

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL REGULAR MEETING  
JANUARY 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; Don Mueller; Russell Machann; Burnell Neal; Larry Pittman, and Steve Schneider.

Councilmembers absent were: None.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Anandel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC, IPMA-CP; Assistant to the City Manager, Brandi Jimenez; Planning and Development Director, Gwyn Teves; Emergency Management Coordinator, Lt. Ben Guanajuato; Public Works Director, Roderick Semien, Patrol Lt. Lance Bothell; Police Chief Terry David Lynch; Crime Victims Officer, Jessica Dittrich, and Code Enforcement Officer, Nathan Vogt.

Visitors present were: Ryan L. Salazar; Sheryl Joost, 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.

**Wharton Moment.**

Mayor, Tim Barker, called for Wharton Moments.

**Review and Consider:**

The first item on the agenda was a presentation to Harold Matula for 38 years of service to the City of Wharton. Mayor Barker presented Mr. Matula for his service to the City of Wharton and thanked him for his years of service.

The second item on the agenda was to review and consider the City of Wharton Financial Report for December 2023. Finance Director, Joan Anandel presented the City of Wharton Financial Report for the month of December 2023. After some discussion, Councilmember, Russell Machann,

moved to approve the City of Wharton Financial Report for December 2023. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider the City of Wharton Municipal Election 2024: Ordinance: An ordinance ordering a City Officer's Election to be held as a joint election with Wharton County Elections Department for the purpose of electing the positions of Mayor and Councilmembers; Providing for the date, time, and place of the election, Notice of the Election, Filing Applications; Drawing for Ballot Positions, Use of Accessible Voting System, Appointment of Election Workers, Early Voting and Making Election Returns.

Una ordenanza ordenando una eleccion de funcionarios de la ciudad a celebrarse de forma conjunta con el departamento de elecciones alcalde y del condado de Wharton con el proposito de elegir puestos de concejales; asignando la fecha, Horas, Y presentacion de solicitudes, sorteo para lugares en la balota, use de sistema de votacion accesible, Nombramiento de los trabaj adores de la eleccion, votacion anticipada, Y entrega de los resultados de la eleccion.

City Secretary, Paula Favors, presented a draft copy of the ordinance, in English and Spanish versions as required by law, ordering a City's Officer's Election to be held as a joint election with the Wharton County Elections Department. Mrs. Favors stated the City Council positions that were up for election are four (4) City Council positions, which are Mayor-At-Large, District No.'s 2, 4, & 6 At-Large. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2024-03a and 2024-03b, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2024-03**

**AN ORDINANCE ORDERING A CITY OFFICERS ELECTION TO BE HELD AS A JOINT ELECTION WITH WHARTON COUNTY ELECTIONS DEPARTMENT FOR THE PURPOSE OF ELECTING THE POSITIONS OF MAYOR AND COUNCILMEMBERS; PROVIDING FOR THE DATE, TIME, AND PLACE OF THE ELECTION, NOTICE OF THE ELECTION, FILING APPLICATIONS, DRAWING FOR BALLOT POSITIONS, USE OF ACCESSIBLE VOTING SYSTEM, APPOINTMENT OF ELECTION WORKERS, EARLY VOTING, AND MAKING ELECTION RETURNS.**

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

"Section 32 of the City Charter provides that regular elections to elect members of the city council shall be held on the first Saturday of May each year. At the regular election in each even-numbered year, the voters shall elect a mayor and three councilmen. At the regular election in each odd-numbered year, the voters shall elect three (3) councilmen. The mayor and councilmen shall serve for terms and numbered places as provided in Article II of this charter. The city council may, by ordinance or resolution, order special elections, fix the dates, give notice, and provide all means for holding such special elections."

**Joint Election**

Wharton County Elections Department will be conducting the duties as described in the Joint Election Agreement.

### **Position**

An election shall be held in the City of Wharton, Texas, for the purpose of electing the following officials for the City:

Mayor – At Large  
Councilmember – District No. 2  
Councilmember - District No. 4  
Councilmember at Large - Place No. 6

### **Date**

An election shall be held in the City of Wharton, Texas, on **May 4, 2024**.

### **Time**

The polls shall open for voting at **7 a.m.** and shall close at **7 p.m.**

### **Location**

The election shall be held at:

#### **LOCATION OF POLLING PLACE (*UBICACIÓN DEL LUGAR DE VOTACIÓN*)**

Wharton Civic Center – Duncan Auditorium	1924 N. Fulton St. Wharton, Texas 77488
Wharton County Library – El Campo Branch	200 W. Church. El Campo, Texas 77437
Wharton County Library – East Bernard Branch	746 Clubside Drive East Bernard, Texas 77435

### **Notice of City Officers' Election**

The Mayor shall cause a notice by publication of this election to be published at least once in a newspaper that is published in the City of Wharton, Texas, and that is in the jurisdiction of the City of Wharton, Texas, which publication shall be not earlier than the **30th day** nor later than the **10th day** before election day.

The Mayor shall also give notice of the election by causing a copy of the notice of election to be posted not later than the **21st day** before election day on the bulletin board located at the City Hall, 120 East Caney, Wharton, Texas, and used for posting notices of meetings of the Wharton City Council. The notice shall include the location of the polling place.

### **Eligibility to Vote**

The election shall be held in accordance with the Election Code of the State of Texas. Only qualified resident voters of the City of Wharton, Texas, shall be eligible to vote in the election.

### **Candidate Names**

The City Secretary shall, in accordance with the terms and provisions of the Texas Election Code, order the candidate names to be printed on the ballots for said General Election.

### **Filing**

Candidates must file applications for a place on the ballot with the City Secretary of the City of Wharton, Texas, beginning on **January 17, 2024**, and continuing through **5:00 p.m.** on **February 16, 2024**. A declaration of write-in candidacy must be filed no later than **5:00 p.m.** on **February 20, 2024**.

Candidates for City Councilmember must designate the position filed for either Mayor – At Large, Councilmember – District No. 2, Councilmember - District No. 4, or Councilmember at Large - Place No. 6.

### **Drawing for Ballot Positions**

On February 22, 2024, at 10:00 a.m., a drawing will take place in the office of the City Secretary for the purpose of determining the order of the candidates' names as they are to appear on the ballot.

The City Secretary shall post a notice of the date, hour, and place of the drawing and this notice shall remain posted continuously for at least 72 hours immediately preceding the scheduled time of the drawing.

### **Ballots**

Paper ballots shall be used for the purposes of provisional and mail-out for early voting and provisional for election day.

### **Accessible Voting System**

Section 61.012 of the Texas Election Code requires that the City of Wharton must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

The Office of the Texas Secretary of State has certified that the ExpressVote BMD voting machines are an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements

for contracts relating to the acquisition of such voting systems. The City of Wharton shall lease or rent from the County of Wharton as authorized by Section 123.032.

The City of Wharton hereby adopts for use in Early Voting and Election Day Voting the ExpressVote BMD voting machines as approved by the Secretary of State to comply with HAVA requirements.

### **Elections Recording Management Tabulation System**

The City of Wharton shall lease or rent from the County the ERM (Elections Recording Management) systems for tabulation purposes if needed.

### **Election Officers**

The Wharton County Elections Department (WCED) will be responsible for the appointment of the presiding judge and alternate judge. The following-named persons are appointed officers for the election:

Early Voting Presiding Judge: Lorna Kaiser  
Early Voting Alternate Presiding Judge: Bertha Abraham

Election Day Presiding Judge: Melvin Sands  
Election Day Alternate Judge: Lorna Kaiser

WCED shall arrange the training. WCED is responsible for notifying the election presiding and alternate judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code and will take the necessary steps to ensure that the presiding and alternate judges appointed are eligible to serve. The presiding judge, with the assistance from WCED, will be responsible for ensuring the eligibility of each appointed clerk hired to assist the judge in the conduct of the election.

### **Early Voting**

Wharton County Elections Administrator is Cindy Richter appointed early voting clerk and is authorized to appoint other deputies to serve as early voting clerks.

The early voting by personal appearance for the above-designated election shall take place at:

#### **EARLY VOTING LOCATION (*Ubicación de las casillas electorales de votación anticipada*)**

Wharton County Library – El Campo Branch – Mayors room	200 W. Church. El Campo, Texas 77437
Wharton County Annex D, Classroom 115	315 E. Milam Street Wharton, Texas 77488
Wharton County Library – East Bernard	746 Clubside Drive East Bernard, Texas 77435

The place for early voting shall remain open on each day that is not a Saturday, Sunday, or an official state holiday, between the hours of **8 a.m.** and **5 p.m.**, beginning on **April 22, 2024**, and continuing through **April 26, 2024; Monday, April 29, 2024**, and continuing through **Tuesday, April 30, 2024**, between the hours of **7 a.m.** to **7 p.m.**

Voters may send ballot applications and mailed ballots to the Wharton County Elections Administrator's office at P.O. Box 390, Wharton, TX 77488.

### **Early Voting Ballot Board**

An Early Voting Ballot Board is hereby established for the purpose of early voting results. Wharton County Elections Administrator shall appoint the Presiding Judge of the Early Voting Ballot Board. Wharton County Elections Administrator shall act as Early Voting Ballot Board Clerk.

### **Compensation for Election Officials and Clerks**

The election officials and clerks shall be compensated in the following manner:

The Election Judge for the May 4, 2024, General Election shall be paid \$9.25 per hour. The Election Judge shall also be paid \$25.00 for delivering the precinct records, keys to the ballot box or other election equipment, and unused election supplies after the election.

The Alternate Judge for the May 4, 2024, General Election shall be paid \$8.75 per hour.

The Election Clerk(s) for the May 4, 2024 General Election shall be paid \$8.75 per hour.

### **Writ of Election**

Wharton County Elections Administrator shall deliver to the above-appointed presiding judge for the election not later than the **15th day** before election day.

### **Returns**

"Section 41 of the City Charter provides that city elections shall be canvassed within one (1) week after the election; however, pursuant to changes in the Texas Election Code, Section 67.003, the local canvass shall convene not earlier than the third day or later than the 11<sup>th</sup> day after the election day." The period for official canvass shall be from May 7 – 15, 2024. The officers holding the election shall make returns of the results thereof to the Mayor of this City, as required by the Election Code of the State of Texas.

### **Order**

The City Council of the City of Wharton, Texas, shall order the election, in accordance with the foregoing provisions.

### **Severability**

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.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on this 22nd day of January 2024.

**CITY OF WHARTON, TEXAS**

**ATTEST:**

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

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

**APPROVED AS:**

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

**CIUDAD DE WHARTON, TEXAS  
ORDENANZA N° 2024-03B**

**UNA ORDENANZA ORDENANDO UNA ELECCIÓN DE FUNCIONARIOS DE LA CIUDAD A CELEBRARSE DE FORMA CONJUNTA CON EL DEPARTAMENTO DE ELECCIONES DEL CONDADO DE WHARTON CON EL PROPÓSITO DE ELEGIR PUESTOS DE ALCALDE Y CONCEJALES; ASIGNANDO LA FECHA, HORAS, Y LUGAR DE LA ELECCIÓN, EL AVISO DE LA ELECCIÓN, PRESENTACION DE SOLICITUDES, SORTEO PARA LUGARES EN LA BALOTA, USO DE SISTEMA DE VOTACIÓN ACCESIBLE, NOMBRAMIENTO DE LOS TRABAJADORES DE LA ELECCION, VOTACIÓN ANTICIPADA, Y ENTREGA DE LOS RESULTADOS DE LA ELECCION.**

**El Consejo Municipal de La Ciudad De Wharton, Texas, ORDENA:**

“La Sección 32 de la Carta Constitutiva establece que se realicen elecciones ordinarias para elegir concejales el primer sábado de mayo de cada año. En la elección regular de cada año par, los votantes elegirán un alcalde y tres concejales. En la elección regular de cada año impar, los votantes elegirán tres (3) concejales. El alcalde y los concejales desempeñarán sus puestos durante el periodo de tiempo y en los lugares numerados según

se establece en el Artículo II de esta carta. El consejo municipal puede, ya sea por medio de una ordenanza o de una resolución, ordenar elecciones especiales, fijar las fechas, dar aviso y ofrecer todos los medios para realizar tales elecciones especiales”

### **Elección conjunta**

El Departamento de elecciones del condado de Wharton realizará las obligaciones descritas en el Acuerdo de Elección Conjunta.

### **Puesto**

Se celebrará una elección en la ciudad de Wharton, Texas, con el propósito de elegir a los siguientes oficiales de la Ciudad:

Alcalde: de forma irrestricta  
Concejal - Distrito No. 2  
Concejal – Distrito No. 4  
Concejal de forma irrestricta – Posición No. 6

### **Fecha**

Se celebrará una elección en la ciudad de Wharton, Texas, el **4 de mayo de 2024**.

### **Horas**

Los lugares de votación abrirán para votar a las **7:00 a.m.** y se cerrarán a **las 7:00 p.m.**

### **Lugar**

La elección se celebrará en el Auditorio Duncan del Centro Cívico de Wharton, 1924 N. Fulton Street, Wharton, Texas 77488, Biblioteca del Condado de Wharton – Sucursal El Campo 200 W. Iglesia. El Campo, Texas 77437 y Biblioteca del condado de Wharton – East Bernard Branch 746 Clubside Drive East Bernard, Texas 77435.

### **Aviso de elección de oficiales municipales**

El Alcalde anunciará el aviso de la elección mediante la publicación del aviso por lo menos una vez en un periódico publicado en la ciudad de Wharton, Texas, y que esté en la jurisdicción de la ciudad de Wharton, Texas, cuya publicación no sea anterior a **30 días** antes ni posterior a **10 días** antes de la fecha del día de la elección.

El Alcalde también anunciará el aviso de la elección mediante la publicación del aviso en el tablero de anuncios ubicado en la Alcaldía, 120 East Caney, Wharton, Texas, utilizado para publicar los avisos de las reuniones del Concejo Municipal de Wharton no después de **21 días** antes de la elección. El aviso contendrá la ubicación del lugar de la votación.

### **Elegibilidad para votar**

La elección se realizará de acuerdo con el Código de Elecciones del estado de Texas. Solamente los electores capacitados de la ciudad de Wharton, Texas, serán elegibles para votar en la elección.

### **Nombres de los candidatos**

La Secretaria Municipal de acuerdo con los términos y disposiciones del Código de Elecciones del estado de Texas ordenará que los nombres de los candidatos sean impresos en las balotas para dicha Elección General.

### **Período de presentación**

Los candidatos deben presentar sus solicitudes para un lugar en la balota a la Secretaria Municipal de la Ciudad de Wharton, Texas, a partir del **17 de enero de 2024** y continuando hasta las **5:00 de la tarde del 16 de febrero de 2024**. La declaración de solicitud de candidato anotado se debe presentar no más tarde de las 5:00 de la tarde del **20 de febrero de 2024**.

Los candidatos para concejales municipales deben designar el puesto al que se están postulando, ya sea para Alcalde de forma irrestricta, para concejal- Distrito No. 2, concejal - Distrito No. 4, concejal - Distrito No. 6 de forma irrestricta.

### **Sorteo para los lugares en las balotas**

El 22 de febrero de 2024, a las 10:00 de la mañana se celebrará un sorteo en las oficinas de la Secretaria Municipal con el propósito de determinar el orden en que los nombres de los candidatos se imprimirán en la balota.

La Secretaria Municipal publicará el aviso de la fecha, hora y lugar del sorteo y este aviso deberá permanecer anunciado continuamente por lo menos las 72 horas inmediatamente anteriores a la hora programada para tal sorteo

### **Balotas**

Se usarán balotas de papel con los propósitos de los votos provisionales y por correo para la votación anticipada y provisionales para el día de la elección.

### **Sistema de votación Accesible**

La sección 61.012 del Código de Elecciones de Texas requiere que la Ciudad de Wharton deberá ofrecer al menos un sistema de votación accesible en cada lugar de votación usado en cualquier elección de Texas a partir del 1º de enero de 2006. Este sistema debe de cumplir con las leyes federales y estatales que establecen los requisitos para sistemas de votaciones para que los votantes con discapacidades físicas voten en una balota secreta.

La oficina del Secretario de Texas ha certificado que las máquinas de votación Express Vote BMD son un sistema de votación accesible que puede ser usado legalmente en las elecciones de Texas.

Las secciones 123.032 y 123.035 del Código de Elecciones de Texas autorizan a las subdivisiones políticas la adquisición de sistemas de votación y además ordenan ciertos requisitos mínimos para los contratos relacionados con la adquisición de tales sistemas de votación. La Ciudad de Wharton arrendará o alquilará del condado de Wharton según está autorizado por la sección 123.032, si fuera necesario.

La Ciudad de Wharton por medio del presente adopta para su uso en la votación anticipada y en el día de la elección las máquinas de votación Express Vote BMD según está aprobado por el Secretario del Estado para cumplir con los requisitos HAVA.

### **Sistema de Administración de la Tabulación de los Registros**

La Ciudad de Wharton arrendará o alquilará del condado la ERM (Administración de Registros de Elecciones) con los propósitos de tabulación, si fuera necesario.

### **Oficiales de la elección**

El Departamento de Elecciones del Condado de Wharton (WCED) será responsable del nombramiento del juez presidente y del juez presidente alterno. Las siguientes personas quedan nombradas como oficiales para la elección.

Juez Presidente de la Votación Anticipada: Lorna Kaiser  
Juez Presidente Alterno de la Votación Anticipada: Bertha Abraham

Juez Presidente el Día de la Elección: Melvin Sands  
Juez Presidente Alterno el Día de la Elección: Lorna Kaiser

El WCED dispondrá el entrenamiento. El WCED es responsable de notificar al juez presidente y al juez presidente alterno de los requisitos del Subcapítulo C del Capítulo 32 del Código de Elecciones de Texas, y tomará las medidas necesarias para asegurar que el juez presidente y el juez presidente alterno nombrados sean elegibles para desempeñar el cargo. El juez presidente, con la asistencia del WCED, será responsable de asegurar la elegibilidad de cada secretaria nombrada para asistir al juez presidente a realizar la elección.

### **Votación anticipada**

La administradora de elecciones del Condado de Wharton es Cindy Richter nombrada como secretaria de la votación anticipada y queda autorizada a nombrar a otros asistentes para desempeñarse como secretarías de la votación anticipada.

La votación anticipada por comparecencia personal para la elección nombrada aquí arriba se realizará en el Anexo D del Condado de Wharton, Sala 115, E. Milam, Wharton, Texas 77488, Biblioteca del Condado de Wharton – Sucursal El Campo 200 W. Iglesia. El Campo, Texas 77437 y Biblioteca del condado de Wharton – East Bernard Branch 746 Clubside Drive East Bernard, Texas 77435. El lugar de votación anticipada permanecerá abierto cada día que no sea sábado, domingo, o fiesta estatal oficial, desde las **8:00 de la mañana hasta las 5:00 de la tarde**, comenzando el **22 de abril de 2024** y continuando hasta **abril 26 de 2024 inclusive; 29 de abril de 2024** y continuando **30 de abril de 2024** desde las **7:00 de la mañana a las 7:00 de la noche**.

Los votantes deben enviar las solicitudes de balotas y las balotas votadas por correo a la oficina de la administradora de elecciones del Condado de Wharton: P.O. Box 390, Wharton, Texas 77488.

### **Junta de Balotas de la Votación Anticipada**

Por medio del presente se establece una Junta de Balotas de la Votación Anticipada con el propósito de los resultados de la votación anticipada. La administradora de elecciones del Condado de Wharton nombrará al juez presidente de la Junta de Balotas de la Votación Anticipada. La administradora de elecciones del Condado de Wharton actuará como secretaria de de la Junta de Balotas de la Votación Anticipada.

### **Compensación para los Oficiales y los Secretarios de la Elección**

Los oficiales y los secretarios de la elección serán compensados de la siguiente forma:

El juez de la elección de la elección general del 4 de mayo de 2024 será remunerado a \$9.25 por hora. El juez de la elección también será pagado \$25.00 por entregar los registros de los precintos, las llaves de la caja de las balotas u otro equipo electoral y los suministros electorales que no se hayan usado después de la elección.

El Juez alterno para la elección general del 4 de mayo de 2024 será remunerado a \$8.75 por hora.

Los secretarios de la elección para la elección general del 4 de mayo de 2024 serán remunerados a \$8.75 por hora.

### **Oficio de Elección**

La administradora de elecciones del Condado de Wharton entregará al arriba nombrado juez presidente para la elección no más tarde de **15 días** antes del día de la elección.

### **Resultados**

“La Sección 41 de la Carta Constitutiva dispone que las elecciones municipales serán escrutinadas durante una (1) semana después de la elección; sin embargo, de acuerdo con los cambios del Código de Elecciones de Texas, Sección 67.003, el escrutinio local se congregará no antes del tercer día ni más tarde del onceavo (11) día después del día de la elección.”. El periodo para los escrutinios oficiales será desde el 7 hasta el 15 de mayo de 2024. Los oficiales que realicen la elección deberán entregar los resultados de ella al alcalde de esta Ciudad, según lo requiere el Código de Elecciones del Estado de Texas.

### **Orden**

El Consejo Municipal de la Ciudad de Wharton, Texas, ordenará la elección de acuerdo con las siguientes disposiciones.

### **Divisibilidad**

Si algún tribunal de jurisdicción competente dicta que cualquier sección, subsección, oración, cláusula, frase, o parte de esta orden sea inválida o inconstitucional, dicha parte será considerada como disposición separada, distinta e independiente, y dicho dictamen no afectará a la validez de las partes restantes de esta.

### **Promulgación y Aprobación**

**PASADO Y APROBADO** por El Consejo Municipal de la Ciudad de Wharton, Texas, este día 22 de enero de 2024.

**CIUDAD DE WHARTON, TEXAS**

**ATESTIGUACIÓN:**

Por: \_\_\_\_\_  
**TIM BARKER**  
Alcalde

Por: \_\_\_\_\_  
**PAULA FAVORS**  
Secretaria Municipal

**APROBADO:**

\_\_\_\_\_  
**PAUL WEBB**  
Abogado Municipal

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 a Joint Election Agreement with the Wharton County Elections Department for the City Election; and authorizing the Mayor of the City of Wharton to execute the agreement. City Secretary, Paula Favors, presented a copy of the Joint Election Agreement with the Wharton County Elections Department for the City Election, which will be held on May 4, 2024. Mrs. Favors stated the City Attorney Paul Webb reviewed the Joint Election Agreement and was recommending City Council consider approving the agreement. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-07, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-07**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A JOINT ELECTION AGREEMENT WITH THE WHARTON COUNTY ELECTIONS DEPARTMENT FOR THE CITY ELECTION; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to approve the joint agreement with the Wharton County Elections Department for the City election; and,

**WHEREAS,** The City of Wharton and Wharton County Elections Department wishes to be bound by the conditions 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 approves an agreement between the City of Wharton and the Wharton County Elections Department for the City election.
- Section II.** That the City of Wharton and Wharton County Elections Department are hereby bound by the conditions set forth in the agreement.
- Section III.** That the Wharton City Council hereby authorizes the Mayor of Wharton to execute the agreement.
- Section. IV.** That this resolution shall become effective immediately upon its passage.

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

**CITY OF WHARTON**

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

**ATTEST:**

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

Councilmember, Russell Machann, 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 approving a three-year agreement with two additional one-year periods for Auditing Services for the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to agreements on behalf of the City of Wharton. Finance Director, Joan Anandel, stated that on January 17, 2024, the City Staff received proposals for the City of Wharton Auditing Services. Mrs. Anandel said the City Council Finance Committee met on Monday, January 22, 2024, and recommended the City Council consider approving Harrison, Waldrop & Uherek LLP to conduct the City of Wharton's Annual Financial Audit. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-08, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-08**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A THREE-YEAR AGREEMENT WITH TWO ADDITIONAL ONE-YEAR PERIODS FOR AUDITING SERVICES FOR THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO AGREEMENTS ON BEHALF OF THE CITY OF WHARTON.**

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute an agreement with Harrison, Waldrop & Uherek LLP to conduct the City of Wharton's Annual Financial Audit; and,

**WHEREAS,** The City of Wharton and Harrison, Waldrop & Uherek LLP wishes 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 the Mayor of the City of Wharton, Texas to execute an agreement with Harrison, Waldrop & Uherek LLP to conduct the City of Wharton's Annual Financial Audit.

**Section III.** Harrison, Waldrop & Uherek LLP and the City of Wharton are hereby bound by the conditions as set forth in the agreement.

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

**Passed, Approved, and Adopted** this 22<sup>nd</sup> day of January 2024.

**CITY OF WHARTON**

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

**ATTEST:**

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

Councilmember, Russell Machann, 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 the submission of a VOCA Grant-Victim's Assistance Officer Application for the Wharton Police Department for one year and authorizing the Mayor of the City of Wharton to

execute all documents related to said grant. Chief, Terry David Lynch, presented a copy of a memorandum regarding the VOCA Grant-Victim's Assistance Officer for the Wharton Police Department. Chief Lynch stated the Wharton Police Department intended to reapply for the Victim's Assistance Officer position through the H-GAC Governor's Victim's Assistance Grant program. Crime Victims Officer, Jessica Dittrich, stated that beginning the Grant Cycle, there was a 20% Match Contribution required of the City of Wharton. She said the grant term was for one year (FY2025) and this grant renewal request would be presented to H-GAC for final approval in the amount of \$89,682.00 in FY2025 and this amount included the City's Match of \$17,937.00. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-09, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-09**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE SUBMISSION OF A VOCA GRANT- VICTIM'S ASSISTANCE OFFICER APPLICATION FOR THE WHARTON POLICE DEPARTMENT FOR ONE 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 to provide applicable matching funds for the said project as required by the Victims of Crime Act Formula Grant Program grant application; 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 22nd day of January 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 Chief of Police, Terry Lynch, regarding the 6th Annual Cops ‘n Rodders Car Show for the following:

- A. Waive all fees associated with renting the Wharton Civic Center.
- B. Allow participants and spectators to utilize restroom facilities in the Civic Center.
- C. Allow the use of food trucks/vendors and waive permit fees.
- D. Allow the consumption of alcoholic beverages on the outdoor premises of the Civic Center.
- E. Allow the Police Department to close the roadway of University Street from Fulton Street to the entrance of the Department of Human Services Driveway, prior to and throughout the duration of the event. (8:00 a.m. – 4:00 p.m.)
- F. Use of the blue trash cans and liners from the Parks Department.
- G. Have the street sweeper sweep the parking area of the Civic Center on April 26, 2024.

Police Chief, Terry David Lynch, presented a copy of his memorandum regarding the 6th Annual Cops ‘n Rodders Car Show on April 27, 2024, at the Wharton Civic Center. Chief Lynch stated that should it rain, he requested the City Council consider allowing the potential fallback day on April 28, 2024. After some discussion, Councilmember, Terry Freese, moved to approve the aforementioned request from Chief of Police, Terry Lynch, regarding the 6th Annual Cops ‘n Rodders Car Show and to allow a rain-out fall back day of April 28, 2024. 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 authorizing the submission of an application to the Governor’s Office Criminal Justice Division to replace body-worn cameras for the Wharton Police Department and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. Patrol Lt., Lance Bothell, stated the Wharton Police Department would like to apply for a grant through the Governor’s Office – Criminal Justice Division to replace the department’s current body-worn cameras. Lt.

Bothell said the cameras the department currently had were nearing the end of life and the new cameras were improved, enhancing operability, especially with municipal court and the district attorney's office. He said that if awarded, the City Staff would come back to the Council for acceptance of the grant which included the purchase of twenty-six (26) body-worn cameras, a new server, maintenance, and warranty totals \$65,255.00. Lt. Bothell stated that there was a 25% match for this grant and if awarded at the max requested, the City's portion of this grant would be \$16,313.75. After some discussion, Councilmember Russell Machann, moved to approve City of Wharton Resolution No. 2024-10, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-10**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE GOVERNOR'S OFFICE CRIMINAL JUSTICE DIVISION TO REPLACE BODY-WORN 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 body-worn cameras; 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 body-worn cameras.

**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 22nd day of January 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 ninth item on the agenda was to review and consider a request from Chief of Police, Terry David Lynch, regarding the Touch-A-Truck event for the following:

- A. Use of Riverfront Park without fees.
- B. Road Closure 100 East Elm Street at South Fulton Street to 300 East Elm Street at South Resident Street.
- C. Use of City barricades.
- D. Allow the use of food trucks/vendors and waive permit fees.
- E. Have the Street Sweeper sweep the area on March 8, 2024.

Chief, Terry David Lynch, presented a copy of a memorandum regarding the Touch-A-Truck Event at the Riverfront Park on Saturday, March 9, 2024. After some discussion, Councilmember, Terry Freese, moved to approve the request from Chief of Police, Terry Lynch, regarding the Touch-A-Truck event for the aforementioned items. 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 accepting a donation for the Police Academy Sponsorship and authorizing the Mayor of the City of Wharton to execute all documents related to said donations. Chief of Police, Terry David Lynch, stated the Wharton Police Department had initiated a program where the department sponsors a cadet through the Police Academy, namely the Wharton County Junior College Law Enforcement Academy. Chief Lynch said a local donor, wishing to remain anonymous, had generously donated the amount of tuition, books, and uniforms to cover the sponsorship costs. He said the City Staff was requesting that the City Council approve the acceptance of said donation in the amount of \$1,600.00 for sponsorship purposes. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2024-11, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-11**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A DONATION FOR THE POLICE ACADEMY SPONSORSHIP AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID DONATIONS.**

**WHEREAS,** The Wharton Police Department has initiated a program where the department sponsors a cadet through the Wharton County Junior College Law Enforcement Academy; and,

**WHEREAS,** The City of Wharton City Council wishes to accept a donation for the sponsorship of a cadet for the Wharton County Junior College Law Enforcement Academy in the amount of \$1,600.00; and,

**WHEREAS,** The said donation will cover the costs of tuition, books, and uniforms; and,

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

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

**SECTION I.** The Wharton City Council hereby accepts the donation for the Police Academy Sponsorship in the amount of \$1,600.00.

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

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

**PASSED, APPROVED, and ADOPTED** this 22nd day of January 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 eleventh item on the agenda was to review and consider a resolution of the Wharton City Council authorizing and ratifying the Wastewater Treatment Plant No. 2 emergency repairs through Green Pump & Supply and authorizing the City Manager of the City of Wharton to execute all documents related to said purchase. Public Works Director, Roderick Semien, presented a copy of the estimate from Green Pump & Supply for the emergency repairs at Wastewater Treatment Plant No. 2 for all base elbows and connections to the existing ductile iron discharge pipe. Public Works Director Semien stated that due to the corrosive environment of a wastewater treatment plant's wet well, the seals on the flanges are failing. He said that if repairs were not made it would have caused a decrease in the flow into the plant and would have also damaged the submersible pumps. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-12, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-12**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING AND RATIFYING THE WASTEWATER TREATMENT PLANT NO. 2 EMERGENCY REPAIRS THROUGH GREEN PUMP & SUPPLY AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.**

**WHEREAS,** Emergency Repairs were needed at Wastewater Treatment Plant No. 2 due to the corrosive environment of the wet well the seals on the flanges failed; and,

**WHEREAS,** The City of Wharton had to make emergency repairs to significantly decrease the flow into the plant and to prevent damage to the submersible pumps; and,

**WHEREAS,** The Wharton City Council ratifies the emergency repairs through Green Pump & Supply and wishes to authorize the City Manager of the City of Wharton to execute all documents.

**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 to execute all documents related to emergency repairs at Wastewater Treatment Plant No. 2 through Green Pump & Supply.

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

**Passed, Approved, and Adopted** this 22nd day of January 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 an application by American Care EMS Inc. for an Ambulance Provider Permit. City Secretary, Paula Favors, presented a copy of the Ambulance Provider Permit Application submitted by American Care EMS Inc. to provide emergency medical services in the City of Wharton. Mrs. Favors stated City Attorney, Paul Webb, certified with the Texas Department of Health that American Care EMS Inc. was currently certified

and in good standing with the Texas Department of State Health Services. She said EMS Director, Christy Gonzales, had also reviewed the application and was recommending approval of the permit. After some discussion, Councilmember, Terry Freese, moved to approve the application by American Care EMS Inc. for an Ambulance Provider Permit. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider Pay Request No. 8 and Final from CF McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 8 and Final from CF McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators in the amount of \$146,237.30. After some discussion, Councilmember, Russell Mahann, moved to approve Pay Request No. 8 and Final from CF McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators in the amount of \$146,237.30. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider Pay Request No. 12 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 12 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction in the amount of \$27,357.67. After some discussion, Councilmember, Larry Pittman moved to approve Pay Request No. 12 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction in the amount of \$27,357.67. Councilmember, Burnell Neal, seconded the motion. Councilmember, Terry Freese; Councilmember, Don Mueller, and Councilmember, Russell Machann, voted against the motion. Mayor, Tim Barker; Councilmember, Steve Schneider; Councilmember, Burnell Neal, and Councilmember, Larry Pittman, voted in favor of the motion. The motion carried.

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

After some discussion, no action was taken

The sixteenth item on the agenda was to review and consider the update of City of Wharton on-going projects. City Manager, Joseph R. Pace, gave the City Council an update on the City of Wharton's on-going projects. After some discussion, no action was taken.

After some discussion, no action was taken

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

- A. Finance Committee meeting held January 8, 2024.

After some discussion, no action was taken.

The nineteenth 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. Fire Marshal.
- H. Legal Department.
- I. Municipal Court.
- J. Police Department.
- K. Public Works Department.
- L. Water/Sewer Department.
- M. Weedy Lots/Sign Ordinance.
- N. Wharton Regional Airport.

After some discussion, no action was taken.

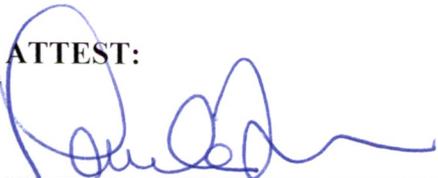
There being no further discussion, Councilmember, Don Mueller, moved to adjourn. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The meeting adjourned at 7:30 p.m.

**CITY OF WHARTON, TEXAS**

By:   
**TIM BARKER**  
Mayor

**ATTEST:**

  
**PAULA FAVORS**  
City Secretary



