



**CITY OF WHARTON
CITY COUNCIL PARKS AND RECREATION
MEETING**

**Monday, March 22, 2021
5:30 PM**


CITY HALL

**NOTICE OF
CITY OF WHARTON
CITY COUNCIL PARKS AND RECREATION MEETING**

Notice is hereby given that a City Council Parks and Recreation Meeting will be held on Monday, March 22, 2021 at 5:30 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 18th day of March 2021.

By: 

Andres Garza, Jr., City Manager

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Council Parks and Recreation Meeting is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board, at City Hall of said City or Town in Wharton, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on March 18, 2021, 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.

Pursuant to V.T.C.A. Gov. Code Section 551.001 et seq., the City of Wharton City Council of Wharton, Texas will hold a meeting by Teleconference on Monday, March 22, 2021 at 5:30 p.m. at City Hall, 120 E. Caney St., Wharton, Texas 77488.

Join the meeting:

<https://zoom.us/j/97223711783?pwd=aHJXdjRBZTljU1pCYmp3WHlwMWxkZz09>

To dial in by phone:

+1 346 248 7799 US (Houston)

877 853 5257 US Toll-free

Meeting ID: 972 2371 1783


Password: 465012

If you wish to provide comments during the Public Comments portion of the meeting, submit an email before 3:00 p.m. Monday, March 22, 2021 to pfavors@cityofwharton.com and provide your name, address, telephone number and the agenda item on which you wish to speak.

City Staff will send an email providing instructions for commenting during public participation via videoconference directly to those registered to comment. The same rules apply to telephone comments as to in-person comments. They must be no more than 3 minutes in length.

Dated this 18th day of March 2021.

CITY OF WHARTON

By: 

Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
City Council Parks and Recreation Meeting
Monday, March 22, 2021
City Hall - 5:30 PM

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Call to Order.

Roll Call.

Public Comments.

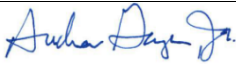
Review and Consider:

1. Minutes from the meeting held July 27, 2020.
2. Discussion on the City of Wharton Food Truck Ordinance and City Parks.
3. Update on Guffey Park Pavilion.

Adjournment.

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

PARKS AND RECREATION COMMITTEE

| | | | |
|---|-----------|--------------------------------|--|
| Meeting Date: | 3/22/2021 | Agenda Item: | Minutes from the meeting held July 27, 2020. |
| <p>Attached are the minutes from the meeting held July 27, 2020.</p> | | | |
| City Manager: Andres Garza, Jr. | | Date: Thursday, March 18, 2021 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL PARKS AND RECREATION COMMITTEE MEETING
City Hall, 120 East Caney Street, Wharton, Texas
Monday, July 27, 2020
6:30 pm**

City Manager Andres Garza, Jr. declared a meeting of the City Council Parks and Recreation Committee duly open for the transaction of business at 6:30 p.m.

Committee Members present were: Councilmember Russell Machann, Councilmember Steven Schneider and Councilmember Terry Freese (via Zoom Meeting).

Committee Member absent was: None.

Council Member present was: Councilmember Clifford Jackson.

Staff Members present were: City Manager Andres Garza, Jr., Finance Director Joan Anandel, Assistant to the City Manager Brandi Jimenez and Community Development Director Gwyn Teves (via Zoom Meeting).

Staff Members absent were: None.

Visitors present were: None.

Public comments. There were no public comments.

The first item on the agenda was to review and consider minutes from the meeting held February 24, 2020. Councilmember Russell Machann made a motion to approve the minutes as presented. Councilmember Terry Freese seconded. All voted in favor.

The second item on the agenda was to review and consider a Resolution: A resolution of the Wharton City Council approving an architectural services agreement between the City of Wharton and Stern & Bucek Architects for the Guffey Park Pavilion Improvement Project and authorizing the Mayor of the City of Wharton to execute all documents related to said project. Community Development Director Gwyn Teves stated to the Committee that the City Staff would like to proceed with a proposal received from David Bucek of Sterns and Bucek Architects for Architectural, Structural and Civil Engineering for a new covered pavilion and public restrooms at Guffey Park. She stated that there have been numerous events held at Guffey Park and most recently is home to the Food Truck Mondays and the Wharton Farmers Market. She stated it is the intention of the staff to create a covered pavilion area and provide public restrooms to be utilized for future downtown events and festivals.

She stated that this project had been envisioned in the past years but was unfortunately not completed. She stated that the City staff would like to move forward with the proposal for the planning portion to be funded in this fiscal year's Park Budget and would look at construction in next year's budget. She stated that the design would possibly include multiple phased portions that could be implemented or built upon over future years. She stated that funding for this project would come from the Wharton Economic Development Corporation's (WEDC) allocation for the current and 2020-2021 funds. After some discussion, Councilmember Terry Freese made a motion to recommend to the City Council the approval the architectural services agreement between the City of Wharton and Stern & Bucek Architects for the Guffey Park Pavilion Improvement Project. Councilmember Russell Machann seconded the motion. All voted in favor.

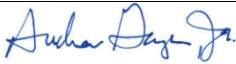
The third item on the agenda was adjournment. There being no further business to conduct Councilmember Russell Machann moved to adjourn the meeting. Councilmember Terry Freese seconded the motion. All voted in favor.

The meeting adjourned at 6:45 p.m.

Andres Garza, Jr. City Manager

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

PARKS AND RECREATION COMMITTEE

| | | | |
|---|-----------|--------------------------------|--|
| Meeting Date: | 3/22/2021 | Agenda Item: | Discussion on the City of Wharton Food Truck Ordinance and City Parks. |
| <p>The City Staff will update the Committee on the Food Truck Ordinance and City Parks.</p> | | | |
| City Manager: Andres Garza, Jr. | | Date: Thursday, March 18, 2021 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |

**CITY OF WHARTON
ORDINANCE NO. 2019-03**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 42, OCCUPATIONAL LICENSES, TAXES AND REGULATIONS, ARTICLE IV, DIVISION 4-MOBILE FOOD COURTS AND MOBILE FOOD ESTABLISHMENTS, SECTIONS 42-220 TO 42-235; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING FOR SEPARABILITY AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Wharton, Texas:

WHEREAS, it is the desire of the City of Wharton Code of Ordinances to read as follows:

DIVISION 4. –MOBILE FOOD COURTS AND MOBILE FOOD ESTABLISHMENTS

Sec. 42-220. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Food Truck Court means a property used or developed to accommodate more than one food truck as the primary use of the property while possibly accommodating areas on the property for entertainment or recreational opportunities. Food truck courts must have a valid certificate of occupancy in addition to all other applicable permits and inspections.

Ice cream truck means a motor vehicle in which ice cream, popsicles, ice sherbets, or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the City.

Mobile food establishment means an operator of a vehicle mounted, self or otherwise propelled, self-contained food service operation designed to be readily moveable (including, but not limited to, catering trucks, trailers, push carts and roadside vendors) used to store, prepare, display, serve or sell food that requires temperature control. The mobility of a mobile food establishment unit must be completely maintained at all times. No drive through service shall be permitted from a mobile food establishment.

Sec. 42-221. - Scope.

This article shall regulate all mobile food establishments operating within the City's corporate limits.

Sec. 42-222. - Registration— Permit requirements.

(a) No person shall operate a mobile food establishment who does not possess a valid, current mobile food establishment permit.

- (b) A mobile food establishment shall make application on a form provided by the Code Enforcement Department, and shall provide all of the information listed in subsections (1) - (7) as part of the application:
- (1) The name and address of the owner and/or operator;
 - (2) If the applicant represents a corporation, association or partnership, the names and addresses of the officers or partners;
 - (3) Name which the food vending operation will operated;
 - (4) A description of the type of food or the specific foods to be vended;
 - (5) A description of the vehicle to be used in the mobile food vending operation along with the license or registration and vehicle identification number of the vehicle;
 - (6) Except ice cream trucks, the locations within the City where the mobile food establishment will operate. Should such locations not yet be established, an updated list of locations shall be provided to the Code Enforcement Department at the time of issuance of permit;
 - (7) An original written instrument, executed by each real property owner, verifying that the mobile food establishment is authorized to operate at such location or locations. Should the mobile food establishment acquire additional locations, an updated list shall be provided to the Code Enforcement Department along with written permission from real property owner.
- (c) Any person applying for a mobile food court permit or mobile food establishment permit must submit to a background check of that person's criminal record by the City of Wharton.
- (d) Any person who has been convicted of a misdemeanor involving moral turpitude within the three-year period immediately preceding the date of that person's application for a mobile food establishment permit or mobile food court permit or a felony involving moral turpitude within five-year period immediately preceding the date of that person's application for registration shall be ineligible to receive a mobile food establishment permit or mobile food court permit. In these circumstances, the Code Enforcement Department and shall reject the application and shall not issue a permit to that person.
- (e) If the application is rejected for any reason, the applicant must wait 12 months from date of denial before a subsequent application can be filed.
- (f) Upon receiving a completed application for a mobile food court permit or mobile food establishment permit, the administer may make appropriate inspections of the location, equipment, vehicle, and other reasonable inspections concerned and shall issue a permit only if;
- (1) The application complies with subsection (b), and
 - (2) Any inspection reveals compliance with the applicable requirements of all federal and state statutes and regulations, and city ordinances governing the proposed mobile food establishment operation.

- (g) Mobile food establishments during recovery from a declared natural disaster shall be regulated as follows;
- (1) Applicant must possess a current mobile food vendor licensed and certified food manager certificate by Texas Department of State Health Services.
 - (2) An original written instrument, executed by each real property owner, verifying that the mobile food establishment is authorized to operate at such location or locations.
 - (3) Approval from either the Code Enforcement Department or Emergency Management.
 - (4) Upon approval, applicant may set up for two (2) weeks, depending on severity of the disaster.

Immediately following the two (2) week period applicant must submit all the information required in subsection (b) and must follow all the subject regulations of this section as to location and rules excluding allowable times and storage on site.

Sec. 42-223. - Exceptions.

Notwithstanding any term contained in this division to the contrary, this division shall not apply to the following:

- (1) A nonprofit organization, as defined by the Texas Department of State Health Services.
- (2) Vendors under the auspice of a festival/event sponsor.

Sec. 42-224. - Operation requirements shall comply with the following requirements.

Mobile food establishments shall comply with the following requirements:

- (a) Mobile food establishments shall comply with all sanitation and construction regulations as outlined in TAC § 229.169 of the Texas Food Establishment Rules, as amended.
- (b) All Mobile Food establishments are subject to comply with food and beverage certificate as outlined with TABC Section 11.46 General Grounds for Refusal, Section 11.49 Premises Defined; Designation of Licensed Premises, Section 61.43 (5), Section 109.31 Municipal Regulation of Liquor, of the Texas Alcohol Beverage Commission, as amended.
- (c) The issuing, suspension and revocation of licenses for the handling of food by mobile food establishment owners, operators or their employees shall be regulated by the food handling administrator.
- (d) In order to ensure equal treatment of all mobile food establishment permit holders, variances from this article will not be granted.
- (e) Except for ice cream trucks, mobile food establishments are prohibited from operating on public rights-of-way. Exception: city-sponsored events.
- (f) A permitted mobile food establishment may operate at construction sites.

- (g) Mobile food establishments, including ice cream trucks, may operate on private property provided:
 - (1) The mobile food establishment permit holder has filed with the Code Enforcement Department written permission of the property owner for the operation of the mobile food establishment; and
 - (2) The applicant provides the original written instrument or no objection letter verifying that the mobile food establishment is authorized to operate at such location or locations as required in section 42-222(b)(7).
- (h) Any properly permitted mobile food establishment may operate in a location in or immediately adjacent to city-sponsored civic events.
- (i) May not use structures that are not intended for mobile food establishments. Examples of acceptable vehicles include, but are not limited to, vehicles equipped with serving windows, merchandise display equipment, kitchen preparation areas, and advertisement display section. Approved structures must adhere to the following:
 - 1. No cracked windows;
 - 2. No visible rust or disrepair;
 - 3. No emission of noxious gases, odors, and/or fumes.
- (j) Portable fire extinguishers shall be provided. A minimum 2-A; 10-BC multi-purpose fire extinguisher shall be currently inspected and tagged by a licensed technician.
- (k) Mobile food establishments shall have a Type 1 hood installed at or above all commercial cooking appliances and domestic cooking appliances which include flat grills, fryers, char grills, and pits used for commercial purposes that produce grease vapors. Type 1 hood systems shall be installed with an approved and inspected fire suppression system. A Type K fire extinguisher is also a requirement in the installation of a fire suppression system.
- (l) Mobile food establishments shall comply with all commercial building line setback requirements set forth in Chapter 18 (Building and Construction) of the Code of Ordinances in Section 18-77, Section (e), as amended.
- (m) Mobile food establishments leasing property shall be properly screened by privacy fence of a height not less than six (6) feet in a way to avoid adverse impact upon adjoining properties and the uses thereof.
- (n) Mobile food establishments are not allowed to operate between two residential structures, with the exception of construction sites or special events. Properly permitted ice cream trucks are allowed within residential neighborhoods if compliant with subsection (o) below.
- (o) Ice cream trucks may stop on public streets or rights-of-way provided such stops:
 - 1. Are not in or within fifty (50) feet of an intersection;
 - 2. Not an area prohibited to the standing or parking of vehicles;
 - 3. All items are vended from the curbside of the vehicle or the rear of the vehicle; and

4. The ice cream truck is vending in a safe manner.

Mobile food establishment inspections are conducted at the City of Wharton Permit Office. An appointment will be made for specific day-date-time. Missed appointments will result in a re-inspection fee. *No inspections are conducted off site.* Re-Inspection fees shall be \$50.00.

(1) *Permit revocation.*

- (a) If the permittee fails to comply, then the mobile food establishment permit may be revoked.
- (b) If a mobile food establishment permit is revoked, any fees paid to the City will be forfeited.
- (c) The former permittee may appeal the revocation of a mobile food establishment permit by submitting a written request for appeal to the Code Enforcement Department within ten days of receiving the notice of revocation. The City Manager will hold a hearing within a reasonable time of receipt of the appeal, but no later than 30 days after receipt, at which time the former permittee will have an opportunity to explain why the permit should not be revoked. The City Manager shall render a decision within 30 days of the date of the hearing. The City Manager's decision shall be final.
- (d) Mobile food establishment permits shall not be transferred or assigned and shall be considered revoked should the character of the food vending operation be changed from that specified in the permit.

(2) *Permit renewal and fees.*

- (a) Unless sooner revoked, a mobile food establishment permit is valid from date of issue until December 31st of that calendar year. Prior to operating a mobile food establishment, the mobile food establishment will submit the required information along with a fee of \$12.50/unit per month from the date of the application through December 31st of that calendar year.
- (b) The mobile food establishment fee for the period January 1st through December 31st shall be \$150.00/unit.
- (c) Such permits shall be issued on the earliest date of submission of the completed application.
- (d) Every mobile food establishment permit shall be renewed at least each year in like manner as the original permit application.
- (e) All funds collected for permits under the provisions of this division shall be deposited in the general fund of the city.
- (f) Mobile food establishment permits shall be valid for special events.

Sec. 42-225. Food Truck Courts.

- (a) Food truck courts shall be permitted land use with the City Council's discretionary approval of a specific use permit on property as outlined in section 42-224 (l) and (m).

- (b) A specific use permit for a food truck court may be revoked by the City Council if it finds that any condition imposed at the time of granting the permit is not met, or if thereafter ceases to exist. The City Council may deny a specific use permit for a food truck court if the development of said use would be detrimental or offensive to the surrounding area or otherwise be contrary to the health, safety, or general welfare of the City and its inhabitants. In approving or denying a specific use permit for a food truck court, the City Council shall consider:
1. The nature of the proposed use;
 2. Proximity to other food trucks;
 3. Proximity to existing “brick and mortar” restaurants;
 4. The number of food trucks allowed within the food truck court at a single time;
 5. Existing uses in surrounding areas;
 6. Noise, dust, light, and traffic generated;
 7. Health and sanitary condition; and
 8. Compliance with other regulations of the Code of Ordinances.
- (c) Food Truck Courts shall be \$75.00 per space/per calendar year and payable upon issuance. Fees will not be prorated.
- (d) All food trucks utilizing food courts must possess a current mobile food establishment permit issued by the City of Wharton.

Sec. 42-226. – Hours of Operation.

- (a) Mobile Food Establishments.
1. Food trucks shall only be allowed to engage in sales operations between the hours of 7:00 am and 8:00 pm.
- (b) Food Truck Courts.
1. Food truck courts shall only be allowed to engage in sales operations between the hours of 7:00 am and 8:00 pm with the exception of a city sponsor event.

Sec. 42-227. – Signage.

- (a) All signage pertaining to or advertising a food truck and/or its menu shall be attached to the food truck. There shall be no limit to the amount of signage that is allowed on a food truck while the food truck is parked at a food truck court or operation site. A food truck shall not be outfitted with “changeable signage” as defined and/or set forth in Chapter 66 (Signs) of the Code of Ordinances. With an exception of one sandwich board which may be placed during business hours, but must be removed daily.

Sec. 42-228. - Off street vehicle parking.

- (a) Mobile Food Establishments.

1. One off-street vehicle parking space shall be required for each table that is provided for use by food truck customers. If no tables are provided, no off-street vehicle parking shall be required.

(b) Food Truck Courts.

1. Two off-street vehicle parking shall be required for each table that is provided for use by the food truck customers. If no tables are provided, no off-street vehicle parking shall be required.

Sec. 42- 229 - Authority to enforce.

The Code Enforcement Department shall have authority to enforce the provisions of this division, and to enlist the assistance of all appropriate agencies in the enforcement effort.

Sec. 42. - 230 - Permit and license revocation.

Nothing in this division shall prevent the Code Enforcement Department, from immediately revoking a mobile food establishment and food truck court permit should such vendor be in violation of this division or any other city code or ordinance.

Sec. 42- 231 - All codes and ordinances effective.

In addition to the provision of this division, all other applicable city codes and ordinances shall apply to the operation of any mobile food establishment and food truck court, and shall be in full force and effect. This policy shall be effective even if the vendor has applied for and obtained a valid license and permit to operate, should the violations occur either prior or subsequent to obtaining such permit.

Secs.42-232 — 42-235. - Reserved.

Fine and Penalty for Violations

Sec. 18-145. Penalties. Any person violating any of the terms or provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$100.00 or more than the maximum provided in section 1-5 for each offense. If the terms or provisions of this article are violated by any corporation or firm, the officers and agents actively in charge of the business of such corporation or firm and the person actually performing the work for such corporation or firm shall be subject to the penalties provided in this section.

Separability

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

Effective Date

This Ordinance shall become effective on the 25th day of January, 2019.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 14th day of January 2019.

CITY OF WHARTON, TEXAS

By: *Tim Barker*
TIM BARKER
Mayor

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary

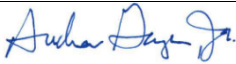
APPROVED AS TO FORM:

Paul Webb
PAUL WEBB
City Attorney



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

PARKS AND RECREATION COMMITTEE

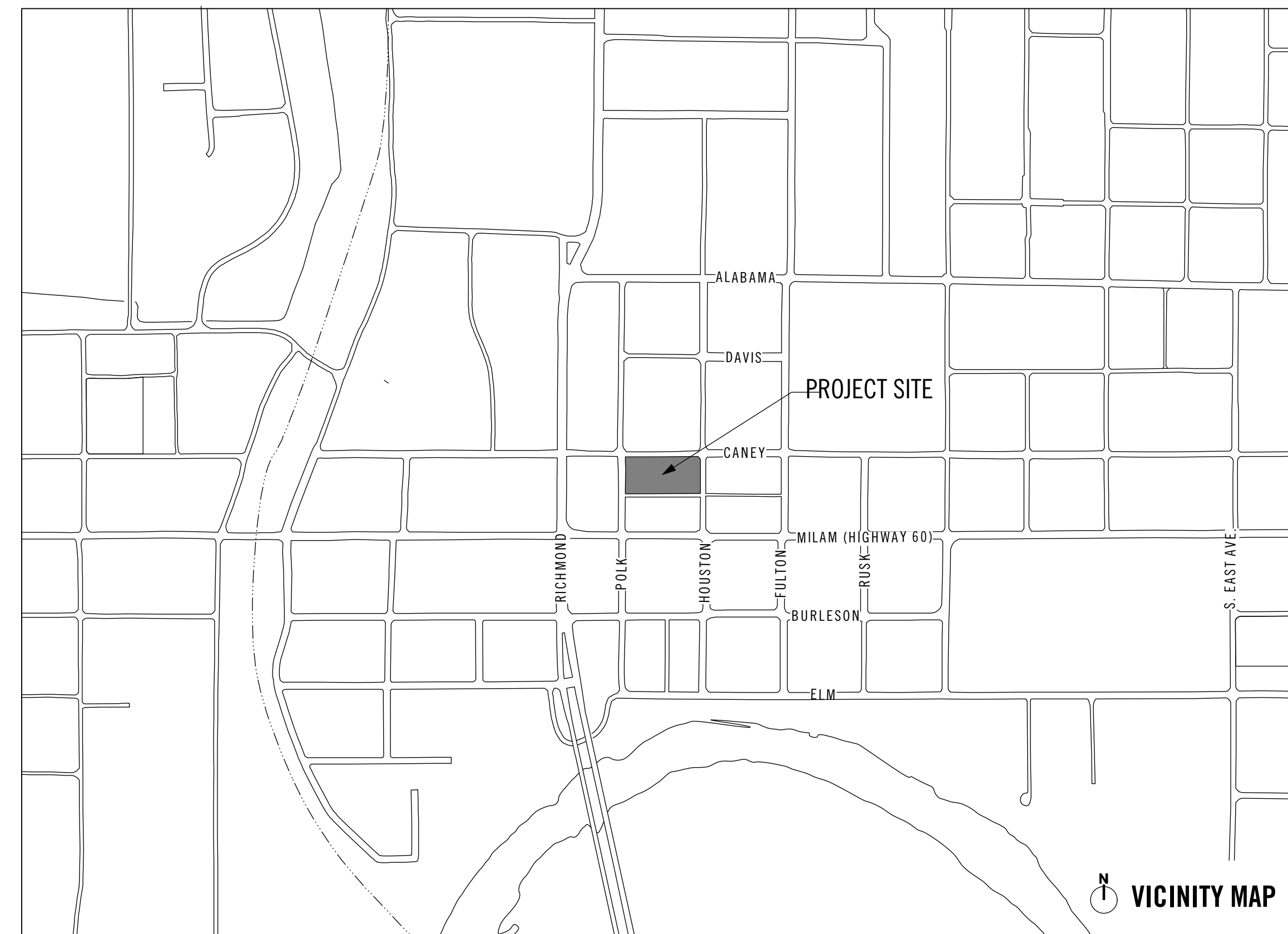
| | | | |
|---|-----------|--------------------------------|---------------------------------|
| Meeting Date: | 3/22/2021 | Agenda Item: | Update on Guffey Park Pavilion. |
| <p>The City Staff will update the Committee on the Guffey Park Pavilion.</p> | | | |
| City Manager: Andres Garza, Jr. | | Date: Thursday, March 18, 2021 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |

Guffey Park Pavilion

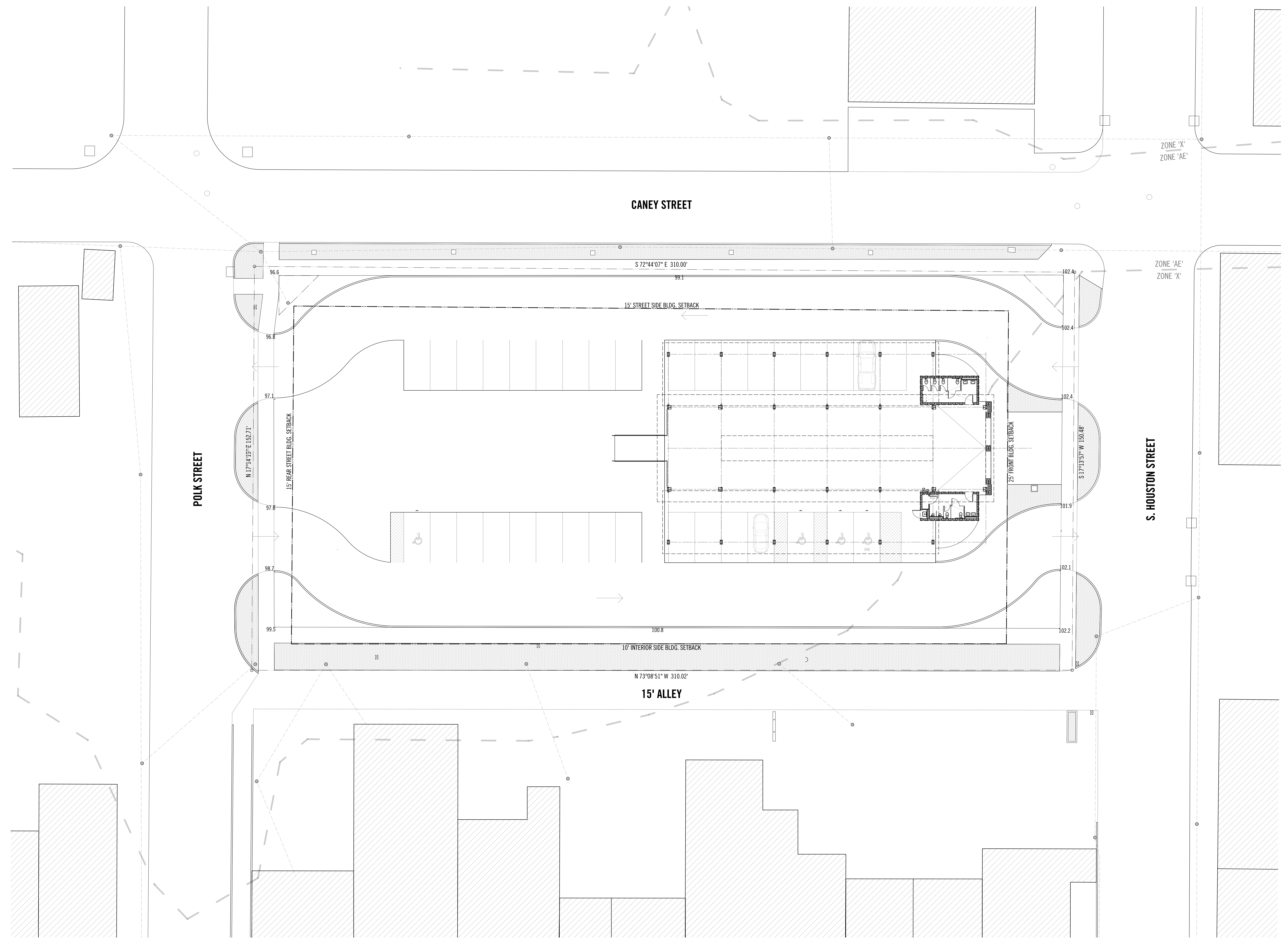
Phase 1

255 West Caney Street
Wharton, Texas 77488

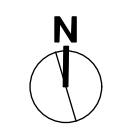
Architect:
Stern and Bucek Architects
1610 Commerce Street
Houston, Texas 77002



| Drawing List | |
|--------------|--|
| A-101 | SITE PLAN |
| A-102 | PLAN |
| A-201 | EXTERIOR ELEVATIONS |
| A-301 | BUILDING SECTIONS |
| R-101 | REFERENCE SITE PLAN - PHASE 1 & 2 |
| R-102 | REFERENCE PLAN & SECTION - PHASE 1 & 2 |



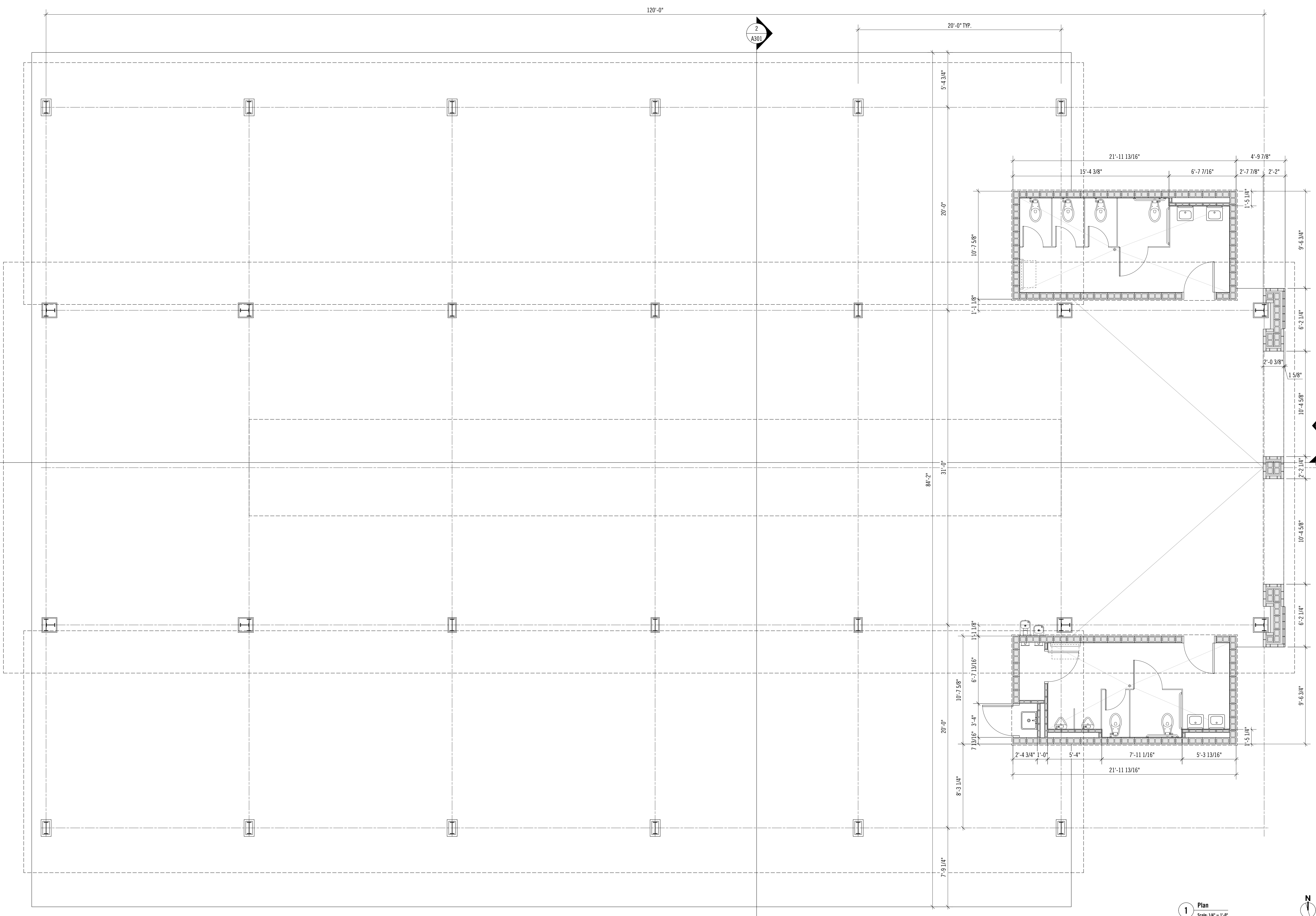
1 Site Plan
Scale: 1/16" = 1'-0"



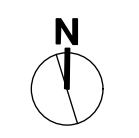
Guffey Park Pavilion - Phase 1

255 West Caney Street, Wharton, Texas 77488

Plan

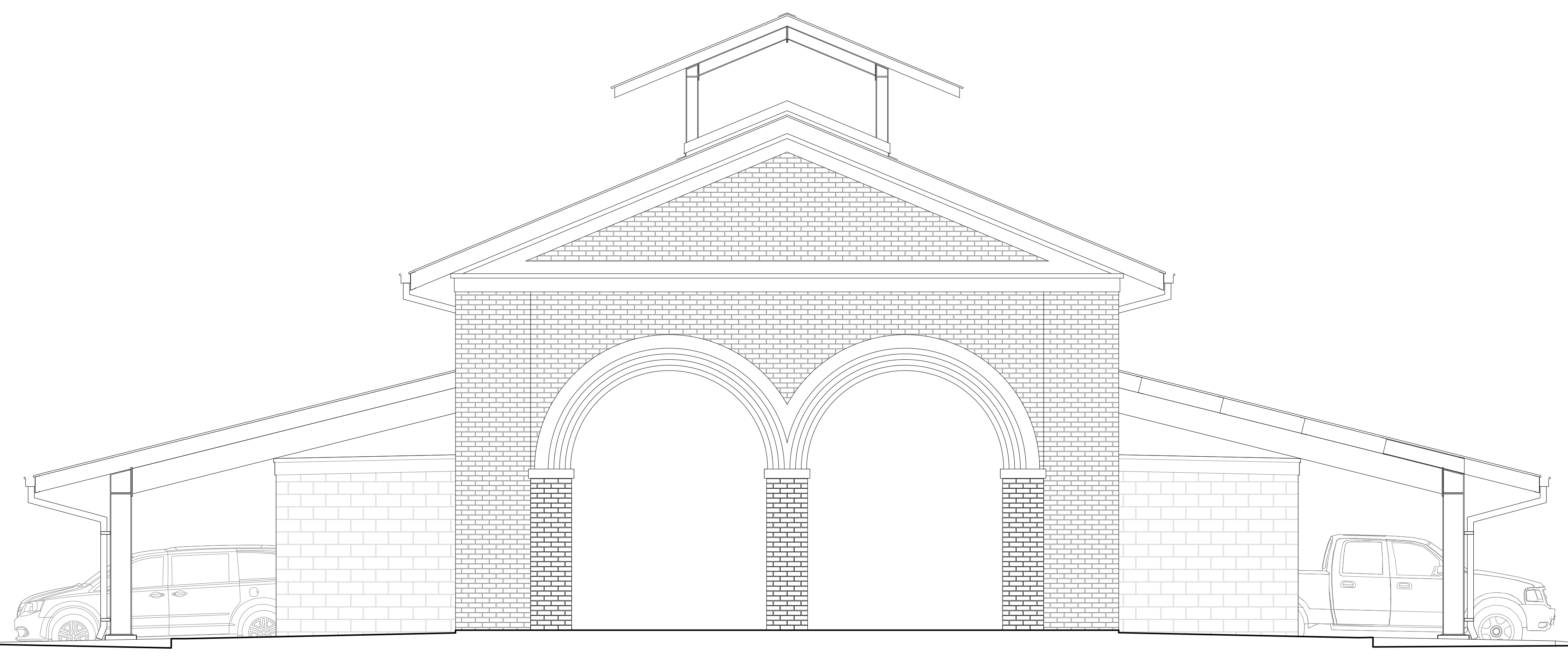


1 Plan
Scale: 1/4" = 1'-0"

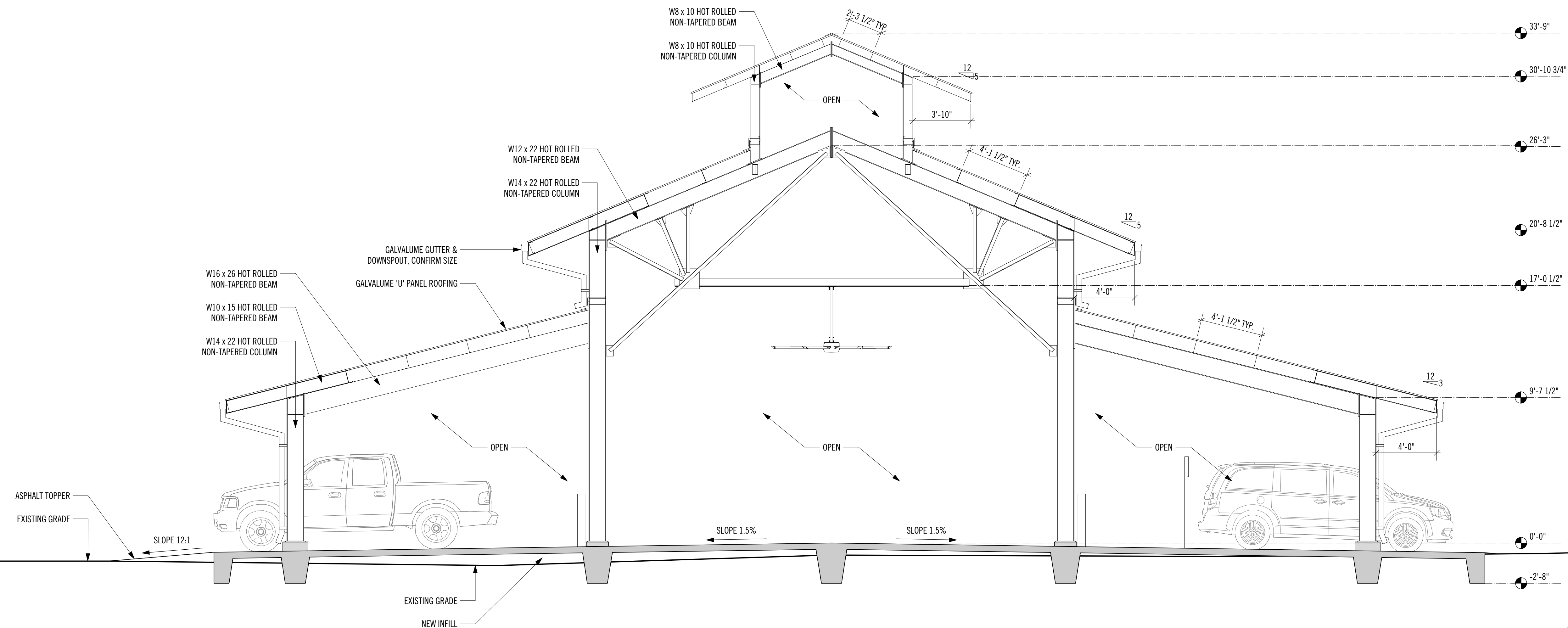


Guffey Park Pavilion - Phase 1
255 West Caney Street, Wharton, Texas 77488

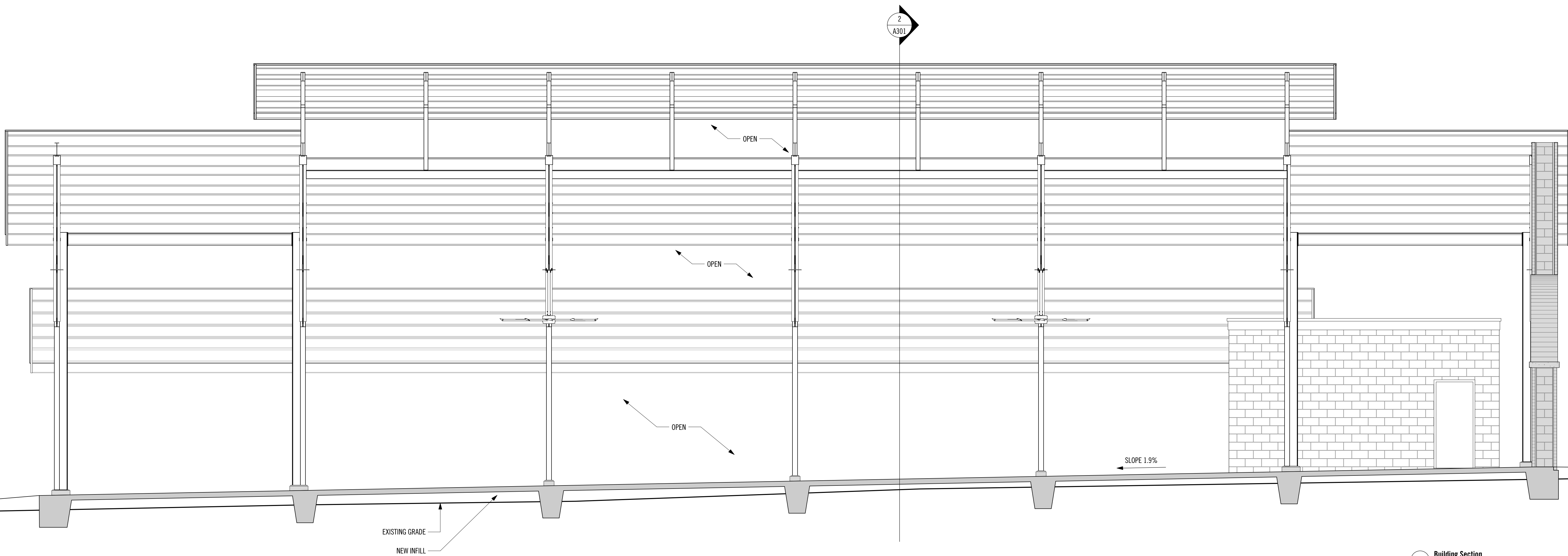
Exterior Elevation



1 Exterior Elevation - East
Scale: 1/4" = 1'-0"



2 Building Section
Scale: 1/4" = 1'-0"

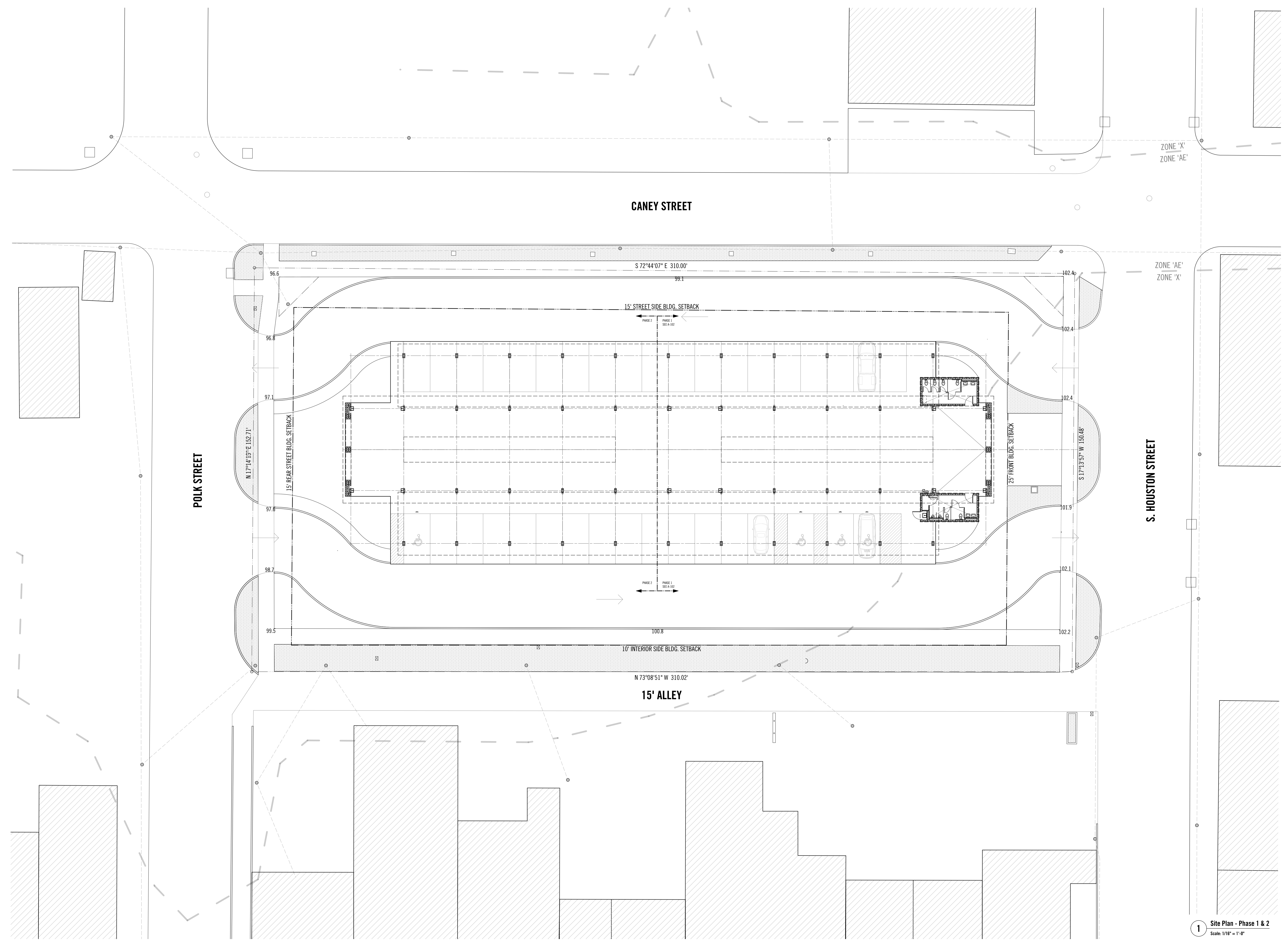


1 Building Section
Scale: 1/4" = 1'-0"

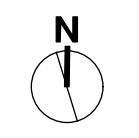
11/30/2020 - ISSUED FOR REVIEW

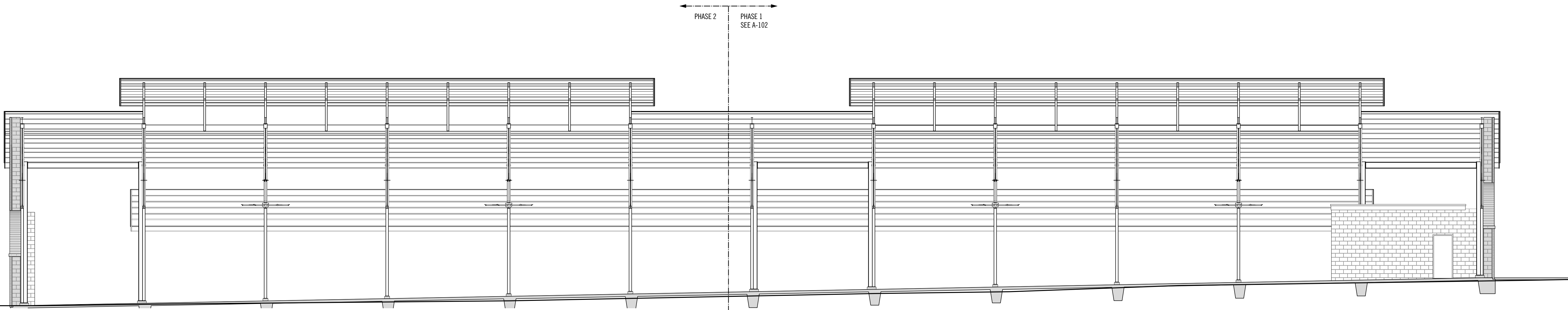
Guffey Park Pavilion - Phase 1
255 West Caney Street, Wharton, Texas 77488

Building Sections

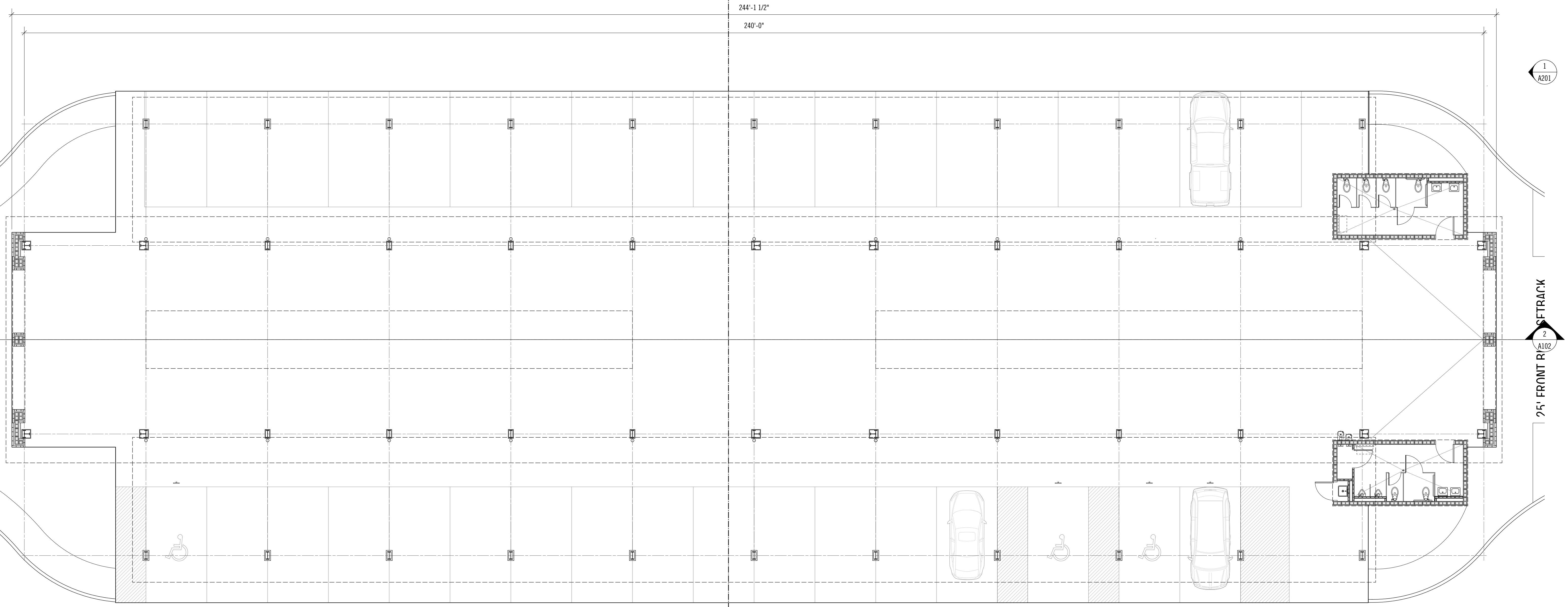


1 Site Plan - Phase 1 & 2
Scale: 1/16" = 1'-0"





2 Section - Phase 1 & 2
Scale: 1/8" = 1'-0"



1 Plan - Phase 1 & 2
Scale: 1/8" = 1'-0"

1
A201

2
A102
75' FRONT RISE SETBACK

