



**CITY OF WHARTON
CITY COUNCIL REGULAR MEETING**

**Monday, November 13, 2023
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, November 13, 2023, at 7:00 PM at the Wharton City Hall, 120 East Caney Street, Wharton, Texas, at which time the following subjects will be discussed to-wit:

SEE ATTACHED AGENDA

Dated this 9th day of November 2023.

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 November 9, 2023, at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

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

Dated this 9th day of November 2023.

CITY OF WHARTON

By: 
Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
City Council Regular Meeting
Monday, November 13, 2023
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 October 9, 2023, and October 23, 2023.
2. Setting a Public Hearing on the creation of Reinvestment Zone Number One for Tax Increment Financing Purposes.
3. Request from Mr. Raymond Harrison on behalf of Harrison Brothers Properties and Hamer Real Estate LLC to review the plat for Richmond Commercial Subdivision, Wm. Kincheloe, Blk 64E, 64F, 64J, 64K-1, 64E-1.
4. Request from the Monterey Square Business Association and Lt. Ben Guanajuato for assistance for Snow on the Square on Friday, December 15, 2023, for the following:
 - A. Post the event (Snow on the Square) on the digital billboard on Hwy. 59 by La Casona/Walmart.
 - B. Closing the 100 Block of South Fulton Street from Burleson Street to Milam Street from 3:00 p.m. to 9:30 p.m.
 - C. Use City-owned barricades for the street closures.
 - D. Provide ten (10) trash barrels and extra liners.
 - E. Pick up, set up, and return a generator-light plant that the snow committee will rent and pay for.
 - F. Waive all fees that may apply to this event.
5. Resolution: A resolution of the Wharton City Council authorizing the Mayor of the City of Wharton to enter into a Multiple-Use Agreement between the Texas Department of Transportation and the City of Wharton for the installation of License Plate Readers in the City of Wharton and the Extraterritorial Jurisdiction.
6. Wharton Economic Development Corporation Resolution No. 2023-08.
7. Resolution: A resolution of the Wharton City Council approving an agreement between the City of Wharton and the Texas Department of Transportation Aviation Division for the Routine Airport Maintenance Program, TxDOT CSJ No. M2413WHRT, for the airport

maintenance at the Wharton Regional Airport and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

8. Resolution: A resolution by the City of Wharton, Texas (“city”) denying the Statement of Intent to change rates filed on or about October 30, 2023, by CenterPoint Energy Resources Corporation, D/B/A, CenterPoint Energy Entex and CenterPoint Energy Texas Gas; authorizing continued participation in the Texas Coast Utilities Coalition of Cities; authorizing intervention in proceedings related to CenterPoint’s Statement of Intent; requiring the reimbursement of municipal rate case expenses; authorizing representation of the City by special counsel; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject.

9. City of Wharton Updated Personnel Policies:

- A. Resolution: A resolution by the City Council of the City of Wharton, Texas adopting a policy prohibiting the installation or use of TikTok on city devices or for use of that application for official city-related business under Texas S.B. 1893.
- B. Resolution: A resolution by the City Council of the City of Wharton, Texas amending the City’s Personnel Policy – Mental Health Leave - to implement the requirements of HB 1486, amends Section 614.015 of the Local Government Code, establishing a Mental Health Leave Policy for the City of Wharton Telecommunicators; providing a severability clause and establishing an effective date.
- C. Resolution: A resolution of the Wharton City Council adopting a policy as required by the Federal Pregnant Workers Fairness Act to provide reasonable accommodation to employees and applicants with limitations related to pregnancy, childbirth, or related medical conditions.

10. Resolution: A resolution authorizing the sale of the City of Wharton’s surplus personal property in accordance with the City Charter Section 75 Sale of City Personal Property through www.publicsurplus.com.

11. Resolution: A resolution of the Wharton City Council approving the purchase of equipment for the city parks and facilities from Kirby Built LLC and authorizing the Mayor of the City of Wharton to execute all documents related to said purchase.


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

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

Adjournment.

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

CITY COUNCIL COMMUNICATION

Meeting Date:	11/13/2023	Agenda Item:	Reading of the minutes from the regular meetings held October 9, 2023, and October 23, 2023.
Attached you will find the draft minutes from the regular meetings held October 9, 2023, and October 23, 2023.			
City Manager: Joseph R. Pace		Date: Thursday, November 9, 2023	
Approval: 			
Mayor: Tim Barker			

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
OCTOBER 9, 2023**

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

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

Councilmembers absent were: None.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Andel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC; Director of Planning and Development, Gwyn Teves; Police Lt., Lance Bothell; Emergency Management Coordinator, Lt. Ben Guanajuato and Public Works Director, Roderick Semien.

Visitors present were: Jim Maddox, Mr. Brian Jarrard, with Holcomb Properties Company, Amy Morales and Sarah Shanks with Kapeesh Marketing, and Sam Scinta, Jr. with the Wharton Journal Spectator.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

Mayor, Tim Barker, called for Public Comments. The following comments were made:

1. Ms. Thelma Hayes stated the streets on the West Side of Wharton were in poor condition with grass growing in the streets as well as the sidewalks. She said that Councilmember, Burnell Neal, had tried to clean the sidewalks would it was too much to even cut with a tractor. Ms. Hayes said that the area needs some help from the City.

Wharton Moment.

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

Proclamation

Mayor, Tim Barker, presented the Domestic Violence Proclamation as follows:

CITY OF WHARTON

**OFFICE OF THE MAYOR
PROCLAMATION**

WHEREAS, Domestic violence remains a pervasive issue across Wharton, Wharton County, the United States, and the world with implications for personal and community health; and,

WHEREAS, Domestic violence does not discriminate and touches all communities regardless of age, race, disability, gender identity, or socioeconomic status; and,

WHEREAS, Domestic Violence Awareness Month is nationally recognized every October, and is an opportunity to help our community promote and protect the safety and freedom of all who seek refuge from this terrible crime; and,

WHEREAS, The Crisis Center of Matagorda and Wharton County is dedicated to helping victims of domestic violence by providing free and confidential services such as advocacy, education, shelter, and resources. In the past year, the Crisis Center has provided services to 425 clients of domestic violence and 6,319 nights of shelter to adults and children. Through these programs, individuals and families can feel a sense of hope, safety, and protection; and,

WHEREAS, Research shows incidents of domestic violence are reduced by creating communities where people are connected, supportive, and care for one another. The City of Wharton encourages members of the community to work together to increase domestic violence awareness; and,

WHEREAS, During October, the Crisis Center will promote public awareness of domestic violence. On October 19, 2023, citizens can participate in “Go Purple Day”, a National Day of Action during Domestic Violence Awareness Month, by wearing purple as a symbol of peace, courage, survival, honor, and personal dedication to domestic violence awareness. On October 18, 2023, the Center will host “Walk a Mile in Their Shoes” in support of victims and survivors.

NOW, THEREFORE, I, TIM BARKER, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim the month of October 2023 as

“Domestic Violence Awareness Month”

in the City of Wharton in recognition of the important work done by survivors, domestic violence programs and victim service providers, urge all citizens to actively participate in the scheduled activities and programs sponsored by “The Crisis Center of Matagorda and Wharton County” and other community organizations to work toward the elimination of domestic violence.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 9th day of October, in the year of our Lord two thousand twenty-three A.D.

Review and Consider:

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held September 11, 2023, and September 25, 2023. After some discussion, Councilmember, Russell Machann, moved to approve the reading of the minutes from the regular meetings held September 11, 2023, and September 25, 2023. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a resolution by the City Council of the City of Wharton, Texas, a Home Rule Municipality existing under the laws of the State of Texas, accepting a Public Improvement District (PID) Petition and setting a Public Hearing on the creation of a Public Improvement District as described in the attached Exhibit A. Finance Director, Joan Anandel, stated a petition was received for the creation of a Public Improvement District (PID) from the owner of 55.2061 acres of land located in the Extraterritorial Jurisdiction (ETJ) of the City of Wharton. Mrs. Anandel said the petition was a request for the City Council to consider holding a Public Hearing on the creation of the PID. Mr. Brian Jarrard, with Holcomb Properties Company, discussed the petition and the request. After some discussion, Councilmember, Terry Freese moved to set the Public Hearing date for Monday, October 23, 2023, at 7 p.m. and City of Wharton Resolution No. 2023-81, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-81**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, ACCEPTING A PUBLIC IMPROVEMENT DISTRICT (PID) PETITION AND SETTING A PUBLIC HEARING ON THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT AS DESCRIBED IN THE ATTACHED EXHIBIT A.

WHEREAS, The Wharton City Council received a Public Improvement District (PID) Petition requesting the creation of a PID; and,

WHEREAS, The City of Wharton wishes to set a Public Hearing on the creation of a Public Improvement District (PID); and,

WHEREAS, The Wharton City Council wishes to accept the Public Improvement District (PID) Petition and set the Public Hearing date for October 23, 2023, at 7:00 p.m. during the regular City Council meeting.

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

Section I. The Wharton City Council hereby accepts the Public Improvement District (PID) Petition requesting the creation of a PID.

Section II. The City of Wharton hereby wishes to set a Public Hearing on the creation of a Public Improvement District (PID) for October 23, 2023, at 7:00 p.m. during the regular City Council meeting.

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

Passed, Approved, and Adopted this 9th day of October 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The third item on the agenda was to review and consider a Public Improvement District (PID) Consultant Services and Tax Increment Reinvestment Zone (TIRZ) Consultant Services:

- A. Resolution: A resolution of the Wharton City Council accepting a proposal for Public Improvement District (PID) Administration Consultant Services and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
- B. Resolution: A resolution of the Wharton City Council accepting a proposal for Tax Increment Reinvestment Zone (TIRZ) Consultant Services and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

Finance Director, Joan Andel, stated a Request for Proposals was issued on September 27, 2023, for both a Public Improvement District (PID) Consultant as well as a Tax Increment Reinvestment Zone (TIRZ) Consultant. Mrs. Andel said that the proposals were received and reviewed, and a recommendation was presented to the Finance Committee on Monday, October 9, 2023. After some discussion, Councilmember, Russell Machann, moved to approve the City of Wharton Resolution 2023-82 and Resolution 2023-83, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-82**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A PROPOSAL FOR PUBLIC IMPROVEMENT DISTRICT (PID) ADMINISTRATION CONSULTANT SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to accept a proposal between the City of Wharton and Municap, Inc. for Public Improvement District (PID) Administration Consultant Services; and,

WHEREAS, The City of Wharton and Municap, Inc. 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 accepts a proposal between the City of Wharton and Municap, Inc. for Public Improvement District (PID) Administration Consultant Services.

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 Municap, Inc. 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 9th day of October 2023.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2023-83**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A PROPOSAL FOR TAX INCREMENT REINVESTMENT ZONE (TIRZ) CONSULTANT SERVICES

AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to accept a proposal between the City of Wharton and David Pettit Economic Development, LLC for Tax Increment Reinvestment Zone (TIRZ) Consultant Services; and,

WHEREAS, The City of Wharton and David Pettit Economic Development, LLC 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 accepts a proposal between the City of Wharton and David Pettit Economic Development, LLC for Tax Increment Reinvestment Zone (TIRZ) Consultant Services.

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 David Pettit Economic Development, LLC 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 9th day of October 2023.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Don Mueller, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from Ms. Sarah Shanks of Kapeesh Marketing, LLC, to have Wharton Harvest Day on October 28, 2023, and permission for the following:

- A. Close Fulton Street between Burleson Street and Milam Street and close Houston Street between Burleson Street and Milam Street from 8:00 a.m. until 2:00 p.m. on

- Saturday, October 28, 2023. This includes time for set-up and tear-down for the vendors.
- B. Provide barricades for street closures.
 - C. Use of the gazebo for a photo booth from 9:00 a.m. to 2:00 p.m.
 - D. Waive all local permit fees for food trucks and food vendors for the day of the event.
 - E. Provide city blue barrel trash containers and bags.

Ms. Sarah Shanks of Kapeesh Marketing, LLC, requested the items mentioned above to have Wharton Harvest Day on October 28, 2023, from 9:00 a.m. to 2:00 p.m. Ms. Amy Morales stated she had met with Lt. Ben Guanajuato regarding the logistics for the event and Ms. Makyla Monroe about the use of the Gazebo. After some discussion, Councilmember, Terry Freese, moved to approve aforementioned items A through E. Councilmember, Burnell Neal, 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 awarding a contract for the construction of Wharton S. East Avenue Sanitary Sewer Rehabilitation Project Phase 1 and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Director of Planning & Development, Gwyn Teves, stated that on September 21, 2023, proposals were received for the S. East Ave. Sanitary Sewer Rehabilitation Phase 1 Project for the remaining work to be completed. Mrs. Teves said Quiddity Engineering had reviewed the submitted proposals and was recommending the contract be awarded to Texas Pride Utilities, LLC. She said Quiddity Engineering recommended that the referenced contract be awarded to Texas Pride Utilities, LLC, based on their base bid of \$184,140.00 plus alternate bid items A1 and A2 for the total amount of \$233,780.00. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-84, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-84**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE CONSTRUCTION OF WHARTON S. EAST AVENUE SANITARY SEWER REHABILITATION PROJECT PHASE 1 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Proposals were received for the Wharton S. East Avenue Sanitary Sewer Rehabilitation Project Phase 1 on September 21st, 2023; and,

WHEREAS, Texas Pride Utilities, LLC was deemed the best lowest qualified bidder for the base bid amount and alternate 1 & 2 of \$233,780.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to Texas Pride Utilities, LLC for the base bid amount and alternate 1 & 2; and,

WHEREAS, The City of Wharton and Texas Pride Utilities, 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 contract.

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

Section I. The Wharton City Council hereby authorizes the Mayor to execute the S. East Avenue Sanitary Sewer Rehabilitation Phase 1 Project contract.

Section II. The City of Wharton and Texas Pride Utilities, 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 9th day of October 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the Mayor of the City of Wharton to submit a Letter of Intent for the City of Wharton's participation in the Texas Water Development Board Drinking Water State Revolving Fund SFY 2021 Program by submitting an application for funding to be used for planning, design, and construction of the Mayfair/Linwood Waterline Replacement Project. Director of Planning & Development, Gwyn Teves, stated the City Staff received an invitation to apply to the SFY 2021 DWSRF for the Mayfair/Linwood Waterline Replacement Project that had been submitted under the program for the last eight years. Mrs. Teves said the City needed to submit the Intent to Apply by October 16, 2023, and the full application by November 17, 2023, to utilize the request for

principal forgiveness. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-85, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-85**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO SUBMIT A LETTER OF INTENT FOR THE CITY OF WHARTON'S PARTICIPATION IN THE TEXAS WATER DEVELOPMENT BOARD DRINKING WATER STATE REVOLVING FUND SFY 2021 PROGRAM BY SUBMITTING AN APPLICATION FOR FUNDING TO BE USED FOR PLANNING, DESIGN, AND CONSTRUCTION OF THE MAYFAIR/LINWOOD WATERLINE REPLACEMENT PROJECT.

WHEREAS, The Wharton City Council wishes for certain improvements to be conducted in the Mayfair/Linwood subdivision; and,

WHEREAS, Said improvements would include the planning, design, and construction of waterline replacement; and,

WHEREAS, To fund the costs for said project, the Wharton City Council wishes to participate in the Texas Water Development Board Drinking Water State Revolving Fund Program, and to request Principal Forgiveness for the project; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to submit a Notice of Intent to apply to said program.

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

Section I. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to submit a Notice of Intent to apply to the Texas Water Development Board Drinking Water State Revolving Fund Program to apply for funding for the planning, design, and construction of the Mayfair/Linwood Waterline Replacement Project.

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

Passed, Approved, and Adopted this the 9th day of October 2023.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The seventh item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission of an application to the Economic Development Administration (EDA) FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance Programs in support of the future commercial development and expansion of Prime Eco Fluids and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. Director of Planning & Development, Gwyn Teves, stated the Economic Development Administration (EDA) had announced funding availability for its FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance Notice of Funding Opportunity. Mrs. Teves said the City Staff was requesting authorization to apply for the FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance in support of the expansion of Prime Eco Fluids. She said the application would be for a 12-inch waterline extension from Kingston Drive to the Prime Eco site on SH 60 which would allow for future commercial development along the corridor and provide more capacity for additional production from Prime Eco and an additional 18-23 new employees over the next 2 years. Mrs. Teves stated the Wharton Economic Development Corporation had committed \$400,000.00 in matching funds for this funding opportunity if awarded. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-86, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-86**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) FY 2023/2024 PUBLIC WORKS AND ECONOMIC DEVELOPMENT FACILITIES AND ECONOMIC ADJUSTMENT ASSISTANCE PROGRAMS IN SUPPORT OF THE FUTURE COMMERCIAL DEVELOPMENT AND EXPANSION OF PRIME ECO FLUIDS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.

WHEREAS, The City of Wharton City Council wishes to submit an application to the EDA FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance Programs in support of future commercial development and the expansion of Prime Eco Fluids; and,

WHEREAS, The City of Wharton City Council wishes to accept the Wharton Economic Development Corporations matching contribution of \$400,000.00 to the grant if awarded; and,

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

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

SECTION I. The Wharton City Council hereby approves the City of Wharton Staff to prepare an application for the EDA FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance in support of future commercial development and the expansion of Prime Eco Fluids.

SECTION II. The Wharton City Council hereby accepts the matching funds of the Wharton Economic Development Corporation in the amount of \$400,000.00, if awarded.

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

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

PASSED, APPROVED, and ADOPTED this 9th day of October 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing and ratifying the City of Wharton to submit a Letter of Intent for the City of Wharton’s participation in the Houston Galveston Area Council Light Detection and Ranging (LiDAR) Data Program by submitting a Letter of Intent and Applicant Validation of Funding Partners for funding to be used to participate in the Acquisition & Production of Light Detection and Ranging (LiDAR) Data. Director of Planning & Development, Gwyn Teves, stated the City Staff was made aware of an opportunity to participate with the Houston Galveston Area Council (HGAC) in the acquisition and production of Light Detection and Ranging (LiDAR). Mrs. Teves said that due to

the time-sensitive nature of the application for assistance for funding to the US Geological Survey (USGS) the items needed to be returned with signature by Friday, September 29, 2023, requiring the items to be ratified by the City Council. She said the Wharton Economic Development Corporation Director (WEDC) had also expressed interest in participating in the costs and would be taking the item to their board meeting on October 9th, 2023, at noon. Mrs. Teves stated the LiDAR information would be extremely valuable to the future planning, marketing, and grant opportunities for the City. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-87, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-87**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING AND RATIFYING THE CITY OF WHARTON TO SUBMIT A LETTER OF INTENT FOR THE CITY OF WHARTON'S PARTICIPATION IN THE HOUSTON GALVESTON AREA COUNCIL LIGHT DETECTION AND RANGING (LIDAR) DATA PROGRAM BY SUBMITTING A LETTER OF INTENT AND APPLICANT VALIDATION OF FUNDING PARTNERS FOR FUNDING TO BE USED TO PARTICIPATE IN THE ACQUISITION & PRODUCTION OF LIGHT DETECTION AND RANGING (LIDAR) DATA.

WHEREAS, The Wharton City Council wishes to authorize and ratify the submission of a Letter of Intent (LOI) and applicant validation of funding partners for the U.S. Geological Survey (USGS); and,

WHEREAS, Said LOI and Validation of Funding will allow the City to participate in the Acquisition and Production of Light Detection and Ranging (LiDAR) Data for the City; and,

WHEREAS, To fund the costs for said project, the Wharton City Council wishes to participate in the USGS Data Collection Announcement for 3D Elevation Program, collaborate with the Wharton Economic Development Corporation, and provide the remainder from the Planning and Development Budget; and,

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

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

Section I. That the Wharton City Council hereby authorizes and ratifies the submission, by the Mayor of the City of Wharton, of the Letter of Intent (LOI) and applicant validation of funding partners for the U.S. Geological Survey (USGS).

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

Passed, Approved, and Adopted this the 9th day of October 2023.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

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

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

After some discussion, Councilmember, Russell Machann, moved to approve the resignation of Mr. Adraylle Watson from the Mayor’s Committee on People with Disabilities. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

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

- A. Finance Committee meeting held September 25, 2023.

After some discussion, no action was taken.

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

The meeting adjourned at 7:41 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

DRAFT

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
OCTOBER 23, 2023**

Mayor, Tim Barker, declared a Regular Meeting duly open for the transaction of business at 7:08 P.M. at City Hall 120 E. Caney Street Wharton, TX. Councilmember, Russell Machann, led the opening devotion, and Mayor, Tim Barker, led the pledge of allegiance.

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

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; Assistant City Manager, Paula Favors; Finance Director, Joan Andel; Director of Planning and Development, Gwyn Teves, CPM; Assistant to the City Manager, Brandi Jimenez; Police Chief, Terry David Lynch; Lt. Ariel Soltura, and EMS Director, Christy Gonzales

Visitors present were: Amy Morales; Roy Moses; Walter Garrett; Greg Brinkley; Wanda Brinkley; Eddie Brinkley, Jr.; Brian Jarrard of Holcomb Properties; Wharton Economic Development Director, Josh Owens, and Sam Scinta, Jr. with the Wharton Journal Spectator.

Roll Call and Excused Absences.

All City Councilmembers were present.

Public Comments.

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

Wharton Moment.

Mayor, Tim Barker, called for the Wharton Moment. City Manager, Joseph R. Pace, stated the Houston Astros were playing game 7 of the American League Championship Series against the Texas Rangers.

Public Hearing

1. Public Hearing: Creation of Public Improvement District (PID).

Mayor, Tim Barker, opened the Public Hearing at 7:02 p.m.

Brian Jarrard of Holcomb Properties answered questions regarding the creation of the PID.

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

Review and Consider:

The first item on the agenda was to review and consider a resolution of the City of Wharton, Texas authorizing and creating the Wharton Public Improvement District No. 2 in accordance with Chapter 372 of the Texas Local Government Code; resolving other matters incident and related thereto; and providing an effective date. Finance Director, Joan Andel, presented a copy of a resolution creating the Wharton Public Improvement District No. 2 from Mr. Brian Jarrard of Holcomb Properties. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-88, which read as follows:

**CITY OF WHARTON, TEXAS
RESOLUTION NO. 2023-88**

A RESOLUTION OF THE CITY OF WHARTON, TEXAS AUTHORIZING AND CREATING THE WHARTON PUBLIC IMPROVEMENT DISTRICT NO. 2 IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE; RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Wharton, Texas (the “City”), is authorized under Chapter 372 of the Texas Local Government Code, as amended (the “Act”), to create a public improvement district within its City limits or its extraterritorial jurisdiction (“ETJ”); and

WHEREAS, on October 5, 2023, the owners of (1) taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment under the proposal, as determined by the current roll of the appraisal district in which the property is located and (2) real property liable for assessment under the proposal who: (A) constitute more than 50 percent of all record owners of property that is liable for assessment under the proposal; or (B) own taxable real property that constitutes more than 50 percent of the area of all taxable real property that is liable for assessment under the proposal (collectively, the “Petitioners”), submitted and filed with the City Secretary a petition (“Petition”) requesting the establishment of a public improvement district for property within the ETJ of the City; and

WHEREAS, the Petition requested the creation of the Wharton Public Improvement District No. 2 (the “District”), which District is located within the ETJ of the City and is more particularly described by metes and bounds in **Exhibit A** and depicted in **Exhibit B** (the “Property”) each attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council of the City (the “City Council”) has investigated and determined that the facts contained in the Petition are true and correct; and

WHEREAS, after publishing notice in the Wharton Journal-Spectator ran official newspaper of general circulation in the City and in the part of the ETJ of the City in which the district is to be located or in which the improvements are to be undertaken, and mailing notice of the hearing, all as required by and in conformity with the Act, the City Council, conducted a public hearing on the advisability of the improvements and services on October 23, 2023; and

WHEREAS, the City Council closed the public hearing on the advisability of the improvements and services on October 23, 2023.

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

SECTION 1. The findings set forth in the recitals of this Resolution are found to be true and correct.

SECTION 2. The Petition submitted to the City by the Petitioners was filed with the City Secretary and complies with Section 372.005 of the Act.

SECTION 3. Pursuant to the requirements of the Act, including, without limitation, Sections 372.006, 372.009(a), 372.009(b), and 372.010, the City Council, after considering the Petition and the evidence and testimony presented at the public hearing on October 23, 2023, hereby finds and declares:

- (a) **Advisability of the Proposed Improvements.** It is advisable to create the District to provide the Authorized Improvements (as defined and described below). The Authorized Improvements are feasible and desirable and will promote the interests of the City and will confer a special benefit on the Property.
- (b) **General Nature of the Authorized Improvements.** The general nature of the proposed public improvements to be provided by the District that are necessary for the development of the property within the District and which shall promote the interests of the City and confer a special benefit upon the property, may include: (i) design, construction and other allowed costs related to street and roadway improvements, including related drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) design, construction and other allowed costs related to storm drainage improvements, (iii) design, construction and other allowed costs related to water, wastewater and drainage (including detention) improvements and facilities, (iv) design, construction and other allowed costs related to parks, open space and recreational improvements including trails and landscaping related thereto; (v) design, construction and other allowed costs related to projects similar to those listed in sections (i) – (iv) above authorized by the Act, including similar of-site projects that provide a benefit to the property within the District; (vi) payment of expenses incurred in the establishment, administration, and operation; and (vii) payment of expenses associated with financing such public improvement projects, which may include but are not limited to, costs associated with the issuance and sale of revenue bonds secured by assessments levied against the Property within the District and (viii) maintenance and operation expenses of the Authorized Improvements (collectively, the “Authorized Improvements”).
- (c) **Estimated Costs of the Authorized Improvements.** The estimated total costs of the Authorized Improvements is \$15,000,000, which costs shall be paid by assessment of the property owners within the proposed District.

- (d) **Boundaries of the District.** The District is proposed to include approximately 55.2061 acres of property generally located south of state highway 60, east of FM 1299 and near the intersection of state highway 60 and FM 1299 and within the ETJ of the City, as more particularly described in the metes and bounds described in **Exhibit A** attached hereto and as more particularly depicted in **Exhibit B** attached hereto.
- (e) **Proposed Method of Assessment.** The City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. Each assessment may be paid in part or in full at any time (including interest), and certain assessments may be paid in annual installments (including interest). If the City allows an assessment to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed by the assessment and must continue for a period necessary to retire the indebtedness on those Authorized Improvements (including interest).
- (f) **Apportionment of Costs.** The City will not be obligated to provide any funding to finance the Authorized Improvements, other than from assessments levied in the District. No City property in the District shall be assessed. The Petitioners of the property may fund certain costs of the Authorized Improvements from other funds available to the Petitioners.
- (g) **Management of the District.** The District shall be managed by the City, with the assistance of a consultant, who shall, from time to time, advise the City regarding certain operations of the District.
- (h) **Advisory Board.** The District shall be managed without the creation of an advisory body.

SECTION 4. The Wharton Public Improvement District No. 2 is hereby authorized and created as a public improvement district under the Act in accordance with the findings of the City Council as to the advisability of the Authorized Improvements contained in this Resolution, the nature and the estimated costs of the Authorized Improvements, the boundaries of the District, the method of assessment, and the apportionment of costs as described herein; and the conclusion that the District is needed to fund such Authorized Improvements.

SECTION 5. The City Council hereby authorizes and directs the City Secretary, on or before October 30, 2023, in accordance with the Act, to file a copy of this Resolution authorizing the District with the county clerk of each county in which all or part of the public improvement district is located.

SECTION 6. Effective upon the date of the passage of this Resolution, the District shall be established.

SECTION 7. This Resolution is effectively immediately from and after the date of its passage in accordance with law.

ADOPTED, PASSED, AND APPROVED on this the 23rd day of October 2023.

CITY OF WHARTON, TEXAS

Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

Councilmember, Don Mueller, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider the City of Wharton Financial Report for September 2023. City of Wharton Finance Director, Joan Anandel, presented the City of Wharton Financial Report for September 2023. After some discussion, Councilmember, Russell Machann, moved to approve the City of Wharton Financial Report for September 2023. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request from Mr. Gregory Brinkley to address the City Council regarding City of Wharton Property Liens. City Manager, Joseph R. Pace, presented a copy of a request from Mr. Brinkley to address the Council regarding City of Wharton Property Liens. Mr. Brinkley addressed the City Council requesting the property liens be dissolved. City Secretary, Paula Favors, stated that City Attorney, Paul Webb, was researching the request and would contact Mr. Brinkley. After some discussion, no action was taken.

The fourth item on the agenda was to review and consider a presentation from Ms. Amy Morales with Kapeesh Marketing, LLC regarding the ongoing branding project. Ms. Morales gave a presentation regarding the ongoing branding project. After some discussion, no action was taken.

The fifth item on the agenda was to review and consider a resolution of the Wharton City Council amending the Wharton Police Department Policy Manual and authorizing the Mayor of the City of Wharton to execute all documents related to said policy. Police Chief, Terry David Lynch, stated the Wharton Police Department had rewritten the Department Policy Manual to reflect “Best Practices” policies defined by the Texas Police Chiefs Association. Chief Lynch said that they were vetted policies that covered every operational aspect of the Wharton Police Department. He said that it was a “living” manual, and the Police Department could expect to adjust the policies as needed to meet requirements in the future. Assistant City Attorney Amy Rod reviewed and

approved the amended Policy Manual. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-89, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-89**

A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING THE WHARTON POLICE DEPARTMENT POLICY MANUAL AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID POLICY.

WHEREAS, The Wharton Police Department Policy Manual has been rewritten to reflect “Best Practices” policies defined by the Texas Police Chiefs Association; and,

WHEREAS, These policies are vetted policies that cover every operational aspect of the Wharton Police Department; and,

WHEREAS, The Wharton City Council wishes to amend the Wharton Police Department Policy Manual.

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

Section I. That the Wharton City Council hereby approves the amendment to the Wharton Police Department Policy Manual.

Section. II. That the Wharton City Council hereby authorizes the Chief of Police to enforce the policies and procedures as set forth in the policy.

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

Passed, Approved, and Adopted this the 23rd day of October 2023.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Don Mueller, 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 rescinding Resolution 2023-26 and approving the purchase change of a remount and chassis, from Mac Haik to M & L Chrysler Dodge Jeep and authorizing the Mayor of the City of Wharton to execute any and all documents related to said purchases. EMS Director, Christy Gonzales, stated that on April 10, 2023, the City Council approved the purchase of a 2024 RAM 4500 Diesel through Mac Haik Dodge Chrysler Jeep. EMS Director Gonzales said that the chassis was on back order in the State of Texas, however, M & L Chrysler Jeep Dodge Ram located in Lexington, North Carolina had a 2024 RAM 4500 Chassis on the lot, ready for sale and the M & L dealership was \$14,320.00 less than Mac Haik. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-90, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-90**

A RESOLUTION OF THE WHARTON CITY COUNCIL RESCINDING RESOLUTION 2023-26 AND APPROVING THE PURCHASE CHANGE OF A REMOUNT AND CHASSIS, FROM MAC HAIK TO M & L CHRYSLER DODGE JEEP AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO SAID PURCHASES.

WHEREAS, The Wharton City Council wishes to rescind Resolution 2023-26 and approve the purchase of a remount and chassis from M & L Chrysler Jeep Dodge, in the amount of \$73,430.00; and,

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

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 rescinds Resolution 2023-26 and approves an agreement with M & L Chrysler Jeep Dodge, for the purchase of a remount and chassis in the amount of \$73,430.00.

Section II. That the Mayor of the City of Wharton is hereby authorized to execute any and all documents related to said purchase.

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

PASSED, APPROVED, and ADOPTED this 23rd day of October 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The seventh item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract for engineering services for the SH 60 Waterline Extension from FM 1301 to Titus Car Wash Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Planning and Development Director, Gwyn Teves, stated the City Staff had been working with the Titus Car Wash development and there was a need for upgraded infrastructure and cost effects due to the crossing of Richmond Rd., which required TxDOT permits and coordination. Mrs. Teves said Titus and the City had requested assistance from the Wharton Economic Development Corporation which had approved assisting in infrastructure improvement reimbursements to upgrade to a 12” from an 8” water main, remove the line from under the highway, and connect to the development. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2032-91, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-91**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR ENGINEERING SERVICES FOR THE SH 60 WATERLINE EXTENSION FROM FM 1301 TO TITUS CAR WASH PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to approve a contract between the City of Wharton and Quiddity Engineering for Engineering Services for the SH 60 Waterline Extension from FM 1301 to Titus Car Wash Project; and,

WHEREAS, The City of Wharton and Quiddity 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 Quiddity Engineering for Engineering Services for the SH 60 Waterline Extension from FM 1301 to Titus Car Wash Project.
- 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 Quiddity 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 23rd day of October 2023.

CITY OF WHARTON

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 ratifying and approving Change Order No. 14 for the offset to final connection to the well-head with E-Contractors for the Wharton Well and Water Plant 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 Well & Water Plant – Contract #1 (Water Well), Change Order No. 14 from E-Contractors for the Offset to Final Connection to the Well-Head, and the response that had been sent to the contractors. Mrs. Teves stated that the Change Order was discussed with the Mayor and Mr. Webb and to prevent any additional delays in the project both agreed to approve the Change Order and submit it to the Council for ratification and approval. She said the connection was due to an offset of the pipes completed by separate contractors and was critical to the completion of the project. Mrs. Teves stated that if not approved and installed the delay could cause additional costs by potential recleaning of the well, remobilization of Weisinger, and continued charges from the delayed rework on the Valhalla Well Rework. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-92, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-92**

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND APPROVING CHANGE ORDER NO. 14 FOR THE OFFSET TO FINAL CONNECTION TO THE WELL-HEAD WITH E-CONTRACTORS 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 ratify and approve Change Order No. 14 for the offset to final connection to the well-head with E- Contractors for the Wharton Well and Water Plant Project; and,

WHEREAS, The Wharton City Council approves the Change Order No. 14 in the amount of \$12,818.91; and

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

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

Section I. The Wharton City Council hereby ratifies and authorizes Change Order No. 14 for the offset to final connection to the well-head with E- Contractors for the Wharton Well and Water Plant Project in the amount of \$12,818.91.

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

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

Passed, Approved, and Adopted this 23rd day of October 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was to review and consider Pay Request No. 6 from C3 Constructors for the WWTP #1 Coarse Screen Project. Director of Planning & Development, Gwyn Teves, presented Pay Request No. 6 from C3 Constructors for the WWTP #1 Coarse Screen Project in the amount of \$33,844.13. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 6 from C3 Constructors for the WWTP #1 Coarse Screen Project the amount of \$33,844.13. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider Pay Request No. 7 and 7a from Weisinger Inc. for the Wharton Well and Water Plant Contract No. 2 – Well Construction. Director of Planning & Development, Gwyn Teves, stated the City Council awarded a contract for construction to Weisinger Inc. for the Wharton Well and Water Plant Contract No. 2 – Well Construction. Mrs. Teves said Pay Estimates No. 7 & 7a had been sent and a recommendation for payment by the engineer was Pay Estimate No. 7 was in the amount of \$99,691.54 and Pay Estimate 7a was in the amount of \$72,335.11. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 7 and 7a from Weisinger Inc. for the Wharton Well and Water Plant Contract No. 2 – Well Construction in the amount of \$99,691.54 and \$72,335.11, respectively. Councilmember, Don Mueller, 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 Change Order No. 1, for additional contract time with CF McDonald, Inc., for the Wharton Water Plants and WWTP #2 Generator Addition HMGP 4332-0105 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 Water Plants and WWTP No. 2 Generator Addition HMGP 4332-0105 Project, Change Order No. 1 from CF McDonald, Inc. for additional time to the contract in the amount of 75 calendar days. Mrs. Teves stated the extension was being requested due to delays in material shipments from the factory. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-93, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-93**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 1, FOR ADDITIONAL CONTRACT TIME WITH CF MCDONALD, INC., FOR THE WHARTON WATER PLANTS AND WWTP #2 GENERATOR ADDITION HMGP 4332-0105 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 with CF McDonald, Inc., for the Wharton Water Plants and WWTP #2 Generator Addition HMGP 4332-0105 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 75 additional days to the contract with CF McDonald, Inc., for the Wharton Water Plants and WWTP #2 Generator Addition HMGP 4332-0105 Project.
- Section II.** The Wharton City Council hereby authorizes the Mayor to execute all documents related to the change order.
- Section III.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 23rd day of October 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider Pay Request No. 7 from CF McDonald Electric, Inc. for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators. The City Council awarded a contract for construction to CF McDonald Electric, Inc. for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators Project. Director of Planning & Development, Gwyn Teves, stated Pay Estimate No. 7 had been sent and a recommendation for payment by the engineer was in the amount of \$28,035.00. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 7 from CF McDonald Electric, Inc. for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators in the amount of \$28,035.00. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider an update of the City of Wharton Grant Programs. After some discussion, no action was taken.

The fourteenth item on the agenda was to review and consider an update of the City of Wharton on-going projects. After some discussion, no action was taken.

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

After some discussion, no action was taken.

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

- A. Finance Committee meeting held October 9, 2023.

After some discussion, no action was taken.

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

- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department/Civic Center.
- D. Emergency Management.
- E. E. M. S. Department.
- F. Fire Department.
- G. Fire Marshal.
- H. Legal Department.
- I. Municipal Court.
- J. Police Department.
- K. Public Works Department.
- L. Water/Sewer Department.
- M. Weedy Lots/Sign Ordinance.
- N. 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 7:35 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

DRAFT

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

CITY COUNCIL COMMUNICATION


Meeting Date:	11/13/2023	Agenda Item:	Setting a Public Hearing on the creation of Reinvestment Zone Number One for Tax Increment Financing Purposes.
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On October 23, 2023, the City Council passed Resolution number 2023-88 authorizing the creation of the Wharton Public Improvement District No. 2 in accordance with Chapter 372 of the Texas Local Government Code. At this time, it is necessary to set a Public Hearing on the creation of Reinvestment Zone Number One for Tax Increment Financing Purposes.

It is the request of City Staff to hold this Public Hearing on November 27, 2023, at the Regular City Council meeting.

If approved a notice of the Public Hearing will be posted in the Wharton Journal Spectator on November 18, 2023.

Attached is the Public Hearing notice for review.

City Manager: Joseph R. Pace	Date: Thursday, November 9, 2023
Approval: 	
Mayor: Tim Barker	


PUBLIC HEARING NOTICE**NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS TO CONSIDER THE ADVISABILITY OF THE CREATION OF REINVESTMENT ZONE NUMBER ONE, CITY OF WHARTON, TEXAS FOR TAX INCREMENT FINANCING PURPOSES PURSUANT TO CHAPTER 311, TEXAS TAX CODE**

NOTICE IS HEREBY GIVEN THAT the City Council of the City of Wharton, Texas (the “City”), pursuant to Chapter 311.003 Texas Tax Code, as amended, (the “Act”), will hold a public hearing at 7:00 p.m. on Monday, November 27, 2023, at City Hall, 120 East Caney Street, Wharton, Texas, for the purpose of considering the creation of Reinvestment Zone Number One, City of Wharton, Texas, located within the City limits and within the City’s extraterritorial jurisdiction.

All persons are invited to attend the hearing and speak for or against the creation of Reinvestment Zone Number One, City of Wharton, Texas, the proposed boundaries, or the concept of tax increment financing. Written or oral statements will be considered. The proposed boundaries include approximately 55 acres located within the City limits and within the City’s extraterritorial jurisdiction which is south of East Milam Street and east of South Alabama Road. A more detailed legal description and boundary map of the proposed Reinvestment Zone Number One, City of Wharton, Texas, are on file and open for public inspection in the office of the City Secretary at City Hall, 120 East Caney Street, Wharton, Texas. Questions or requests for additional information may be directed to David Pettit, David Pettit Economic Development, LLC, dpettit@dpedllc.com; 817-439-9515.

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

CITY COUNCIL COMMUNICATION

Meeting Date:	11/13/2023	Agenda Item:	Request from Mr. Raymond Harrison on behalf of Harrison Brothers Properties and Hamer Real Estate LLC to review the plat for Richmond Commercial Subdivision, Wm. Kincheloe, Blk 64E, 64F, 64J, 64K-1, 64E-1.
<p>Attached you will find the request from Mr. Raymond Harrison on behalf of Harrison Brothers Properties and Hamer Real Estate LLC to review the plat for Richmond Commercial Subdivision, Wm. Kincheloe, Blk 64E, 64F, 64J, 64K-1, 64E-1.</p> <p>The Planning Commission met on Monday, November 6, 2023, and voted to recommend this item to the City Council for consideration.</p> <p>Director of Planning & Development Gwyn Teves will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, November 9, 2023	
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

DATE: November 8, 2023
FROM: Mike Wootton, Planning Commission Chairperson
TO: Honorable Mayor and City Council
SUBJECT: Recommendation to City Council from the Regular Called Planning Commission Meeting held Monday, November 6, 2023

The following item was discussed during the Monday, November 6, 2023, meeting:

1. Request from Raymond Harrison on behalf of Harrison Brothers Properties and Hamer Real Estate LLC to review the plat for Richmond Commercial Subdivision, Wm. Kincheloe, Blk 64E, 64F, 64J, 64K-1, 64E-1.

The Planning Commission is recommending approval of the above item and is referring it to City Council for a final determination.

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

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

Item-3.

NOTE: If plat or re-plat request is approved by the Planning Commission, the request will then be presented at the next City Council meeting for City Council consideration. Attendance by the applicant requesting the variance is mandatory during the City Council meeting. If applicant fails to attend the meeting, the variance request will not be considered by the City Council at that time.

Harrison Brothers Properties & Hamer Real Estate LLC
Name (Printed)
N Richmond Rd
Physical Address
Wm. Kincheloe, Blk 64E, 64F, 64J, 64K-1, 64E-1
Legal Address

11/01/2023
Date
108 Santa Fe, Wharton, TX 77488
Mailing Address
979-533-0544
Phone

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

SIGNATURE OF APPLICANT:

Signature

11/01/2023
Date

Planning commission Meeting: 11/06/2023 4:30pm
City Council Meeting: 11/13/2023 7pm

ADJACENT PROPERTY OWNER(S):

New Diamond Investments
Name
Taj Subdivision, Block 1, Lot 1
Legal Address
HQ Boling LLC
Name
HQ Properties, Block 1, Lot 3
Legal Address
Innovative Sunray Investments
Name
Wm. Kincheloem Block 65, Lot 3
Legal Address

Phone

Physical Address

Phone

Physical Address

Phone

Physical Address

APPROVAL:

Gwyneth Teves

Planning Department

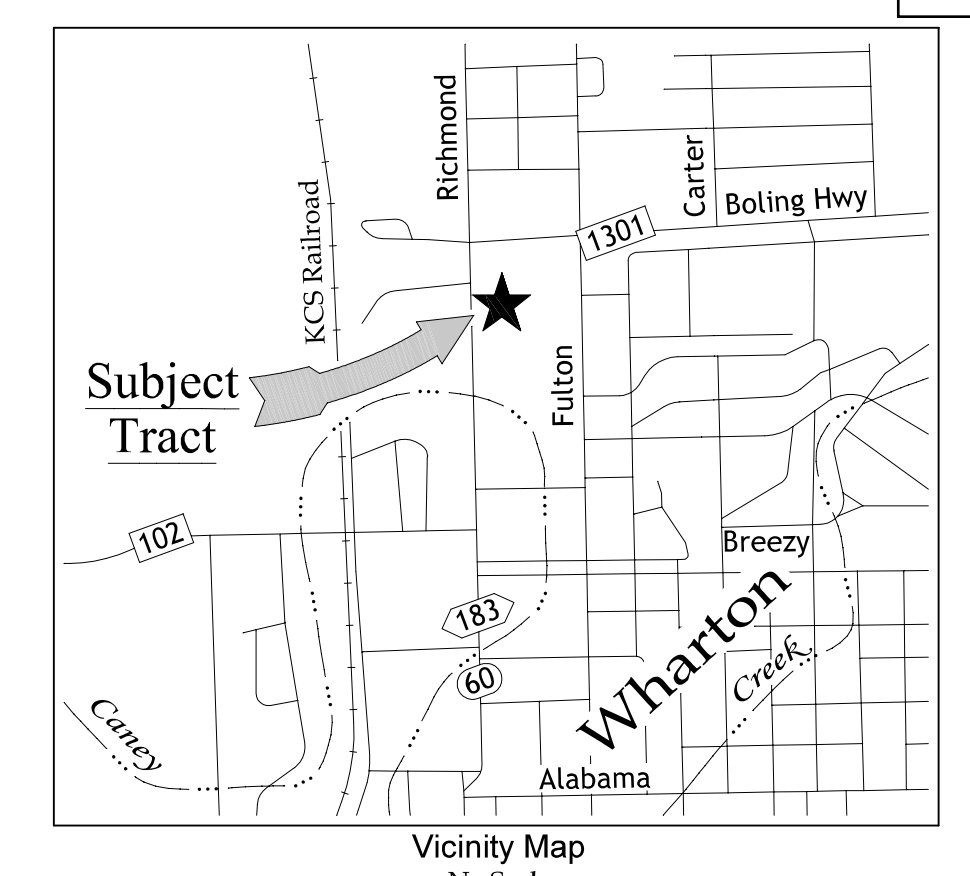
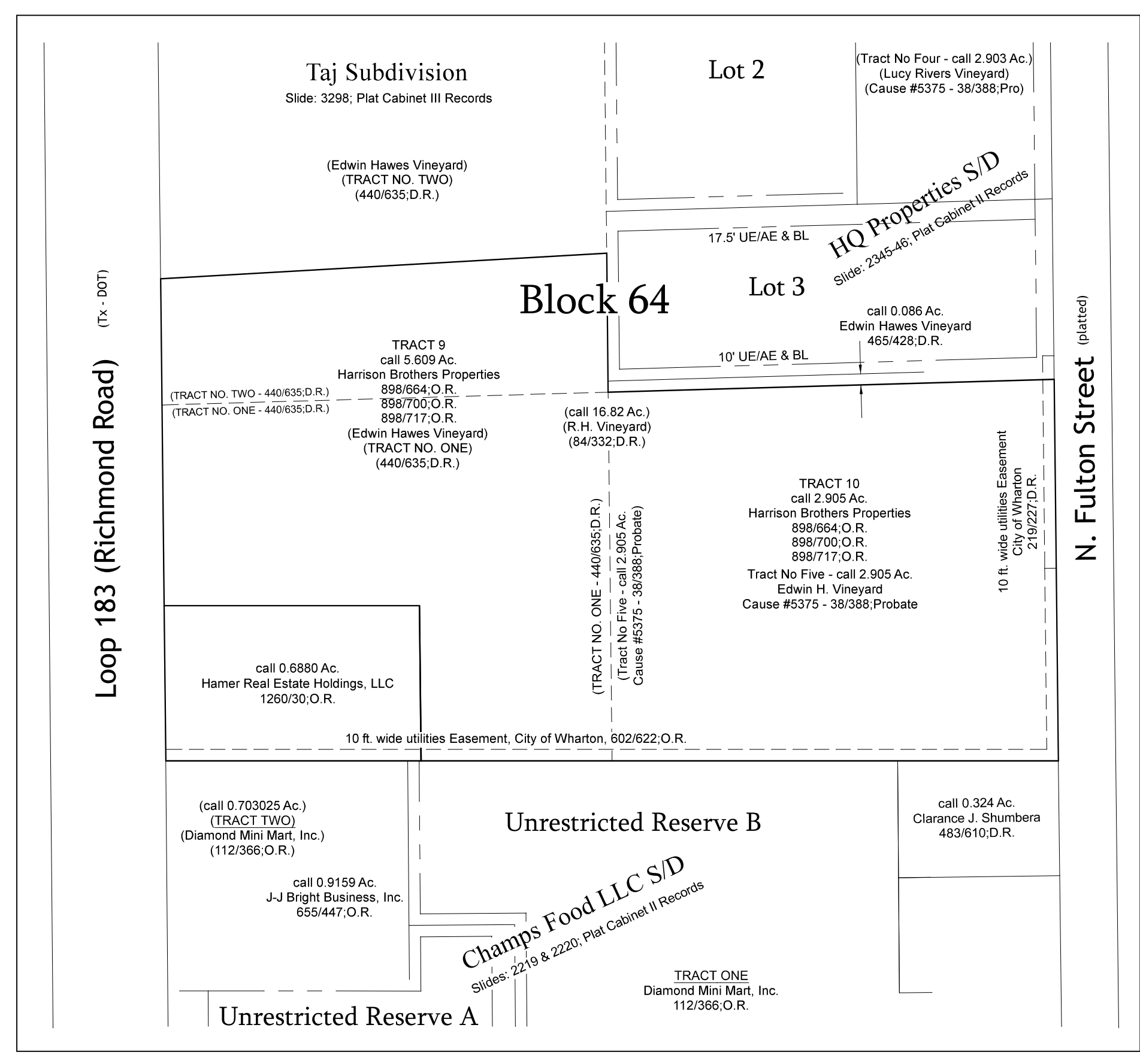
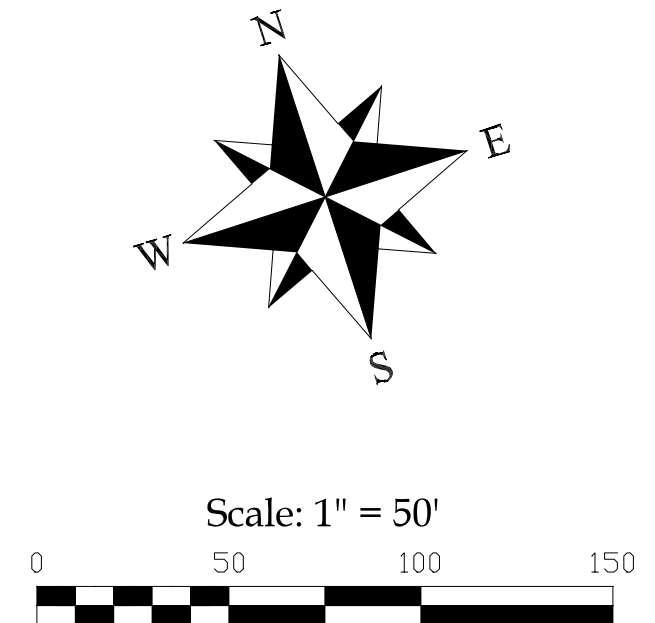
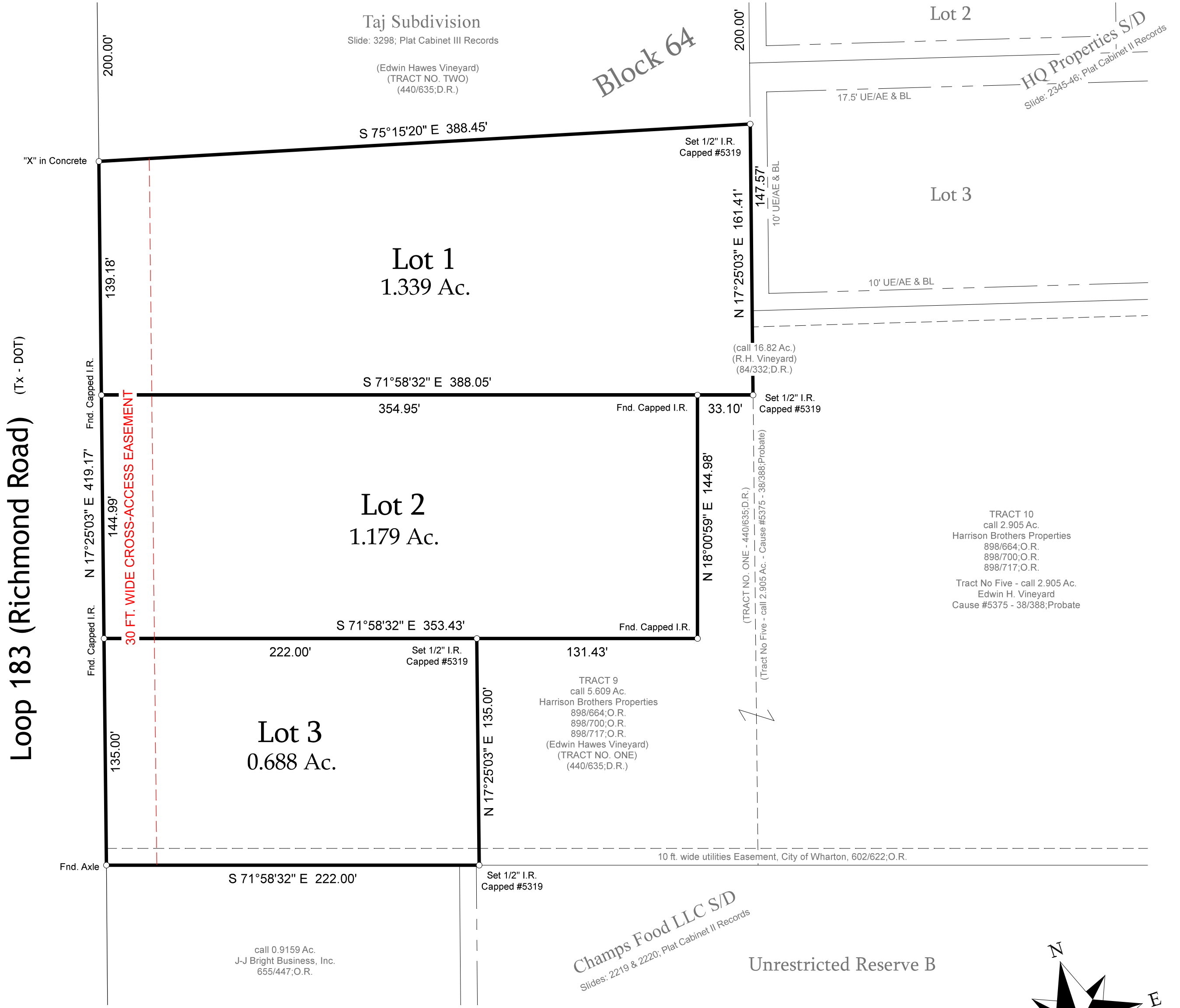
November 1, 2023
Date

Chairman of the Planning Commission

Date

Mayor

Date



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

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

Note:

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

Flood Hazard Boundary Information:
As of this date (October, 2023), "Richmond Commercial Subdivision" is located, by scaled map location and graphic plotting only, in Flood Hazard Boundary Zone "X" and Shaded Zone "X", Community No. 480654, Map No. 48481C0355 F, dated DECEMBER 21, 2017. Property IS NOT in the area subject to inundation by the 1% annual chance flood event, a.k.a. the 100 Year Flood Plain. Property IS in the area subject to inundation by the 0.2% annual chance flood event, a.k.a. the 500 Year Flood Plain as designated on FEMA's National Flood Insurance Program Flood Insurance Rate Map. The National Flood Insurance Program FIRM is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources, or all planimetric features outside Special Flood Hazard Areas. This flood statement does not imply that the property and/or structures located thereon will be free from flooding or flood damage. The flood hazard area is subject to change as detailed studies occur and/or watershed or channel conditions change. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

THE STATE OF TEXAS
COUNTY OF WHARTON
CITY OF WHARTON

Known all men by these presents:

That, Harrison Brothers Properties, does hereby make a Plat of said property according to the lines, streets, drives, lots, common areas, building lines and easements therein shown, and designate said property as the "Richmond Commercial Subdivision" in the City of Wharton, Wharton County, Texas, and does hereby bind itself, its heirs and assigns to warrant and forever defend the title to the land so dedicated.

Witness my hand this _____ day of _____, 2023.

Raymond Cloud Harrison, Jr., Manager

THE STATE OF TEXAS
COUNTY OF WHARTON

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

Witness my hand and seal of office

this _____ day of _____, 2023.

By _____
Notary Public in and for the State of Texas

THE STATE OF TEXAS
COUNTY OF WHARTON
CITY OF WHARTON

Known all men by these presents:

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

Witness my hand this _____ day of _____, 2023.

Gregory J. Hamer Jr., Authorized Representative

THE STATE OF TEXAS
COUNTY OF WHARTON

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

Witness my hand and seal of office

this _____ day of _____, 2023.

By _____
Notary Public in and for the State of Texas

THE STATE OF TEXAS
COUNTY OF WHARTON

I, Barbara Svatek, County Clerk in and for Wharton County, Texas, hereby certify that the foregoing instrument was filed for recordation in my office on this _____ day of _____, 2023,

at _____ O'clock _____ M. in Slide Number _____ of the Plat Cabinet Records III, Wharton County, Texas.

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

County Clerk, Wharton County, Texas

By: _____
Deputy

THE STATE OF TEXAS
COUNTY OF WHARTON
CITY OF WHARTON

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

Chairman, Planning Commission _____ Secretary, Planning Commission _____

Approved by the Planning Commission this _____ day of _____, 2023.

THE STATE OF TEXAS
COUNTY OF WHARTON
CITY OF WHARTON

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

Mayor _____ City Secretary _____

Approved by the City Council this _____ day of _____, 2023.

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

Dated: September 21, 2023

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

Final Plat
of the
**Richmond Commercial
Subdivision**
A 3.206 AC. Tract of land, situated in the
William Kincheloe League, Abstract No. 38,
in the
City of Wharton
Wharton County, TX

3 Lots 0 Reserves 1 Block 10/18/2023


Developer:
Harrison Brothers Properties
108 Santa Fe Street
Wharton, TX 77488
979 532 8000

Developer:
Hammer Real Estate Holdings
1430 Sandra Street
Morgan City, Louisiana 70380

140 S. HOUSTON STREET | WHARTON TEXAS 77488 | 979.532.8056
PROJECT: W WhartonCitySolsAddn
CRP: Sonic CRP
BY: PV Amiga
OFFICE (979) 532-8056 - kolacny.survey@gmail.com

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

CITY COUNCIL COMMUNICATION

Meeting Date:	11/13/2023	Agenda Item:	<p>Request from the Monterey Square Business Association and Lt. Ben Guanajuato for assistance for Snow on the Square on Friday, December 15, 2023, for the following:</p> <ul style="list-style-type: none"> A. Post the event (Snow on the Square) on the digital billboard on Hwy. 59 by La Casona/Walmart. B. Closing the 100 Block of South Fulton Street from Burleson Street to Milam Street from 3:00 p.m. to 9:30 p.m. C. Use City-owned barricades for the street closures. D. Provide ten (10) trash barrels and extra liners. E. Pick up, set up, and return a generator-light plant that the snow committee will rent and pay for. F. Waive all fees that may apply to this event.
<p>Attached you will find the request from Lt. Ben Guanajuato, for assistance for Snow Day on the Square.</p> <p>Lt. Guanajuato will be present to answer any questions.</p>			Date: Thursday, November 9, 2023
City Manager: Joseph R. Pace			
Approval: 			
Mayor: Tim Barker			

November 2, 2023

To: Joseph Pace

From: Ben Guanajuato and The Monterey Square Business Association.

RE: Snow on the Square

We respectfully request the City of Wharton to consider our request related to Snow on the Square, which is set for Friday, December 15, 2023.

We expect to have two food trucks, two or three non-food vendors, face painting, a DJ playing Holiday Music, and a visit from Santa and the Snow. This family-oriented event is planned to take place on the east side of the courthouse (South Fulton Side of the courthouse) from 5:00 p.m. to 8:00 p.m. We are requesting the following:

1. Post the event (Snow on the Square) on the digital billboard on Hwy 59 by La Casona/Walmart.
2. Closing the 100 block of South Fulton Street from Burleson Street to Milam Street from 3:00 p.m. to 9:30 p.m.
3. Use City-owned barricades for the street closures.
4. Provide 10 trash barrels and extra liners.
5. Pick up, set up, and return a generator-light plant that the snow committee will rent and pay for.
6. Waive all fees that may apply to this event.

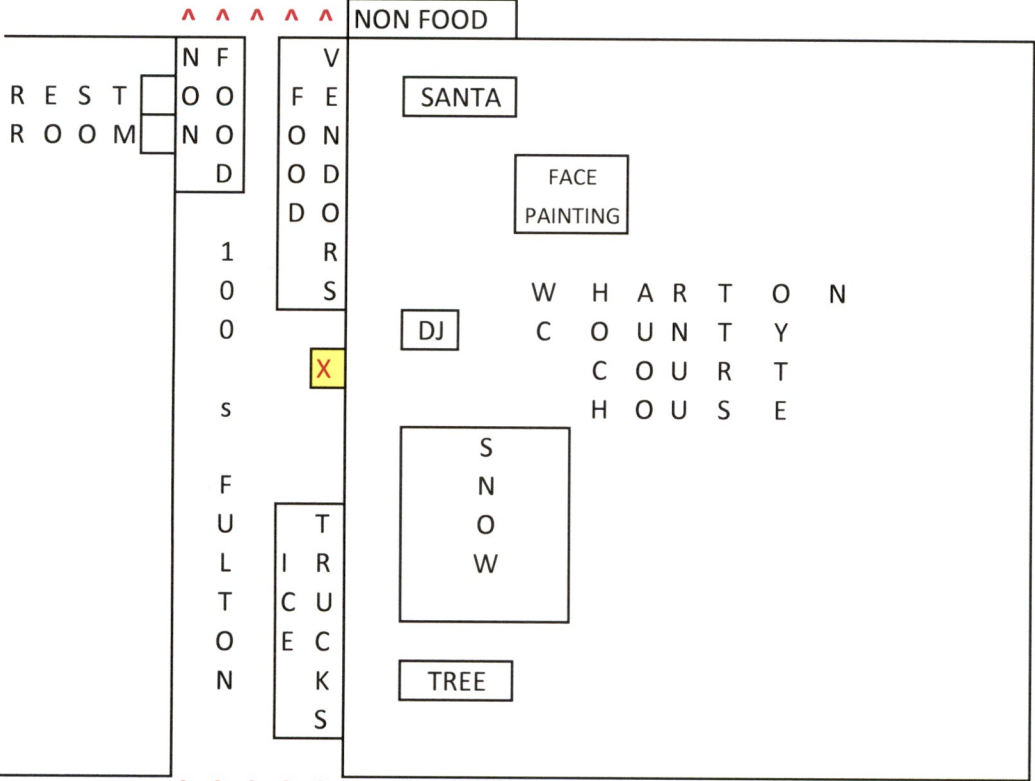
Thank you for your continued support.

Regards,

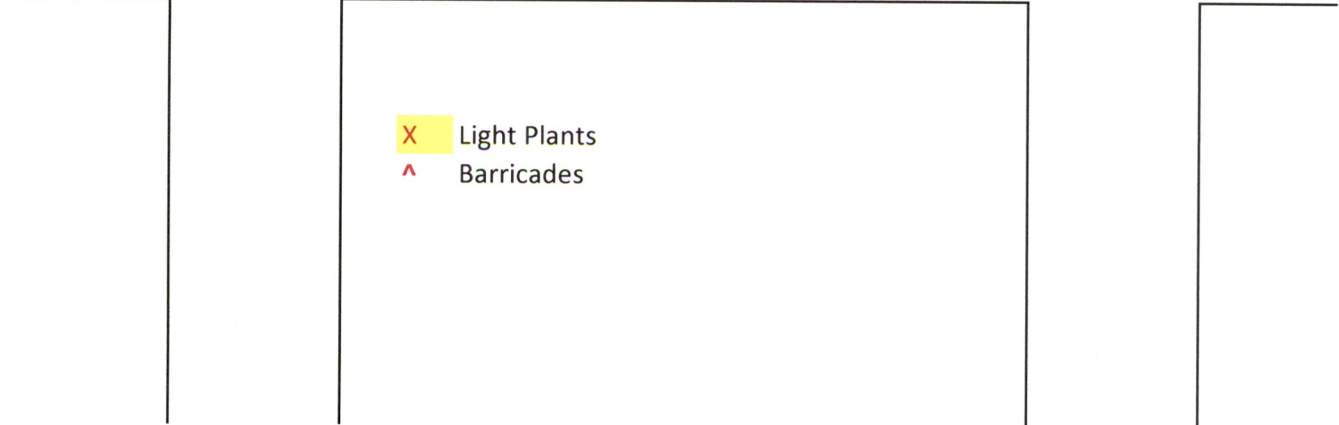
Lt. Ben Guanajuato



1 0 0 W. B U R L S O N




1 0 0 W. M I L A M



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

CITY COUNCIL COMMUNICATION

Meeting Date:	11/13/2023	Agenda Item:	Resolution: A resolution of the Wharton City Council authorizing the Mayor of the City of Wharton to enter into a Multiple-Use Agreement between the Texas Department of Transportation and the City of Wharton for the installation of License Plate Readers in the City of Wharton and the Extraterritorial Jurisdiction.
<p>Attached you will find a memo from Chief of Police Terry David Lynch regarding a Multiple-Use Agreement with the Texas Department of Transportation for the installation of License Plate Readers.</p> <p>Also attached is the Multiple-Use Agreement and the resolution.</p> <p>Chief Lynch will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, November 9, 2023	
Approval: 			
Mayor: Tim Barker			



*From the desk of:
Terry David Lynch
Chief of Police*

Wharton Police Department

MEMORANDUM

To: Joseph R. Pace

Date: 11/06/23

Ref: TxDOT Resolution - Flock Safety – Automated License Plate Reader (ALPR) Network

As a reminder, Flock Safety is a public safety operating system (ALPR – Automated License Plate Reader) that helps cities, businesses, schools, and law enforcement in thousands of communities work together to stop crime, protect privacy, and mitigate bias.

As we near the final stages of installation, one new hurdle has arisen. TxDOT is requesting that they have a resolution for their part of the approval process and installation.

I have included a sample resolution as well as a Multiple Use Agreement to be signed by City Officials. Please consider placing this project on the agenda for presentation to the Council.



MULTIPLE USE AGREEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

THIS AGREEMENT made by the State of Texas by and between the Texas Department of Transportation, hereinafter referred to as "State", party of the first part, and City of Wharton, hereinafter called City, party of the second part, is to become effective when fully executed by both parties.

WITNESSETH

WHEREAS, on the 30th day of October, 2023, the governing body for the City entered into Resolution/Ordinance No. 2023-28 hereinafter identified by reference, authorizing the City's participation in this agreement with the State; and

WHEREAS, the City has requested the State to permit the construction, maintenance and operation of a public License Plate Reader (US59;BU59;FM102, below) on the highway right of way, (ROADWAY & SH60; FM1301 CONTROL SECTION NO. Various). (General description of area including either the control number or GPS coordinates.)

shown graphically by the preliminary conceptual site plan in Exhibit "A" and being more specifically described by metes and bounds of Exhibit "B", which are attached and made a part hereof; and

WHEREAS, the State has indicated its willingness to approve the establishment of such facilities and other uses conditioned that the City will enter into agreements with the State for the purpose of determining the respective responsibilities of the City and the State with reference thereto, and conditioned that such uses are in the public interest and will not damage the highway facilities, impair safety, impede maintenance or in any way restrict the operation of the highway facility, all as determined from engineering and traffic investigations conducted by the State.

AGREEMENT

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:

1. DESIGN AND CONSTRUCTION

 City will prepare or provide for the construction plans for the facility, and will provide for the construction work as required by said plans at no cost to the State. Said plans shall include the design of the access control, necessary horizontal and vertical clearances for highway structures, adequate landscape treatment, adequate detail to ensure compliance with applicable structural design standards, sufficient traffic control provisions, and general layout. They shall also delineate and define the construction responsibilities of both parties hereto. Completed plans will be submitted to State for review and approval and when approved shall be attached to the agreement and made a part thereof in all respects. Construction shall not commence until plans have been approved by the State. Any future revisions or additions shall be made after prior written approval of the State. Any sidewalks, curb ramps and other pedestrian elements to be constructed, either on site or off site, by the City shall be in accordance with the requirements of Title II of the Americans With Disabilities Act (ADA) and with the Texas Accessibility Standards (TAS). Elements constructed by the City and found not to comply with ADA or TAS shall be corrected at the entire expense of the City

2. INSPECTION

Ingress and egress shall be allowed at all times to such facility for Federal Highway Administration personnel and State Forces and equipment when highway maintenance operations are necessary, and for inspection purposes; and upon request, all parking or other activities for periods required for such operations will be prohibited.

3. PARKING REGULATIONS

Parking regulations shall be established limiting parking to single unit motor vehicles of size and capacity no greater than prescribed for 1½ ton trucks, such vehicles to conform in size and use to governing laws. Parking shall be permitted only in marked spaces.

Parking shall be prohibited when a security threat, as determined by TxDOT, exists.

4. PROHIBITION/SIGNS

Regulations shall be established prohibiting the parking of vehicles transporting flammable or explosive loads and prohibiting use of the area in any manner for peddling, advertising or other purposes not in keeping with the objective of a public facility. The erection of signs other than those required for proper use of the area will be prohibited. All signs shall be approved by the State prior to the actual erection.

5. RESPONSIBILITIES

Timely maintenance, repair and operation of the facility shall be entirely the responsibility of the _____ City _____. Such responsibility shall not be transferred, assigned or conveyed to a third party without the advanced written approval of the State. These responsibilities expressly include the timely maintenance and repair of any portion of the facility necessary to comply with the Americans with Disabilities Act. Further, such responsibility shall include picking up trash, mowing and otherwise keeping the facility in a clean and sanitary condition, and surveillance by police patrol to eliminate the possible creation of a nuisance or hazard to the public. Hazardous or unreasonably objectionable smoke, fumes, vapor or odors shall not be permitted to rise above the grade line of the highway, nor shall the facility subject the highway to hazardous or unreasonably objectionable dripping, droppings or discharge of any kind, including rain or snow.

If the State determines that _____ City _____ has failed to comply with these responsibilities, it will perform the necessary work and charge _____ City _____ the actual cost of the work.

6. FEES

Any fees levied for use of the facilities in the area shall be nominal and no more than are sufficient to defray the cost of construction, maintenance and operations thereof, and shall be subject to State approval.

A. Retention Period. The _____ City _____ shall maintain all books, documents, papers, accounting records and other evidence pertaining to fees collected and costs (hereinafter called the Records). The _____ City _____ shall make the records available during the term of the Agreement and for four years from the date the Agreement is terminated, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

B. Audit Report. If fees are collected by the _____ City _____ for the use of the facility under this agreement, the _____ City _____ will provide the State an annual audit report detailing the fees collected for the use of the facility and the costs associated with constructing, maintaining, and operating the facility within the same period. If the report shows more fees collected than expenses for the construction, operation, or maintenance of the facility the _____ City _____ must provide a multiple year plan detailing how the additional revenue will be used for construction, operation, or maintenance of the facility.

C. Availability. The State or any of its duly authorized representatives, the Federal Highway Administration, the United States Department of Transportation, Office of Inspector General, and the Comptroller General shall have access to the _____ City 's records that are directly pertinent to this Agreement for the purpose of making audits and examinations.

7. TERMINATION UPON NOTICE

This provision is expressly made subject to the rights herein granted to both parties to terminate this agreement upon notice, and upon the exercise of any such right by either party, all obligations herein to make improvements to said facility shall immediately cease and terminate and

_____ City _____ shall be responsible for the facility's timely removal at no cost to the State. If the State determines that _____ City _____ has failed to timely remove the facility, it will perform the necessary work and charge _____ City _____ the actual cost of the work.

8. MODIFICATION/TERMINATION OF AGREEMENT

If in the sole judgment of the State it is found at any future time that traffic conditions have so changed that the existence or use of the facility is impeding maintenance, damaging the highway facility, impairing safety or that the facility is not being properly operated, that it constitutes a nuisance, is abandoned, or if for any other reason it is the State's judgment that such facility is not in the public interest, this agreement under which the facility was constructed may be: (1) modified if corrective measures acceptable to both parties can be applied to eliminate the objectionable features of the facility; or (2) terminated and the use of the area as proposed herein discontinued.

9. PROHIBITION OF STORAGE OF FLAMMABLE MATERIALS

All structures located or constructed within the area covered by the agreement shall be fire resistant. The storage of flammable, explosive or hazardous materials is prohibited. Operations deemed to be a potential fire hazard shall be subject to regulation by the State.

10. RESTORATION OF AREA

The _____ City _____ shall provide written notification to the State that such facility will be discontinued for the purpose defined herein. The _____ City _____ shall, within thirty (30) days from the date of said notification, clear the area of all facilities that were its construction responsibility under this agreement and restore the area to a condition satisfactory to the State.

11. PREVIOUS AGREEMENTS

It is understood that this agreement in no way modifies or supersedes the terms and provisions of any existing agreements between the parties hereto.

12. INDEMNIFICATION

THE _____ City _____ WILL INDEMNIFY THE STATE AGAINST ANY AND ALL DAMAGES AND CLAIMS FOR DAMAGES, INCLUDING THOSE RESULTING FROM INJURY OR DEATH OF PERSONS OR FOR LOSS OF OR DAMAGE TO PROPERTY, ARISING OUT OF, INCIDENT TO OR IN ANY MANNER CONNECTED WITH THE CONSTRUCTION, OPERATION OR MAINTENANCE OF THE FACILITY, WHICH INDEMNIFICATION SHALL EXTEND TO AND INCLUDE ANY AND ALL COURT COSTS, ATTORNEY'S FEES AND EXPENSES RELATED TO OR CONNECTED WITH ANY CLAIMS OR SUITS FOR DAMAGES AND SHALL, IF REQUESTED IN WRITING BY THE STATE TO DO SO, ASSIST THE STATE OR RELIEVE THE STATE FROM DEFENDING ANY SUCH SUITS BROUGHT AGAINST IT. THE INDEMNIFICATION OF THE STATE SHALL EXTEND FOR A PERIOD OF TWO (2) YEARS BEYOND THE DATE OF TERMINATION OF THIS AGREEMENT.

DURING EACH YEAR WHILE THERE IS ANY LIABILITY BY REASON OF THE AGREEMENT CONTAINED IN THIS SUBSECTION OF THIS RESOLUTION, INCLUDING THE CALENDAR YEAR 2023, THE City of Wharton (CITY) SHALL COMPUTE AND ASCERTAIN THE RATE AND AMOUNT OF AD VALOREM TAX, BASED ON THE LATEST APPROVED TAX ROLLS OF SAID ENTITY, WITH FULL ALLOWANCES BEING MADE FOR TAX DELINQUENCIES AND COSTS OF TAX COLLECTION, WHICH WILL BE SUFFICIENT TO RAISE AND PRODUCE THE MONEY REQUIRED TO PAY ANY SUMS WHICH MAY BE OR BECOME DUE DURING ANY SUCH YEAR, IN NO INSTANCE TO BE LESS THAN TWO (2%) PER CENT OF SUCH OBLIGATION, TOGETHER WITH INTEREST THEREON, BECAUSE OF THE OBLIGATION HEREIN ASSUMED.

SAID RATE AND AMOUNT OF AD VALOREM TAX IS HEREBY ORDERED TO BE LEVIED AND IS HEREBY LEVIED AGAINST ALL TAXABLE PROPERTY IN SAID ENTITY FOR EACH YEAR WHILE ANY LIABILITY EXISTS BY REASON OF THE OBLIGATION UNDERTAKEN BY THIS SUBSECTION OF THIS RESOLUTION, AND SAID AD VALOREM TAX SHALL BE ASSESSED AND COLLECTED EACH SUCH YEAR UNTIL ALL OF THE OBLIGATIONS HEREIN INCURRED SHALL HAVE BEEN DISCHARGED AND ALL LIABILITY HEREUNDER DISCHARGED.

No party to this agreement intends to waive, relinquish, limit or condition its general governmental immunity from liability in any way.

Each party agrees and acknowledges that it is not an agent, servant, or employee of the other party and that under this provision each party is responsible only for its own acts and for those of its agents, servants, independent contractors or employees. Such responsibility includes, but is not

limited to any claims or amounts arising or recovered under the "Workers Compensation Law," the Texas Tort Claims Act, Chapter 101, Texas Civil Practice and Remedies Code; or any other applicable laws or regulations, all as time to time may be amended.

Nothing in this agreement shall be construed as creating any liability in favor of any third party against the State and the _____ City _____. Additionally, this agreement shall not ever be construed as relieving any third party from any liability against the State. Furthermore, the _____ City _____ shall become fully subrogated to the State's rights of recovery and shall be entitled to maintain any action over and against any third party who may be liable for damages. The State agrees to execute and deliver instruments and papers and to otherwise do that which is necessary to secure such rights.

13. INSURANCE

The _____ City _____, shall provide necessary safeguards to protect the public on State maintained highways including adequate insurance for payment of any damages which might result during the construction, maintenance, repair and operation of the facility. _____ City _____ shall include TxDOT as an additional insured by endorsement in _____ City _____'s commercial general liability insurance policy. Prior to beginning work on the State's right of way, the _____ City _____'s construction contractor shall submit to the State a completed insurance form (TxDOT Form No. 1560) or appropriate certificate of self-insurance and shall maintain the required coverage during the construction of the facility.

14. USE OF RIGHT OF WAY

It is understood that the State by execution of this agreement does not impair or relinquish the State's right to use such land for highway purposes when it is required for the construction or re-construction of the traffic facility for which it was acquired, nor shall use of the land under such agreement ever be construed as abandonment by the State of such land acquired for highway purposes, and the State does not purport to grant any interest in the land described herein but merely consents to such use to the extent its authority and title permits.

15. ADDITIONAL CONSENT REQUIRED

The State asserts only that it has sufficient title for highway purposes. The _____ City _____ shall be responsible for obtaining such additional consent, permits or agreement as may be necessary due to this agreement. This includes, but is not limited to, appropriate permits and clearances for environmental, ADA and public utilities.

16. FHWA ADDITIONAL REQUIREMENTS

If the Facility is located on the Federal-Aid Highway System, "ATTACHMENT A", which states additional requirements as set forth in the Federal Highway Administration's Title 23, Code of Federal Regulations, § 710, shall be attached to and become a part of this agreement.

17. CIVIL RIGHTS ASSURANCES

The _____ City _____, for itself, its personal representatives, successors and interests and assigns, as part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no persons, on the grounds of race, color, sex, age, national origin, religion or disabling condition, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facility; (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, sex, age, national origin, religion or disabling condition, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; (3) that the _____ City _____ shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That if in the event of any breach of the above non-discrimination covenants, the State shall have the right to terminate the agreement and reenter and repossess said land and the facilities thereon, and hold the same as if said agreement had never been made or issued.

18. AMENDMENTS

Any changes in the time frame, character or responsibilities of the parties hereto shall be enacted by a written amendment executed by both parties hereto.

19. LEGAL CONSTRUCTION

In case 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 provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this agreement.

20. AUDIT

The State may conduct an audit or investigation of any aspect of this agreement. The _____ City _____ must provide the State with access to any information the State considers relevant to the investigation or audit. The audit can include, but is not limited to, any contract for construction or maintenance of any facility or structure authorized by this agreement or any contract to provide a service to the _____ City _____ if that service is authorized by this agreement.

21. AUTHORITY OF STATE AUDITOR

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.

22. NOTICES

All notices required under this agreement shall be mailed or hand delivered to the following respective addresses:

STATE (Mailing Address)	(Name of other party) (Mailing Address)
Texas Department of Transportation Maintenance Division 125 East 11th Street Austin, Texas 78701-2483	City of Wharton _____ 1407 N Richmond Rd., Suite 100 _____ Wharton, TX 77488 _____

23. TIMELY PAYMENT

When required by any provision of this agreement requires a payment to be made to the State, the other party hereto shall within thirty (30) days from receipt of the State's written notification pay the State for the full cost of repairing any damages to the highway facility which may result from the other party's construction, maintenance, repair or operation of the facility.

24. WARRANTS

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party represented.

List of Attached Exhibits:

- Exhibit A - General Layout
- Exhibit B - Metes and Bounds Description
- Exhibit C - Approved Construction Plans
- Exhibit D - Certificate of Insurance (TxDOT Form 1560)
- Exhibit E - Attachment A (FHWA Additional Requirements)

IN WITNESS WHEREOF, the parties have hereunto affixed their signature, the _____ on the _____ day of _____, 20____, and the State on the _____ day of _____, 20_____.

STATE OF TEXAS

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

(Name of other party)
By: *L. Barker*
Signature

 Tim Barker
Printed Name

By: _____
Director, Maintenance Division

 Mayor
Title

Printed Name

 City of Wharton
Agency

Date

 979-532-2491
Contact Office and Telephone No.

APPROVAL RECOMMENDED:

District Engineer

Printed Name

Date

ATTACHMENT A

Inasmuch as this project is on the Federal-Aid highway system, the following additional requirements as applicable with the Federal Highway Administration's Title 23, Code of Federal Regulations, § 710.105.

1. Any significant revision in the design or construction of the facility shall receive prior approval by the Texas Department of Transportation subject to concurrence by the FHWA.
2. Any change in the authorized use of real property interest shall receive prior approval by the Texas Department of Transportation subject to concurrence by the FHWA.
3. Real property interest shall not be transferred, assigned or conveyed to another party without prior Texas Department of Transportation approval subject to concurrence by the FHWA.
4. This agreement will be revocable in the event that the real property interest facility ceases to be used or is abandoned.

EXHIBIT E

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

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO ENTER INTO A MULTIPLE-USE AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION, AND THE CITY OF WHARTON FOR THE INSTALLATION OF LICENSE PLATE READERS IN THE CITY OF WHARTON AND THE EXTRATERRITORIAL JURISDICTION.

WHEREAS, The City of Wharton wishes to install License Plate Readers to existing poles or new poles at the following:

1. F.M. 102 @ U.S. 59 Frontage Road (westbound)
2. Junior College Blvd. @ Ponderosa Road (southbound)
3. F.M 102 near Walmart (eastbound)
4. U.S. 59 Frontage Road near La Casona (southbound)
5. U.S. 59 Frontage Road near Holiday Inn (southbound)
6. Business 59 @ F.M. 961 (northbound)
7. Highway 60 near C.R. 140 (northbound)
8. F.M. 1301 near C.R. 166 (westbound)
9. Business 59 near C.R. 229 (southbound); and,

WHEREAS, The City of Wharton will fund in its entirety the installation of the License Plate Readers within the City of Wharton and the Extraterritorial Jurisdiction; and,

WHEREAS, The City of Wharton agrees to hold and save the Texas Department of Transportation free from damage that may result from the installation of the License Plate Reader Equipment; and,

WHEREAS, In the event, the use of the State Highway Right-of-Way, under the control and operation of the Texas Department of Transportation changes, the Texas Department of Transportation requires the City of Wharton to modify the Multiple-Use Agreement, if needed.

WHEREAS, The City of Wharton will be responsible for the maintenance and use of State Highway Right-of-Way at the location of the facilities; and,

WHEREAS, The Wharton City Council wishes to enter into a Multiple-Use Agreement with the Texas Department of Transportation.

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

Section I. The City Council hereby authorizes the City of Wharton to enter into a Multiple-Use Agreement with the Texas Department of Transportation for

the installation of License Plate Readers in the City of Wharton and the Extraterritorial Jurisdiction.

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

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

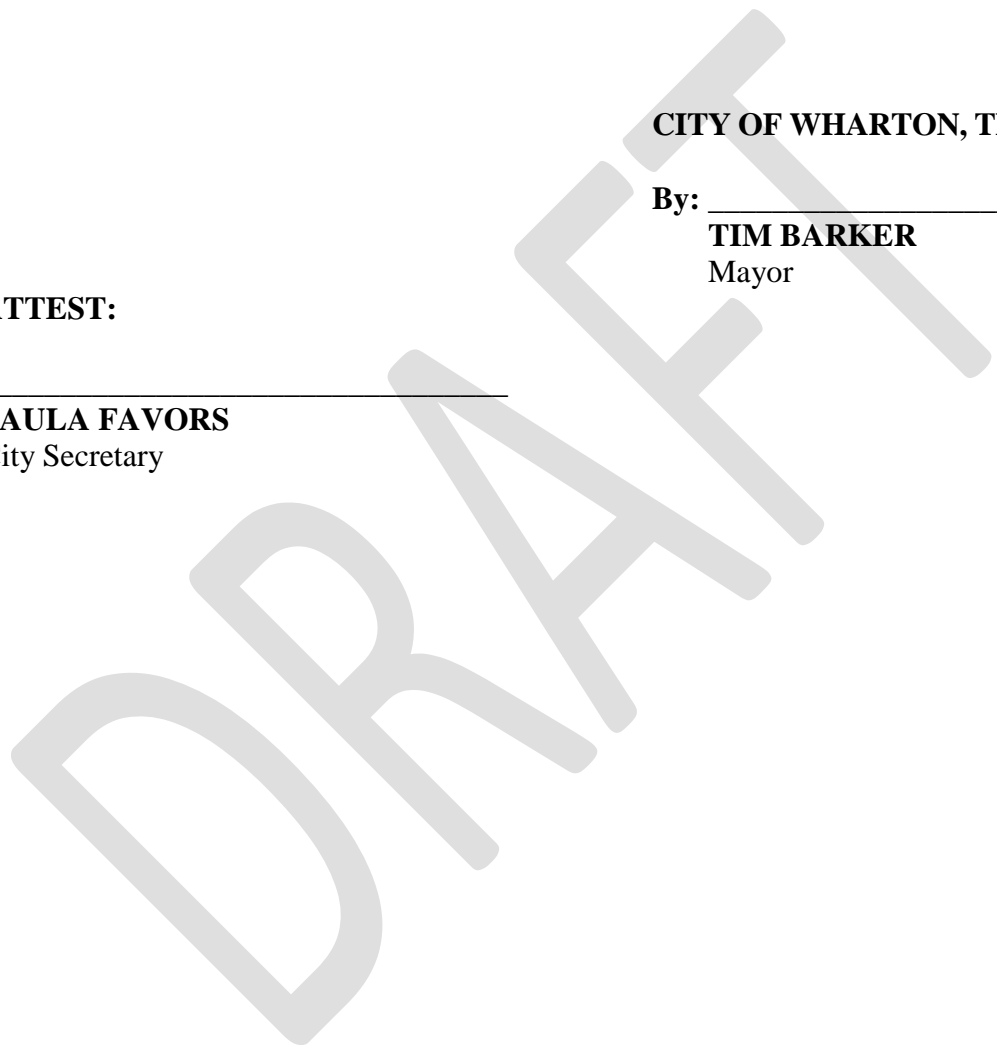
Passed, Approved, and Adopted this 13th day of November 2023.

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:	11/13/2023	Agenda Item:	Wharton Economic Development Corporation Resolution No. 2023-08.
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Attached you will find the Wharton Economic Development Corporation Resolution No. 2023-08.

Mr. Josh Owens will be present to answer any questions.

City Manager: Joseph R. Pace	Date: Thursday, November 9, 2023
Approval: 	
Mayor: Tim Barker	



Economic Development Corporation

1944 North Fulton St., Wharton, TX 77488

www.whartonedc.com

(979)532-0999

MEMO

To: City of Wharton

From: Wharton Economic Development Corporation

cc: Louisa Jimenez, Brandi Jimenez, and Gwyn Teves

Date: November 8, 2023

Re: Wharton Feed & Supply, LLC

Attached please find Resolution 2023-08 pertaining to Wharton Feed & Supply Store, LLC, and its request for expenditures for retail development at 3030 N. Richmond Rd, Wharton, Texas 77488.

Resolution 2023-08 authorizes expenditures by Wharton Economic Development for \$150,000 in flood mitigation infrastructure for Wharton Feed & Supply Store, LLC.

Wharton Feed & Supply Store, LLC entered into a Performance Agreement with Wharton Economic Development and an economic impact analysis of the expenditures has been conducted in accordance with the board's direction at the May 16, 2022 regular meeting.

Payment of the \$150,000 will be reimbursable upon receipt of qualified expenditures in accordance with the performance agreement.

Wharton Feed & Supply Store, LLC commits to employing a minimum of five full-time employees at the property as part of the performance agreement and operate the establishment for a minimum of five years beginning October 1, 2024.

**WHARTON ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2023-08
A RESOLUTION AUTHORIZING WHARTON ECONOMIC DEVELOPMENT CORPORATION TO ENTER INTO AN AGREEMENT WITH RICHARD LOCKLEY FOR RETAIL DEVELOPMENT**

WHEREAS, Wharton Economic Development Corporation (“Corporation”) is a non-profit economic corporation organized under the provisions of the Development Corporation Act, now Chapter 501 of the Texas Local Government Code, as amended and desires to adopt projects and provide incentives for economic development within the City of Wharton; and

WHEREAS, the Corporation has adopted as a specific project the expenditure of the estimated amount of \$150,000.00 to WHARTON FEED & SUPPLY, LLC, a Texas limited liability company (“WHARTON FEED”) for retail development at 3030 North Richmond Rd, Wharton, Texas 77488 “(PROJECT)” and,

WHEREAS, the funds will be distributed only upon completion of the PROJECT, and,

WHEREAS, the standard performance agreement will be executed by Corporation and WHARTON FEED prior to any funding from Corporation to LOCKLEY, and

WHEREAS, the Corporation deems the PROJECT as necessary to promote business development and for future and current job creation.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CORPORATION that;

Section 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. The Corporation will make funds of \$150,000.00 available to WHARTON FEED to reimburse the costs of the PROJECT in accordance with the terms and provisions with a Performance Agreement by and between the Corporation and WHARTON FEED to promote and develop and expanded business enterprise, to be located at 3030 North Richmond Rd, Wharton, Texas 77488.

Section 3. The Corporation President is hereby by authorized to execute the Performance Agreement on behalf of the Corporation.

This resolution was adopted at a regular meeting of the Board of Directors of Corporation on November 13, 2023.

WHARTON ECONOMIC DEVELOPMENT CORPORATION, WHARTON, TEXAS

By: _____
Freddie Pekar, President

Attest: _____
Andrew Armour, Secretary

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


CITY COUNCIL COMMUNICATION

Meeting Date:	11/13/2023	Agenda Item:	Resolution: A resolution of the Wharton City Council approving an agreement between the City of Wharton and the Texas Department of Transportation Aviation Division for the Routine Airport Maintenance Program, TxDOT CSJ No. M2413WHRT, for the airport maintenance at the Wharton Regional Airport and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
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Attached is the 2024 Routine Airport Maintenance Program (RAMP) Grant for the Wharton Regional Airport. The City of Wharton has participated in the RAMP Program in the past years.

Also attached is a copy of the draft resolution.

Finance Director, Joan Andel, will be present to answer any questions.

City Manager: Joseph R. Pace	Date: Thursday, November 9, 2023
Approval: 	
Mayor: Tim Barker	



City of Wharton

120 E. Caney Street ° Wharton, TX
77488

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

MEMORANDUM

To: Mr. Joseph R. Pace
City Manager

From: Joan Andel

Date: October 23, 2023

Re: Routine Airport Maintenance 2024

Attached is the Texas Department of Transportation Routine Airport Maintenance Program (RAMP) form for FY2024 – Project ID: M2413WHRT.

This program allows the airport to be reimbursed for ninety percent (90%) of the eligible project costs for this project or \$100,000, whichever is less, per fiscal year and subject to availability of state appropriations. The airport has participated in this grant program for many years.

Please place on the City Council agenda for November 13, 2023, in order to meet the submission deadline.

Should you have any questions, please contact Dwayne Pospisil or myself.

Thank you.

**TEXAS DEPARTMENT OF TRANSPORTATION
GRANT FOR ROUTINE AIRPORT MAINTENANCE PROGRAM**

(State Assisted Airport Routine Maintenance)

TxDOT Project ID: M2413WHRT

Part I - Identification of the Project

TO: The City of Wharton, Texas

FROM: The State of Texas, acting through the Texas Department of Transportation

This Grant is made between the Texas Department of Transportation, (hereinafter referred to as the "State"), on behalf of the State of Texas, and the City of Wharton, Texas, (hereinafter referred to as the "Sponsor").

This Grant Agreement is entered into between the State and Sponsor shown above, under the authority granted and in compliance with the provisions of the Transportation Code Chapter 21.

The project is for **airport maintenance** at the WHARTON - WHARTON RGNL Airport.

Part II - Offer of Financial Assistance

1. For the purposes of this Grant, the annual routine maintenance project cost, Amount A, is estimated as found on Attachment A, Scope of Services, attached hereto and made a part of this grant agreement.

State financial assistance granted will be used solely and exclusively for airport maintenance and other incidental items as approved by the State. Actual work to be performed under this agreement is found on Attachment A, Scope of Services. State financial assistance, Amount B, will be for ninety percent (90%) of the eligible project costs for this project or \$100,000.00, whichever is less, per fiscal year and subject to availability of state appropriations.

Scope of Services, Attachment A, of this Grant, may be amended, subject to availability of state funds, to include additional approved airport maintenance work. Scope amendments require submittal of an Amended Scope of Services, Attachment A.

Services will not be accomplished by the State until receipt of Sponsor's share of project costs.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

Work shall be accomplished by August 31, 2024, unless otherwise approved by the State.

2. The State shall determine fair and eligible project costs for work scope. Sponsor's share of estimated project costs, Amount C, shall be as found on Attachment A and any amendments.

It is mutually understood and agreed that if, during the term of this agreement, the State determines that there is an overrun in the estimated annual routine maintenance costs, the State may increase the grant to cover the amount of the overrun within the above stated percentages and subject to the maximum amount of state funding.

The State will not authorize expenditures in excess of the dollar amounts identified in this Agreement and any amendments, without the consent of the Sponsor.

3. Sponsor, by accepting this Grant certifies and, upon request, shall furnish proof to the State that it has sufficient funds to meet its share of the costs. The Sponsor grants to the State the right to audit any books and records of the Sponsor to verify expended funds.

Upon execution of this Agreement and written demand by the State, the Sponsor's financial obligation (Amount C) shall be due in cash and payable in full to the State. State may request the Sponsor's financial obligation in partial payments. Should the Sponsor fail to pay their obligation, either in whole or in part, within 30 days of written demand, the State may exercise its rights under Paragraph V-3. Likewise, should the State be unwilling or unable to pay its obligation in a timely manner, the failure to pay shall be considered a breach and the Sponsor may exercise any rights and remedies it has at law or equity.

The State shall reimburse or credit the Sponsor, at the financial closure of the project, any excess funds provided by the Sponsor which exceed Sponsor's share (Amount C).

4. The Sponsor specifically agrees that it shall pay any project costs which exceed the amount of financial participation agreed to by the State. It is further agreed that the Sponsor will reimburse the State for any payment or payments made by the State which are in excess of the percentage of financial assistance (Amount B) as stated in Paragraph II-1.
5. Scope of Services may be accomplished by State contracts or through local contracts of the Sponsor as determined appropriate by the State. All locally contracted work must be approved by the State for scope and reasonable cost. Reimbursement requests for locally contracted work shall be submitted on forms provided by the State and shall include copies of the invoices for materials or services. Payment shall be made for no more than 90% of allowable charges.

The State will not participate in funding for force account work conducted by the Sponsor.

6. This Grant shall terminate upon completion of the scope of services.

Part III - Additional Requirements for Certain Equipment

1. Certain purchase, installation, and subscription costs for eligible air traffic and operations monitoring equipment ("Equipment") are reimbursable as provided in this Part. If Grantee is seeking reimbursement for eligible Equipment costs, it must be shown in Attachment A.
2. For eligible Equipment, the State will reimburse 90% of the initial cost to purchase and install, not to exceed \$3,000.00, and 90% of the annual subscription fee for subsequent years, not to exceed \$3,000.00 per year.
3. Notwithstanding Section 2, for the one year prior to a master plan or airport layout plan update, TxDOT will reimburse up to 90% of the eligible costs, not to exceed \$5,400.00.
4. Eligibility Requirements
 - A. The Equipment must include the following items, at a minimum;
 1. Triangulation
 2. Noise abatement
 3. Aircraft tracking data for 30 days
 4. Direct installation without a third party
 5. Identification of pavement utilization by airplane design group for the entire airport
 6. 1 second and 3 foot accuracy
 7. Equal effectiveness at both towered and non-towered airports
 8. Tracking of military and government aircraft, including FAA blocked aircraft
 - B. In order for costs to be eligible for RAMP reimbursement:
 1. The Sponsor must maintain and operate the Equipment for 3 years.
 2. On at least a quarterly basis, the Sponsor must provide to the State all data produced and collected by the Equipment.
 3. To be eligible for reimbursement of the annual subscription fee after the first year, the Sponsor must participate in the Routine Airport

Maintenance Program, have an executed Grant Agreement for that year, and comply with all grant requirements.

- A. The State may conduct on-site or off-site monitoring reviews of the Equipment during the initial required 3-year term, and during any years Sponsor seeks reimbursement of subscription costs. The Sponsor shall fully cooperate with the State and provide any required documentation. The Sponsor shall grant full access to the Equipment to the State or its authorized designee for the purpose of determining compliance, including, but not limited to:
 1. Whether the Equipment, and its operation and maintenance, are consistent with the requirements set forth in the Grant Agreement and this First Amendment;
 2. Whether the Sponsor is making timely progress with installation of the Equipment, and whether its management, financial management and control systems, procurement systems and methods, and overall performance are in conformance with the requirements set forth in the Grant Agreement and this First Amendment, and are fully and accurately reflected in reports submitted to the State.
- B. Failure to maintain compliance with these requirements may result in the Sponsor having to repay grant funds to the State.

Part IV - Sponsor Responsibilities

1. In accepting this Grant, if applicable, the Sponsor guarantees that:
 - a. it will, in the operation of the facility, comply with all applicable state and federal laws, rules, regulations, procedures, covenants and assurances required by the State in connection with this Grant; and
 - b. the Airport or navigational facility which is the subject of this Grant shall be controlled by the Sponsor for a period of at least 20 years; and
 - c. consistent with safety and security requirements, it shall make the airport or air navigational facility available to all types, kinds and classes of aeronautical use without discrimination between such types, kinds and classes and shall provide adequate public access during the period of this Grant; and
 - d. it shall not grant or permit anyone to exercise an exclusive right for the conduct of aeronautical activity on or about an airport landing area. Aeronautical activities include, but are not limited to scheduled airline flights, charter flights, flight instruction, aircraft sales, rental and repair, sale of aviation petroleum products and aerial applications. The landing area consists of runways or landing strips,

taxiways, parking aprons, roads, airport lighting and navigational aids; and

- e. through the fence access shall be reviewed and approved by the State; and
- f. it shall not permit non-aeronautical use of airport facilities, unless noted on an approved Airport Layout Plan, without prior approval of the State/FAA. This includes but is not limited to: the process of land disposal, any changes to the aeronautical or non-aeronautical land uses of the airport, land's deeded use from non-aeronautical to aeronautical, requests of concurrent use of land, interim use of land, approval of a release from obligations from the State/FAA, any of which will require 18 months, or longer; and
- g. the Sponsor shall submit to the State annual statements of airport revenues and expenses when requested; and
- h. all fees collected for the use of the airport shall be reasonable and nondiscriminatory. The proceeds from such fees shall be used solely for the development, operation and maintenance of the airport or navigational facility; and
- i. an Airport Fund shall be established by resolution, order or ordinance in the treasury of the Sponsor, or evidence of the prior creation of an existing airport fund or a properly executed copy of the resolution, order, or ordinance creating such a fund, shall be submitted to the State. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole. All fees, charges, rents, and money from any source derived from airport operations must be deposited in the Airport Fund and shall not be diverted to the general revenue fund or any other revenue fund of the Sponsor. All expenditures from the Airport Fund shall be solely for airport purposes. Sponsor shall be ineligible for a subsequent grant or loan by the State unless, prior to such subsequent approval of a grant or loan, Sponsor has complied with the requirements of this subparagraph; and
- j. the Sponsor shall operate runway lighting at least at low intensity from sunset to sunrise; and
- k. insofar as it is reasonable and within its power, Sponsor shall adopt and enforce zoning regulations to restrict the height of structures and use of land adjacent to or in the immediate vicinity of the airport to heights and activities compatible with normal airport operations as provided in Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Sponsor shall also acquire and retain aviation easements or other property interests in or rights to use of land or airspace, unless sponsor can show that acquisition and retention of such interest will be impractical or will result in undue hardship to Sponsor. Sponsor shall be ineligible for a subsequent grant or loan by the State unless Sponsor has, prior to subsequent approval of a grant or loan, adopted and passed an airport hazard zoning ordinance

or order approved by the State.

1. mowing services will not be eligible for state financial assistance. Sponsor will be responsible for 100% of any mowing services.
2. The Sponsor, to the extent of its legal authority to do so, shall save harmless the State, the State's agents, employees or contractors from all claims and liability due to activities of the Sponsor, the Sponsor's agents or employees performed under this agreement. The Sponsor, to the extent of its legal authority to do so, shall also save harmless the State, the State's agents, employees or contractors from any and all expenses, including attorney fees which might be incurred by the State in litigation or otherwise resisting claim or liabilities which might be imposed on the State as the result of those activities by the Sponsor, the Sponsor's agents or employees.
3. The Sponsor's acceptance of this Offer and ratification and adoption of this Grant shall be evidenced by execution of this Grant by the Sponsor. The Grant shall comprise a contract, constituting the obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the project and the operation and maintenance of the airport.

If it becomes unreasonable or impractical to complete the project, the State may void this agreement and release the Sponsor from any further obligation of project costs.

4. Upon entering into this Grant, Sponsor agrees to name an individual, as the Sponsor's Authorized Representative, who shall be the State's contact with regard to this project. The Representative shall receive all correspondence and documents associated with this grant and shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor, and coordinate schedule for work items as required.
5. By the acceptance of grant funds for the maintenance of eligible airport buildings, the Sponsor certifies that the buildings are owned by the Sponsor. The buildings may be leased but if the lease agreement specifies that the lessee is responsible for the upkeep and repairs of the building no state funds shall be used for that purpose.
6. Sponsor shall request reimbursement of eligible project costs on forms provided by the State. All reimbursement requests are required to include a copy of the invoices for the materials or services. The reimbursement request will be submitted no more than once a month.
7. The Sponsor's acceptance of this Agreement shall comprise a Grant Agreement, as provided by the Transportation Code, Chapter 21, constituting the contractual obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the airport maintenance and compliance with the assurances and conditions as provided. Such Grant Agreement shall become effective upon the State's written Notice to Proceed issued following execution of this agreement.

PART V - Nomination of the Agent

1. The Sponsor designates the State as the party to receive and disburse all funds used, or to be used, in payment of the costs of the project, or in reimbursement to either of the parties for costs incurred.
2. The State shall, for all purposes in connection with the project identified above, be the Agent of the Sponsor. The Sponsor grants the State a power of attorney to act as its agent to perform the following services:
 - a. accept, receive, and deposit with the State any and all project funds granted, allowed, and paid or made available by the Sponsor, the State of Texas, or any other entity;
 - b. enter into contracts as necessary for execution of scope of services;
 - c. if State enters into a contract as Agent: exercise supervision and direction of the project work as the State reasonably finds appropriate. Where there is an irreconcilable conflict or difference of opinion, judgment, order or direction between the State and the Sponsor or any service provider, the State shall issue a written order which shall prevail and be controlling;
 - d. receive, review, approve and pay invoices and payment requests for services and materials supplied in accordance with the State approved contracts;
 - e. obtain an audit as may be required by state regulations; the State Auditor may conduct an audit or investigation of any entity receiving funds from TxDOT directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this 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.
 - f. reimburse sponsor for approved contract maintenance costs no more than once a month.

PART VI - Recitals

1. This Grant is executed for the sole benefit of the contracting parties and is not intended or executed for the direct or incidental benefit of any third party.

2. It is the intent of this grant to not supplant local funds normally utilized for airport maintenance, and that any state financial assistance offered under this grant be in addition to those local funds normally dedicated for airport maintenance.
3. This Grant is subject to the applicable provisions of the Transportation Code, Chapters 21 and 22, and the Airport Zoning Act, Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Failure to comply with the terms of this Grant or with the rules and statutes shall be considered a breach of this contract and will allow the State to pursue the remedies for breach as stated below.
 - a. Of primary importance to the State is compliance with the terms and conditions of this Grant. If, however, after all reasonable attempts to require compliance have failed, the State finds that the Sponsor is unwilling and/or unable to comply with any of the terms of this Grant, the State, may pursue any of the following remedies: (1) require a refund of any financial assistance money expended pursuant to this Grant, (2) deny Sponsor's future requests for aid, (3) request the Attorney General to bring suit seeking reimbursement of any financial assistance money expended on the project pursuant to this Grant, provided however, these remedies shall not limit the State's authority to enforce its rules, regulations or orders as otherwise provided by law, (4) declare this Grant null and void, or (5) any other remedy available at law or in equity.
 - b. Venue for resolution by a court of competent jurisdiction of any dispute arising under the terms of this Grant, or for enforcement of any of the provisions of this Grant, is specifically set by Grant of the parties in Travis County, Texas.
4. The State reserves the right to amend or withdraw this Grant at any time prior to acceptance by the Sponsor. The acceptance period cannot be greater than 30 days after issuance unless extended by the State.
5. This Grant constitutes the full and total understanding of the parties concerning their rights and responsibilities in regard to this project and shall not be modified, amended, rescinded or revoked unless such modification, amendment, rescission or revocation is agreed to by both parties in writing and executed by both parties.
6. All commitments by the Sponsor and the State are subject to constitutional and statutory limitations and restrictions binding upon the Sponsor and the State (including Sections 5 and 7 of Article 11 of the Texas Constitution, if applicable) and to the availability of funds which lawfully may be applied.

Part VII - Acceptances

Sponsor

The City of Wharton, Texas, does ratify and adopt all statements, representations, warranties, covenants, agreements, and all terms and conditions of this Grant.

Executed this _____ day of _____, 20__.

The City of Wharton, Texas
Sponsor

Sponsor Signature

Sponsor Title

Acceptance of the State

Executed by 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 and grants heretofore approved and authorized by the Texas Transportation Commission.

STATE OF TEXAS
TEXAS DEPARTMENT OF TRANSPORTATION

By: _____

Date: _____

**Attachment A
Scope of Services
TxDOT Project ID: M2413WHRT**

Eligible Scope Item:	Estimated Costs Amount A	State Share Amount B	Sponsor Share Amount C
GENERAL MAINTENANCE	\$111,111.11	\$100,000.00	\$11,111.11
Special Project	\$0.00	\$0.00	\$0.00
Special Project	\$0.00	\$0.00	\$0.00
Special Project	\$0.00	\$0.00	\$0.00
Special Project	\$0.00	\$0.00	\$0.00
Special Project	\$0.00	\$0.00	\$0.00
TOTAL	\$111,111.11	\$100,000.00	\$11,111.11

Accepted by: The City of Wharton, Texas

Signature

Title: _____

Date: _____

GENERAL MAINTENANCE: As needed, Sponsor may contract for services/purchase materials for routine maintenance/improvement of airport pavements, signage, drainage, AWOS systems, approach aids, lighting systems, utility infrastructure, fencing, herbicide/application, sponsor owned and operated fuel systems, hangars, terminal buildings and security systems; professional services for environmental compliance, approved project design. Special projects to be determined and added by amendment.

Airport Operations Counting Systems: The purchase and installation of specified air traffic and operations monitoring equipment ("Equipment") is eligible for reimbursement as provided in Part III

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

CERTIFICATION OF AIRPORT FUND

TxDOT Project ID: M2413WHRT

The City of Wharton does certify that an Airport Fund has been established for the Sponsor, and that all fees, charges, rents, and money from any source derived from airport operations will be deposited for the benefit of the Airport Fund and will not be diverted for other general revenue fund expenditures or any other special fund of the Sponsor and that all expenditures from the Fund will be solely for airport purposes. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole.

The City of Wharton, Texas
(Sponsor)

By: _____

Title: _____

Date: _____

Certification of State Single Audit Requirements

I, _____, do certify that the City of Wharton will comply with all
(Designated Representative)

requirements of the State of Texas Single Audit Act if the City of Wharton spends or receives more than the threshold amount in any grant funding sources during the most recently audited fiscal year. And in following those requirements, the City of Wharton will submit the report to the audit division of the Texas Department of Transportation. If your entity did not meet the threshold in grant receivables or expenditures, please submit a letter indicating that your entity is not required to have a State Single Audit performed for the most recent audited fiscal year.

Signature

Title

Date

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

TxDOT Project ID: M2413WHRT

The City of Wharton designates, _____
(Name, Title)

as the Sponsor's authorized representative, who shall receive all correspondence and documents associated with this grant and who shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor.

The City of Wharton, Texas
(Sponsor)

By: _____

Title: _____

Date: _____

DESIGNATED REPRESENTATIVE

Mailing Address: _____

Overnight Mailing Address: _____

Telephone/Fax Number: _____

Email address: _____

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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND THE TEXAS DEPARTMENT OF TRANSPORTATION AVIATION DIVISION, FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM, TXDOT CSJ NO. M2413WHRT FOR THE AIRPORT MAINTENANCE AT THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to conduct maintenance to the Wharton Regional Airport under the 2024 Routine Airport Maintenance Program; and,

WHEREAS, The Texas Department of Transportation Aviation Division and the City of Wharton wishes to enter into an agreement under the 2024 Routine Airport Maintenance Program for airport maintenance at the Wharton Regional Airport; and,

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

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 a contract with the Texas Department of Transportation Aviation Division for the 2024 Routine Airport Maintenance Program.

Section II. That the Texas Department of Transportation Aviation Division and the City of Wharton are hereby bound by the conditions as set forth in the agreement.

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

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

Passed, Approved, and Adopted this 13th day of November 2023.

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:	11/13/2023	Agenda Item:	<p>Resolution: A resolution by the City of Wharton, Texas (“city”) denying the Statement of Intent to change rates filed on or about October 30, 2023, by CenterPoint Energy Resources Corporation, D/B/A, CenterPoint Energy Entex and CenterPoint Energy Texas Gas; authorizing continued participation in the Texas Coast Utilities Coalition of Cities; authorizing intervention in proceedings related to CenterPoint’s Statement of Intent; requiring the reimbursement of municipal rate case expenses; authorizing representation of the City by special counsel; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject.</p>
<p>On or about October 30, 2023, CenterPoint Energy Resources Corporation, D/B/A, CenterPoint Energy Entex, and CenterPoint Energy Texas Gas (“CenterPoint” or “Company”) filed a Statement of Intent to increase rates by a total of approximately \$37.4 million. CenterPoint filed its application with the Railroad Commission of Texas (RRC) on the same date it filed its application with the City.</p> <p>Further, though the overall increase is \$37.4 million, CenterPoint proposes to increase rates for its residential class of customers by \$58.4 million and to decrease rates for its small and large commercial customers by a combined amount of about \$21 million.</p> <p>Additionally, a key element of CenterPoint’s application is that it proposes to consolidate its four rate divisions into a single rate division. Currently, CenterPoint has four divisions: the Beaumont/East Texas Division; the South Texas Division; the Texas Coast Division; and the Houston Division. CenterPoint asserts that the effect of combining the four divisions into a single division is to produce a decrease in rates in its Beaumont/East Texas Division and its South Texas Division while increasing rates in its Texas Coast Division and the Houston Division. Note that the RRC has recently approved other utilities’ similar requests that proposed the consolidation of those other utilities’ separate rate divisions into a single division.</p> <p>Another central factor in CenterPoint’s application is that even though CenterPoint's overall proposed increase is about \$37.4 million, the Residential class under CenterPoint's proposal, would see an increase in excess of \$58.4 million. This means that CenterPoint's proposed allocation of costs to the customer classes needs a close review.</p> <p>These two factors – the increase to residential customers while decreasing rates for commercial customers, and the consolidation of CenterPoint’s four divisions into a single rate division – warrant a closer review of its cost-allocation study.</p>			

CenterPoint also proposes an overall profit margin of about 8.25%, based on a return on equity of 10.50% and a capital structure comprised of 60.61% equity and 39.39% long-term debt. As with CenterPoint's proposed allocation of costs, its cost of capital, too, will require a thorough review.

City Attorney Paul Webb will be present to answer any questions.

City Manager: Joseph R. Pace	Date: Thursday, November 9, 2023
Approval: 	
Mayor: Tim Barker	

AGENDA INFORMATION SHEET
AGENDA ITEM NO. _____

**DENIAL OF APPLICATION FOR AUTHORITY TO CHANGE RATES
 SUBMITTED BY CENTERPOINT ENERGY RESOURCES
 CORPORATION, D/B/A, CENTERPOINT ENERGY ENTEX AND
 CENTERPOINT ENERGY TEXAS GAS**

BACKGROUND

On or about October 30, 2023, CenterPoint Energy Resources Corporation, D/B/A, CenterPoint Energy Entex and CenterPoint Energy Texas Gas (“CenterPoint” or “Company”) filed a Statement of Intent to increase rates by a total of approximately \$37.4 million. CenterPoint filed its application with the Railroad Commission of Texas (RRC) on the same date it filed its application with the City.

Further, though the overall increase is \$37.4 million, CenterPoint proposes to increase rates for its residential class of customers by \$58.4 million, and to decrease rates for its small and large commercial customers by a combined amount of about \$21 million.

Additionally, a key element of CenterPoint’s application is that it proposes to consolidate its four rate divisions into a single rate division. Currently, CenterPoint has four divisions: the Beaumont/East Texas Division; the South Texas Division; the Texas Coast Division; and the Houston Division. CenterPoint asserts that the effect of combining the four divisions into a single division is to produce a decrease in rates in its Beaumont/East Texas Division and in its South Texas Division, while increasing rates in its Texas Coast Division and in the Houston Division. Note that the RRC has recently approved other utilities’ similar requests that proposed consolidation of those other utilities’ separate rate divisions into a single division.

Another central factor in CenterPoint’s application is that even though CenterPoint’s *overall* proposed increase is about \$37.4 million, the Residential class under CenterPoint’s proposal, would see an increase in excess of \$58.4 million. This means that CenterPoint’s proposed allocation of costs to the customer classes needs a close review.

These two factors – the increase to residential customers while decreasing rates for commercial customers, and the consolidation of CenterPoint’s four divisions into a single rate division – warrant a closer review of its cost-allocation study.

CenterPoint also proposes an overall profit margin of about 8.25%, based on a return on equity of 10.50% and a capital structure comprised of 60.61% equity and 39.39% long-term debt. As with CenterPoint’s proposed allocation of costs, its cost of capital, too, will require a thorough review.

EFFECT OF CENTERPOINT'S PROPOSED CHANGE IN RATES

The tables below show the changes in revenue CenterPoint proposes for each of its divisions. We present the information for all the divisions so that the City is informed on the effect of CenterPoint's proposal overall:

Houston Division Classes	Number of Customers (Total/Commission OJ)	Non-Gas Revenue Change, exclusive of revenue-related taxes
Residential	1,086,874 / 573,213	\$66.332 million
General Service – Small	52,890 / 22,832	(\$0.799) million
General Service – Large Volume	1,439 / 428	(\$6.508) million
TOTAL	1,141,202 / 596,473	\$59.024 million
Texas Coast Division Classes		
Texas Coast Division Classes	Number of Customers (Total/Commission OJ)	Non-Gas Revenue Change, exclusive of revenue-related taxes
Residential	360,526 / 142,014	\$22.963 million
General Service – Small	17,876 / 6,842	(\$0.254) million
General Service – Large Volume	255 / 60	(\$1.496) million
TOTAL	378,656 / 148,917	\$21.214 million
South Texas Division Classes		
South Texas Division Classes	Number of Customers (Total/Commission OJ)	Non-Gas Revenue Change, exclusive of revenue-related taxes
Residential	149,052 / 55,181	(\$17.190) million
General Service – Small	11,762 / 5,860	(\$5.544) million
General Service – Large Volume	241 / 131	(\$0.868) million
TOTAL	161,055 / 61,173	(\$23.602) million
Beaumont/East Texas Division Classes		
Beaumont/East Texas Division Classes	Number of Customers (Total/Commission OJ)	Non-Gas Revenue Change, exclusive of revenue-related taxes
Residential	171,537 / 72,120	(\$13.715) million
General Service – Small	20,007 / 8,860	(\$5.154) million
General Service – Large Volume	444 / 170	(\$0.378) million
TOTAL	191,988 / 81,150	(\$19.247) million

In terms of customers' bills, the tables below show the effect of CenterPoint's proposed changes in rates:

For Customers in the Houston Division

	Non-Gas Revenue Change \$ MM	Percentage Change With/Without Gas Costs**		Average Current Monthly Bill, including Gas Cost*	Average Proposed Monthly Bill, including Gas Cost*	Proposed Monthly Change
<u>@ 14.95 PSI:</u>						
Residential	\$66.3	11.7%	20.5%	\$43.62	\$48.74	\$5.12
General Service-Small	-\$0.8	-0.6%	-3.2%	\$140.32	\$139.42	-\$0.90
General Service-Large Volume	-\$6.5	-18.5%	-66.0%	\$2,009.59	\$1,637.69	-\$371.90

For Customers in the Texas Coast Division

	Non-Gas Revenue Change \$ MM	Percentage Change With/Without Gas Costs**		Average Current Monthly Bill, including Gas Cost*	Average Proposed Monthly Bill, including Gas Cost*	Proposed Monthly Change
<u>@ 14.95 PSI:</u>						
Residential	\$23.0	12.4%	21.8%	\$43.36	\$48.74	\$5.38
General Service-Small	-\$0.3	-0.8%	-3.3%	\$113.69	\$112.78	-\$0.91
<u>@ 14.65 PSI:</u>						
General Service-Large Volume	-\$1.5	-22.4%	-71.3%	\$2,167.09	\$1,682.52	-\$484.57

For Customers in the South Texas Division

	Non-Gas Revenue Change \$ MM	Percentage Change With/Without Gas Costs**		Average Current Monthly Bill, including Gas Cost*	Average Proposed Monthly Bill, including Gas Cost*	Proposed Monthly Change
<u>@ 14.95 PSI:</u>						
Residential	-\$4.7	-24.0%	-25.7%	\$54.16	\$41.17	-\$12.99
General Service-Small	-\$1.5	-31.9%	-51.4%	\$202.72	\$138.05	-\$64.67
<u>@ 14.65 PSI:</u>						
Residential	-\$12.5	-23.9%	-25.6%	\$53.68	\$40.84	-\$12.84
General Service-Small	-\$4.0	-32.0%	-51.3%	\$199.63	\$135.79	-\$63.84
General Service-Large Volume	-\$2.2	-26.7%	-57.0%	\$2,904.18	\$2,128.80	-\$775.38

For Customers in the Beaumont/East Texas Division

	Non-Gas Revenue Change \$ MM	Percentage Change With/Without Gas Costs**		Average Current Monthly Bill, including Gas Cost*	Average Proposed Monthly Bill, including Gas Cost*	Proposed Monthly Change
<u>Beaumont/East Texas Division (without North East Texas/Tyler)</u>						
<u>@ 14.95 PSI:</u>						
Residential	-\$3.4	-9.1%	-18.1%	\$56.10	\$51.02	-\$5.08

General Service-Small	-\$1.2	-10.1%	-37.0%	\$142.94	\$128.49	-\$14.45
<u>@ 14.65 PSI:</u>						
Residential	-\$5.4	-9.0%	-17.9%	\$55.48	\$50.49	-\$4.99
General Service-Small	-\$2.3	-10.4%	-37.2%	\$141.03	\$126.43	-\$14.60
General Service-Large Volume	-\$0.2	2.9%	-25.4%	\$1,753.03	\$1,804.23	\$51.20
<u>Beaumont/East Texas Division (North East Texas/Tyler only)</u>						
<u>@ 14.73 PSI:</u>						
Residential	-\$1.6	-4.0%	-18.0%	\$52.76	\$50.64	-\$2.12
General Service-Small	-\$0.7	-1.5%	-37.3%	\$128.85	\$126.97	-\$1.88
<u>@ 14.65 PSI:</u>						
Residential	-\$3.4	-4.0%	-17.9%	\$52.61	\$50.49	-\$2.12
General Service-Small	-\$1.0	-1.6%	-37.3%	\$128.43	\$126.43	-\$2.00
General Service-Large Volume	-\$0.1	18.0%	-26.1%	\$1,529.55	\$1,804.23	\$274.68

CITY JURISDICTION TO SET CENTERPOINT’S RATES

Municipalities have exclusive, original jurisdiction over a gas utility’s rates, services, and operations within a city’s boundaries. But, the Railroad Commission has appellate jurisdiction over rate-setting decisions a city makes. This means that CenterPoint may appeal to the Railroad Commission, a city’s decision regarding rates.

REPRESENTATION

As part of the Texas Coast Utilities Coalition of Cities (TCUC), the City in prior applications filed by CenterPoint has engaged the law firm of Herrera Law & Associates as Special Counsel to review CenterPoint’s application. The attached Resolution, if adopted, continues that relationship.

RATE CASE EXPENSES

Cities, by statute, are entitled to recover their reasonable rate case expenses from the utility. The accompanying Resolution directs CenterPoint to continue to reimburse TCUC’s rate case expenses on a monthly basis based on presentation of invoices from the cities.

CITY ACTION

At this juncture the City's options are to:

1. Do nothing, which means that CenterPoint's proposed change in rates will go into effect on Dec. 4, 2023;
2. “Suspend” CenterPoint's proposed effective date by 90 days, thus giving the cities 125 days to review CenterPoint's application and make a final decision; or

3. Deny CenterPoint's proposed change in rates; a denial of the application will mean that CenterPoint will file an appeal to the Railroad Commission.

RECOMMENDATION

Because CNP filed its application with the Railroad Commission on the same day it filed with the cities, and given how quickly these cases move, TCUC's Special Counsel recommends that the City deny CenterPoint's proposed change in rates and expeditiously intervene in the case at the Railroad Commission. Thus, if adopted the attached resolution:

1. Denies CNP's proposed increase in revenue and change in rates;
2. Directs CenterPoint to reimburse the TCUC cities' rate-case expenses;
3. Authorizes:
 - A. Continued participation in TCUC;
 - B. Intervention in proceedings at the Railroad Commission of Texas and related proceedings, including appeals, if any;
 - C. Representation of the City by the law firm of Herrera Law & Associates, PLLC as part of TCUC.

The City must take final action on CenterPoint's proposed increase by no later than December 4, 2023.

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

RESOLUTION BY THE CITY OF WHARTON, TEXAS (“CITY”) DENYING THE STATEMENT OF INTENT TO CHANGE RATES FILED ON OR ABOUT OCTOBER 30, 2023 BY CENTERPOINT ENERGY RESOURCES CORPORATION, D/B/A, CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS; AUTHORIZING CONTINUED PARTICIPATION IN THE TEXAS COAST UTILITIES COALITION OF CITIES; AUTHORIZING INTERVENTION IN PROCEEDINGS RELATED TO CENTERPOINT’S STATEMENT OF INTENT; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING REPRESENTATION OF THE CITY BY SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT

WHEREAS, CenterPoint Energy Resources Corporation, D/B/A, CenterPoint Energy Entex and CenterPoint Energy Texas Gas (“CenterPoint” or “Company”) filed a Statement of Intent with the City on or about October 30, 2023, to change its rate schedules within the corporate limits of this municipality, specifically to increase its system-wide, annual revenue requirement by approximately \$37.4 million; and

WHEREAS, the City is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under Chapter 104, §103.001 et seq. of GURA has exclusive original jurisdiction over CenterPoint’s rates, operations, and services within the municipality; and

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing and investigating CenterPoint’s rate request and its changes in tariffs it is prudent to coordinate the City’s efforts with a coalition of similarly situated municipalities; and

WHEREAS, the City, in matters regarding applications by CenterPoint to change rates, has in the past joined with other local regulatory authorities to form the Texas Coast Utilities Coalition of Cities (TCUC), and hereby continues its participation in TCUC; and

WHEREAS, CenterPoint's rate request consists of a voluminous amount of information including CenterPoint's rate-filing package, pre-filed direct testimony, exhibits, schedules, and workpapers; and

WHEREAS, CenterPoint proposes to implement its proposed increase in rates on or about December 4, 2023, and

WHEREAS, CenterPoint's application fails to establish that its overall revenue request resulted in no more than an amount that will permit CenterPoint a reasonable opportunity to earn a reasonable return on the utility's invested capital used and useful in providing service to the public in excess of its reasonable and necessary operating expenses; and

WHEREAS, CenterPoint's application fails to establish that its proposed rates are just and reasonable; and

WHEREAS, CenterPoint may exercise its statutory right to appeal a City decision regarding CenterPoint's request to increase rates to the Railroad Commission of Texas; and

WHEREAS, CenterPoint filed its Statement of Intent to increase its revenue and change its rate with the City and with the Railroad Commission of Texas on the same date, October 30, 2023, and it is important to intervene in the proceedings before the Railroad Commission of Texas because the Railroad Commission's decisions will impact rates within the City;

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

Section 1. The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

Section 2. CenterPoint's application fails to show that its proposed rates are just and reasonable.

Section 3. The City hereby **DENIES** CenterPoint's request to increase its revenue and change its rates and in support of **DENIAL** finds that:

- A. CenterPoint failed in its burden of proof to establish that its requested increase in revenue or the changes set forth in its tariffs attached to CenterPoint's Statement of Intent to change rates, results in just and reasonable rates;
- B. CenterPoint failed in its burden of proof to establish that adoption of its proposed rate base, expenses, investment, return on equity, and other rate issues as presented in CenterPoint's Statement of Intent to increase rates, result in just and reasonable rates.

Section 4. The City authorizes intervention in proceedings related to CenterPoint's Statement of Intent before the Railroad Commission of Texas and any related proceedings in any courts of law.

Section 5. The City continues its participation with other cities in a coalition of cities known as the Texas Coast Utilities Coalition of Cities (TCUC) with the understanding that the Steering Committee of TCUC is to provide direction and guidance to Special Counsel representing said cities.

Section 6. The City hereby retains Herrera Law & Associates, PLLC as Special Counsel to represent the City with regard to CenterPoint's Statement of Intent and related proceedings, including proceedings before local and state regulatory authorities and any court of law and authorizes Special Counsel to employ such rate experts as may be necessary for review and evaluation of CenterPoint's Statement of Intent.

Section 7. The City, in coordination with the TCUC Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to CenterPoint for reimbursement.

Section 8. The City hereby orders CenterPoint to reimburse the City's rate case expenses as provided in the Gas Utility Regulatory Act and that CenterPoint shall continue to do so on a monthly basis and within 30 days after submission of the City's invoices for the City's reasonable costs associated with the City's activities related to this rate review or to related proceedings involving CenterPoint before the City, the Railroad Commission of Texas, or any court of law.

Section 9. A copy of this resolution shall be sent to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 4400 Medical Parkway, Austin, Texas 78756, and a courtesy copy to Mr. Patrick Peters, VP – Regulatory Legal, AGC, CenterPoint Energy, Inc., 1005 Congress Ave., Suite 650, Austin Texas 78701.

Section 10. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 11. This resolution supersedes any prior inconsistent or conflicting resolution or ordinance.

Section 12. This resolution shall become effective from and after its passage.

PASSED AND APPROVED this 13th day of November 2023.

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

CITY COUNCIL COMMUNICATION

Meeting Date:	11/13/2023	Agenda Item:	City of Wharton Updated Personnel Policies: A. Resolution: A resolution by the City Council of the City of Wharton, Texas adopting a policy prohibiting the installation or use of TikTok on city devices or for use of that application for official city-related business under Texas S.B. 1893. B. Resolution: A resolution by the City Council of the City of Wharton, Texas amending the City’s Personnel Policy – Mental Health Leave - to implement the requirements of HB 1486, amends Section 614.015 of the Local Government Code, establishing a Mental Health Leave Policy for the City of Wharton Telecommunicators; providing a severability clause and establishing an effective date. C. Resolution: A resolution of the Wharton City Council adopting a policy as required by the Federal Pregnant Workers Fairness Act to provide reasonable accommodation to employees and applicants with limitations related to pregnancy, childbirth, or related medical conditions.
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Attached are three (3) new City of Wharton Employee Personnel Policies.


1. Effective September 1, 2023, Under Texas S.B. 1893, a city must adopt a policy prohibiting the installation or use of TikTok or any application covered by Chapter 620 of the Texas Government Code on any device owned or leased by the City and requiring removal of the application from those devices if already installed. Attached you will find a draft of the City of Wharton’s Prohibited Technologies Security Policy.

2. The Texas Legislature enacted House Bill 1486 which became effective September 1, 2023, adding Section 615.059 to the Texas Local Government Code and requiring political subdivisions to develop and implement a paid mental health leave policy for full-time Telecommunicators employed by the political subdivision who experience a traumatic event in the scope of that employment. The City of Wharton already had in place a policy for Police Officers, as required by law but now it will include Telecommunicators. Attached you will find a draft of the Peace Officer and Telecommunicator Mental Health Leave Policy updated as of November 2023.

3. Effective June 27, 2023, As required by the federal Pregnant Workers Fairness Act (PWFA), the City of Wharton shall provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause undue hardship to the City of Wharton’s operations. Attached you will find a draft of the Reasonable Accommodations for Pregnant Workers Policy Effective.

City Attorney Paul Webb has also reviewed and approved all three policies to be submitted for City Council consideration.

City Secretary Paula Favors will be available to answer questions.

City Manager: Joseph R. Pace	Date: Thursday, November 9, 2023
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 7, 2023
From: Paula Favors, TRMC, CPM, City Secretary
To: Joseph R. Pace, City Manager
Subject: New City of Wharton Employee Personnel Policies

Attached are three (3) new City of Wharton Employee Personnel Policies.

1. Effective September 1, 2023, Under Texas S.B. 1893, a city must adopt a policy prohibiting the installation or use of TikTok or any application covered by Chapter 620 of the Texas Government Code on any device owned or leased by the City and requiring removal of the application from those devices if already installed. Attached you will find a draft of the City of Wharton's Prohibited Technologies Security Policy.
2. The Texas Legislature enacted House Bill 1486 which became effective September 1, 2023, adding Section 615.059 to the Texas Local Government Code and requiring political subdivisions to develop and implement a paid mental health leave policy for full-time Telecommunicators employed by the political subdivision who experience a traumatic event in the scope of that employment. The City of Wharton already had in place a policy for Police Officers, as required by law but now it will include Telecommunicators. Attached you will find a draft of the Peace Officer and Telecommunicator Mental Health Leave Policy updated as of November 2023.
3. Effective June 27, 2023, As required by the federal Pregnant Workers Fairness Act (PWFA), the City of Wharton shall provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause undue hardship to the City of Wharton's operations. Attached you will find a draft of the Reasonable Accommodations for Pregnant Workers Policy Effective.

City Attorney Paul Webb has also reviewed and approved all three policies to be submitted for City Council consideration.

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

CITY OF WHARTON

Prohibited Technologies Security Policy

Date: November 14, 2023

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1.0 INTRODUCTION

1.1 PURPOSE

On September 1, 2023, the Legislature of the State of Texas enacted SB 1893 prohibiting the use of TikTok and certain social media applications covered under Chapter 620 on devices owned or leased by governmental entities and requiring the removal of covered applications from those devices.

In addition to TikTok, The City of Wharton may add other software and hardware products with security concerns to this policy and will be required to remove prohibited technologies which are on the Texas Department of Information Resources (DIR) prohibited technology list. Throughout this Policy, "Prohibited Technologies" shall refer to TikTok and any additional hardware or software products added to this policy.

1.2 SCOPE

This policy applies to all City of Wharton's full-time employees, part-time employees, volunteers and elected officials. All City of Wharton employees are responsible for complying with the terms and conditions of this policy.

2.0 POLICY

2.1 CITY-OWNED DEVICES

Except where approved exceptions apply, the use or download of prohibited applications or websites is prohibited on all city-owned devices, including cell phones, tablets, desktop and laptop computers, and other internet capable devices.

The City of Wharton must identify, track, and control city-owned devices to prohibit the installation of or access to all prohibited applications. This includes the various prohibited applications for mobile, desktop, or other internet capable devices.

The City of Wharton must manage all city-issued mobile devices by implementing the security controls listed below:

- a. Restrict access to "app stores" or non-authorized software repositories to prevent the installation of unauthorized applications.
- b. Maintain the ability to remotely wipe non-compliant or compromised mobile devices.
- c. Maintain the ability to remotely uninstall un-authorized software from mobile devices.
- d. Deploy secure baseline configurations, for mobile devices, as determined by The City of Wharton.

2.2 ONGOING AND EMERGING TECHNOLOGY THREATS

To provide protection against ongoing and emerging technological threats to the City's sensitive information and critical infrastructure, DIR will regularly monitor and evaluate additional technologies posing concerns for inclusion in this policy.

DIR will host a site that lists all prohibited technologies including apps, software, hardware, or technology providers. The prohibited technologies list current as of January 23, 2023, can be found at Addendum A.

The City of Wharton will implement the removal and prohibition of any listed technology. The City of Wharton may prohibit technology threats in addition to those identified by DIR.

2.3 POLICY COMPLIANCE

An employee found to have violated this policy may be subject to disciplinary action, including termination of employment.

2.4 EXCEPTIONS

TikTok may be installed and used to the extent necessary for providing law enforcement or developing or implementing information security measures, and used in compliance with documented measures to mitigate risks to the security of The City of Wharton's information.

PASSED, APPROVED AND ADOPTED by CITY COUNCIL this XX Day of November 2023.

Joseph R. Pace, *City Manager*

ADDENDUM A

The up-to-date list of prohibited technologies is published at

<https://dir.texas.gov/information-security/prohibited-technologies>. The following list is current as of January 23, 2023.

Prohibited Software/Applications/Developers

- TikTok
- Kaspersky
- ByteDance Ltd.
- Tencent Holdings Ltd.
- Alipay
- CamScanner
- QQ Wallet
- SHAREit
- WMate
- WeChat
- WeChat Pay
- WPS Office
- Any subsidiary or affiliate of an entity listed above.

Prohibited Hardware/Equipment/Manufacturers

- Huawei Technologies Company
- ZTE Corporation
- Hangzhou Hikvision Digital Technology Company
- Dahua Technology Company
- SZ DJI Technology Company
- Hytera Communications Corporation
- Any subsidiary or affiliate of an entity listed above.

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

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS ADOPTING A POLICY PROHIBITING THE INSTALLATION OR USE OF TIKTOK ON CITY DEVICES OR FOR USE OF THAT APPLICATION FOR OFFICIAL CITY-RELATED BUSINESS UNDER TEXAS S.B. 1893.

WHEREAS, Effective September 1, 2023, Under Texas S.B. 1893, the City hereby adopts a policy prohibiting the installation or use of TikTok or any application covered by Chapter 620 of the Texas Government Code on any device owned or leased by the City and requiring removal of the application from those devices if already installed; and,

WHEREAS, TikTok may be installed and used to the extent necessary for providing law enforcement or developing or implementing information security measures, and used in compliance with documented measures to mitigate risks to the security of governmental entity information; and,

WHEREAS, The Wharton City Council wishes to create this policy and authorize the City Manager to sign said policy.

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

Section I. The Wharton City Council hereby prohibits the installation of TikTok and/or any application covered by Chapter 620 of the Texas Government Code on any device owned or leased by the City and requires the removal of the application from those devices if already installed.

Section II. The Wharton City Council hereby approves the use of TikTok and/or any covered application to the extent necessary for providing law enforcement or developing or implementing information security measures to mitigate risks to the security of The City of Wharton's information.

Section III. The Wharton City Council hereby approves the creation of this policy and authorizes the City Manager to sign said policy.

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

Passed, Approved, and Adopted this 13th day of November 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary



**PEACE OFFICER AND TELECOMMUNICATOR MENTAL HEALTH LEAVE
UPDATED NOVEMBER 2023**

Item-9.

The Employee Handbook of the City of Wharton, Texas dated December 1, 2012 be amended as follows:

Under V. ATTENDANCE/LEAVE

Peace Officer and Telecommunicator Mental Health Leave, is being created:

X. Peace Officer/Telecommunicator Mental Health Leave

Applicability. This policy applies to all licensed Peace Officers and full time Telecommunicators employed by the City of Wharton. This policy becomes effective as of September 1, 2023, as a result of SB 1359 and HB 1486 and will be applicable to any current and new hires after that date.

Definitions

1. Traumatic event – an event which occurs in the Peace Officer(s) or Telecommunicator(s) scope of employment when the Officer or Telecommunicator is involved in the response to, or investigation of, an event that causes the Officer or Telecommunicator to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.

Traumatic events may include, but are not limited to, the following:

- Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties;
 - Incidents involving multiple casualties which may include shootings or traffic accidents;
 - Line of duty death or suicide of a department member;
 - Death of a child resulting from violence or neglect;
 - Officer(s) involved shooting.
 - Not included in the law are personal trauma, such as family issues.
3. Mental Health Leave – administrative leave with pay granted in response to a traumatic event that occurred in the scope of the Peace Officer's or Telecommunicator's employment.
 4. Mental Health Professional – a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.



PEACE OFFICER AND TELECOMMUNICATOR MENTAL HEALTH LEAVE
UPDATED NOVEMBER 2023

Item-9.

Application

A licensed Peace Officer and full time Telecommunicator are eligible under this policy for paid leave for up to three (3) working days (depending on the employees normal working hours), per traumatic event that occurred while on duty, in order for the Peace Officer/Telecommunicator to seek professional treatment for the handling of the traumatic event in which they were involved, subject to the following conditions:

1. The leave is:
 - a. approved by the Police Chief or
 - b. ordered by a mental health professional; and
2. The leave is taken as a result of a traumatic event (as defined above) that occurred while on duty.

Requesting Mental Health Leave

An Officer or Telecommunicator directly involved in a traumatic event may request the use of Mental Health Leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

Anonymity

Any request for Mental Health Leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the Officer's or Telecommunicator's immediate chain of command and the City's Human Resources Department, and only as necessary to facilitate the use of the leave. Any Officer, Telecommunicator or supervisor who becomes aware of behavioral changes and suggests the Officer/Telecommunicator seek Mental Health Leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline.

Confidentiality may be waived by the Officer or Telecommunicator seeking Mental Health Leave. Confidentiality may be waived under circumstances which indicate the Officer/Telecommunicator is a danger to himself or herself or others and department personnel must confer with mental health professionals.

Mental Health Leave hours will be recorded on the timesheet with a separate code for hours taken, to provide anonymity. These hours taken are not eligible for overtime pay.

However, the City will keep requests to take Mental Health Leave and any medical information related to Mental Health Leave under this policy confidential to the extent allowed by law and separate from the employee's general personnel file. The agency cannot guarantee anonymity of information that is otherwise public or necessary to carry out the agency's duties under the law.



**PEACE OFFICER AND TELECOMMUNICATOR MENTAL HEALTH LEAVE
UPDATED NOVEMBER 2023**

Item-9.

Duration of Mental Health Leave

An Officer or Telecommunicator directly involved in a traumatic event may request up to three (3) twelve hour shifts off for Mental Health Leave.

Extensions of Mental Health Leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the Officer or Telecommunicator. The request may extend the leave by three (3) working days. Each Officer or Telecommunicator may request no more than two extensions, each supported by sufficient documentation by the mental health professional. The Chief shall grant the extension(s) upon the receipt of sufficient documentation explaining the need for the extension.

Benefits During Leave

Mental Health Leave provides that Peace Officers and Telecommunicators will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual, pension benefits and eligibility for health benefit plan benefits for the duration of the leave. While on paid Mental Health Leave, the Peace Officer or Telecommunicator will not be required to use any other paid leave type (vacation, sick, holiday, compensatory time).

An employee on Mental Health Leave may not work a second job, including self-employment or participate in volunteer work.

If additional time off is needed, employees may apply for a Leave of Absence or other leave as authorized under the personnel policies.

If a Peace Officer or Telecommunicator is off work due to Mental Health Leave and the employee qualifies for family and medical leave, it will run concurrently with the Mental Health Leave.

Effect on Paid Leave Balances.

The City's Human Resources department will not reduce an eligible employee's sick leave, vacation leave, holiday, or other paid leave balance for Mental Health Leave taken under this policy as a new code will be created that will be used for this time off. The leave time will not be eligible for overtime calculations.

The eligible employee will need to complete the appropriate Leave of Absence form to document the absence. The form will need to be approved by the Police Chief.

PASSED, APPROVED AND ADOPTED by CITY COUNCIL this XX day of November 2023.

Joseph R. Pace, *City Manager*

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

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS AMENDING THE CITY'S PERSONNEL POLICY – MENTAL HEALTH LEAVE - TO IMPLEMENT THE REQUIREMENTS OF HB 1486, AMENDS SECTION 614.015 OF THE LOCAL GOVERNMENT CODE, ESTABLISHING A MENTAL HEALTH LEAVE POLICY FOR THE CITY OF WHARTON TELECOMMUNICATORS; PROVIDING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City of Wharton, Texas is a Home Rule Municipality located in Wharton County, Texas, created by the provisions of the Texas Local Government Code and operating under the State of Texas and its Home Rule Authority; and,

WHEREAS, The Texas Legislature enacted House Bill 1486 which became effective September 1, 2023, adding Section 615.059 to the Texas Local Government Code and requiring political subdivisions to develop and implement a paid mental health leave policy for full-time Telecommunicators employed by the political subdivision who experience a traumatic event in the scope of that employment; and,

WHEREAS, The Wharton City Council wishes to create this policy and authorize the City Manager to sign said policy.

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

Section I. The foregoing recitals are adopted and incorporated herein for all purposes.

Section II. The attached Exhibit A, titled “Mental Health Leave for Peace Officers and Telecommunicators,” is hereby adopted in compliance with the requirements of HB 1486 and SB 1359 under Sec. 615.059, Texas Local Government Code.

Section III. The City Council hereby approves the creation of this policy and authorizes the City Manager to sign said policy.

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

Passed, Approved, and Adopted this 13th day of November 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

EXHIBIT A
MENTAL HEALTH LEAVE FOR PEACE OFFICERS & TELECOMMUNICATORS
POLICY

DRAFT



REASONABLE ACCOMMODATIONS FOR PREGNANT WORKERS POLICY EFFECTIVE NOVEMBER 2023

Item-9.

The Employee Handbook of the City of Wharton, Texas dated December 1, 2012 be amended as follows:

Under **V. Family Medical Leave Act/Americans with Disabilities Act**

Reasonable Accommodations for Pregnant Workers Policy (PWFA), is being created:

W. Pregnant Workers Policy

Purpose. The purpose of this policy is to provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause undue hardship to the City of Wharton’s operations.

The definition of reasonable accommodation: “Reasonable Accommodation” is defined under Title I of the Americans with Disabilities Act (ADA), a reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things are usually done during the hiring process. These modifications enable an individual with a disability to have an equal opportunity not only to get a job, but successfully perform their job tasks to the same extent as people without disabilities. This policy is created from the Pregnant Workers Fairness Act (PWFA), that went into effect on June 27, 2023.

Applicability.

This policy applies to employees and applicants with limitations related to pregnancy, childbirth or related medical conditions of the City of Wharton, Texas.

Conditions.

An employee or applicant may request accommodation due to pregnancy, childbirth, or a related medical condition by submitting a request in writing to Human Resources (HR). The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receipt of a request for accommodation, Human Resources will contact the employee or applicant to discuss the request and determine if accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship.

While the reasonableness of each accommodation request will be individually assessed, possible accommodations include allowing the individual to:



REASONABLE ACCOMMODATIONS FOR PREGNANT WORKERS POLICY EFFECTIVE NOVEMBER 2023

Item-9.

- Sit while working.
- Drink water during the workday.
- Receive closer-in parking.
- Have flexible hours.
- Receive appropriately sized uniforms and safety apparel.
- Receive additional break time to use the bathroom, eat and rest.
- Take time off to recover from childbirth.
- Be excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy.

Effect on Paid Leave Balance

An employee may request paid or unpaid leave as a reasonable accommodation under this policy; however, the City of Wharton will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work. This will be regulated under the City of Wharton's Family Medical Leave Act Policy (FMLA).

The City of Wharton prohibits any retaliation, harassment or adverse action due to an individual's request for accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

PASSED, APPROVED AND ADOPTED by CITY COUNCIL this XX Day of November 2023.

Joseph R. Pace, *City Manager*

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

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING A POLICY AS REQUIRED BY THE FEDERAL PREGNANT WORKERS FAIRNESS ACT TO PROVIDE REASONABLE ACCOMMODATION TO EMPLOYEES AND APPLICANTS WITH LIMITATIONS RELATED TO PREGNANCY, CHILDBIRTH OR RELATED MEDICAL CONDITIONS.

WHEREAS, Effective June 27, 2023, As required by the Federal Pregnant Workers Fairness Act (PWFA), the City of Wharton will provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause undue hardship to the City of Wharton’s operations; and,

WHEREAS, This policy will be regulated under the City of Wharton’s Family Medical Leave Act Policy; and,

WHEREAS, The Wharton City Council wishes to create this policy and authorize the City Manager to sign said policy.

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 the Reasonable Accommodations for Pregnant Workers Policy.

Section. II. The Wharton City Council hereby authorizes the City Manager to sign said policy.

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

Passed, Approved, and Adopted this the 13th day of November 2023.

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:	11/13/2023	Agenda Item:	Resolution: A resolution authorizing the sale of the City of Wharton's surplus personal property in accordance with the City Charter Section 75 Sale of City Personal Property through www.publicsurplus.com .
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Attached is a copy of the list of surplus personal property that the City Staff is requesting City Council approval to advertise for bids. Also, attached is a draft resolution authorizing the surplus personal property bidding process through www.publicsurplus.com and authorizing the City Manager to sell items that were not sold through the bidding process on a first come first serve basis.

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

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

City Manager: Joseph R. Pace	Date: Thursday, November 9, 2023
Approval: 	
Mayor: Tim Barker	



MEMORANDUM

Date: November 7, 2023
From: Paula Favors, City Secretary/Assistant City Manager
To: Joseph R. Pace, City Manager
Subject: Surplus Property Auction

The City has several items that must be sold in a Surplus Auction. Since 2011, the City has utilized www.publicsurplus.com. The website has been easy to use, increased the amount of people that were able to view items, and the City was paid promptly. The other benefit of utilizing the site is that it is at no cost to the City for listing the items. Please find the attached list of Surplus items.

Benefits of e-Procurement and Public Purchase E-Procurement currently provides government agencies with useful tools for managing purchasing tasks online. e-Procurement solutions provide various benefits, including:

- **Easy to Access and Use:** E-procurement systems can automate complicated processes for bid creation, response, and award. You can implement e-procurement tools without changing your current organization or purchasing processes. Online tools can also be accessed and used anytime, anywhere.
- **Save Time and Resources:** Online bids can contact all your vendors without the need to copy, collate, and mail bid documents. Online notifications can also contact your current vendors and attract thousands of vendors from across the country, decreasing the time and resources necessary for advertising.
- **Greater Participation:** E-procurement systems help you attract significantly more potential vendors to your bids. Wider bid notification leads to more bid competition and cost savings for your purchasing overall.

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

Surplus 2023						
UNIT	DESCRIPTION	VIN NUMBER	LICENSE NO.	FUEL	Department	MINMUM BID
1	1989 Spartan Truck	1S9AT6LO5KC185973	1153599	DIESEL	Fire	\$ 5,000.00
2003	2014 Global M3 Street Sweeper	1G9GM3HJ6FS462003		DIESEL	Streets	\$ 500.00
72	2010 Johnson Sweeper Model MX450	2A9AM3HG2AB181058		DIESEL	Streets	\$ 500.00
70	2004 628D Jacobson Mower	SN1835		DIESEL	Streets	\$ 200.00
	Municipal Court Chairs Lot (8)					\$ 40.00



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

A RESOLUTION AUTHORIZING THE SALE OF THE CITY OF WHARTON’S SURPLUS PERSONAL PROPERTY IN ACCORDANCE WITH THE CITY CHARTER SECTION 75 SALE OF CITY PERSONAL PROPERTY THROUGH WWW.PUBLICSURPLUS.COM.

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

WHEREAS, the Wharton City Council of the City of Wharton wishes to authorize the City Manager to sell the surplus personal property (Attachment A) directly to the public by publication notification in accordance with the City Charter Section 75 Sale of City personal property; and,

WHEREAS, the Wharton City Council authorizes the sale of surplus property through www.publicsurplus.com; and,

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

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

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

Section II. The City Council of the City of Wharton hereby authorizes the sale of this personal property by publication notification.

Section III. The Wharton City Council authorizes the sale of surplus property through www.publicsurplus.com.

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

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

Passed, Approved, and Adopted this 13th day of November 2023.

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:	11/13/2023	Agenda Item:	Resolution: A resolution of the Wharton City Council approving the purchase of equipment for the city parks and facilities from Kirby Built LLC and authorizing the Mayor of the City of Wharton to execute all documents related to said purchase.
<p>The City Staff has been working with the Friends of Caney Creek, which consists of the Caney Creek Conservation Foundation, Wharton Chamber of Commerce, Wharton County Agri-Life Extension, JM Eagle, and several citizens on the beautification of the Caney Creek Watershed. The current desire is to place park benches and trash receptacles along Caney Creek on Park Lane. The group has also identified several sponsors for the benches. At this time sponsorship has been received from the Chamber of Commerce, Wharton Rotary Club, Caney Creek Conservation Foundation, and the group is working to obtain additional sponsors. Also, to benefit on the cost savings of a bulk order, the group is also purchasing a replacement bench and trash receptacle for Mockingbird Park and a replacement picnic table and trash receptacle for the Airport.</p> <p>The City Staff sent request for proposals to four (4) companies. Three (3) of the companies were participants in the Buy Board Cooperative, one (1) provided a quote, one (1) did not respond and one (1) did not carry all of the equipment, but the lowest price was received from Kirby Built LLC.</p> <p>Attached is the proposal from Kirby Built LLC for \$12,765.60 minus the tax amount of \$972.89.</p> <p>Director of Planning & Development Gwyn Teves will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, November 9, 2023	
Approval: 			
Mayor: Tim Barker			



City of Wharton

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

MEMORANDUM

DATE: November 8, 2023
FROM: Gwyneth Teves, Director of Planning & Development
TO: Honorable Mayor and City Council
SUBJECT: Purchase of Park Equipment

The City Staff has been working with the Friends of Caney Creek, which consists of the Caney Creek Conservation Foundation, Wharton Chamber of Commerce, Wharton County Agri-Life Extension, JM Eagle, and several citizens on the beautification of the Caney Creek Watershed. The current desire is to place park benches and trash receptacles along Caney Creek on Park Lane. The group has also identified several sponsors for the benches. At this time sponsorship has been received from the Chamber of Commerce (1), Wharton Rotary Club (1), Caney Creek Conservation Foundation (1), and are working to obtain additional sponsors. Also, to benefit on the cost savings of a bulk order, we are also purchasing a replacement bench and trash receptacle for Mockingbird Park and a replacement picnic table and trash receptacle for the Airport.

The City Staff sent request for proposals to 4 companies. 3 of the companies were participants in the Buy Board Cooperative, 1 provided a quote, 1 did not respond and 1 did not carry all of the equipment, but the lowest price was received from Kirby Built LLC. I am attaching the proposals received and am recommending the proposal from Kirby Built LLC for \$12,765.60 minus the tax amount of \$972.89.

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



Quote

Account Number - 344217

Estimate # QUOKSA5802

10/31/2023

Kirby Built, LLC
 222 State Street
 Batavia IL 60510
 (630) 845-5422
 keyaccounts@kirbybuilt.com

Customer
 City of Wharton
 120 East Caney Street
 Wharton TX 77488
 9795322491

Ship To
 City of Wharton
 120 East Caney Street
 Wharton TX 77488

Item	Qty	Rate	Amount	Estimated Lead Time
ABC2350-CD Hampton Backless Bench/ 6' Bench/ Cedar	9	\$616.41	\$5,547.69	Ships in 5 - 6 Weeks
ATR2100-CD Round Slatted Trash Receptacles/ 32 Gallon Side Load/ Cedar	7	\$559.41	\$3,915.87	Ships in 5 - 6 Weeks
ABM1200-CD Providence Rectangular Picnic Tables/ 8' Table/ Cedar	1	\$948.85	\$948.85	Ships in 5 - 6 Weeks

Subtotal	\$10,412.41
Tax Total (%)	\$972.89
Shipping	\$1,380.30
Total	\$12,765.60

*Estimated lead time is based on normal fulfillment time of an order at this moment. Orders with large quantities may require additional time. These estimates are subject to change based on the nationwide supply chain issue.

PRICING FOR THIS QUOTE IS LOCKED IN FOR 30 DAYS



1050 Columbia Dr.
Carrollton, GA 30117

1.800.327.8774
superiorrecreation.com

QUO0272081

CREATED: 10/11/2023

EXPIRES: 12/1/2023

PROJECT NAME	NOTES
City of Wharton	***HGAC CONTRACT #-PR11-22***

BILL TO	SHIP TO	TERMS
	City of Wharton Wharton TX 77488	Prepaid

QTY	ITEM	UNIT PRICE	EXTENDED PRICE
9	B6ARS-RC-CDR - 6' RICHMOND SERIES RECYCLED CEDAR BENCH W/O BACK - INGROUND	\$924.00	\$8,316.00
7	TR32AR-FLATTOPRB-CDR - RICHMOND RECYCLED CEDAR RECEPTACLE W/ RAIN BONNET LID & PLASTIC LINER	\$1,579.00	\$11,053.00
1	PBAPIC8-SRP - 8' A Frame Table OPTIONS: Slat Color: Cedar Slats	\$1,859.00	\$1,859.00
	Subtotal.		\$21,228.00
	HGAC Discount - HGAC 12% Discount	-12%	(\$2,547.36)
	Subtotal.		\$18,680.64
1	Freight: Freight Out Billable and Handling - Freight: Freight Out Billable and Handling	\$1,680.00	\$1,680.00
		Subtotal	\$20,360.64
		Tax (8.25%)	\$1,679.76
		Net Total	\$22,040.40

Thank you for the opportunity to quote your upcoming project! If you have any questions, please contact our Customer Service Department at 1.800.327.8774. Quotes do not include installation or safety surfacing unless otherwise noted. In the event of any inconsistencies in regards to terms, the terms stated on this quote shall control.

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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE OF EQUIPMENT FOR THE CITY PARKS AND FACILITIES FROM KIRBY BUILT LLC AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Wharton City Council wishes to approve the purchase of equipment for the City Parks and Facilities from Kirby Built LLC; and,

WHEREAS, The City of Wharton has solicited proposals from a minimum of 3 businesses for fair and adequate pricing; and,

WHEREAS, The Wharton City Council wishes to authorize the City Staff to purchase 9 benches, 7 trash receptacles and 1 picnic table for the City Parks and Facilities from Kirby Built LLC; and,

WHEREAS, The Wharton City Council wishes to accept the donation of funds towards the purchase of the benches and trash receptacles as obtained; and,

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

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

SECTION I. The Wharton City Council hereby authorizes the purchase of equipment for the City Parks and Facilities from Kirby Built LLC.

SECTION II. The Wharton City Council accepts the donation of funds towards the purchase of benches and trash receptacles.

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

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

PASSED AND APPROVED this 13th day of November 2023.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

CITY COUNCIL COMMUNICATION

Meeting Date:	11/13/2023	Agenda Item:	Appointments, Resignations, and Vacancies to the City of Wharton Boards, Commissions, and Committees: <ul style="list-style-type: none"> A. Resignations. B. Appointments. C. Vacancies.
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Attached is the list of people serving on the various City Boards, Commissions, and Committees. There are still vacancies that also need to be filled.

Resignations: None.

Appointments: Central Appraisal District Board.

Vacancies:

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Mayor's Committee on People with Disabilities.
- D. Plumbing and Mechanical Board.

City Manager: Joseph R. Pace	Date: Thursday, November 9, 2023
Approval: 	
Mayor: Tim Barker	

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

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

Faye Evans	June 30, 2024
Vacant	June 30, 2024
Vacant	June 30, 2025
Delia Gonzales	June 30, 2025
Sheena Barbee	June 30, 2025
Cheryl Lavergne	June 30, 2025
Mayor Tim Barker- Ex Officio	

HEALTH OFFICER	TWO YEAR TERM	Reappointment
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Dr. Jeff Gubbels, MD	June 30, 2024
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VETERINARIAN	TWO YEAR TERM	Reappointment
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Dr. Cody Pohler, DVM	June 30, 2024
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MUNICIPAL COURT JUDGE	TWO YEAR TERM	Reappointment
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Jared Cullar	June 30, 2025
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PLANNING COMMISSION	TWO YEAR TERM	Reappointment
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Johnnie Gonzales	June 30, 2025
Rob Kolacny	June 30, 2025
Michael Quinn	June 30, 2025
Marshall Francis	June 30, 2024
Adraylle Watson	June 30, 2024
Michael Wootton	June 30, 2024
Joel Williams	June 30, 2024

PLUMBING AND MECHANICAL BOARD	TWO YEAR TERM	Reappointment
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A. J. Rath	June 30, 2024
Vacant	June 30, 2025
Vacant	June 30, 2024
Robert Sanchez	June 30, 2025
Vacant	June 30, 2024

Claudia Velasquez, Building Official - ExOfficio
Public Works Director Anthony Arcidiacono- Ex Officio
Mayor Tim Barker - Ex Officio

WHARTON ECONOMIC DEVELOPMENT CORPORATION	TWO YEAR TERM	Reappointment
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Michael Wootton	September 30, 2024
Alice Heard Roberts	September 30, 2024
Freddie Pekar	September 30, 2024
Larry Pittman (Councilmember)	September 30, 2024
Russell Machann- (Councilmember)	September 30, 2025
Andrew Armour	September 30, 2025
Michael Roberson	September 30, 2025

CITY COUNCIL COMMITTEES - Renew June 30th of Each Year

ANNEXATION COMMITTEE

Tim Barker
 Russell Machann
 Don Mueller

FINANCE COMMITTEE

Russell Machann
 Larry Pittman
 Tim Barker

HOUSING COMMITTEE

Terry Freese
 Russell Machann
 Burnell Neal

INTERGOVERNMENTAL RELATIONS COMMITTEE

Terry Freese
 Tim Barker
 Larry Pittman

LEGISLATIVE COMMITTEE

Tim Barker
 Larry Pittman
 Steven Schneider

PUBLIC HEALTH COMMITTEE

Terry Freese
 Larry Pittman
 Russell Machann

PUBLIC SAFETY COMMITTEE

Larry Pittman
 Terry Freese
 Don Mueller

PUBLIC WORKS COMMITTEE

Terry Freese
 Don Mueller
 Burnell Neal

TELECOMMUNICATIONS COMMITTEE

Burnell Neal
 Terry Freese
 Don Mueller

WHARTON ECONOMIC DEVELOPMENT CORP BOARD OF DIRECTORS SELECTION COMMITTEE

Tim Barker
 Steven Schneider
 Larry Pittman

ECONOMIC DEVELOPMENT COMMITTEE

Tim Barker
 Burnell Neal
 Russell Machann

PARKS AND RECREATION COMMITTEE

Steven Schneider
 Russell Machann
 Terry Freese



Central Appraisal District of Wharton County

308 East Milam
Wharton TX 77488
(979)532-8931
(979)532-5691-fax

Item-12.

September 29, 2023

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

RE: Representative for CAD Board

Dear Mr. Pace,

At this time, we are requesting the name of your designated representative to serve on the Central Appraisal District of Wharton County Board of Directors for the January 1, 2024 - December 31, 2025 term. Though some tax units may have made appointments throughout the year based on elections or other events, that appointment technically allowed someone else to complete the previous term. All entities must appoint for the new term of January 1, 2024 – December 31, 2025. This should be by an agenda item and notification of appointment to the CAD by December 15, 2023.

To be eligible to serve on a board of directors:

- An individual must be a resident of the CAD and must have resided in the CAD for at least two years immediately preceding the date of taking office. This residency requirement does not apply to a county Tax A/C serving as a nonvoting director.
- An employee of a taxing unit that participates in the CAD is not eligible to serve on the board of directors, unless that individual also is a member of the governing body of the taxing unit or an elected official of a taxing unit.
- Membership on the governing body of a taxing unit does not make an otherwise eligible individual ineligible to serve on the board of directors.
- Owing delinquent property taxes disqualifies a person from serving on the CAD board of directors. The person is ineligible if he or she owns property on which delinquent property taxes have been owed for more than 60 days after the date the person knew or should have known of the delinquency. This disqualification does not apply if the person is paying the delinquent taxes and any penalties and interest under an installment payment agreement or has deferred or abated a suit to collect the delinquent taxes.
- A person who has appraised property for compensation for use in proceedings or represented property owners for compensation in proceedings in the CAD at any time within the preceding three years is ineligible to serve on the board of directors.
- A person is ineligible to serve on the board of directors if the individual is related within the second degree of consanguinity (blood) or affinity (marriage) to the following:
 - an appraiser who appraises property for use in a proceeding under the Tax Code; or
 - a person who represents property owners for compensation in proceedings under the Tax Code in the CAD.

The new or reappointed directors will be installed at the regular board meeting on January 18, 2024.

If you should have any questions regarding this matter, please contact me at (979) 532-8931 or by email iklien@whartonicad.net.

Sincerely,
Irene Klein, Chief Appraiser
Central Appraisal District of Wharton County

IK:kbb