

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
SEPTEMBER 23, 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; Burnell Neal; Steve Schneider; Larry Pittman, and David Voulgaris.

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; 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; Assistant to the Building Official, Shelby Robertson; Police Chief, Terry David Lynch; Public Works Director, Roderick Semien; EMS Director, Christy Gonzales, and Finance Accountant, London Davis.

Visitors present were: Wharton Chamber of Commerce Executive Director, Karen Smith; Sarah Shanks; Billy Bryant; Eugene Gardner; Shannon Longoria with the Texas General Land Office; Ryan Salazar; and Colby Primeaux with the Wharton Journal Spectator.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

Mayor, Tim Barker, called for Public Comments.

Mr. Eugene Gardner informed the City Council of an issue with a neighbor who parks an 18-wheeler that he drives that contains chicken manure on the roadway. Mr. Gardner says that it has a horrible smell and he is not able to sit outside or invite people over to his home. He requested the City do something to help the situation.

Wharton Moment.

Mayor, Tim Barker, stated it was good to have City Attorney, Paul Webb, back after being out for several weeks with a medical issue.

City Manager, Joseph R. Pace, stated the Rotary Gala would be held September 28th, 2024 at the Wharton Civic Center with a live performance from Diamond Rio.

Public Hearing

1. Public Hearing: A Public Hearing on the proposed tax rate for the 2024 tax year.

Mayor, Tim Barker, opened the Public Hearing at 7:09 p.m.

No comments were given.

Mayor, Tim Barker, closed the Public Hearing at 7:10 p.m.

Review and Consider:

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

The second item on the agenda was to review and consider an ordinance adopting the Fiscal Year 2024-2025 Annual Budget for the City of Wharton, Texas; appropriating the sums established therein; and directing the City Secretary to file copies as required by law. Finance Director, Joan Andel, stated that during the Regular City Council meeting held on August 28, 2024, she presented under separate cover a copy of the proposed budget for the City of Wharton, Texas, Fiscal Year October 1, 2024, to September 30, 2025. Mrs. Andel said that during the Regular City Council meeting held on September 9, 2024, the City Council held a Public Hearing to receive public input regarding the City of Wharton's Annual Budget for Fiscal Year 2024-2025. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2024-14, which read as follows:

CITY OF WHARTON, TEXAS ORDINANCE NO. 2024-14

AN ORDINANCE ADOPTING THE FISCAL YEAR 2024-2025 ANNUAL BUDGET FOR THE CITY OF WHARTON, TEXAS; APPROPRIATING THE SUMS ESTABLISHED THEREIN; AND DIRECTING THE CITY SECRETARY TO FILE COPIES AS REQUIRED BY LAW.

WHEREAS, the City's Budget for the Fiscal Year ending September 30, 2025, which is attached hereto, was duly submitted to the City Council more than thirty (30) days prior to September 30, 2024; and,

WHEREAS, a Public Hearing was duly called and held on said Budget not less than seven days nor more than fourteen days after the date of publication giving notice of such meeting and prior to the time the City Council of the City of Wharton levied taxes for such current Fiscal Year; and,

WHEREAS, all parties desiring to participate and be heard at said Public Hearing having been heard until no more evidence was offered, and such hearing having been concluded, and the City Council of said City having made such changes in such Budget as in its judgment the law warrants and the best interest of the taxpayers of the City of Wharton, Texas, demand, said Budget with such changes being attached hereto, as aforesaid.

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

Section 1. **THAT** the findings set out in the preamble of this ordinance are true and correct.

Section 2. **THAT** the Budget of the City of Wharton, Texas, for the Fiscal Year ending September 30, 2025, be and the same is hereby, in all respects, finally approved and adopted, including any changes approved by the City Council; and the same shall be and is hereby filed with the City Secretary of the City.

Section 3. **THAT** the General Fund is hereby established to account for resources associated with traditional government activities, which are not required legally or by sound financial management to be accounted for in another fund. The General Fund is hereby approved with \$6,843,674 estimated revenues and \$8,362,734 in appropriations, with transfers-in approved at \$1,548,463 and transfers-out approved at \$29,403. The amounts are specified for departmental purposes named in said Budget and they are hereby appropriated to and for such purposes at the departmental level.

Section 4. **THAT** the PEG (Public, Educational, Government television access) Fund is created to account for all funds received from the 1% franchise fee provided through the local cable provider. The PEG Fund is hereby approved with \$2,500 in estimated revenues and \$2,500 in appropriations.

Section 5. **THAT** the Hotel Motel Fund is created to account for the occupancy tax levied on hotel rooms within the City as adopted by City Ordinance and consistently with Chapter 351 of the Texas Tax Code. The Hotel Motel Fund is hereby approved with \$300,100 in estimated revenues, which includes \$300,100 in appropriations, including transfers-out approved at \$241,952 with a beginning fund balance of approximately \$65,228.

Section 6. **THAT** the Narcotics Seizure Fund is created to account for the resources and uses of assets seized in illegal narcotics activities. The uses are limited to law enforcement activities. The Narcotics Seizure Fund is hereby approved with \$4,700 estimated revenues and \$4,700 appropriations with a beginning fund balance of approximately \$25,977.

Section 7. **THAT** the Debt Service Fund is hereby created to account for the accumulation of resources collected for Interest and Sinking requirements and for the disbursement of those resources for debt requirements. The Debt Service Fund is hereby

approved with \$2,684,587 in estimated revenues and \$2,684,587 in appropriations. The estimated beginning fund balance is \$301,032.

Section 8. **THAT** the Capital Improvement Fund is created to account for infrastructure improvements authorized by the City Council. The Capital Improvement Fund is approved with \$100,000 in estimated revenues and expenses. The estimated beginning fund balance is \$313,583.

Section 9. **THAT** the Water and Sewer Fund is created to account for the resources and uses associated with the delivery of utility services to citizens of Wharton as an enterprise fund. The Water & Sewer Fund is hereby approved with \$6,244,724 in estimated revenues. Water and sewer is approved with \$6,244,724 in appropriations, which includes a franchise fee of 8% of water and sewer sales are approximately \$487,738, and transfers-out approved at \$1,250,051.

Section 10. **THAT** the Solid Waste Fund is created to account for the financial activities of the City's solid waste collection contract and delivery to citizens of Wharton as an enterprise fund. The Solid Waste Fund is approved with \$1,793,195 in estimated revenues and \$1,793,195 in appropriations which includes a franchise fee of 6% of solid waste revenues or approximately \$101,123.

Section 11. **THAT** the Emergency Medical Services Fund is created to account for the financial activities of the emergency medical services provided to the city and surrounding areas as an enterprise fund. The Emergency Medical Services Fund is approved with \$2,832,344 in estimated revenues and \$2,832,344 in appropriations, which includes transfers out of \$98,412.

Section 12. **THAT** the Civic Center Fund is created to account for the financial activities of the Civic Center as an enterprise fund. The Civic Center is approved with \$331,781 in estimated revenues and \$331,781 in appropriations. Transfers-in are approved at \$258,355.

Section 13. **THAT** the Airport Fund was created to account for the financial activities of the Wharton Regional Airport as an enterprise fund. The Airport Fund is approved with \$374,969 in estimated revenues and \$374,969 in appropriations.

Section 14. **THAT** the City Secretary shall file copies of this Ordinance and of such Budget with the County Clerk of Wharton County, Texas.

PASSED AND APPROVED by a favorable majority of the members of the City Council of the City of Wharton, Texas, in Council Meeting, this 23rd day of September 2024, duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

Tim Barker, Mayor

Yes

Burnell Neal, Councilmember District 1

Yes

Steven Schneider, Councilmember District 2	Yes
Terry Freese, Councilmember District 3	Yes
Michael Voulgaris, Councilmember District 4	Yes
Russell Machann, Councilmember at Large Place 5	Yes
Larry Pittman, Councilmember at Large Place 6	Yes

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.

CITY OF WHARTON

By:

Tim Barker, Mayor

ATTEST:

APPROVED FOR ADMINISTRATION:

Paula Favors, City Secretary

Joseph R. Pace, City Manager

APPROVED AS TO FORM:

APPROVED FOR FUNDING:

Paul Webb, City Attorney

Joan Andel, Finance Director

Councilmember, Terry Freese, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider an ordinance levying a tax rate for the City of Wharton, Texas, for the Tax Year 2024; directing the Tax Assessor-Collector to assess,

account for, and distribute the taxes as herein levied; and providing repealing and severability clauses. Finance Director, Joan Andel, presented a copy of a draft ordinance levying a tax rate for the City of Wharton, Texas, for the Tax Year 2024; directing the Tax Assessor-Collector to assess, account for, and distribute the taxes as herein levied; and providing repealing and severability clauses. After some discussion, Councilmember, Burnell Neal, moved to approve City of Wharton Ordinance No. 2024-15, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2024-15**

AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF WHARTON, TEXAS, FOR THE TAX YEAR 2024; DIRECTING THE TAX ASSESSOR-COLLECTOR TO ASSESS, ACCOUNT FOR, AND DISTRIBUTE THE TAXES AS HEREIN LEVIED; AND PROVIDING REPEALING AND SEVERABILITY CLAUSES.

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

Section 1. **THAT** there be and is hereby levied for the year 2024 on all real and personal property within and all real and personal property and mineral royalties owned within the city limits of the City of Wharton, Texas for the year 2024, except so much thereof as may be exempt by the constitution and of the State of Texas and of the United States, the following:

Maintenance and Operations	.09523/\$100 valuation
For Debt Service Requirements	.34140/\$100 valuation
Total Tax Rate	.43663/\$100 valuation

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE
and
THE TAX RATE WILL EFFECTIVELY BE RAISED BY 4.1 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$0.92.

Section2. **THAT** the Tax Assessor-Collector and/or Finance Director is hereby directed to assess, extend, and enter upon the certified tax rolls of the City of Wharton, Texas, for the current taxable year, as provided by the Wharton County Appraisal District, the amounts and rates as herein levied, to keep the correct amount of same, and when collected, to be distributed in accordance with this ordinance.

Passage and Approval

PASSED AND APPROVED by a favorable majority of the members of the City Council of the City of Wharton, Texas, in a Council Meeting, this 23rd day of September 2024, duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

Tim Barker, Mayor	Yes
Burnell Neal, Councilmember District 1	Yes
Steven Schneider, Councilmember District 2	Yes
Terry Freese, Councilmember District 3	Yes
Michael Voulgaris, Councilmember District 4	Yes
Russell Machann, Councilmember at Large Place 5	Yes
Larry Pittman, Councilmember at Large Place 6	Yes

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.

CITY OF WHARTON

By: _____
Tim Barker, Mayor

ATTEST:

Paula Favors, City Secretary

APPROVED FOR ADMINISTRATION:

Joseph R. Pace, City Manager

APPROVED AS TO FORM:

Paul Webb, City Attorney

APPROVED FOR FUNDING:

Joan Anel, Finance Director

Councilmember, David Voulgaris, 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 adopting the City of Wharton Investment Policy after the Annual Review of the City of Wharton Investment Policy and setting an effective date. Finance Director, Joan Andel, stated that the City of Wharton Investment Policy must be reviewed and adopted annually. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-92, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-92**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING THE CITY OF WHARTON INVESTMENT POLICY AFTER THE ANNUAL REVIEW OF THE CITY OF WHARTON INVESTMENT POLICY, SETTING AN EFFECTIVE DATE.

WHEREAS, The Public Funds Investment Act requires the City Council to review and adopt, by resolution, the investment policies and strategies for the City of Wharton on an annual basis; and,

WHEREAS, The City of Wharton designates the City Manager and the Finance Director as investment officers; and,

WHEREAS, The City of Wharton approves the training courses sponsored or endorsed by the Texas Municipal League, the Government Finance Officers Association of Texas, the Government Treasurers Organization of Texas, or the North Central Texas Council of Governments as adequate to meet the investment training requirements; and,

WHEREAS, The attached investment policy complies with the Public Funds Investment Act and authorizes the investment of City funds in safe and prudent investments.

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

Section I. The City of Wharton has complied with the requirements of the Public Funds Investment Act, and the Investment Policy attached hereto as "Exhibit A" is hereby adopted as the Investment Policy of the City of Wharton, effective September 23, 2024.

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

Passed, Approved, and Adopted this 23rd day of September 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 fifth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the Mayor of the City of Wharton, Wharton County, Texas, to execute an agreement with the Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for October 1, 2024, to September 30, 2025, Fiscal Year. Finance Director, Joan Anel, presented a draft agreement between the City of Wharton and the Chamber of Commerce & Agriculture for Visitor and Convention Bureau Services for October 1, 2024, to September 30, 2025, Fiscal Year. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-93, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-93**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, TO EXECUTE AN AGREEMENT WITH THE WHARTON CHAMBER OF COMMERCE AND AGRICULTURE FOR VISITOR AND CONVENTION BUREAU SERVICES FOR OCTOBER 1, 2024, TO SEPTEMBER 30, 2025, FISCAL YEAR.

WHEREAS, The Wharton City Council hereby authorizes Mayor Tim Barker to execute an agreement with the Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services; and,

WHEREAS, The City of Wharton and the Wharton Chamber of Commerce and Agriculture hereby agree to be bound by the conditions as set forth in 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 authorizes Tim Barker, Mayor of the City of Wharton, to execute an agreement with the Wharton Chamber of Commerce and

Agriculture for Visitor and Convention Bureau Services for the October 1, 2024, to September 30, 2025, Fiscal Year.

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

Passed, Approved, and Adopted this 23rd day of September 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 sixth item on the agenda was to review and consider a request by Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2024 Holiday Parade Chairman, for the Wharton Holiday Parade for the following:

- A. Ordinance: An ordinance approving the 2024 Chamber of Commerce & Agriculture Holiday Parade Permit and authorizing the Wharton Police Department to redirect traffic.
- B. The closure of State Highway 60 (Burleson 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.

Ms. Karen Smith, Executive Director of the Wharton Chamber of Commerce, presented the request from Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2024 Holiday Parade Chairman, for the Wharton Holiday Parade. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Ordinance No. 2024-16, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2024-16**

AN ORDINANCE APPROVING THE 2024 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 (Burleson 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 26th day of November 2024 and remain in effect until such time that the parade concludes.

Passed, Approved, and Adopted this 23rd day of September 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 seventh item on the agenda was to review and consider a request from Ms. Sarah Shanks for the following for the Wharton Harvest Day 2024, being held on October 26, 2024:

- A. Close Fulton Street between Burleson Street and Milam Street and close Houston Street between Burleson Street and Milam Street from 8:00 a.m. until 3:00 p.m. on Saturday, October 26, 2024.
- B. To provide barricades for street closures.
- C. Waive all local fees for the event.
- D. Waive local permit fees for food trucks and food vendors.
- E. To allow for the setup of a DJ on Houston Street.
- F. Provide six (6) trash containers and extra liners.

Ms. Shanks presented her request regarding Wharton Harvest Day 2024, to be held on October 26, 2024. After some discussion, Councilmember, Terry Freese, moved to approve the aforementioned items A. through F. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request from Mr. and Mrs. Lockley of Ace Hardware for the City Council's consideration of issuing a permanent certificate of occupancy. City Manager, Joseph R. Pace, stated the item would be pulled from the agenda.

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of equipment for the Public Works Department from Mustang CAT

through the Sourcewell Cooperative Program and authorizing the City Manager to execute all documents related to said purchase. Public Works Director, Roderick Semien, stated he received quotes for the purchase of the following:

1. Caterpillar 920 Wheeled Roller in the amount of \$190,765.90.
2. Caterpillar 308 Mini Excavator in the amount of \$140,469.23.

Mr. Semien said that both of the quotes were obtained from Mustang Machinery Company, LLC. D/B/A Mustang Cat which was part of the Sourcewell Cooperative Program. He said the funds to pay for the equipment purchases had been allocated through the FEMA Alternate project funds. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-94, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-94**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT FROM MUSTANG CAT THROUGH THE SOURCEWELL COOPERATIVE PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, Quotes were received for the purchase of equipment for the Public Works Department; and,

WHEREAS, The City of Wharton is a member of and participates in the Sourcewell Cooperative Purchasing Program; and,

WHEREAS, Mustang Cat submitted quotes in the amount of \$330,935.13; and,

WHEREAS, The Wharton City Council wishes to approve Mustang Cat for the purchase of a Caterpillar 920 Front End Loader in the amount of \$190,765.90 and a Caterpillar 308 Mini Excavator in the amount of \$140,469.23 for the Public Works Department; 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.

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

SECTION I. The Wharton City Council hereby authorizes the City Manager to purchase equipment for the Public Works Department from Mustang Cat through the Sourcewell Cooperative Purchasing Program in the amount of \$330,935.13.

SECTION II. The Wharton City Council hereby authorizes the City Manager to execute all documents related to the purchase of the equipment.

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

PASSED AND APPROVED this 23rd day of September 2024.

CITY OF WHARTON

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council rescinding the City of Wharton Resolution No. 2024-85 and approving the purchase of a vehicle from Wharton County. EMS Director, Christy Gonzales, stated that on August 26, 2024, the City Council approved Resolution No. 2024-85 for the purchase of a vehicle for the EMS Department from Lavaca County for \$10,000.00. EMS Director Gonzales said that since then, it had been determined that Lavaca County could not sell to a city outside their county but Lavaca County could sell to another county. She said that the City must purchase the vehicle through Wharton County. On Monday, September 23, 2024, Wharton County presented a request before the Commissioners Court to purchase the vehicle from Lavaca County for \$10,000.00 and sell it to the City of Wharton, which was approved. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-95, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-95**

A RESOLUTION OF THE WHARTON CITY COUNCIL RESCINDING THE CITY OF WHARTON RESOLUTION NO. 2024-85 AND APPROVING THE PURCHASE OF A VEHICLE FROM WHARTON COUNTY.

WHEREAS, The City Council of the City of Wharton approved the purchase of a vehicle from Lavaca County with Resolution No. 2024-85; and,

WHEREAS, The City wishes to purchase the vehicle from Wharton County; and,

WHEREAS, The City Council of the City of Wharton wishes to authorize the Emergency Medical Services Director to purchase the vehicle from Wharton County.

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

- Section I.** The City Council of the City of Wharton hereby authorizes the purchase of the vehicle from Wharton County.
- Section II.** The City Council of the City of Wharton hereby authorizes the Emergency Medical Services Director to purchase the vehicle from Wharton County.
- Section III.** That Resolution No. 2024-85 shall become null and void on September 23, 2024.
- Section IV.** That this resolution shall become effective on September 23, 2024.

Passed, Approved, and Adopted this 23rd day of September 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 eleventh item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the City Manager to purchase two (2) vehicles for the City of Wharton Code Enforcement Department from Caldwell Country Chevrolet through the Buyboard Co-operative and authorizing the City Manager to execute all documents related to said purchase. Building Official, Claudia Velasquez stated she received a quote for the purchase of two (2) 2025 Chevrolet Trax vehicles for the Code Enforcement Department. Building Official Velasquez said the quote was received from Caldwell Country Chevrolet which was a member of the BuyBoard Co-operative and was in the amount of \$43,790.00 for the two vehicles. She said the funds to pay for the vehicles had been allocated through the FEMA Alternate project funds. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2024-96, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-96**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PURCHASE TWO (2) VEHICLES FOR THE CITY OF WHARTON CODE ENFORCEMENT DEPARTMENT FROM CALDWELL COUNTRY CHEVROLET THROUGH THE BUYBOARD CO-OPERATIVE AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Wharton City Council has appropriated funds for the purchase of vehicles for the Code Enforcement Department; and,

WHEREAS, The City of Wharton is a member of and participates in the BuyBoard Co-operative Purchasing Program; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to purchase two (2) vehicles for the Code Enforcement Department from Caldwell Country Chevrolet through the Buyboard Co-operative in the amount of \$43,790.00; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to execute all documents related to the purchase of the vehicles.

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

SECTION I. The Wharton City Council hereby authorizes the City Manager to purchase two (2) vehicles for the Code Enforcement Department from Caldwell Country Chevrolet through the Buyboard Co-operative in the amount of \$43,790.00.

SECTION II. The Wharton City Council hereby authorizes the City Manager to execute all documents related to the purchase of the vehicles.

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

PASSED AND APPROVED this 23rd day of September 2024.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

Councilmember, Terry Freese, seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council accepting the H-GAC -Victim's Assistance Officer Grant for the Wharton Police Department for one (1) year and authorizing the Mayor of the City of Wharton to execute all documents related to said grant. Police Chief, Terry David Lynch, presented a memorandum regarding the H-GAC Victim's Assistance Office Grant for the Wharton Police Department. Police Chief Lynch stated the Wharton Police Department had reapplied for the H-GAC Victim's Assistance Officer Grant through the H-GAC Governor's Victim's Assistance Grant Program. He said the grant term was for one (1) year (FY2025), and the grant renewal request was approved by H-GAC in the amount of \$89,382.00 with a match of \$17,937.00 in FY2025. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-97, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-97**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE H-GAC-VICTIM'S ASSISTANCE OFFICER GRANT FOR THE WHARTON POLICE DEPARTMENT FOR ONE (1) YEAR AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID GRANT.

WHEREAS, The City of Wharton finds it in the best interest of the citizens of the City of Wharton, that the Victim Assistance Officer be operated for the 2025 Fiscal Year; and,

WHEREAS, The Wharton City Council agrees that in the event of loss or misuse of the Office of the Governor funds, the Wharton City Council assures that the funds will be returned to the Office of the Governor in full; and,

WHEREAS, The Wharton City Council designates Mayor Tim Barker as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency.

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, all documents related to said grant.

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

Passed, Approved, and Adopted this 23rd day of September 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 thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of a BDA RF (Bi-Directional Amplifier Radio Frequency) Component for the Radio Communications System at the Wharton Police Department from Texas Communications through Buyboard Cooperative and authorizing the City Manager to execute all documents related to the said purchase. Police Chief, Terry David Lynch, stated the Wharton Police Department needed to purchase a BDA RF (Bi-Directional Amplifier Radio Frequency) Component due to the loss of a component for the Radio Communications System. Police Chief Lynch said the purchase would be made from Texas Communications, the regular radio repair company, in the amount of \$14,093.46. He said Texas Communications was a member of the BuyBoard Cooperative and the funds would be paid through the Chapter 59 Seizure Account, resulting in no cost to taxpayers or the City Budget. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-98, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-98**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF A BDA RF (BI-DIRECTIONAL AMPLIFIER RADIO FREQUENCY) COMPONENT FOR THE RADIO COMMUNICATIONS SYSTEM AT THE WHARTON POLICE DEPARTMENT FROM TEXAS COMMUNICATIONS THROUGH BUYBOARD COOPERATIVE AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Wharton Police Department is requesting that the City Council approve the purchase of a BDA RF Component for the Radio Communications Systems from Texas Communications through BuyBoard Cooperative; and,

WHEREAS, The total amount of said purchase is \$14,093.46; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to purchase a BDA RF Component for the Radio Communications Systems from Texas Communications through BuyBoard Cooperative

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

SECTION I. The Wharton City Council hereby authorizes the purchase of a BDA RF Component for the Radio Communications Systems from Texas Communications through BuyBoard Cooperative in the amount of \$14,093.46.

SECTION II. The Wharton City Council hereby authorizes the City Manager to execute the purchase of a BDA RF Component for the Radio Communications Systems from Texas Communications through BuyBoard Cooperative.

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

PASSED AND APPROVED this 23rd day of September 2024.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fourteenth item on the agenda was to review and consider the Wharton County Emergency Services District No. 3:

A. Resolution: A resolution of the Wharton City Council approving an Interlocal Agreement for Emergency Medical Services between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 and authorizing the Mayor of the City of Wharton to execute the agreement.

B. Resolution: A resolution of the Wharton City Council approving an Interlocal Agreement for Administrative Services between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 and authorizing the Mayor of the City of Wharton to execute the agreement.

City Secretary, Paula Favors, presented a copy of the memorandum from her requesting the Wharton County Emergency Services District (ESD) No. 3's recommendation that both Items A & B above be considered for approval by the City Council. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-99 and 2024-100, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-99**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR EMERGENCY MEDICAL SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON EMERGENCY MEDICAL SERVICES DEPARTMENT.

WHEREAS, The Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute an agreement with the City of Wharton for emergency medical services; and,

WHEREAS, The City of Wharton hereby wishes to enter into an Interlocal Agreement with the Wharton County Emergency Services District (ESD) No. 3 to provide Emergency Medical Services (EMS); and,

WHEREAS, The ESD No. 3 and the City of Wharton wishes to bound by the conditions as set forth in the agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute 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 authorizes the Mayor of the City of Wharton to execute an Interlocal Agreement between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 for emergency medical services.

Section II. That the City of Wharton and the ESD No. 3 shall hereby be bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 23rd day of September 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2024-100**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute an agreement with the City of Wharton for administrative services; and,

WHEREAS, The ESD No. 3 and the City of Wharton wishes to be bound by the conditions as set forth in the agreement; and,

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

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

Section I. That Wharton City Council hereby approves an Interlocal Agreement between the City of Wharton and the Wharton County Emergency Services District No. 3 for administrative services.

Section II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

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

Passed, Approved, and Adopted this 23rd day of September 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 fifteenth item on the agenda was to review and consider the direction from the City Council on how to proceed with the American Legion Building. City Manager Pace stated the City Staff had toured the building and found it to be in disrepair. He said the American Legion had previously terminated their lease agreement with the City because they were unable to repair the building. After some discussion, the City Council discussed the City Staff exploring tearing the building down.

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

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

- A. Wharton Economic Development Corporation Board of Directors Selection Committee meeting held September 9, 2024.

After some discussion, no action was taken.

The twentieth item on the agenda was to review and consider the Department Head Reports:

- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department/Civic Center.
- D. Emergency Management.
- 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, David Voulgaris, moved to adjourn. All voted in favor.

The meeting adjourned at 7:48 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:


PAULA FAVORS
City Secretary

