

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
JANUARY 25, 2016**

Mayor Domingo Montalvo, Jr. 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. Mayor Montalvo led the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Domingo Montalvo, Jr. and Councilmembers Tim Barker, Al Bryant, Vincent Huerta, Russell Machann, Don Mueller and Steven Schneider.

Councilmember absent was: None

Staff members present were: Finance Director Joan Anandel, City Secretary Paula Favors, TRMC, Assistant to the City Manager Brandi Jimenez, Assistant to the Building Official Gwyn Laney, Police Chief Terry David Lynch, Emergency Management Coordinator Steve Johnson, Public Works Director Wade Wendt, Corporal Javier Garza, Patrol Officer Daniel Harbaugh and Assistant City Attorney Amy Rod.

Visitors present were: I.O. Coleman, Jr, Randall Whitlock and Morgan Taylor with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excused Absences. All members were present.

The third item on the agenda was Public Comments. No Public Comments were made.

The fourth item on the agenda was the Wharton Moment. Councilmember Tim Barker stated that the East Wharton County Crime Stoppers would be hosting a fundraising event and dance on February 13<sup>th</sup> and encouraged everyone to help support Crime Stoppers. Councilmember Steve Schneider congratulated the Wharton Varsity Girls Basketball team on an outstanding season with a record of 25-0.

The fifth item on the agenda was recognition: Recognition of Randall Whitlock. Mayor Domingo Montalvo, Jr. stated that after 26 years of service to the Wharton Police Department and the citizens of Wharton, Texas, Randall Whitlock had announced his retirement. Mayor Montalvo presented Officer Whitlock with a plaque and stated that the City would like to thank him for his service. Police Chief Terry David Lynch stated that Officer Whitlock would be greatly missed by the department and his retirement was well deserved.

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The sixth item on the agenda was to review and consider City of Wharton Municipal Election 2016:

**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 elección de funcionarios de la ciudad a celebrarse de forma conjunta con el departamento de elecciones alcalde y del condado de Wharton con el propósito de elegir puestos de concejales; asignando la fecha, Horas, Y presentación de solicitudes, sorteo para lugares en la balota, uso de sistema de votación accesible, Nombramiento de los trabajadores de la elección, votación anticipada, Y entrega de los resultados de la elección.

Finance Director Joan Andel told the City Council that in their packets was 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. City Secretary Paula Favors stated that the City Council positions that were up for election were four (4) City Council positions, which are District No.'s 2, 4, & 6 and Mayor. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2016-02, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2016-02**

**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 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 the 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

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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 7, 2016**.

### **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 the Wharton County Annex D, Suite 115 at 315 E. Milam St., Wharton, Texas.

### **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

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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 20, 2016** and continuing through **5:00 p.m. on February 19, 2016**. A declaration of write-in candidacy must be filed not later than 5:30 P.M. on **February 23, 2016**.

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

### **Drawing for Ballot Positions**

On February 26, 2016 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**

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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 iVotronic (DRE) voting machines is 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 iVotronic (DRE) 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:

Presiding Judge: Joyce Barker

Alternate Presiding Judge: Faye Evans

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 insure that the presiding and alternate judges appointed are eligible to serve. The presiding judge, with the assistance from WCED, will be responsible for insuring the eligibility of each appointed clerk hired to assist the judge in the conduct of the election.

### **Early Voting**

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

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The early voting by personal appearance for the above-designated election shall take place at the Wharton County Annex D, Suite 115, E. Milam, Wharton, Texas. 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 25, 2016** and continuing through **May 2, 2016; Monday, May 2, 2016** and continuing through **Tuesday, May 3, 2016** 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 9, 2016 General Election shall be paid \$9.00 per hour. The Election Judge shall also be paid \$25.00 for delivering the precinct records, keys to ballot box or other election equipment and unused election supplies after the election.

The Alternate Judge for the May 7, 2016 General Election shall be paid \$8.50 per hour.

The Election Clerk(s) for the May 7, 2016 General Election shall be paid \$8.50 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 10 - 18, 2016. 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.

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### **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 25<sup>th</sup> day of January, 2016.

**CITY OF WHARTON, TEXAS**

**ATTEST:**

By: \_\_\_\_\_  
**Domingo Montalvo, Jr.**  
Mayor

\_\_\_\_\_  
**Paula Favors**  
City Secretary

**APPROVED AS:**

\_\_\_\_\_  
**Paul Webb**  
City Attorney

**CIUDAD DE WHARTON, TEXAS  
ORDENANZA N° 2016-02**

**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 CONCEJALES; ASIGNANDO LA**

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**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:**

**"Sección 32 de la Carta Constitutiva dispone que las elecciones regulares para elegir a concejales de la ciudad se celebren el primer sábado de mayo de cada año. En la elección regular de cada uno de los años pares, los votantes elegirán un alcalde y tres concejales. En la elección regular de cada uno de los años impares, los votantes elegirán tres (3) concejales. El alcalde y los tres concejales desempeñarán sus puestos durante el plazo y en los lugares nombrados según lo dispone el Artículo II de esta carta. El consejo municipal puede, ya sea por medio de una ordenanza o mediante una resolución, ordenar elecciones especiales, fijar las fechas, dar aviso, y proporcionar todos los medios para realizar dichas 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 **7 de mayo de 2016.**



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### **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 Anexo D del Condado de Wharton, sala 115, en 315 E. Milam Street, Wharton, Texas.

### **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**

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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 **20 de enero de 2016** y continuando hasta las 5:00 de la tarde del **19 de febrero de 2016**. La declaración de solicitud de candidato anotado se debe presentar no más tarde de las 5:30 de la tarde del **23 de febrero de 2016**.

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

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

El 26 de febrero de 2016, 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 que brinden una manera práctica y eficaz 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 iVotronic (DRE) son un sistema de votación accesible que puede ser usado legalmente en las elecciones de Texas.

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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.

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 iVotronic (DRE) 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 nombradas son nombradas como oficiales para la elección:

Juez Presidente:	Joyce Barker
Juez presidente Alterno:	Faye Evans

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 interina de elecciones del Condado de Wharton, Rebecca Hernandez, es nombrada como secretaria de la votación anticipada y queda autorizada a nombrar a otros asistentes para desempeñarse como secretarias de la votación anticipada.

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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. 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 **25 de abril de 2016** y continuando hasta el **2 de mayo de 2016** inclusive; el lunes **2 de mayo de 2016** y continuando el martes, **3 de mayo de 2016** 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 9 de mayo de 2015 será remunerado a \$9.00 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 alerno para la elección general del 9 de mayo de 2015 será remunerado a \$8.50 por hora.

Los secretarios de la elección para la elección general del 9 de mayo de 2015 serán remunerados a \$8.50 por hora.

### **Oficio de Elección**

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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 10 hasta el 18 de mayo de 2016. Los oficiales que realicen la elección deberán entregar los resultados de ella al alcalde de esta Ciudad, según lo requiere el Código de Elecciones 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.

### **Promulgación y Aprobación**

**PASADO Y APROBADO** por El Consejo Municipal de la Ciudad de Wharton, Texas, este día 25 de enero de 2016.

***CIUDAD DE WHARTON, TEXAS***

***ATESTIGUACIÓN:***

***Por:*** \_\_\_\_\_

**Domingo Montalvo, Jr.**  
Alcalde Interino

***Por:*** \_\_\_\_\_

**Paula Favors**  
Secretaria Municipal

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**APROBADO:**

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**Paul Webb**

Abogado Municipal

Councilmember Tim Barker seconded the motion. All voted in favor.

The seventh item on the agenda was the City of Wharton Finance Report for December 2015. Finance Director Joan Anandel presented the financial report for the month of December 2015. Mrs. Anandel stated that the TexPool balance for December as \$131,469.40 with an average monthly yield of .19%. She said the Prosperity Bank balance for December 2015 was \$8,236,765.86 with an average monthly yield of .15%. After some discussion, Councilmember Tim Barker moved to approve the City of Wharton Financial Report for the month of December 2015. Councilmember Russell Machann seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by Chairperson Margaret Dixon of the City of Wharton Beautification Committee for a sign variance to place a sign 5'6" from the property line adjacent to Third St. requiring a 4'6" variance from the required 10' setback. Finance Director Joan Anandel told the City Council that a request by Chairperson Margaret Dixon of the City of Wharton Beautification Committee for a sign variance to place a sign 5'6" from the property line adjacent to Third St. requiring a 4'6" variance from the required 10' setback. Assistant to the Building Official Gwyn Laney stated that the Planning Commission approved the request and was referring the item to City Council for a final decision. After some discussion, Councilmember Russell Machann moved to approve the request by Chairperson Margaret Dixon of the City of Wharton Beautification Committee for a sign variance to place a sign 5'6" from the property line adjacent to Third St. requiring a 4'6" variance from the required 10' setback. Councilmember Tim Barker seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider an ordinance approving an amendment to the City of Wharton Budget for October 1, 2014 through September 30, 2015. Finance Director Joan Anandel presented the City of Wharton Budget Adjustments for fiscal year October 1, 2014 through September 30, 2015. She stated that the City Council Finance Committee had met on January 25, 2016 at 6:30 p.m. and voted to recommend the City Council approval of the budget amendments. After some discussion, Councilmember Tim Barker moved to approve City of Wharton Ordinance No. 2016-02, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2016-03**

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**AN ORDINANCE APPROVING AMENDMENTS TO  
THE CITY OF WHARTON, TEXAS, BUDGET FOR  
THE 2014-2015 FISCAL YEAR.**

**WHEREAS,** the City Council of the City of Wharton, Texas finds and determines it necessary to revise the 2014-2015 budget to better reflect actual revenues and expenditures in operations and activities during the fiscal year; and,

**WHEREAS,** the City Council finds and determines that these amendments to the budget are for municipal purposes.

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Wharton, Texas that the 2014-2015 Budget be amended as per Attachment "A;" and is adopted by the following favorable majority of votes of the members of the City Council of the City of Wharton, Texas in a duly assembled city council meeting by the following majority:

Al Bryant Councilmember District No. 1	Voted	YES	Steven Schneider Councilmember District No. 2	Voted	YES
Tim Barker Councilmember District No. 3	Voted	YES	Donald Mueller Councilmember District No.4	Voted	YES
Russell Machann Councilmember at Large No. 5	Voted	YES	Vincent Huerta Councilmember at Large No. 6	Voted	YES
Domingo Montalvo, Jr. Mayor	Voted	YES			

**Separability**

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a 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, this 25<sup>th</sup> day of January 2016.

**CITY OF WHARTON, TEXAS**

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By: \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

**ADMISSION:**

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

\_\_\_\_\_  
**JOAN ANDEL**  
Director of Finance

Councilmember Al Bryant seconded the motion. All voted in favor.

The tenth item discussed on the agenda was to review and consider Wharton Sidewalk Accessibility and Historic Streetscape Project.

- A. Project Update.
- B. Bid Tabulation.
- C. Grant Administration Services by Grantworks Inc.

Public Works Director Wade Wendt stated that Mr. Blaise Dreitner, P.E. with Civil Corp, LLC had informed the City that bids received for the Sidewalk Accessibility and Historic Streetscape Project along with the bid tabulation had been submitted to the Texas Department of Transportation. Mr. Wendt said TxDOT had reviewed the bids and all bidders fell short of their requirement therefore it was recommended all bids be rejected. Finance Director Joan Anandel stated that the grant required specific requirements for record keeping and the City did not have the personnel with grant administration knowledge. She stated that the City Council Public Works Committee met on January 19, 2016 and voted to recommend to the City Council to approve to rebid the project and to accept the agreement from Grantworks for grant administrative services. After some discussion, Councilmember Al Bryant moved to approve rejecting all bids and the rebidding for the Sidewalk Accessibility and Historic Streetscape Project and enter into an agreement with Grantworks



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for grant administrative services on the administration of the grant. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider Texas Department of Agriculture Planning and Capacity Building Fund Grant:

**A. Resolution:** A resolution of the Wharton City Council approving the submittal of the Texas Department of Agriculture Planning and Capacity Building Fund Grant and authorizing the City Manager of the City of Wharton to submit on behalf of the City of Wharton.

**B.** Advertise for general administrative services for grant.

Finance Director Joan Andel stated that the Texas Department of Agriculture administers a Planning and Capacity Building fund that provides grants to cities for planning. She presented information from Grantworks on the activities that could be undertaken and estimated costs associated with the activity. Mrs. Andel stated that if the City was selected, a formal comprehensive Plan would be developed for the City's future. She said the City Council Public Works Committee met on January 19, 2016 and voted to recommend to the City Council to approve the submittal of the grant. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2016-03, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2016-03**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE SUBMITTAL OF THE TEXAS DEPARTMENT OF AGRICULTURE PLANNING AND CAPACITY BUILDING FUND GRANT AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO SUBMIT ON BEHALF OF THE CITY OF WHARTON.**

**WHEREAS,** the Texas Department of Agriculture administers a planning and capacity building fund that provides grants to cities for planning; and,

**WHEREAS,** the City of Wharton wishes to submit the Texas Department of Agriculture Planning and Capacity Building Fund Grant; and,

**WHEREAS,** the Wharton City Council wishes to authorize the City Manager of the City of Wharton to submit on behalf of the City of Wharton the Texas Department of Agriculture Planning and Capacity Building Fund Grant.

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

**Section I.** The Wharton City Council hereby authorizes the City Manager of the City of Wharton to submit on behalf of the City of Wharton the Texas Department of Agriculture Planning and Capacity Building Fund Grant.

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

**Passed, Approved, and Adopted** this 25th day of January 2016.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
Mayor

**ATTEST:**

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

Councilmember Don Mueller seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider Appointments to the City of Wharton Boards, Commissions and Committees:

- A. Beautification Commission.
- B. Building Standards Commission.

After some discussion, Councilmember Tim Barker moved to appoint the following:

- |                               |                      |
|-------------------------------|----------------------|
| A. Beautification Commission. | <u>Term Expiring</u> |
| Lindsey Reeves                | June 30, 2016        |

Councilmember Vincent Huerta seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider City Council Boards, Commission and Committee Report:

- A. Beautification Commission meeting held on January 13, 2016.
- B. Public Works Committee meeting held on January 19, 2016.
- C. Public Safety Committee meeting held on January 19, 2016.

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D. Planning Commission meeting held on January 19, 2016.

After some discussion, no action was taken.

The fourteenth item on the agenda was City Manager's Reports:

- |   |                                 |
|---|---------------------------------|
| A. City Secretary/Personnel.                                      | H. Fire Marshall.               |
| B. Code Enforcement.  | I. Legal Department.            |
| C. Community Services Department /<br>Civic Center.               | J. Municipal Court.             |
| D. Emergency Management.  | K. Police Department.           |
| E. E.M.S. Department.   | L. Public Works Department.     |
| F. Facilities Maintenance Department /<br>Wharton Municipal Pool. | M. Water / Sewer Department.    |
| G. Fire Department.   | N. Weedy Lots / Sign Ordinance. |
|   | O. Wharton Regional Airport.    |

After some discussion, no action was taken.

The fifteenth item on the agenda was adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The meeting adjourned at 7:23 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_

**Domingo Montalvo, Jr.**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Paula Favors**  
**City Secretary**