

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
FEBRUARY 12, 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; 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 Andel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC, IPMA-CP; Assistant to the City Manager, Brandi Jimenez; Planning and Development Director, Gwyn Teves; Police LT., Lane Bothell; Code Enforcement Officer, Nathan Vogt, Building Official, Claudia Velasquez; EMS Director, Christy Gonzales, and Police Chief, Terry David Lynch.

Visitors present were: Marchelle Pettibone, Vice President of the Wharton County Farmer's Market, Ryan Salazar; Richard Lockley; Sara Lockely, 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.

Mayor, Tim Barker, called for Wharton Moments.

Councilmember, Steve Schneider, stated Dr. Huat Mang passed away on February 8, 2024.

City Manager, Joseph R. Pace, stated the Code Enforcement Department had been recognized by the Code Enforcement Association of Texas (CEAT) as a member of the agency for 2023-2024.

Review and Consider:

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held on January 8, 2024, and January 22, 2024. After some discussion, Councilmember,

Russell Machann, moved to approve the reading of the minutes from the regular meetings held on January 8, 2024, and January 22, 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 Mr. Burnell Neal to relocate a house to a new property that will cross a portion of City-owned property. Councilmember, Burnell Neal, stepped down from the dais and presented a copy of his request to relocate a house to a new property that would cross a portion of City-owned property. After some discussion, Councilmember, Terry Freese moved to approve the request from Mr. Burnell Neal to relocate a house to a new property that will cross a portion of City-owned property pending the approval of being awarded the house. Councilmember, Russell Machann, seconded the motion. Councilmember, Burnell Neal, abstained. The motion carried.

The third item on the agenda was to review and consider a request from Mr. Jon Cochrum for a variance of Chapter 34, Health and Sanitation, Article II, Section 34-51 (3)(b) harvest to grow hay permit application after the December 31st deadline. Code Enforcement Officer, Nathan Vogt, presented a copy of the request from Mr. Jon Cochrum for a variance of Chapter 34, Health and Sanitation, Article II, Section 34-51 (3)(b) harvest to grow hay permit application after the December 31st deadline. After some discussion, Councilmember, Burnell Neal, moved to approve the request from Mr. Jon Cochrum for a variance of Chapter 34, Health and Sanitation, Article II, Section 34-51 (3)(b) harvest to grow hay permit application after the December 31st deadline until December 31, 2024. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from Mr. Jason Stavena for a variance of Chapter 34, Health and Sanitation, Article II, Section 34-51 (3) (b) hay lot approval before December 31st and Section 34-51 (3) (c) requirements to grow and harvest hay for under five acres and single ownership. Code Enforcement Officer, Nathan Vogt, presented a copy of the request from Mr. Stavena regarding a variance of Chapter 34, Health and Sanitation, Article II, Section 34-51 (3) (b) hay lot approval before December 31st and Section 34-51 (3) (c) requirements to grow and harvest hay for under five acres and single ownership. After some discussion, Councilmember, Terry Freese, moved to approve the request from Mr. Jason Stavena for a variance of Chapter 34, Health and Sanitation, Article II, Section 34-51 (3) (b) hay lot approval before December 31st and Section 34-51 (3) (c) requirements to grow and harvest hay for under five acres and single ownership until December 31, 2024. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a request from Mr. David Bowlin, on behalf of A2J Construction, LLC, for a temporary variance of Chapter 38 Manufactured Housing, Mobile Homes & Travel Trailers; Article II Requirements concerning Mobile Homes, Manufactured Housing and Recreational Vehicles; Division 3 – Recreational Vehicles for temporary placement of a travel trailer at 500 Abell Street. Building Official, Claudia Velasquez, presented a copy of the request from Mr. David Bowlin, on behalf of A2J Construction, LLC, for a temporary variance of Chapter 38 Manufactured Housing, Mobile Homes & Travel Trailers; Article II Requirements concerning Mobile Homes, Manufactured Housing and Recreational

Vehicles; Division 3 – Recreational Vehicles for temporary placement of a travel trailer at 500 Abell Street. Building Official, Velasquez stated the recommendation by the City Staff was for a six (6) month variance while renovations of the building were being done to be utilized as a construction trailer only. After some discussion, Councilmember, Burnell Neal, moved to approve a temporary variance of Chapter 38 Manufactured Housing, Mobile Homes & Travel Trailers; Article II Requirements concerning Mobile Homes, Manufactured Housing and Recreational Vehicles; Division 3 – Recreational Vehicles for temporary placement of a travel trailer at 500 Abell Street for six (6) months while renovations of the building were being done to be utilized as a construction trailer only. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request from Ms. Elizabeth Ewing on behalf of 902 W. Milam St., Wharton, Block 62, Lot 10 for a variance to encroach the alleyway between the leased property and the CenterPoint property. Director of Planning & Development, Gwyn Teves, presented a request from Ms. Elizabeth Ewing on behalf of 902 W. Milam St., Wharton, Block 62, Lot 10 for a variance to encroach the alleyway between the leased property and the CenterPoint property. Mrs. Teves stated the Planning Commission had met and was recommending this item to the City Council for consideration. After some discussion, Councilmember, Russell Machann, moved to approve the recommendation of the Planning Commission allowing a zero-lot line setback for 902 W. Milam St., Wharton, Block 62, Lot 10. Councilmember, Terry Freese, seconded the motion. Councilmember, Burnell Neal, voted against the motion. Councilmembers, Steve Schneider, Don Mueller, and Larry Pittman voted for the motion. The motion carried.

The seventh item on the agenda to review and consider was a request from Ms. Latoya Williams of 120 W. Mulberry Ave., Hawes, Block 6, Lot 12 & 13 for a variance to build over the property line of 2 adjoining lots for new residential construction. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Ms. Latoya Williams of 120 W. Mulberry Ave., Hawes, Block 6, Lot 12 & 13 for a variance to build over the property line of 2 adjoining lots for new residential construction. Mrs. Teves stated the Planning Commission met and was recommending this item to the City Council for consideration. After some discussion, Councilmember, Terry Freese, moved to approve the request from Ms. Latoya Williams of 120 W. Mulberry Ave., Hawes, Block 6, Lot 12 & 13 for a variance to build over the property line of 2 adjoining lots for new residential construction. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request from Mr. Richard Lockley of Wharton Feed and Supply for a fee waiver of a temporary certificate of occupancy. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Richard Lockley of Wharton Feed and Supply for a fee waiver of a temporary certificate of occupancy for 3030 N. Richmond Road in the amount of \$500.00. After some discussion, Councilmember, Russell Machann, moved to approve the request from Mr. Richard Lockley of Wharton Feed and Supply for a fee waiver of a temporary certificate of occupancy in the amount of \$500. Councilmember,

Terry Freese, seconded the motion. Mayor, Tim Barker, recused himself from the item. The motion carried.

The ninth item on the agenda was to review and consider a request from the Wharton County Farmers Market for the following:

- A. Use of Riverfront Park for the Wharton County Farmers Market for the Spring Market from March 16, 2024, through July 13, 2024, and Fall Market from September 28, 2024, through December 21, 2024.
- B. Allow glass containers.
- C. Waive all park fees.
- D. Allow placement of off-premise outdoor advertising display signs.

Ms. Marchelle Pettibone, Vice President of the Wharton County Farmer's Market, stated that she was requesting the use of Riverfront Park for the Spring Market starting on March 16, 2024, and ending on July 13, 2024, and the Fall Market starting on September 28, 2024, and ending on December 21, 2024. Ms. Pettibone said the hours of the market would be from 7:00 a.m. to allow for set up and opening from 9:00 a.m. to 1:00 p.m. She said she was also requesting permission to allow glass containers in Riverfront Park. After some discussion, Councilmember, Terry Freese, moved to approve the request from the Wharton County Farmers Market for the afore mentioned items A. through D. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a request from the Beautification Commission for approval of the Rules for the Santa Fe Trail Dog Park. Code Enforcement Officer and Liaison for the Beautification Committee, Nathan Vogt, presented a copy of the Rules for the Santa Fe Trail Dog Park. City Attorney Paul Webb stated he had reviewed and approved the rules. After some discussion, Councilmember, Russell Machann, moved to approve the request from the Beautification Commission for approval of the Rules for the Santa Fe Trail Dog Park. Councilmember, Terry Freese, 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 submission of an application to the Governor's Office Criminal Justice Division to replace in-car cameras for the Wharton Police Department and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. Chief of Police, Terry David Lynch, stated the Wharton Police Department would like to apply for a grant through the Governor's Office – Criminal Justice Division to replace their current in-car cameras. Chief Lynch said the grant would be funneled through the Houston Galveston Area Council under the Criminal Justice Grant (JAG) Program. He said that if awarded the City Staff would come back to the Council for acceptance. Chief Lynch stated the grant included purchasing ten (10) in-car cameras, a new server, maintenance, and a warranty totaling \$104,180.00. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-13, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-13**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION TO REPLACE IN-CAR CAMERAS FOR THE WHARTON POLICE DEPARTMENT 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 submit an application to the Governor's Office Criminal Justice Division to replace current in-car cameras for the Wharton Police Department; and,

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

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

SECTION I. The Wharton City Council hereby approves the submission of an application to the Governor's Office Criminal Justice Division to replace current in-car cameras for the Wharton Police Department.

SECTION II. The City designates the Mayor as the person authorized to sign all forms related to the preparation of the application.

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

PASSED, APPROVED, and ADOPTED this 12th day of February 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 twelfth item on the agenda was to review and consider a resolution of the Wharton City Council rescinding the City of Wharton Resolution No. 2022-110 and approving new rates for Emergency Medical Services. EMS Director, Christy Gonzales, presented a copy of a memorandum regarding EMS rates. EMS Director Gonzales stated the City Staff, met and

reviewed the current EMS rates being charged for services and had recommended changes. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-14, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-14**

A RESOLUTION OF THE WHARTON CITY COUNCIL RESCINDING THE CITY OF WHARTON RESOLUTION NO. 2022-110 AND APPROVING NEW RATES FOR EMERGENCY MEDICAL SERVICES.

WHEREAS, The City Council of the City of Wharton established rates in accordance with Resolution No. 2022-110; and,

WHEREAS, The City wishes to establish new charges and rates for emergency medical services; and,

WHEREAS, The City Council of the City of Wharton wishes to authorize the Emergency Medical Services Director to enforce said charges and the applicable fees.

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 adopts the charges and fees for emergency medical services as described in Exhibit A.

Section II. The City Council of the City of Wharton hereby authorizes the Emergency Medical Services Director and his duly authorized representative to enforce charges and the applicable fees.

Section III. That Resolution No. 2022-110 shall become null and void on February 12, 2024.

Section IV. That this resolution shall become effective on February 12, 2024.

Passed, Approved, and Adopted this 12th day of February 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

Councilmember, Terry Freese, 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 awarding a contract for the Wharton Police Department Roof Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Finance Director, Joan Andel, stated the City Staff had obtained bids for the Wharton Police Department Roof Project. Mrs. Andel said that all three bids received are members of the TIPS Co-operative Program as follows:

- | | |
|----------------------------------|--------------|
| 1. Monument Roofing Systems | \$48,540.00 |
| 2. Jaco Roofing and Construction | \$76,500.00 |
| 3. Brazos Commercial Roofing | \$109,375.00 |

She said the Finance Committee met on Monday, February 12, 2024, to consider the proposals and recommended the City Council consider awarding the contract to Monument Roofing Systems. After some discussion, Councilmember, Burnell Neal, moved to approve City of Wharton Resolution No. 2024-15, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-15**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE WHARTON POLICE DEPARTMENT ROOF PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Bids were received for the Wharton Police Department Roof Project; and,

WHEREAS, Monument Roofing Systems was deemed the best lowest qualified bidder in the amount of \$48,540.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to Monument Roofing Systems for the Wharton Police Department Roof Project in the amount of \$48,540.00; and,

WHEREAS, The City of Wharton and Monument Roofing Systems wish 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.** The Wharton City Council hereby authorizes the Mayor to execute a contract for the Wharton Police Department Roof Project to Monument Roofing Systems in the amount of \$48,540.00.
- Section II.** The City of Wharton and Monument Roofing Systems are hereby 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 12th day of February 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Russell Machann, seconded the motion.

The fourteenth item on the agenda was to review and consider the City of Wharton Proficiency Allowances:

- A. Resolution: A resolution of the Wharton City Council updating the proficiency allowance for the City of Wharton Employees.

City Secretary, Paula Favors, stated the updating of the proficiency allowances the City offers its employees was presented to the City Council Finance Committee but the item would be brought back at a future meeting to allow time to further review the request. After some discussion, no action was taken.

The fifteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving a revised contract offered by the Texas Department of Public Safety to accommodate Chapter 706 of the Texas Transportation Code for the Failure to Appear Program with the Wharton Municipal Court and to authorize the Mayor of the City of Wharton to execute a revised interlocal cooperation contract with the Texas Department of Public Safety. City

Secretary, Paula Favors, presented information regarding the revised Interlocal Cooperation Contract for the Failure to Appear Program through the Texas Department of Public Safety. Mrs. Favors stated the Wharton City Council approved a contract originally on February 25, 2019, to improve court collection and compliance and to comply with mandated State Collection Improvement Program requirements. She said that due to changes in the 88th Legislative Session, the Department revised the FTA contract (ICC) and the City of Wharton was required to sign a new contract to continue with the program. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-17, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-17**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A REVISED CONTRACT OFFERED BY THE TEXAS DEPARTMENT OF PUBLIC SAFETY TO ACCOMMODATE CHAPTER 706 OF THE TEXAS TRANSPORTATION CODE FOR THE FAILURE TO APPEAR PROGRAM WITH THE WHARTON MUNICIPAL COURT AND TO AUTHORIZE THE MAYOR OF THE CITY OF WHARTON TO EXECUTE A REVISED INTERLOCAL COOPERATION CONTRACT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, The City of Wharton participates in the Failure to Appear Program; and,

WHEREAS, The Wharton City Council wishes to continue participating in the said program and to enter into a revised Interlocal Cooperation Contract with the Texas Department of Public Safety to meet requirements of House Bill 291; 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 that:

Section I. The City of Wharton hereby approved the City of Wharton's participation in the Failure to Appear Program.

Section II. The Mayor of the City of Wharton is hereby authorized to execute a revised Interlocal Cooperation Contract with the Texas Department of Public Safety to implement the program

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

Passed, Approved, and Adopted this 12th day of February 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 sixteenth item on the agenda was to review and consider the Scope of Qualifications for the City of Wharton CDBG-DR Buyout Program Demolition Services funded and administered through the Texas General Land Office (GLO) Administration. The City Staff solicited Scopes of Qualifications for demolition services in reference to the City of Wharton CDBG-DR Buyout Program. Director of Planning & Development, Gwyn Teves, stated the Scopes of Qualifications were received at City Hall and needed to be evaluated to select the most advantageous submissions to request cost proposals. Mrs. Teves said the Scopes of Qualifications were received from the following:

1. DSW Homes LLC
2. Sitek Omni Services
3. Grant Mackay
4. Albo LLC
5. C4 Land Management
6. JW Turner Construction
7. Triple J Demo

Director of Planning and Development, Teves, stated the City Council Finance Committee met on Monday, February 12, 2024, to score the Scopes of Qualifications and were recommending the City Council consider approving sending a request for quotes to DSW Homes LLC and JW Turner Construction. After some discussion, Councilmember, Don Mueller, moved to approve sending a request for quotes to DSW Homes LLC and JW Turner Construction. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider a resolution of the Wharton City Council approving Change Order No. 10, 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. Director of Planning & Development, Gwyn Teves, presented a copy of the Wharton Well & Water Plant – Contract #2 (Water Well), Change Order No. 10 from Weisinger, Inc., for additional time to the contract in the amount of 30 days. Mrs. Teves stated the extension was being requested due to multiple delays on the part of E-Contractors – Contract #1. She said this would move the contract completion date to March 7, 2024. Planning Director Teves said that as of January 26, 2024, the well had been pumping water and final action items were being

completed and this extension would allow Weisinger to finalize any punch list items and perform any final paperwork to complete the contract. After some discussion, Councilmember, Larry Pittman, moved to approve the City of Wharton Resolution No. 2024-18, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-18**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 10, 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. 10, 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. 10, for 30 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 12th day of February 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 eighteenth 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 nineteenth item on the agenda was to review and consider the City Council Boards, Commissions, and Committee Reports:

- A. Finance Committee meeting held January 22, 2024.

After some discussion, no action was taken.

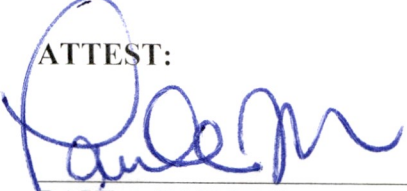
There being no further discussion, Councilmember, Don Mueller, moved to adjourn. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The meeting adjourned at 7:38 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:


PAULA FAVORS
City Secretary

