend payment in the amount of \$92,350.80 to HTI Construction, Inc..

Also enclosed is Construction Progress Report No. 1, which covers construction activities for the referenced project during the period of November 1, 2022 through November 18, 2022.

Sincerely,

A handwritten signature in blue ink that reads "Brian T. Geier".

Brian T. Geier, PE

BTG:dme

Job # 05135-0242-00

FILE NAME: K:\05135\05135-0242-00 Armstrong Street Waterline Extension\3 Construction Phase\Contract Documents\Pay Estimates

Enclosure

cc: HTI Construction, Inc.

November 29, 2022

Construction Progress Report No. 1

Period November 1, 2022 to November 18, 2022

Construction of Waterline Improvements on Armstrong Street
City of Wharton

Contract:

- A. Contractor: HTI Construction, Inc.
 B. Contract Date: September 26, 2022
 C. Authorization to Proceed: October 31, 2022 (30 Calendar Days)
 D. Completion Date: November 30, 2022
 E. Contract Time Used: 18 Calendar Days (60%)
 F. Days Remaining 12 Calendar Days
 G. Impact Days Requested this Pay Period: 0, Impact Days Approved this Pay Period: 0
 H. Impact Days Approved to Date: 0, Change Order Days: 0

I. General

Contractor has mobilized and installed the majority of the waterline improvements including the restrained joints waterline and the gate valve & box and flushing valve installations.

II. Change Orders

None Issued this Report.

III. Completion Report

| | | | |
|----|------------------------------------|----|------------|
| A. | Estimated Cost of this Report | | |
| 1. | Contract Bid Price | \$ | 0.00 |
| 2. | Change Orders | \$ | 0.00 |
| 3. | Total Estimated Contract Price | \$ | 175,403.00 |
| B. | Actual cost as of this Report | \$ | 102,612.00 |
| C. | Amount Retained (10% of B) | \$ | 10,261.20 |
| D. | Total Paid Contractor | \$ | 92,350.80 |
| E. | Estimated Cost Remaining (A.3 - B) | \$ | 72,791.00 |
| F. | Construction Complete (B/A.3) | | 59% |

IV. Frequency of Observation - Periodically

V. Problems

No Problems This Report.





| OWNER: City of Wharton | | | | | PROGRESS PAYMENT # 1 | | | | | CONTRACT DATES | | |
|---|--|------|--------------------|-------------|----------------------|-------------|-------------------|--------|---------------|----------------|-----------|-----------|
| PROJECT: Construction of Waterline Improvements on Armstrong Street | | | | | | | | | | FROM | TO | |
| JOB NO. : Job # 05135-0242-00 | | | | | | | | | | ORIGINAL | 31-Oct-22 | 30-Nov-22 |
| CONTRACTOR: HTI Construction, Inc. | | | | | | | | | | REVISED | 31-Oct-22 | 30-Nov-22 |
| | | | | | | | | | | THIS EST. | 01-Nov-22 | 18-Nov-22 |
| ITEM NO. | DESCRIPTION | UNIT | ESTIMATED QUANTITY | UNIT PRICE | THIS ESTIMATE | | PREVIOUS ESTIMATE | | TOTAL TO DATE | | REMARKS | |
| | | | | | QUANTITY | AMOUNT | QUANTITY | AMOUNT | QUANTITY | AMOUNT | | |
| UNIT A: GENERAL ITEMS | | | | | | | | | | | | |
| A1 | Move-in and start-up, including performance and payment bonds for 100 percent (100%) of the contract amount. | L.S. | 1.0 | \$16,700.00 | 100.0% | \$16,700.00 | 0.0% | \$0.00 | 100.0% | \$16,700.00 | 100.0% | |
| UNIT B: WATER DISTRIBUTION SYSTEM | | | | | | | | | | | | |
| B1 | 2-inch C-900 AWWA (DR18) Class 150, waterline (including fittings, bedding, backfill and testing), complete in place. | L.F. | 22.0 | \$50.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0% | |
| B2 | 6-inch C-900 AWWA (DR18) Class 150, waterline (including fittings, bedding, backfill and testing), complete in place. | L.F. | 404.0 | \$80.00 | 387.0 | \$30,960.00 | 0.0 | \$0.00 | 387.0 | \$30,960.00 | 95.8% | |
| B3 | 6-inch C-900 restrained joint waterline (including fittings, bedding, backfill and testing) by trenchless construction, complete in place. | L.F. | 110.0 | \$100.00 | 110.0 | \$11,000.00 | 0.0 | \$0.00 | 110.0 | \$11,000.00 | 100.0% | |
| B4 | 6-inch C-900 restrained joint waterline (including fittings, bedding, backfill and testing) by open cut, complete in place. | L.F. | 318.0 | \$100.00 | 265.0 | \$26,500.00 | 0.0 | \$0.00 | 265.0 | \$26,500.00 | 83.3% | |
| B5 | 6" gate valve and box, bury as shown, (including lead), complete in place. | EA. | 2.0 | \$3,000.00 | 2.0 | \$6,000.00 | 0.0 | \$0.00 | 2.0 | \$6,000.00 | 100.0% | |
| B6 | Flushing valve, bury as shown, (including 6-inch lead and 6-inch gate valve), complete in place. | EA. | 1.0 | \$7,000.00 | 1.0 | \$7,000.00 | 0.0 | \$0.00 | 1.0 | \$7,000.00 | 100.0% | |
| B7 | Final adjustment of all flush valves, as directed by the Engineer. | EA. | 1.0 | \$100.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0% | |
| B8 | 2" Plug and Clamp, complete in place. | EA. | 1.0 | \$50.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0% | |



| OWNER: City of Wharton | | | | | PROGRESS PAYMENT # 1 | | | | | CONTRACT DATES | | |
|---|--|------|--------------------|------------|----------------------|----------|-------------------|--------|---------------|----------------|-----------|-----------|
| PROJECT: Construction of Waterline Improvements on Armstrong Street | | | | | | | | | | FROM | TO | |
| JOB NO. : Job # 05135-0242-00 | | | | | | | | | | ORIGINAL | 31-Oct-22 | 30-Nov-22 |
| CONTRACTOR: HTI Construction, Inc. | | | | | | | | | | REVISED | 31-Oct-22 | 30-Nov-22 |
| | | | | | | | | | | THIS EST. | 01-Nov-22 | 18-Nov-22 |
| ITEM NO. | DESCRIPTION | UNIT | ESTIMATED QUANTITY | UNIT PRICE | THIS ESTIMATE | | PREVIOUS ESTIMATE | | TOTAL TO DATE | | REMARKS | |
| | | | | | QUANTITY | AMOUNT | QUANTITY | AMOUNT | QUANTITY | AMOUNT | | |
| B9 | 2" Plug, complete in place. | EA. | 1.0 | \$50.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0% | |
| B10 | 6" Plug and Clamp, complete in place. | EA. | 1.0 | \$300.00 | 1.0 | \$300.00 | 0.0 | \$0.00 | 1.0 | \$300.00 | 100.0% | |
| B11 | Cut and remove existing 2-inch waterline (to be disposed of offsite in a suitable manner), complete in place. | L.F. | 10.0 | \$100.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0% | |
| B12 | Connect to existing 2-inch waterline, complete in place. | EA. | 1.0 | \$350.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0% | |
| B13 | 5/8-inch service lead (including saddle tap and plug), complete in place. | EA. | 1.0 | \$700.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0% | |
| B14 | 3/4-inch service lead (including saddle tap), complete in place. | EA. | 2.0 | \$1,200.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0% | |
| B15 | Remove Existing 8-inch plug and connect, as directed by the Engineer. | EA. | 1.0 | \$1,500.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0% | |
| B16 | Trench Safety for Water Lines, all depths. | L.F. | 743.0 | \$1.00 | 652.0 | \$652.00 | 0.0 | \$0.00 | 652.0 | \$652.00 | 87.8% | |
| UNIT C: PAVING | | | | | | | | | | | | |
| C1 | Cut and restore existing pavement, as directed by Engineer. | S.Y. | 315.0 | \$90.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0% | |
| C2 | 6-inch concrete curb and gutter, complete in place. | L.F. | 229.0 | \$60.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0% | |
| UNIT D: STORM WATER QUALITY | | | | | | | | | | | | |
| D1 | Placement of inlet protection barrier, and as directed by engineer (inc. installation, maintenance and removal). | EA. | 2.0 | \$100.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0% | |



| OWNER: City of Wharton | | PROGRESS PAYMENT # 1 | | | | | | | | CONTRACT DATES | | REMARKS | |
|---|---|----------------------|--------------------|--------------|---------------|------------|-------------------|--------|---------------|----------------|-----------|-----------|--|
| PROJECT: Construction of Waterline Improvements on Armstrong Street | | | | | | | | | | FROM | TO | | |
| JOB NO. : Job # 05135-0242-00 | | | | | | | | | | ORIGINAL | 31-Oct-22 | 30-Nov-22 | |
| CONTRACTOR: HTI Construction, Inc. | | | | | | | | | | REVISED | 31-Oct-22 | 30-Nov-22 | |
| | | | | | | | | | | THIS EST. | 01-Nov-22 | 18-Nov-22 | |
| ITEM NO. | DESCRIPTION | UNIT | ESTIMATED QUANTITY | UNIT PRICE | THIS ESTIMATE | | PREVIOUS ESTIMATE | | TOTAL TO DATE | | REMARKS | | |
| | | | | | QUANTITY | AMOUNT | QUANTITY | AMOUNT | QUANTITY | AMOUNT | | | |
| D2 | Hydro-mulch seeding of rights-of-way and adjacent Easements (less pavement area). Contractor to ensure growth of vegetation by whatever means necessary, including re-seeding, over-seeding or watering at no separate pay. | AC. | 0.1 | \$100,000.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0% | | |
| UNIT E: ADDITIONAL ITEMS | | | | | | | | | | | | | |
| E1 | Utility construction staking to be performed by Quiddity Engineering, LLC. Staking to be performed one time only. All additional staking is at the expense of the contractor. | L.S. | 1.0 | \$3,000.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0 | \$0.00 | 0.0% | | |
| E2 | Barricades, Signs and Traffic Handling, per traffic control standards, as directed by Engineer. | MO. | 1.0 | \$7,000.00 | 0.5 | \$3,500.00 | 0.0 | \$0.00 | 0.5 | \$3,500.00 | 50.0% | | |



OWNER: City of Wharton
 PROJECT: Construction of Waterline Improvements on Armstrong Street
 JOB NO. : Job # 05135-0242-00
 CONTRACTOR: HTI Construction, Inc.

PROGRESS PAYMENT # 1

| | | | |
|--|--|----------------|---------------------|
| | | CONTRACT DATES | |
| | | FROM | TO |
| | | ORIGINAL | 31-Oct-22 30-Nov-22 |
| | | REVISED | 31-Oct-22 30-Nov-22 |
| | | THIS EST. | 01-Nov-22 18-Nov-22 |

| ITEM NO. | DESCRIPTION | UNIT | ESTIMATED QUANTITY | UNIT PRICE | THIS ESTIMATE | | PREVIOUS ESTIMATE | | TOTAL TO DATE | | REMARKS |
|---|---|------|--------------------|------------|---------------|--------|-------------------|--------|---------------|---------------|---------|
| | | | | | QUANTITY | AMOUNT | QUANTITY | AMOUNT | QUANTITY | AMOUNT | |
| | CHANGE ORDER PLUS/MINUS | | | | VALUE | DAYS | | | | | |
| | Change Order No. 001 | | | | \$0.00 | | | | | \$0.00 | |
| | Change Order No. 002 | | | | \$0.00 | | | | | \$0.00 | |
| | Change Order No. 003 | | | | \$0.00 | | | | | \$0.00 | |
| | Final Adjustment of Quantities | | | | \$0.00 | | | | | \$0.00 | |
| | TOTAL CONTRACT MODIFICATIONS | | | | | | | | | \$0.00 | |
| | Subtotal (Line Items) | | | | \$102,612.00 | | \$0.00 | | | \$102,612.00 | |
| | Materials on Hand | | | | \$0.00 | | \$0.00 | | | \$0.00 | |
| 0 Impact Days Requested this Pay Period | Subtotal (Materials on Hand/Line Items) | | | | \$102,612.00 | | \$0.00 | | | \$102,612.00 | |
| 0 Impact Days Approved this Pay Period | Less Retainage (10%) | | | | \$10,261.20 | | \$0.00 | | | \$10,261.20 | |
| 0 Impact Days Approved to Date | Total | | | | \$92,350.80 | | \$0.00 | | | \$92,350.80 | |
| 0 Change Order Days | Less Previous Estimates | | | | | | | | | \$0.00 | |
| 12 Days Remaining | | | | | | | | | | \$92,350.80 | |
| 60% Complete by Time | Orig. Contract Amount | | | | \$175,403.00 | | | | | | |
| 59% Complete by Value | Contract Modifications | | | | \$0.00 | | | | | | |
| | Total Contract Amount | | | | \$175,403.00 | | | | | | |
| | Construction Remaining | | | | \$72,791.00 | | | | | | |
| | Amount Approved | | | | \$92,350.80 | | | | | | |

APPROVED BY QUIDDITY ENGINEERING, LLC

By: Brian T. Geier, PE

HTI Construction, Inc.
515 Reinhard St.
Rosenberg, TX 77471
832-600-7632
tg.hticonstruction@gmail.com
www.hticonstructioninc.com



INVOICE

BILL TO

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

INVOICE # 2214
DATE 11/18/2022

| DESCRIPTION | AMOUNT |
|--|-----------|
| Waterline Improvements on Armstrong St. Job No: 05135-0242-00 City of the Wharton | 92,350.80 |
| Pay Estimate No.1 Item Description Total=\$102,612.00 10% Retainage Total=\$ (10,261.20) Pay Estimate No.1 Total= 92,350.80 | |

D.O.S: 11/01/2022- 11/18/2022 **BALANCE DUE** **\$92,350.80**

Payment is greatly appreciated within 15 Days.

Thank you for trusting HTI Construction, Inc.

We appreciate the business and look forward to working with you in the near future!

HTI Construction Inc.
515 Reinhard St.
Rosenberg, TX 77471

Waterline Improvements on Armstrong St.
Job No: 05135-0242-00
City of Wharton

Quiddity
6330 West Loop South, Suite 150
Bellaire, TX 77401

Unit A: General Items

Pay Estimate No.1: 11/01/2022 - 11/18/2022

| Item No. | Item Description | Unit | Qty. | Unit Price | Total Amount | Qty. This Period | Total This Period | Qty. Previous Periods | Total Previous Periods | Total Qty. to Date | Total Amount to Date |
|----------|---|------|------|-------------|--------------|------------------|-------------------|-----------------------|------------------------|--------------------|----------------------|
| A1 | Move-in & start up, including performance and payment bonds for (100%) of the contract amount | LS | 1 | \$16,700.00 | \$16,700.00 | 1 LS | \$ 16,700.00 | | | 1 LS | \$ 16,700.00 |

Unit B: Water Distribution System

| | | | | | | | | | | | |
|-----|--|----|-----|------------|-------------|--------|--------------|--|--|--------|--------------|
| B1 | 2" C900 AWWa (DR18) Class 150, waterline ((including fittings, bedding, backfill & testing) | LF | 22 | \$50.00 | \$1,100.00 | | | | | | |
| B2 | 6" C900 AWWA (DR18) class 150, waterline (including fittings, bedding, backfill & testing) | LF | 404 | \$80.00 | \$32,320.00 | 387 LF | \$ 30,960.00 | | | 387 LF | \$ 30,960.00 |
| B3 | 6" C900 restrained joints waterline (including fittings, bedding, backfill & testing) by trenchless construction | LF | 110 | \$100.00 | \$11,000.00 | 110 LF | \$ 11,000.00 | | | 110 LF | \$ 11,000.00 |
| B4 | 6" C900 restrained joints waterline (including fittings, bedding, backfill & testing) by open cut construction | LF | 318 | \$100.00 | \$31,800.00 | 265 LF | \$ 26,500.00 | | | 265 LF | \$ 26,500.00 |
| B5 | 6" gate valve & box, bury as shown , (including lead) | EA | 2 | \$3,000.00 | \$6,000.00 | 2 EA | \$ 6,000.00 | | | 2 EA | \$ 6,000.00 |
| B6 | Flusing valve, bury as shown, (includeing 6" lead & 6" gate valve) | EA | 1 | \$7,000.00 | \$7,000.00 | 1 EA | \$ 7,000.00 | | | 1 EA | \$ 7,000.00 |
| B7 | Final adjustment of all flush valves | EA | 1 | \$100.00 | \$100.00 | | | | | | |
| B8 | 2" plung & clamp | EA | 1 | \$50.00 | \$50.00 | | | | | | |
| B9 | 2" plug | EA | 1 | \$50.00 | \$50.00 | | | | | | |
| B10 | 6" plug & clamp | EA | 1 | \$300.00 | \$300.00 | 1 EA | \$ 300.00 | | | 1 EA | \$ 300.00 |
| B11 | Out & remove existing 2" waterline (to be dispose offsite in asuitable manner) | LF | 10 | \$100.00 | \$1,000.00 | | | | | | |
| B12 | Connect to existing 2" waterline | EA | 1 | \$350.00 | \$350.00 | | | | | | |
| B13 | 5/8 " service lead (including saddle tap & plug) | EA | 1 | \$700.00 | \$700.00 | | | | | | |
| B14 | 3/4" service lead (including saddle tap) | EA | 2 | \$1,200.00 | \$2,400.00 | | | | | | |
| B15 | Remove existing 8-inch plug & connect | EA | 1 | \$1,500.00 | \$1,500.00 | | | | | | |
| B16 | Trench Safety for Waterlines | LF | 743 | \$1.00 | \$743.00 | 652 LF | \$ 652.00 | | | 652 LF | \$ 652.00 |

Unit C: Paving

| | | | | | | | | | | | |
|----|---------------------------------|----|-----|---------|-------------|--|--|--|--|--|--|
| C1 | Out & restore existing pavement | SY | 315 | \$90.00 | \$28,350.00 | | | | | | |
| C2 | 6" concrete curb & gutter | LF | 229 | \$60.00 | \$13,740.00 | | | | | | |

| Item No. | Item Description | Unit | Qty. | Unit Price | Total Amount | Qty. This Period | Total This Period | Qty. Previous Periods | Total Previous Periods | Total Qty. to Date | Total Amount to Date |
|-----------------------------------|---|------|------|--------------|--------------|------------------|-------------------|-----------------------|------------------------|--------------------|----------------------|
| Unit D: Stormwater Quality | | | | | | | | | | | |
| D1 | Replacement of inlet protection barrier, as directed by engineer (inc. installation, maintenance and removal) | EA | 2 | \$100.00 | \$200.00 | | | | | | |
| D2 | Hydro-mulch seeding of rights of way and adjacent easements. | AC | 0.1 | \$100,000.00 | \$10,000.00 | | | | | | |
| Unit E: Additional Items | | | | | | | | | | | |
| E1 | Utility construction staking to be performed by Quiddity Engineering, LLC | LS | 1 | \$3,000.00 | \$3,000.00 | | | | | | |
| E2 | Barricades, signs & traffic Handling, per traffic control standards | MO | 1 | \$7,000.00 | \$7,000.00 | .50 MO | \$ 3,500.00 | | | .50 MO | \$ 3,500.00 |
| Total Base Bid Amount | | | | | \$175,403.00 | | \$ 102,612.00 | | | | \$ 102,612.00 |

Pay Estimate Prepared by:
 HTI Construction Inc.
 Thomas Gutierrez, Vice President

Thomas Gutierrez

11/18/2022

| | |
|--------------------------------------|---------------------|
| A. General Items: | \$ 16,700.00 |
| B. Water Distribution: | \$ 82,412.00 |
| C. Paving: | \$ - |
| D. Stormwater Quality: | \$ - |
| E. Additional Items: | \$ 3,500.00 |
| Pay Estimate No. 1 Total: | \$ 102,612.00 |
| 10% Retainage: | \$ 10,261.20 |
| Pay Estimate No. 1 Total Due: | \$ 92,350.80 |

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

CITY COUNCIL COMMUNICATION

| | | | |
|---------------|------------|--------------|--|
| Meeting Date: | 12/12/2022 | Agenda Item: | Resolution: A resolution of the Wharton City Council ratifying and approving Change Order No. 2 for additional costs with HTI Construction for the Armstrong Street Waterline Improvement Project and authorizing the Mayor to execute all documents related to said Change Order. |
|---------------|------------|--------------|--|


On June 13, 2022, the Wharton City Council agreed to enter into an Infrastructure Improvement Agreement with the Wharton Economic Development Corporation for the waterline on Armstrong Street for the new construction of the Alamo Lumber Company. The agreement is to reimburse costs not to exceed \$198,000.00 for the improvements. The contract for construction was awarded to HTI Construction on September 26, 2022.

The construction has been progressing on Alamo Lumber and the utility work began mid-October. Change Order No. 1 was authorized on November 14, 2022, for \$28,900.00 resulting in a contract amount of \$204,303.00.

During construction it was determined that there was a new concrete driveway that did not exist when the original plans and bid were solicited, required adding addition boring footage and three (3) service leads were discovered that were not originally accounted for. This is resulting in a second Change Order in the amount of \$7,600.00. If approved this will result in a total contract price of \$211,903.00.

Attached is a copy of the Change Order and draft resolution for review.

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

| | |
|---|----------------------------------|
| City Manager: Joseph R. Pace | Date: Thursday, December 8, 2022 |
| Approval:  | |
| Mayor: Tim Barker | |



City of Wharton

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

MEMORANDUM

DATE: December 7, 2022
FROM: Gwyneth Teves, Director of Planning & Development
TO: Honorable Mayor and City Council
SUBJECT: Waterline Improvements on Armstrong Street Change Order #2

On June 13, 2022, the Wharton City Council agreed to enter into an Infrastructure Improvement Agreement with the Wharton Economic Development Corporation for the waterline on Armstrong St. for the new construction of the Alamo Lumber Company. The agreement is to reimburse costs not to exceed \$198,000 for the improvements. The contract for construction was awarded to HTI Construction on September 26, 2022.

The construction has been progressing on Alamo Lumber and the utility work began Mid October. Change Order # 1 was authorized on November 14 for \$28,900.00 resulting in a contract amount of \$204,303.00.

During construction it was determined that there was a new concrete driveway that did not exist when the original plans and bid were solicited, required adding addition boring footage and 3 service leads were discovered that were not originally accounted for. This is resulting in a second change order in the amount of \$7,600. If approved this will result in a total contract price of \$211,903.00.

Attached is a copy of the change order and draft resolution for review. It is my recommendation that the change order be approved and ratified at this time.

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



November 18, 2022

**Re: Change Order No.2 Request
Waterline Improvements Armstrong St., City of Wharton**

City of Wharton,

Please see below the Change Order No.2 Request for the above-mentioned project.

Change Order No.2 Request: Extra work not mentioned on item list or plans

1. 40' bore: (line item B3 \$100.00 per LF) \$4,000.00
2. 3- ¾" service leads: (line item B14 \$1,200.00) \$3,600.00

Estimated Total \$7,600.00

Total may change if extra quantities are needed.

Reason: Had to bore under Alamo Lumber existing Driveway not shown on plans. 3 Extra ¾" Service leads not shown on plans.

Please contact me with any questions or concerns. Thank you!

Respectfully,

Thomas Gutierrez
Vice President
HTI Construction, Inc.
832-600-7632

A foundation built on Honesty, Trust, & Integrity.

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

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND APPROVING CHANGE ORDER NO. 2 FOR ADDITIONAL COSTS WITH HTI CONSTRUCTION FOR THE ARMSTRONG STREET WATERLINE IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

WHEREAS, The Wharton City Council wishes to approve Change Order No. 2, for an increase in the amount of \$7,600.00 for additional boring and three (3) service leads; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to the ratification and approval of Change Order No. 2 on behalf of the City of Wharton.

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 in the amount of \$7,600.00 for HTI Construction.

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

Passed, Approved, and Adopted this 12th day of December 2022.

CITY OF WHARTON, TEXAS


By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

CITY COUNCIL COMMUNICATION

| | | | |
|--|------------|----------------------------------|---|
| Meeting Date: | 12/12/2022 | Agenda Item: | Appointments, Resignations and Vacancies to the City of Wharton Boards, Commissions and Committees: <ul style="list-style-type: none"> A. Appointments. B. Resignations. C. Vacancies. |
| Attached you will find the list of persons serving on the various City Boards, Commissions and Committees. There are still vacancies that also need to be filled. <p><u>Appointments:</u> Mr. Shaun Stockwell to the Building Standards Commission.</p> <p><u>Resignations:</u> None.</p> <p><u>Vacancies:</u></p> <ol style="list-style-type: none"> 1. Building Standards Commission. 2. Plumbing and Mechanical Board. | | | |
| City Manager: Joseph R. Pace | | Date: Thursday, December 8, 2022 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |

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

| WHARTON REGIONAL AIRPORT BOARD | TWO YEAR TERM | Reappointment |
|---------------------------------------|----------------------|----------------------|
| Jimmy Gardner | June 30, 2023 | |
| Randy Rodriguez | June 30, 2023 | |
| Bill Kingrey | June 30, 2023 | |
| Larry David | June 30, 2024 | |
| Jimmy Zissa | June 30, 2024 | |
| Glenn Erdelt | June 30, 2024 | |

| BEAUTIFICATION COMMISSION | TWO YEAR TERM | Reappointment |
|----------------------------------|----------------------|----------------------|
| Nancy Mata | June 30, 2024 | |
| Lucy Cruz Alanis | June 30, 2024 | |
| Rachel Roberson | June 30, 2024 | |
| Stephanie Konvicka | June 30, 2023 | |
| Adraylle Watson | June 30, 2023 | |
| Debbie Folks | June 30, 2023 | |
| Kenneth Dimmick | June 30, 2023 | |

| BUILDING STANDARDS COMMISSION | TWO YEAR TERM | Reappointment |
|--|----------------------|----------------------|
| Leonard Morales | June 30, 2023 | |
| Burnell Neal | June 30, 2023 | |
| Vacant | June 30, 2023 | |
| Paul Shannon | June 30, 2023 | |
| Vacant | June 30, 2024 | |
| Howard Singleton | June 30, 2024 | |
| Vacant | June 30, 2024 | |
| Ronnie Bollom, Building Official - ExOfficio | | |
| Jeff Gubbels - Health Officer-ExOfficio | | |
| Hector Hernandez-Fire Marshall-ExOfficio | | |

| ELECTRICAL BOARD | TWO YEAR TERM | Reappointment |
|--------------------------------|----------------------|----------------------|
| Councilmember Clifford Jackson | June 30, 2023 | |
| Zac Henson | June 30, 2023 | |
| Philip Hamlin | June 30, 2024 | |
| Milton Barbee | June 30, 2024 | |
| Hector Hernandez- Fire Marshal | | |

| HOLIDAY LIGHT DECORATING CHAIRMAN | TWO YEAR TERM | Reappointment |
|--|----------------------|----------------------|
| Tim Barker | June 30, 2024 | |

| MAYOR'S COMMITTEE ON PEOPLE WITH DISABILITIES | TWO YEAR TERM | Reappointment |
|--|----------------------|----------------------|
| Johnnie Gonzalez | June 30, 2024 | |

| | |
|------------------------------|---------------|
| Faye Evans | June 30, 2024 |
| Rebekah Kirschke | June 30, 2024 |
| Adraylle Watson | June 30, 2023 |
| Marilyn Sebesta | June 30, 2023 |
| Sandy Wilkins | June 30, 2023 |
| Cheryl Lavergne | June 30, 2023 |
| Mayor Tim Barker- Ex Officio | |

| | | |
|-----------------------|----------------------|----------------------|
| HEALTH OFFICER | TWO YEAR TERM | Reappointment |
|-----------------------|----------------------|----------------------|

| | |
|----------------------|---------------|
| Dr. Jeff Gubbels, MD | June 30, 2024 |
|----------------------|---------------|

| | | |
|---------------------|----------------------|----------------------|
| VETERINARIAN | TWO YEAR TERM | Reappointment |
|---------------------|----------------------|----------------------|

| | |
|----------------------|---------------|
| Dr. Cody Pohler, DVM | June 30, 2024 |
|----------------------|---------------|

| | | |
|------------------------------|----------------------|----------------------|
| MUNICIPAL COURT JUDGE | TWO YEAR TERM | Reappointment |
|------------------------------|----------------------|----------------------|

| | |
|--------------|---------------|
| Jared Cullar | June 30, 2023 |
|--------------|---------------|

| | | |
|----------------------------|----------------------|----------------------|
| PLANNING COMMISSION | TWO YEAR TERM | Reappointment |
|----------------------------|----------------------|----------------------|

| | |
|------------------|---------------|
| Burnell Neal | June 30, 2023 |
| Rob Kolacny | June 30, 2023 |
| Michael Quinn | June 30, 2023 |
| Marshall Francis | June 30, 2024 |
| Adraylle Watson | June 30, 2024 |
| Michael Wootton | June 30, 2024 |
| Joel Williams | June 30, 2024 |

| | | |
|--------------------------------------|----------------------|----------------------|
| PLUMBING AND MECHANICAL BOARD | TWO YEAR TERM | Reappointment |
|--------------------------------------|----------------------|----------------------|

| | |
|----------------|---------------|
| A. J. Rath | June 30, 2024 |
| Tom Faust | June 30, 2023 |
| Vacant | June 30, 2024 |
| Robert Sanchez | June 30, 2023 |
| Vacant | June 30, 2024 |

Ronnie Bollom, Building Official - ExOfficio

Public Works Director Anthony Arcidiacono- Ex Officio

Mayor Tim Barker - Ex Officio

| | | |
|---|----------------------|----------------------|
| WHARTON ECONOMIC DEVELOPMENT CORPORATION | TWO YEAR TERM | Reappointment |
|---|----------------------|----------------------|

| | |
|----------------------------------|--------------------|
| Michael Wootton | September 30, 2024 |
| Alice Heard Roberts | September 30, 2024 |
| Freddie Pekar | September 30, 2024 |
| Clifford Jackson (Councilmember) | September 30, 2024 |
| Russell Machann- (Councilmember) | September 30, 2023 |
| Andrew Armour | September 30, 2023 |
| Michael Roberson | September 30, 2023 |

CITY COUNCIL COMMITTEES - Renew June 30th of Each Year

ANNEXATION COMMITTEE

Tim Barker
 Russell Machann
 Don Mueller

FINANCE COMMITTEE

Russell Machann
 Larry Pittman
 Tim Barker

HOUSING COMMITTEE

Terry Freese
 Russell Machann
 Clifford Jackson

INTERGOVERNMENTAL RELATIONS COMMITTEE

Terry Freese
 Tim Barker
 Larry Pittman

LEGISLATIVE COMMITTEE

Tim Barker
 Larry Pittman
 Steven Schneider

PUBLIC HEALTH COMMITTEE

Terry Freese
 Larry Pittman
 Russell Machann

PUBLIC SAFETY COMMITTEE

Larry Pittman
 Terry Freese
 Don Mueller

PUBLIC WORKS COMMITTEE

Terry Freese
 Don Mueller
 Clifford Jackson

TELECOMMUNICATIONS COMMITTEE

Clifford Jackson
 Terry Freese
 Don Mueller

WHARTON ECONOMIC DEVELOPMENT CORP BOARD OF DIRECTORS SELECTION COMMITTEE

Tim Barker
 Steven Schneider
 Clifford Jackson

ECONOMIC DEVELOPMENT COMMITTEE

Tim Barker
 Clifford Jackson
 Russell Machann

PARKS AND RECREATION COMMITTEE

Steven Schneider
 Russell Machann
 Terry Freese

bjimenez@cityofwharton.com

From: Paula Favors <pfavors@cityofwharton.com>
Sent: Tuesday, December 6, 2022 11:25 AM
To: bjimenez
Subject: Fwd: Building Standards Commission

From Stockwell.

Thank you,

Paula Favors, TRMC,CPM,MMC
City Secretary/Assistant City Manager
Advanced Public Information Officer
City of Wharton
120 E. Caney Street
Wharton, TX, 77488
www.cityofwharton.com
Phone: 979-532-2491 x225
Fax: 979-532-0181

ATTENTION OFFICIALS!

A "Reply to All" of this e-mail could lead to violations of the Texas Open Meetings Act, please reply only to the sender.

----- Forwarded Message -----

From: "shaun stockwell" <shaunstockwell@yahoo.com>
To: "pfavors" <pfavors@cityofwharton.com>, Bjimenez@cityofwharton.com
Sent: Tuesday, December 6, 2022 10:44:35 AM
Subject: Building Standards Commission

City of Wharton Texas,


I Shaun Stockwell CFO, COO of Stockwell Construction Company and a resident owning property within the ETJ of the City of Wharton volunteer to serve on the Building Standards Commission of the City of Wharton Texas.

In your service,

Shaun P Stockwell
CFO, COO Stockwell Construction LLC.
(979) 559-2859
shaun@stocon.biz
<http://www.stockwellconstruction.com/>

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

CITY COUNCIL COMMUNICATION

| | | | |
|---|------------|----------------------------------|---|
| Meeting Date: | 12/12/2022 | Agenda Item: | City Council Boards, Commissions and Committee Reports: A. Finance Committee meeting held November 28, 2022. |
| Attached you will find the reports from the above-mentioned Committees. | | | |
| City Manager: Joseph R. Pace | | Date: Thursday, December 8, 2022 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |



City of Wharton

120 E. Caney Street ° Wharton, TX
77488

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

MEMORANDUM

Date: November 29, 2022

From: City Council Finance Committee

To: Mayor & City Council

Subject: Report/Recommendations from the meeting held November 28, 2022

At the November 14, 2022, City Council Finance Committee Meeting, the Committee met and discussed the following items:


1. Review & Consider: Minutes from the meeting held November 14, 2022.
2. Review & Consider: Proposed City of Wharton Write Offs:
 - A. City of Wharton EMS.
 - B. Utilities.

The Committee voted to recommend this item to the City Council for consideration.

Adjournment.


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

CITY COUNCIL COMMUNICATION

| | | | |
|---|------------|----------------------------------|--|
| Meeting Date: | 12/12/2022 | Agenda Item: | <p>City Council may adjourn into an Executive Session in accordance with Section 551.074 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision, or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.</p> <p>Discussion:</p> <ul style="list-style-type: none"> A. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: <ol style="list-style-type: none"> 1. Wharton Volunteer Fire Department Chief and Fire Administrator. 2. Building Official. |
| | | | |
| City Manager: Joseph R. Pace | | Date: Thursday, December 8, 2022 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |

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

CITY COUNCIL COMMUNICATION

| | | | |
|---|------------|----------------------------------|--|
| Meeting Date: | 12/12/2022 | Agenda Item: | Action on items discussed in Executive Session: A. Appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: <ol style="list-style-type: none"> 1. Wharton Volunteer Fire Department Chief and Fire Administrator. 2. Building Official. |
| | | | |
| City Manager: Joseph R. Pace | | Date: Thursday, December 8, 2022 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |