

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
DECEMBER 11, 2023**

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 and Code Enforcement Officer, Nathan Vogt.

Visitors present were: Laura Clemons; Barbie Fortenberry; James Perez; David Pettit; David Bowlin; Joan Hawes 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.

1. Mr. David Bowlin provided a status update on the three affordable housing projects in design or under construction at 500 Abell Street, 398 Hamilton and 1113 College.

Wharton Moment.

Mayor, Tim Barker, called for Wharton Moments.

1. Councilmember Burnell Neal congratulated the Just Do It Now, Inc. youth football ball team and cheerleaders for winning the Super Bowl. Councilmember Neal presented the team with championship rings and spoke of how proud he was of them.

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 November 13, 2023, and November 27, 2023. After some discussion, Councilmember, Russell Machann, moved to approve the reading of the minutes from the regular

meetings held November 13, 2023, and November 27, 2023. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider an ordinance of the City Council of the City of Wharton, Texas approving a Project and Financing Plan for Tax Increment Reinvestment Zone Number One, City of Wharton, Texas established pursuant to Chapter 311 of the Texas Tax Code. On November 27, 2023, the City Council approved Ordinance 2023-13 designating a contiguous geographic area within the City Limits and within the Extraterritorial Jurisdiction of the City as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code to be known as Reinvestment Zone Number One, City of Wharton. Finance Director, Joan Andel stated it was necessary for the City Council to approve the ordinance, which included a Project and Financing Plan for the Tax Increment Reinvestment Zone Number One to become effective. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2023-14, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2023-14**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS,
APPROVING A PROJECT AND FINANCING PLAN FOR TAX INCREMENT
REINVESTMENT ZONE NUMBER ONE, CITY OF WHARTON, TEXAS,
ESTABLISHED PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE**

WHEREAS, the City of Wharton, Texas (the “City”), pursuant to Chapter 311 of the Texas Tax Code, as amended (the “Act”), may designate a geographic area within the City or the extraterritorial jurisdiction (the “ETJ”) of the municipality as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

WHEREAS, the Act provides that the governing body of a municipality by ordinance may designate a contiguous geographic area that is in the corporate limits of the municipality or the extraterritorial jurisdiction (the “ETJ”) of the municipality to be a reinvestment zone if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future; and,

WHEREAS, the City Council desires to promote the development of a certain contiguous geographic area in the City and the City’s ETJ, through the creation of a reinvestment zone as authorized by and in accordance with the Tax Increment Financing Act, codified in Chapter 311 of the Texas Tax Code; and

WHEREAS, on November 27, 2023, the City Council of the City of Wharton, Texas, pursuant to Chapter 311 of the Texas Tax Code, approved Ordinance No. 2023-13 designating a contiguous geographic area within the City and the City’s ETJ as a Reinvestment Zone Number One, City of Wharton, Texas (the “Zone”); and

WHEREAS, as authorized by Section 311.011(e), and 311.008, of the Act, on December 11, 2023, the Board recommended that the Plan in Exhibit “A”, be approved by the City Council:

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

SECTION 1. RECITALS INCORPORATED.

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

SECTION 2. FINDINGS.

That the City Council hereby makes the following findings of fact:

- i. That the Plan includes all information required by Sections 311.011(b) and (c) of the Act.
- ii. That the Plan is feasible and the project plan conforms to the City's master plan.

SECTION 3. APPROVAL OF PLAN.

That based on the findings set forth in Section 2 of this Ordinance, the Plan in Exhibit "A" is hereby approved.

SECTION 4. SEVERABILITY CLAUSE.

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 5. OPEN MEETINGS.

It is hereby found, determined, and declared that sufficient written notice of the date, hour, place, and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by Chapter 551 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law.

PASSED AND APPROVED ON this 11th day of December 2023.

CITY OF WHARTON



Tim Barker, Mayor

ATTEST:

Paula Favors, TRMC, CMC
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Paul Webb
City Attorney

Joseph R. Pace
City Manager

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

The third item on the agenda was to review and consider a request from Ms. Joan Hawes to address the City Council regarding a variance for a Hay Permit. Code Enforcement Officer, Nathan Vogt, presented a copy of an email from Ms. Hawes regarding a variance for a Hay Permit. Mr. Vogt discussed the requirements for Hay Permits as required by City Ordinance. City Attorney Paul Webb requested that the City Council table the item to discuss at a future meeting. After some discussion, Councilmember, Russell Machann, moved to table the request from Ms. Joan Hawes to address the City Council regarding a variance for a Hay Permit. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider Pay Request No. 5 & Final from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street. City Secretary, Paula Favors, presented a copy of Pay Request No. 5 & Final from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street in the amount of \$65,377.65. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 5 & Final from Aranda Industries for the Colorado River Flood Control Public Utility

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

The fifth 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 sixth item on the agenda was to review and consider City Council Boards, Commissions, and Committee Reports:

- A. Finance Committee meeting held November 27, 2023.

After some discussion, no action was taken.

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

The meeting adjourned at 7:27 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:


PAULA FAVORS
City Secretary

