

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL REGULAR MEETING  
JULY 22, 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, Burnell Neal, led the opening devotion and Mayor, Tim Barker, led the pledge of allegiance.

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

Councilmember absent was: David Voulgaris

Staff members present were: City Manager, Joseph R. Pace; Assistant City Attorney, Amy Rod; Finance Director, Joan Andel; City Secretary, Paula Favors, TRMC, CPM, MMC; Director of Planning and Development, Gwyn Teves, CPM; Assistant to the City Manager, Brandi Jimenez; Building Official, Claudia Velasquez; Airport Manager, Dwayne Pospisil; Assistant to the Building Official, Shelby Robertson, and Patrol SGT. Stephen Jimenez.

Visitors present were: Don Mueller; Steve Wisnieski, and Sam Scinta, Jr. with the Wharton Journal Spectator.

**Roll Call and Excused Absences.**

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

**Public Comments.**

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

**Wharton Moment.**

Mayor, Tim Barker, called for the Wharton Moment. Councilmember, Terry Freese, thanked Planning and Development Director, Gwyn Teves, and Building Official, Claudia Velasquez, for helping his neighbor who was without power after Hurricane Beryl. Assistant City Attorney, Amy Rod, stated City Attorney, Paul Webb, was at home recovering from surgery and would begin physical therapy but doing well overall.

**Review and Consider:**

The first item on the agenda was to review and consider the City of Wharton Financial Report for June 2024. Finance Director, Joan Andel, presented the City of Wharton Financial Report for June 2024. After some discussion, Councilmember, Russell Machann, moved to approve the City of Wharton Financial Report for June 2024. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request from Internal Fortitude 2.0 and Alpha Comics for City assistance for the following:

- A. Closure of the 100 Block of Polk Street between the hours of 10 a.m. to 6 p.m. on September 21, 2024. In specific, North Polk Street at West Caney and North Polk Street at West Milam.
- B. Closure between the 100 Block of N. Richmond Road and the 100 block of Polk Street.
- C. Barricades at the 100 block of Polk Street and 100 block of N. Richmond Road.
- D. Waive any permit fees required for food vendors to obtain in order to operate in Wharton.
- E. Trash barrels and liners.

A representative from Internal Fortitude 2.0 and Alpha Comics requested to host the United Forces Collector's Convention at Simply Divine on September 21, 2024, from 11 a.m. to 5:00 p.m. After some discussion, Councilmember, Terry Freese, moved to approve afore mentioned items A. through E. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request from Mr. Steve Wisnieski with My Storehouse Mini Storage for a Temporary Certificate of Occupancy variance. Building Official, Claudia Velasquez, presented a copy of a request from Mr. Steve Wisnieski with My Storehouse Mini Storage for a Temporary Certificate of Occupancy variance and a waiver of fees for the temporary occupancy. Mrs. Velasquez stated it was her recommendation not to grant the variance for over ninety days. After some discussion, Councilmember, Russell Machann, moved to approve the Temporary Certificate of Occupancy variance for up to ninety days. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a resolution of the Wharton City Council approving/ratifying the waiver of permit fees and establishing a cutoff for the waiving of permit fees for building, building (e), mechanical, plumbing, or any other fee associated with the Tropical Storm/Hurricane Beryl. Building Official, Claudia Velasquez, stated the City Staff was requesting the City Council's approval and ratification of staff action on the waiver of building permit fees to customers affected by the Tropical Storm/Hurricane Beryl Event. Mrs. Velasquez said the permit requirements would not be waived, however, the fees associated with the permit would be waived. She said the cease of waiving fees related to Tropical Storm/Hurricane Beryl would be on August 9, 2024. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-70, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-70**



**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING/RATIFYING THE WAIVER OF PERMIT FEES AND ESTABLISHING A CUTOFF FOR THE WAIVING OF PERMIT FEES FOR BUILDING, BUILDING (E), MECHANICAL, PLUMBING, OR ANY OTHER FEE ASSOCIATED WITH THE TROPICAL STORM/HURRICANE BERYL.**

**WHEREAS,** The City of Wharton has received damage from Tropical Storm/Hurricane Beryl; and,

**WHEREAS,** The City of Wharton wishes to approve/ratify the waiver of permit fees only for building, building (E), mechanical, plumbing, or any other fee associated with the tropical storm/hurricane Beryl; and,

**WHEREAS,** The City of Wharton City Council wishes to establish a cutoff date of August 9, 2024. For waiving of permit fees only for building, building (E), mechanical, plumbing, or any other fee associated with the tropical storm/hurricane Beryl; and,

**WHEREAS,** The Wharton City Council wishes to authorize the City Staff to waive permit fees only for building, building (E), mechanical, plumbing, or any other fee associated with the tropical storm/hurricane Beryl;

**WHEREAS,** The Wharton City Council wishes to authorize the City Staff to cease the waiving of permit fees only for building, building (E), mechanical, plumbing, or any other fee associated with the tropical storm/hurricane Beryl on August 9, 2024.

**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 City Staff of the City of Wharton to waive permit fees only for building, building (E), mechanical, plumbing, or any other fee associated with the tropical storm/hurricane Beryl.

**Section II.** That the Wharton City Council hereby authorizes the City Staff of the City of Wharton to cease the waiving of permit fees for building, building (E), mechanical, plumbing, or any other fee associated with the tropical storm/hurricane Beryl.

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

**Passed, Approved, and Adopted** this 22<sup>nd</sup> day of July 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 fifth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of an air conditioning unit for the lobby area of City Hall and authorizing the City Manager of the City of Wharton to execute all documents related to said purchase. Finance Director, Joan Andel, stated the City Staff obtained quotes for replacing an air conditioning unit in the lobby area of City Hall. Mrs. Andel said the unit was currently non-operational and had never provided adequate heating capabilities. She said the funds to pay for air conditioning improvements had been allocated in the 2019 Bond Funds. Finance Director Andel stated the Finance Committee met on Monday, July 22, 2024, and were recommending the City Council consider approving the request. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-71, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-71**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF AN AIR CONDITIONING UNIT FOR THE LOBBY AREA OF CITY HALL AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.**

**WHEREAS,** The Wharton City Council wishes to approve EB Air for the air conditioning unit for the lobby area of City Hall in the amount of \$10,700.00; and,

**WHEREAS,** The Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute 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.** The Wharton City Council hereby authorizes the City Manager of the City of Wharton, Texas, to execute all documents related to the purchase from EB Air for the air conditioning unit for the lobby area of City Hall in the amount of \$10,700.00.

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



**Passed, Approved, and Adopted** this 22nd day of July 2024.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

Councilmember, Steve Schneider, 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 approving sidewalk and drainage improvements at the Wharton Regional Airport and authorizing the Mayor of the City of Wharton to execute all documents related to said improvements. Finance Director, Joan Andel, presented a copy of a proposal from Branch Construction Group for the Airport sidewalk and drainage improvements. Mrs. Andel stated a portion of the sidewalk was separated, and the staff was concerned that this may be a trip hazard, as well as water ponding at the end of the sidewalk and obstructing drainage. She said the proposal also includes designating a handicap/wheelchair-accessible location at the end of the sidewalk to be ADA-compliant. Finance Director Andel stated the Branch Construction Group was a member of the TIPS Co-operative program and the total cost of the project was \$29,714, which would be funded through the Routine Airport Maintenance Program (RAMP) through the TxDOT Aviation Division. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-72, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-72**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING SIDEWALK AND DRAINAGE IMPROVEMENTS AT THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID IMPROVEMENTS.**

**WHEREAS,** Wharton Regional Airport is in need of improvements to the sidewalk and drainage; and,

**WHEREAS,** Branch Construction is a member of TIPS Purchasing Cooperative Program; and,

**WHEREAS,** Said repairs will be covered by the TxDOT Aviation Division Routine Airport Maintenance Program (RAMP); and,

**WHEREAS,** The Wharton City Council wishes to approve said improvements at the Wharton Regional Airport with Branch Construction, in the amount of \$29,714.00; and,

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

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

**SECTION I.** The Wharton City Council hereby approves said improvements at the Wharton Regional Airport with Branch Construction in the amount of \$29,714.

**SECTION II.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the improvements at the Wharton Regional Airport.

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

**PASSED AND APPROVED** this 22nd day of July 2024.

**CITY OF WHARTON**

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**TIM BARKER**

Mayor

**ATTEST:**

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**PAULA FAVORS**

City Secretary

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

The seventh item on the agenda was to review a consider a resolution of the Wharton City Council approving the Interlocal Agreement with the Texas Municipal League Intergovernmental Risk Pool for Cyber Liability and Data Breach Response and authorizing the City Manager of the City of Wharton to execute all documents relating to said contracts. City Secretary, Paula Favors, presented a copy of a memo regarding the Texas Municipal League Intergovernmental Risk Pool's Interlocal Agreement for Cyber Liability and Data Breach Response Coverage. Mrs. Favors stated the coverage was being changed to opt-in coverage which required a new interlocal agreement. She said the cost would be \$1,250 for FY 2024-2025. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-73, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-73**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE INTERLOCAL AGREEMENT WITH THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL FOR CYBER LIABILITY AND DATA BREACH RESPONSE, AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACTS.**

**WHEREAS,** The City of Wharton wishes to have insurance coverage for cyber liability and data breach response; and,

**WHEREAS,** The City of Wharton wishes to continue with the coverage with the Texas Municipal League Intergovernmental Risk Pool (TML-IRP) for the cyber liability and data breach response under an Interlocal Agreement; and,

**WHEREAS,** The City of Wharton authorizes the City Manager to sign any documents relating to the agreement.

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

**Section I.** That the Wharton City Council hereby approves the Interlocal Agreement with the Texas Municipal League Intergovernmental Risk Pool (TML-IRP) for Cyber Liability and Data Breach Response.

**Section II.** That Wharton City Council hereby approves coverage at a rate of \$1,250 for FY 2024-2025.

**Section III.** That the City Manager of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned agreements.

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

**Passed, Approved, and Adopted** this 22nd day of July 2024.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

\_\_\_\_\_  
**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, long term disability, life, accidental death & dismemberment, flexible spending account, health reimbursement account, and voluntary vision plans for city employees for October 1, 2024, to September 30, 2025, Fiscal Year for coverage for City employees; authorizing the Mayor of the City of Wharton to execute all documents relating to said contracts. City Secretary, Paula Favors, stated the City Council approved contracting with HUB International to send out requests for proposals for health insurance premiums since over the last several years the City of Wharton had seen large increases in premiums through the TX Health Benefits Pool and it was believed that this year would not be an exception. Mrs. Favors said HUB International received proposals from the following: Texas Health Benefits; Blue Cross Blue Shield of Texas; Cigna, and United Health Care. City Secretary Favors stated the proposal was for the same benefit level the City currently had for its employees and the Finance Committee had met to review the proposals from HUB International and they were recommending the City Council consider approving an agreement with Texas Health Benefits Pool who's bid was a 12.6% decrease from the current fiscal year. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-74, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-74**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR MEDICAL, LONG-TERM DISABILITY, LIFE, ACCIDENTAL DEATH & DISMEMBERMENT, FLEXIBLE SPENDING ACCOUNT, HEALTH REIMBURSEMENT ACCOUNT, AND VOLUNTARY VISION PLANS FOR CITY EMPLOYEES FOR OCTOBER 1, 2024, TO SEPTEMBER 30, 2025, FISCAL YEAR FOR COVERAGE FOR CITY EMPLOYEES; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACTS.**

**WHEREAS,** The City of Wharton received the rate for medical, long-term disability, life, accidental death & dismemberment for city employees, voluntary vision through HUB International for City employees; and,

**WHEREAS,** The City of Wharton medical plan with Texas Health Benefits would be a 12.6% decrease; and,

**WHEREAS,** The City of Wharton would provide to each full-time employee a \$1,250 yearly contribution to the employee health reimbursement account (HRA) administered by Texas Health Benefits; and,

**WHEREAS,** The Mayor of the City of Wharton has executed on behalf of the City said agreement.



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

- Section I.** That the Wharton City Council hereby approves the interlocal agreement with Texas Health Benefits for medical, long-term disability, life, and accidental death & dismemberment coverage, voluntary vision for City employees signed by the Mayor.
- Section II.** That Wharton City Council hereby approves providing to each full-time employee a \$1,250 yearly contribution to the employee health reimbursement account (HRA) administered by the Texas Health Benefits.
- Section III.** That the Mayor of the City of Wharton's execution of all documents relating to the aforementioned agreements is hereby approved.
- Section IV.** That this resolution shall become effective immediately upon its passage.

**Passed, Approved, and Adopted** this 22nd day of July 2024.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**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 an update of City of Wharton on-going Projects. City Manager, Joseph R. Pace, presented an update of City of Wharton on-going Projects. After some discussion, no action was taken.

The tenth item on the agenda was to review and consider appointments and resignations to the City of Wharton Boards, Commissions and Committees.

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

After some discussion, no action was taken.

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

- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department/Civic Center.
- D. Emergency Management.
- E. E. M. S. Department.
- F. Facilities Maintenance Department/Wharton Municipal Pool.
- G. Fire Department.
- H. Fire Marshal.
- I. Legal Department.
- J. Municipal Court.
- K. Police Department.
- L. Public Works Department.
- M. Water/Sewer Department.
- N. Weedy Lots/Sign Ordinance.
- O. Wharton Regional Airport.

After some discussion, no action was taken.

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

The meeting adjourned at 7:32 p.m.

**CITY OF WHARTON, TEXAS**

By:   
**TIM BARKER**  
Mayor

**ATTEST:**



**PAULA FAVORS**  
City Secretary

