

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL REGULAR MEETING  
APRIL 08, 2024**

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

Councilmembers present were: Mayor, Tim Barker, and Councilmembers, Terry Freese; Russell Machann; Don Mueller; 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, IPMA-CP; Assistant to the City Manager, Brandi Jimenez; Police Chief, Terry David Lynch; Patrol Lt., Lance Bothell; Records Clerk, Mandy Barnett; Building Official, Claudia Velasquez; Public Works Director, Roderick Semien; TCO, Casey Rome; TCO, Shania Fisher; TCO, Lori Becerra; Civic Center Manager, Makyla Monroe, and EMS Director, Christy Gonzales.

Visitors present were: Ryan Salazar; Oscar Del Bosque; Ron Sanders, Executive Director of the Wharton Chamber of Commerce; Jim Maddox; Brian Jarrard; Erik Alameda; Araya Alameda; Amari Alameda; Russell Reichle, 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. No comments were given.

**Wharton Moment**

City Manager, Joseph R. Pace, congratulated Police Chief, Terry David Lynch, on his acceptance to the Texas A&M Bush School of Government & Public Service to work towards his Master of Public Administration.

**Proclamation**

1. Proclamation: Public Safety Telecommunicators Week.

**CITY OF WHARTON  
OFFICE OF THE MAYOR  
PROCLAMATION**

**Public Safety Telecommunicators Week  
Proclamation  
April 14-20, 2024**

- WHEREAS,** Emergencies can occur at any time that requires police, fire, or emergency medical services; and,
- WHEREAS,** When an emergency occurs the prompt response of police officers, volunteer firefighters, and emergency medical services is critical to the protection of life and preservation of property; and,
- WHEREAS,** The safety of our police officers, emergency medical services, and volunteer firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Emergency Communications Center of the Wharton Police Department; and,
- WHEREAS,** Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,
- WHEREAS,** Public Safety Telecommunicators are the single vital link for our police officers, emergency medical service, and volunteer firefighters by monitoring their activities by radio, providing them information, and ensuring their safety; and,
- WHEREAS,** Public Safety Telecommunicators of the Wharton Police Department have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and,
- WHEREAS,** Each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year.

**NOW, THEREFORE BE IT RESOLVED,** I, Tim Barker, Mayor of the City of Wharton, in recognition of this event, do hereby proclaim the week of April 14<sup>th</sup>-20<sup>th</sup>, 2024, in the City of Wharton as:

**“PUBLIC SAFETY TELECOMMUNICATORS WEEK”**

In honor of the men and women whose diligence and professionalism keep our City, County, and Nation safe.

**IN WITNESS THEREOF**, I have set my hand and caused the seal of the City of Wharton to be affixed this 8th day of April, in the year of our Lord two thousand twenty-four A.D.

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**TIM BARKER**

Mayor  
City of Wharton, Texas

2. Proclamation: Fair Housing.

**CITY OF WHARTON  
OFFICE OF THE MAYOR  
PROCLAMATION**

**WHEREAS**, Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it is a national policy to provide, within constitutional limits, for fair housing in the United States; and,

**WHEREAS**, The principal of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and,

**WHEREAS**, The anniversary of this National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

**NOW, THEREFORE BE IT RESOLVED**, I, Tim Barker, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim

*The Month of April as*

***“Fair Housing Month”***

in the City of Wharton and hereby urge all the citizens of this locality to become aware of and support the Fair Housing Law.

**IN WITNESS THEREOF**, I have set my hand and caused the seal of the City of Wharton to be affixed this 8th day of April in the year of our Lord two thousand twenty-four A.D.

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**TIM BARKER**

Mayor  
City of Wharton, Texas

**Review and Consider:**



The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held March 11, 2024, and March 25, 2024. After some discussion, Councilmember, Russell Machann, moved to approve the reading of the minutes from the regular meetings held on March 11, 2024, and March 25, 2024. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The second item on the agenda was a Presentation: Presentation to Oscar Del Bosque for years of service to the City of Wharton. Mayor Tim Baker presented a plaque to Oscar Del Bosque for his years of service to the City of Wharton.

The third item on the agenda was to review and consider a presentation from Mr. Rusty Reichle on behalf of Sign Ad Outdoor for the placement of three (3) advertisement signs within the City of Wharton and a request for variances for the placement of the signs. Building Official, Claudia Velasquez, presented a copy of a request from Mr. Rusty Reichle on behalf of Sign Ad Outdoor for the placement of three (3) advertisement signs within the City of Wharton and a request for variances for the placement of the signs. Mrs. Velasquez stated the request included variances to the City of Wharton Code of Ordinances Chapter 66 – Signs and Advertising – Article I. – In General – Sec. 66-28. – Off-premises signs; commercial and noncommercial. She said the Planning Commission recommended that the City Council not approve the items as requested and was referring the matter to the City Council for a final determination. Mrs. Velasquez stated the Commission's recommendation to Mr. Reichle was that the sign face be made smaller and lower profile to be closer to the current ordinance requirements. After some discussion, no action was taken.

The fourth item on the agenda was to review and consider a request from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce for the following for the 15th Annual Wharton Citywide Garage Sale on Friday, June 7, 2024, and Saturday, June 8, 2024:

- A. The use of Guffey Park.
- B. Placement of two trash cans with trash bags at Guffey Park.
- C. Allow placement of necessary signage as long as it is not placed in the right-of-way within the City.

Mr. Ron Sanders presented his request for the above-mentioned for the Citywide Garage Sale on Friday, June 7, 2024, and Saturday, June 8, 2024. After some discussion, Councilmember, Russell Machann, moved to approve the request from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce for the following for the 15th Annual Wharton Citywide Garage Sale on Friday, June 7, 2024, and Saturday, June 8, 2024 for the aforementioned items. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a resolution of the City of Wharton, Texas determining the costs of certain public improvements to be financed by the Wharton Public Improvement District No. 2; accepting an updated preliminary service and assessment plan, including the updated proposed assessment rolls; directing the filing of the proposed assessment rolls with the City Secretary to make available for public inspection; calling a Public Hearing on



May 13, 2024 to consider an ordinance levying assessments on property within the district; directing City Staff to publish and mail notice of said Public Hearing; and resolving other matters incident and related thereto. Finance Director, Joan Andel, presented a copy of the Preliminary Service and Assessment Plan (PSAP) received from MuniCap, Inc., the City's Public Improvement District (PID) Administrator for Public Improvement District No. 2. Mrs. Andel stated the PSAP identified the property included in the Public Improvement District, the authorized improvements, service plan, assessment plan as well the terms of the assessments. She said the City Staff had reviewed the document thoroughly with Muncipal, and saw no issues. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-42, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-42**

**A RESOLUTION OF THE CITY OF WHARTON, TEXAS DETERMINING THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS TO BE FINANCED BY THE WHARTON PUBLIC IMPROVEMENT DISTRICT NO. 2; ACCEPTING AN UPDATED PRELIMINARY SERVICE AND ASSESSMENT PLAN, INCLUDING THE UPDATED PROPOSED ASSESSMENT ROLLS; DIRECTING THE FILING OF THE PROPOSED ASSESSMENT ROLLS WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; CALLING A PUBLIC HEARING ON MAY 13, 2024 TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.**

**WHEREAS**, Chapter 372, Texas Local Government Code (the "Act") authorizes the governing body (the "City Council") of the City of Wharton, Texas (the "City"), to create a public improvement district within the corporate limits and extraterritorial jurisdiction of the City; and,

**WHEREAS**, on October 23, 2023, the City Council conducted a public hearing to consider a petition received by the City on October 9, 2023 (the "Petition") requesting the creation of the Wharton Public Improvement District No. 2 (the "District") to undertake the construction of certain public improvements described in the Petition (the "Authorized Improvements"); and,

**WHEREAS**, on October 23, 2023, the City Council adopted Resolution No. 2023-88 (the "Authorization Resolution"), authorizing, establishing and creating the District; and,

**WHEREAS**, the City Council and City staff have been presented with an updated Preliminary Service and Assessment Plan for the District, including the proposed assessment rolls attached thereto (the "Proposed Assessment Rolls") (collectively, the "Preliminary SAP") a copy of which is attached hereto as Exhibit A and is incorporated herein for all purposes; and,

**WHEREAS**, the Preliminary SAP is updated to include Phase #1 and sets forth the estimated total costs of the Authorized Improvements to be financed by the District at this time (defined in the Preliminary SAP as the “Phase #1 Projects”) and the proposed assessment rolls (the “Proposed Assessment Rolls”) state the special assessments to be levied against each parcel of land in Phase #1 of the District (as defined in the Preliminary SAP) as determined by the assessment methodology selected by the City Council and set forth in the Preliminary SAP; and,

**WHEREAS**, the Phase #1 Projects are to be financed by special assessments to be levied within Phase #1 of the District; and,

**WHEREAS**, the Act requires that the Proposed Assessment Rolls be filed with the City Secretary of the City (the “City Secretary”) and be subject to public inspection; and,

**WHEREAS**, the Act requires that a public hearing (the “Assessment Hearing”) be called to consider the proposed assessments and requires the City Council to hear and pass on any objections to the proposed assessments at, or on the adjournment of, the Assessment Hearing; and,

**WHEREAS**, the Act requires that notice of the Assessment Hearing be published in a newspaper of general circulation in the City before the tenth (10<sup>th</sup>) day before the date of the Assessment Hearing and be mailed to property owners liable for assessment; and,

**WHEREAS**, after all objections have been heard and passed on at the Assessment Hearing, the City Council may levy special assessments against the property in Phase #1 of the District to pay for the Phase #1 Projects.

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

#### **Section 1**

The recitals set forth above in this Resolution are true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

#### **Section 2**

The City Council does hereby accept the updated Preliminary SAP for the District, including the Proposed Assessment Rolls, a copy of which is attached hereto as **Exhibit A** and is incorporated herein for all purposes. All capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Preliminary SAP.

#### **Section 3**



The City Council hereby determines that the estimated total cost of the Phase #1 Projects to be funded through the special assessments levied at this time in the District, including financing costs, is approximately \$4,866,274.

#### **Section 4**

The City Council's final determination and approval of the costs of the Phase #1 Projects, or any portion thereof, shall be subject to and contingent upon City Council approval of a final Service and Assessment Plan, which will include final Assessment Rolls, after the properly noticed and held Assessment Hearing.

#### **Section 5**

The City Council hereby authorizes and directs the filing of the updated Preliminary SAP, including the Proposed Assessment Rolls, with the City Secretary, and the same shall be available for public inspection.

#### **Section 6**

The City Council hereby authorizes and calls a public hearing (the Assessment Hearing as defined above) to be held on May 13, 2024, at or after 7:00 p.m. in the City Council Chamber, City Hall, 120 East Caney Street, Wharton, Texas at which the City Council shall, among other actions, hear and pass on any objections to the proposed assessments; and, upon the adjournment of the Assessment Hearing, the City Council will consider an ordinance levying the assessments as special assessments on the property within the District (which ordinance shall specify the method of payment of the assessments).

#### **Section 7**

The City Council hereby authorizes and directs the City Secretary to publish notice of the Assessment Hearing in substantially the form attached hereto as **Exhibit B** and incorporated herein for all purposes, in a newspaper of general circulation in the City, on or before May 2, 2024, as required by Section 372.016(b) of the Act.

#### **Section 8**

When the Proposed Assessment Rolls are filed with the City Secretary, the City Council hereby authorizes and directs the City Secretary, on or before May 2, 2024, to mail to owners of property liable for assessment in Phase #1 a notice of the Assessment Hearing as required by Section 372.016(c) of the Act.

#### **Section 9**

City staff is authorized and directed to take such other actions as are required (including, but not limited to, notice of the public hearings as required by the Texas Open Meetings Act) to place the

Assessment Hearing on the agenda for the May 13, 2024, City Council meeting.

**Section 10**

This Resolution shall become effective from and after its date of passage in accordance with law.

Passed by the City Council of the City of Wharton, Texas this April 8, 2024:

**CITY OF WHARTON, TEXAS**

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**TIM BARKER**

Mayor

**ATTEST:**

**APPROVED AS TO FORM & LEGALITY:**

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**PAULA FAVORS**

City Secretary

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**PAUL WEBB**

City Attorney

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

The sixth item on the agenda was to review and consider the Wharton Municipal Swimming Pool:

- A. Approval of the 2024 Pool Schedule.
- B. Resolution: A resolution of the Wharton City Council approving the 2024 Wharton Swim Team Agreement for use of the Wharton Municipal Swimming Pool and authorizing the City Manager to execute the agreement.

Civic Center Manager, Makyla Monroe, presented a copy of the memorandum dated April 2, 2024, providing the 2024 Wharton Municipal Swimming Pool Applications, Fees, and Schedule. After some discussion, Councilmember, Terry Frese, moved to approve the 2024 Pool Schedule and the City of Wharton Resolution No. 2024-43, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-43**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE 2023 WHARTON SWIM TEAM AGREEMENT FOR USE OF THE WHARTON MUNICIPAL SWIMMING POOL AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**



**WHEREAS,** The Wharton Swim Team wishes to utilize the Wharton Municipal Pool for practices; and,

**WHEREAS,** The City of Wharton and the Wharton Swim Team wishes to enter into an agreement for use of the Wharton Municipal Pool; and,

**WHEREAS,** The City of Wharton and Wharton Swim Team wishes to be bound by the conditions set forth in said agreement; and,

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

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

**Section I.** The City Council hereby approves an agreement between the City of Wharton and the Wharton Swim Team for use of the Wharton Municipal Pool.

**Section II.** The City of Wharton and the Wharton Swim Team are hereby bound by the conditions set forth in the agreement.

**Section III.** The City of Wharton hereby authorizes the City Manager of the City of Wharton to execute the agreement.

**Section IV.** This resolution will become effective immediately upon its passage.

**Passed, Approved and Adopted** this 8<sup>th</sup> day of April 2024.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

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**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 an amended contract between the City of Wharton and Wharton County for Emergency Medical Services for Ambulance Transports and authorizing the Mayor of the City of

Wharton to execute all documents relating to said contract. EMS Director, Christy Gonzales, stated that on February 26, 2024, the Wharton City Council approved the amended contract between the City of Wharton and Wharton County for Emergency Medical Services for Ambulance Transport. Director Gonzales said that the County tabled the item at the Commissioner's Court due to further questions and after further discussions, a change was made under Section V. of the contract to remove wording. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-44, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-44**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AMENDED CONTRACT BETWEEN THE CITY OF WHARTON AND WHARTON COUNTY FOR EMERGENCY MEDICAL SERVICES FOR AMBULANCE TRANSPORTS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.**

**WHEREAS,** The City of Wharton wishes to enter into an amended contract with Wharton County for Emergency Medical Services for Ambulance Transports; and,

**WHEREAS,** The Wharton City Council and Wharton County wishes to be bound by the conditions as set forth in the contract; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute 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 the amended contract with Wharton County for Emergency Medical Services for Ambulance Transports.

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

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

**Passed, Approved, and Adopted** this 8th day of April 2024.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**



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**PAULA FAVORS**

City Secretary

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

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement for Medical Director Services between Dr. Jeffery Gubbels and the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. EMS Director, Christy Gonzales, stated the contract would expire on April 30, 2024, and the proposed agreement would be for two years beginning May 1, 2024, and ending on April 30, 2026. Director Gonzales said the terms of the contract were the same as the existing contract except for an additional increase due to additional responsibilities. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2024-45, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-45**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR MEDICAL DIRECTOR SERVICES BETWEEN DR. JEFFERY GUBBELS AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** The City of Wharton wishes to authorize the Mayor of the City of Wharton to execute an agreement between Dr. Jeffery Gubbels and the City of Wharton for Medical Director Services for the Emergency Medical Service (EMS) Department; and,

**WHEREAS,** The City of Wharton and Dr. Jeffery Gubbels wish to be bound by the conditions as set forth in the agreement; and,

**WHEREAS,** The Wharton City Council and Dr. Jeffery Gubbels wish the agreement to become effective on May 1, 2024; and,

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

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

**Section I.** That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute, on behalf of the City of Wharton, the Medical Director Services Agreement with Dr. Jeffery Gubbels for the City of Wharton Emergency Medical Services (EMS) Program.

**Section II.** That the City of Wharton and Dr. Jeffery Gubbels are hereby bound by the conditions as set forth in the agreement which shall commence on May 1, 2024, and will expire on April 30, 2026.

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

**Passed, Approved, and Adopted** this 8<sup>th</sup> day of April 2024.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_

**TIM BARKER**

Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**

City Secretary

Councilmember, Russell Machann, 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, no action was taken.

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

- A. Finance Committee meeting held March 25, 2024.

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 7:29 p.m.

**CITY OF WHARTON, TEXAS**



By:   
**TIM BARKER**  
Mayor

ATTEST:

  
**PAULA FAVORS**  
City Secretary

