

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
SEPTEMBER 11, 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, 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; 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 Anandel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC; Assistant to the City Manager, Brandi Jimenez, Police Chief, Terry David Lynch, and Public Works Director, Roderick Semien.

Visitors present were: Chamber of Commerce Director, Ron Sanders; Walter Garrett; George Burns; John Herlitz; Stephanie Konvicka; Mark A. Evanson; Michael Beard; Timothy Pflughaupt, 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.

1. Mr. George Burns presented his request to not increase the City of Wharton tax rate and water rates.
2. Mr. Micheal Beard stated his opposition to the proposed I-69 overpass at the Wharton Regional Airport and requested the City Council listen to the concerns of the community.
3. Mr. Mark A. Evanson stated that he utilized the airport and he supported Micheal Beard's opposition to the proposed I-69 overpass at the Wharton Regional Airport.
4. Mr. Bill Kingray stated he served on the Airport Board and he was concerned about the height of the overpass and the flight approach.
5. Mr. Timothy Pflughaupt stated his concerns about the I-69 overpass at the Wharton Regional Airport and the possible loss of jet fuel traffic.
6. Mr. John Herlitz stated that as the owner of Carroll's Gun Shop, he would like to be kept informed about the I-69 overpass.

Wharton Moment.

Councilmember, Don Mueller, took a moment to remember two events that took place on this day, 9/11 and Hurricane Carla.

Public Hearing

1. Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2023, to September 30, 2024.

Mayor, Tim Barker, opened the Public Hearing at 7:21 p.m.

Mr. George Burns presented his request to not increase the City of Wharton tax rate and water rates.

Mayor, Tim Barker, closed the Public Hearing at 7:25 p.m.

Review and Consider:

The first item on the agenda was to review and consider action on changes to the Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2023, to September 30, 2024. Finance Director, Joan Andel, presented a copy of the Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2023, to September 30, 2024. After some discussion, Councilmember, Terry Freese, moved to approve the Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2023, to September 30, 2024. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a reading of the minutes from the regular meetings held August 14, 2023, and August 28, 2023, and the special meeting held August 7, 2023. City Secretary, Paula Favors, presented draft copies of the minutes from the regular meetings held August 14, 2023, and August 28, 2023, and the special meeting held on August 7, 2023. After some discussion, Councilmember, Russell Machann, moved to approve the reading of the minutes from the regular meetings held August 14, 2023, and August 28, 2023, and the special meeting held August 7, 2023. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request from Mr. Ryan Moeckel with McKim & Creed to review the plat for Phase 1 of the Wharton Lakes Subdivision Abstract 36, Tracts 24-1, 24-2, 24-3, 24-5, 24-6 & 24 C. City Secretary, Paula Favors, presented a copy of the request from Mr. Ryan Moeckel with McKim & Creed to review the plat for Phase 1 of the Wharton Lakes Subdivision Abstract 36, Tracts 24-1, 24-2, 24-3, 24-5, 24-6 & 24 C. Mrs. Favors stated the Planning Commission met on Monday, September 5, 2023, and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Russell Machann, moved to approve with the contingency that an annexation request would be made per the Development Agreement before filing the from Mr. Ryan Moeckel with McKim & Creed to review the plat for Phase 1 of the Wharton Lakes Subdivision Abstract 36, Tracts 24-1, 24-2, 24-3, 24-5, 24-6 & 24 C.

The fourth item on the agenda was to review and consider a request from Ms. Clarice Ward of 3521 Fairway Dr., Country Club Estates, Lot 18, for a 3-foot side building line setback from the required 5-foot setback for construction of a carport/storage building over an existing concrete driveway. City Secretary, Paula Favors, presented a copy of the request from Ms. Clarice Ward

of 3521 Fairway Dr., Country Club Estates, Lot 18, for a 3-foot side building line setback from the required 5-foot setback for the construction of a carport/storage building over an existing concrete driveway. Mrs. Favors stated the Planning Commission met on Monday, September 5, 2023, and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Terry Freese, moved to approve the request from Ms. Clarice Ward of 3521 Fairway Dr., Country Club Estates, Lot 18, for a 3-foot side building line setback from the required 5-foot setback for construction of a carport/storage building over an existing concrete driveway. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a request by Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2023 Holiday Parade Chairman, for the Wharton Holiday Parade for the following:

- A. Ordinance: An ordinance approving the 2023 Chamber of Commerce & Agriculture Holiday Parade Permit and authorizing the Wharton Police Department to redirect traffic.
- B. The closure of State Highway 60 (Burlson Street and Milam Street) from its intersection at Alabama Road and Polk Street and the 100 Block of South Fulton Street and South Houston Street from 5:00 p.m. to 9:00 p.m. and declare it as a "No Parking Zone".
- C. City of Wharton to transport, set up, and return five (5) portable lights for use during the parade.

City Manager, Joseph R. Pace, presented a copy of the request from Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2023 Holiday Parade Chairman, for the Wharton Holiday Parade. After some discussion, Councilmember, Russell Machann, moved to approve the aforementioned items B., and C., and City of Wharton Ordinance No. 2023-10, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2023-10**

AN ORDINANCE APPROVING THE 2023 CHAMBER OF COMMERCE & AGRICULTURE HOLIDAY PARADE PERMIT AND AUTHORIZING THE POLICE DEPARTMENT TO REDIRECT TRAFFIC.

WHEREAS, The Wharton Chamber of Commerce and Agriculture has filed an application for a parade permit with the City of Wharton Police Department as required under the City of Wharton Code of Ordinances, Chapter 82, Article III, Sec. 82-91; and,

WHEREAS, The requested parade route requires the City of Wharton to close State Highway 60 (Burlson Street and Milam Street) from its intersection with Alabama Road and Polk Street and the 100 Block of South Fulton Street and South Houston Street from 5:00 p.m. to 9:00 p.m. and declare a "no parking zone" for such; and,

WHEREAS, The closure of State Highway 60 will be for a time of less than four (4) hours; and,

WHEREAS, The closure will require the detouring of all traffic according to the map (Attachment A) attached to this ordinance; and,

WHEREAS, The routing of all traffic will include truck traffic to Alabama Road which is prohibited by ordinance; and,

WHEREAS, The City Council wishes to suspend for the duration of the parade the enforcement of said ordinance of trucks traveling on Alabama Road; and,

WHEREAS, If there are any other ordinances that would be violated because of the re-routing of all traffic their suspension is hereby authorized.

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

Section I. The parade permit for the Wharton Chamber of Commerce and Agriculture is hereby approved.

Section II. The parade route is hereby approved as detailed in the attached map (Attachment A) which is hereby made part of this ordinance.

Section III. The closure of all streets as indicated in said map identified in Section II is hereby authorized.

Section IV. The traffic detour plan as identified in Section III above is hereby approved.

Section V. The Chief of Police and City Staff are hereby authorized to make the necessary expenditures needed to ensure the safety of the public.

Section VI. This ordinance shall become effective on the 21st day of November 2023 and remain in effect until such time that the parade concludes.

Passed, Approved, and Adopted this 11th day of September 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 submission of one or more applications to the Houston Galveston Area Council (HGAC) 2024 & 2025 Solid Waste Grants Program and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. City Secretary, Paula Favors, stated the City Staff had been made aware of the Notice of Funding for the 2024 & 2025 HGAC Solid Waste Grants Program. Mrs. Favors said the program had funding available to assist with the local enforcement of solid waste/illegal dumping and the City Staff had met and discussed the opportunities available and would like to submit two (2) applications to the program. She said that one application would be for additional staff and a vehicle for the Code Enforcement Department to assist in the ongoing local enforcement and investigations of illegal dumping and the second application would be for additional camera/video equipment to assist in the enforcement and investigation of illegal dumping. Mrs. Favors stated the City could apply for up to 100% funding and would not be required to provide a monetary match for the program. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-73, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-73**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF ONE OR MORE APPLICATIONS TO THE HOUSTON GALVESTON AREA COUNCIL (HGAC) 2024 & 2025 SOLID WASTE GRANTS PROGRAM 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 authorize the submission of one or more applications to the Houston Galveston Area Council (HGAC) 2024 and 2025 Solid Waste Grants Program for Local Enforcement Staff and Equipment; and,

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

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

SECTION I. The Wharton City Council hereby approves the submission of one or more applications to the Houston Galveston Area Council (HGAC) 2024 and 2025 Solid Waste Grants Program for Local Enforcement Staff and Equipment.

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

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

PASSED, APPROVED, and ADOPTED this 11th day of September 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 Change Order No. 8, for additional contract time with Weisinger, Inc., for the Wharton Well and Water Plant Project and authorizing the Mayor to execute all documents related to said Change Order. City Secretary, Paula Favors, presented a copy of the Wharton Well & Water Plant – Contract #2 (Water Well), Change Order No. 8 from Weisinger, Inc., for additional time to the contract in the amount of 41 days. Mrs. Favors stated the extension was being requested due to multiple delays on the part of E-Contractors – Contract #1 and this would move the contract completion date to November 8, 2023. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2023-74, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-74**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 8, FOR ADDITIONAL CONTRACT TIME WITH WEISINGER, INC., FOR THE WHARTON WELL AND WATER PLANT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

WHEREAS, The Wharton City Council wishes to approve Change Order No. 8, for additional contract time with Weisinger, Inc., for the Wharton Well and Water Plant Project; and,

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

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

- Section I.** The Wharton City Council hereby authorizes Change Order No. 8, for 41 additional days to the contract with Weisinger, Inc., for the Wharton Well and Water Plant Project.
- Section II.** The Wharton City Council hereby authorizes the Mayor to execute all documents related to the change order.
- Section III.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 11th day of September 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Steve Schneider, seconded the motion. Councilmember, Russell Machann, and Councilmember, Don Mueller, voted against the motion. Councilmember, Burnell Neal, Councilmember, Terry Freese, Councilmember, Steve Schneider, and Councilmember, Larry Pittman, voted in favor. The motion carried.

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

- A. Finance Committee meeting held August 28, 2023.

After some discussion, no action was taken.

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

The meeting adjourned at 7:36 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

