

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL REGULAR MEETING  
APRIL 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.

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

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; Assistant City Attorney, Amy Rod; Finance Director, Joan Andel; Planning and Development Director, Gwyn Teves; Police Chief, Terry David Lynch, and Assistant to the Building Official, Shelby Robertson.

Visitors present were: Elizabeth Ewing; Thelma Hayes; Glenn McDonald; Ryan Salazar, 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.

Mrs. Thelma Hayes stated she lived on N Outlar and the City trash truck had damaged the concrete in front of her house and she was not able to back out of the driveway. Ms. Hayes requested the City Council do something about it.

**Wharton Moment.**

Mayor, Tim Barker, called for Wharton Moments. Mayor Barker congratulated City Councilmember, Don Mueller, on his 32 years of service on the Wharton City Council, stating it would be his final full meeting.

City Manager, Joseph R. Pace, congratulated City Secretary, Paula Favors, and HR Generalist, Selena Rios, on earning their International Public Management Association's HR Professional certification and Assistant to the City Manager, Brandi Jimenez's promotion to have her job include Project Manager. City Manager Pace stated he completed the Oxford Leadership training program. He stated the Dog Park was opened and the Wharton Youth Soccer League had donated

sand to level the field. City Manager Pace stated the Wharton Police Department's Blue Santa Pork lunch would be held on Thursday, April 25<sup>th</sup>.

Police Chief, Terry David Lynch, stated the 6<sup>th</sup> Annual Cops n' Rodders Car Show would take place on Saturday, April 27<sup>th</sup> at the Wharton Civic Center.

**Review and Consider:**

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

The second item on the agenda was to review and consider a request from Mr. Glenn McDonald to address the City Council regarding the increase in City Services (water, sewer, and garbage). City Manager, Joseph R. Pace, presented a copy of a request from Mr. McDonald to address the Council regarding the increase in City Services (water, sewer, and garbage). Mr. McDonald stated he was on a fixed income and the increases in City Services had created a burden on him. After some discussion, no action was taken.

The third item on the agenda was to review and consider a request from Ms. Elizabeth Ewing on behalf of Agilitas/Saber Power of 902 W. Milam St., Wharton, Block 62, Lot 10, for a variance to the City of Wharton Adopted Wharton County Drainage Criteria Manual. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Ms. Elizabeth Ewing on behalf of Agilitas/Saber Power of 902 W. Milam St., Wharton, Block 62, Lot 10, for a variance to requirements of the City of Wharton Adopted Wharton County Criteria Manual Section 1.2.3: Watershed Management, Sub-Section 3.b. stated that detention facilities may be optional, at the discretion of the Drainage Review Authority, land development activity was not subject to the stormwater detention requirements if one or more of the conditions apply. Mrs. Teves stated that from the list, "Small Lot" would apply, being described as, the size of a platted lot was equal to or less than 1 acre for commercial use. She said the City Staff had conducted a meeting with Saber Power and Quiddity Engineering and discussed additional alternatives to help with the drainage due to the impervious cover. After some discussion, Councilmember, Terry Freese, moved to approve the request from Ms. Elizabeth Ewing on behalf of Agilitas/Saber Power of 902 W. Milam St., Wharton, Block 62, Lot 10, for a variance to the City of Wharton Adopted Wharton County Drainage Criteria Manual. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider the City of Wharton's Annual Budget Calendar for Fiscal Year 2024-2025. Finance Director, Joan Anandel, presented a copy of the proposed City of Wharton Budget Calendar for Fiscal Year 2024-2025. After some discussion, Councilmember, Russell Machann, moved to approve the City of Wharton Annual Budget Calendar for Fiscal Year 2024-2025. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 18, Building and Construction, Article V. Electrical Code; 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. Director of Planning and Development, Gwyn Teves stated the Electrical Board met and voted to amend the City of Wharton Code of Ordinances, Chapter 18, Building and Construction, Article V, Electrical Code, and to adopt the National Electrical Code, 2023 Edition. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Ordinance No. 2024-06, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2024-06**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 18, BUILDING AND CONSTRUCTION, ARTICLE V. ELECTRICAL CODE; 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.**

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

**WHEREAS**, the City of Wharton desires to adopt, in all respects, the National Electrical Code, 2023 Edition with its latest revisions.

**DIVISION 1. ADOPTION OF THE TEXAS ELECTRICAL SAFETY AND LICENSING ACT.**

**Sec. 18-137. Codes and Rules adopted.**

- (a) The Administrative Rules of the Texas Department of Licensing and Regulation 16 Texas Administrative Code, Chapter 73 are hereby adopted, except insofar as they may conflict with provisions of this article.
- (b) The City of Wharton adopts and adheres to the code adopted by the State of Texas except insofar as it does not conflict with amendments to the City of Wharton Code of Ordinances section 18-254 through section 18-261.
- (c) Any person violating any provision of these rules and regulations shall be subject to the penalties as provided in sections 1-5 of this Code of Ordinances.

**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.

### **Fine and Penalty for Violations**

Except as otherwise provided in this chapter, any person found guilty of intentionally, knowingly or recklessly violating any provision of this article and upon conviction thereof in the municipal court shall be fined under the terms of Section 1-5 of the Code of Ordinances of the City of Wharton, Texas.

### **Effective Date**

This Ordinance shall become effective on the 3<sup>rd</sup> day of May 2024 at 12:01 a.m.

### **Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on the 22<sup>nd</sup> day of April 2024.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**PAUL WEBB**  
City Attorney

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

The sixth item on the agenda was to review and consider a request from the City of Wharton Human Resources Department regarding the Employee Appreciation Event for the following:

- A. Waive all fees associated with renting Pleasure Park.
- B. Allow the consumption of alcoholic beverages in the park during the event.
- C. Use of the blue trash cans and liners from the Parks Department.

- D. Allow glass containers in the park during the event.
- E. Allow bounce houses with insurance coverage through the Texas Municipal League - Intergovernmental Risk Pool (TML-IRP).

City Secretary, Paula Favors, presented a copy of a memorandum regarding the City of Wharton Employee Appreciation Event at Pleasure Park on June 1, 2024. After some discussion, Councilmember, Russell Machann, moved to approve aforementioned items A through E for the City of Wharton's Employee Appreciation Event. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider an update of City of Wharton Grant Programs. Planning and Development Director, Gwyn Teves, presented an update of the City of Wharton Grant Programs. After some discussion, no action was taken.

The eighth item on the agenda was to review and consider an update on the City of Wharton's ongoing projects. City Manager, Joseph R. Pace, presented an update on the City of Wharton's ongoing projects. After some discussion, no action was taken.

The ninth item on the agenda was 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 following:

Resignations: Mr. Jimmy Gardner from the Airport Board.

Appointments: Mr. Eric Nelson to the Airport Board.

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

The tenth 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. Legal Department.
- H. Municipal Court.
- I. Police Department.
- J. Public Works Department.
- K. Water/Sewer Department.

- L. Weedy Lots/Sign Ordinance.
- M. Wharton Regional Airport.

After some discussion, no action was taken.

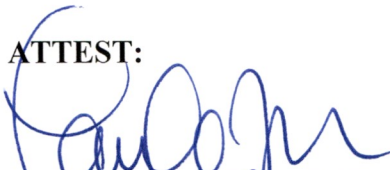
There being no further discussion, Councilmember, Don Mueller, moved to adjourn. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The meeting adjourned at 7:28 p.m.

**CITY OF WHARTON, TEXAS**

By:   
**TIM BARKER**  
Mayor

ATTEST:

  
**PAULA FAVORS**  
City Secretary

