

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
October 10, 2011**

Mayor Pro-Tem Don Mueller declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Councilmember Terry David Lynch led the opening devotion and led the pledge of allegiance.

Councilmember's present were: Mayor Pro-Tem Don Mueller, Councilmembers Al Bryant, Jeff Gubbels, Terry David Lynch, and Karen Schulz.

Councilmembers absent were: Mayor Domingo Montalvo, Jr. and Councilmember Russell Machann.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, Assistant to City Manager Jackie Jansky, Public Works Director Carter Miska, P.E., and City Attorney Paul Webb.

Visitors present were: David Schroeder with Wharton Economic Development Corporation, Daniel Mascheck, Jackie Douglas, Katelyn Douglas, Roly Piloto, Clint Blaha, Ethan Kinder, I.O. Coleman, Jr., and Rachel Rust.

The second item on the agenda was Roll Call and Excuses Absences. Councilmember Terry David Lynch moved to excuse Mayor Domingo Montalvo, Jr. and Councilmember Russell Machann. Councilmember Karen Schulz seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. There were none.

The fourth item on the agenda was the Wharton Moment. Councilmember Al Bryant stated the City of Wharton's National Night Out was a success. Councilmember Bryant thanked Mr. Greg Baines, Executive Director of Just Do It Now, Inc. for his part in the event. Mayor Pro-Tem Don Mueller stated that Mr. Henry Thiele had passed away September 29, 2011. Mayor Pro-Tem Mueller further stated that Mr. Thiele was faithful in his service to the City of Wharton serving on the Building Standards Commission for over twenty years. No action was taken.

The fifth item on the agenda item was to review and consider the reading of the minutes from the regular meetings held September 12, 2011 and September 26, 2011. After some discussion, Councilmember Al Bryant moved to approve the minutes from September 12, 2011 and September 26, 2011. Councilmember Karen Schulz seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Mr. David Kaiser of Crop Production Services, Inc. for City Council approval of an over 50% variance to construct a metal

building over the property line at 1015 Nelson Lane; Abst., 38 Tract 61B-4 and 61B-11. Assistant to City Manager Jackie Jansky presented a copy of the City of Wharton City Council Application for Over 50% Variance submitted by Mr. David Kaiser of Crop Production Services, Inc. She stated that Mr. Kaiser submitted the application on behalf of Mr. Daniel Mascheck who was manager of the company. She then stated that Mr. Mascheck was requesting City Council approval to construct a 50' x 52' metal building over a property line. She said a copy of a drawing that indicated the location of the property and proposed location of the building and photographs of the property were included in the packet. Mrs. Jansky said the request would put the proposed building on the property line and Building Inspector Ronnie Bollom had informed her the location was in Zone X, which required the building to be one foot above base flood elevation or one foot above the nearest adjacent grade. After some discussion, Councilmember Terry David Lynch moved to approve the request by Mr. David Kaiser on behalf of Mr. Daniel Mascheck of Crop Production Services, Inc. for City Council approval of an over 50% variance to construct a metal building over the property line at 1015 Nelson Lane; Abst., 38 Tract 61B-4 and 61B-11. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by Mr. Ron Sanders, Executive Director of the Chamber of Commerce Chairman for the Wharton Holiday Parade for the following:

- A. **Ordinance:** An ordinance approving the 2011 Chamber of Commerce & Agriculture Holiday Parade Permit and authorizing the Wharton Police Department to redirect traffic.
- B. City of Wharton to provide five (5) portable lights for use during the parade.

City Manager Andres Garza, Jr. presented a copy of the letter dated September 21, 2011 from Mr. Ron Sanders, Executive Director of the Chamber of Commerce & Agriculture requesting City Council approval to approve the attached draft ordinance authorizing the Police Department to redirect traffic for the 2011 Wharton Holiday Parade. City Manager Garza stated that Mr. Sanders was also requesting City Council authorization to request the assistance of Facilities Maintenance Director Bob Baker to obtain the five (5) portable lights needed during the parade. Assistant to the City Manager Jackie Jansky stated the parade was scheduled to be held on Tuesday, November 22<sup>nd</sup> at 7:00 p.m. Mrs. Jansky also stated the ordinance was the standard ordinance adopted every year. She further stated that Mr. Baker usually worked with a company in El Campo to have the use of the portable lights donated for the event and that usually there was no cost associated with their use. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Ordinance No. 2011-17, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2011-17**

**AN ORDINANCE APPROVING THE 2011 CHAMBER OF COMMERCE & AGRICULTURE HOLIDAY PARADE PERMIT AND AUTHORIZING THE POLICE DEPARTMENT TO REDIRECT TRAFFIC.**

**WHEREAS,** the Wharton Chamber of Commerce and Agriculture has filed an application for a parade permit with the City of Wharton Police Department as required under the City of Wharton Code of Ordinances, Chapter 82, Article III, Sec. 82-91; and

**WHEREAS,** the requested parade route requires the City of Wharton to close State Highway 60 (Burlison Street and Milam Street) from its intersection with Alabama Road and Polk Street; and

**WHEREAS,** the closure of State Highway 60 will be for a time of less than four (4) hours; and

**WHEREAS,** the closure will require the detouring of all traffic according to the map (Attachment A) attached to this ordinance; and

**WHEREAS,** the routing of all traffic will include truck traffic to Alabama Road which is prohibited by ordinance; and

**WHEREAS,** the City Council wishes to suspend for the duration of the parade the enforcement of said ordinance of trucks traveling on Alabama Road; and

**WHEREAS,** if there are any other ordinances that would be violated because of the re-routing of all traffic their suspension is hereby authorized.

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

**Section I.** The parade permit for the Wharton Chamber of Commerce and Agriculture is hereby approved.

**Section II.** The parade route is hereby approved as detailed in the attached map (Attachment A) which is hereby made part of this ordinance.

**Section III.** The closure of all streets as indicated in said map identified in Section II are hereby authorized.

**Section IV.** The traffic detour plan as identified in Section III above is hereby approved.

**Section V.** The Chief of Police and City Staff are hereby authorized to make the necessary expenditures needed to ensure the safety of the public.

**Section VI.** This ordinance shall become effective on the 22<sup>nd</sup> day of November 2011 and remain in effect until such time that the parade concludes.

**Passed, Approved and Adopted this 10<sup>th</sup> day of October 2011.**

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DON MUELLER**  
**Mayor Pro-Tem**

**ATTEST**

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

Councilmember Karen Schulz seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the Lower Colorado River Basin Phase I, Texas, City of Wharton Flood Reduction Project – Segment 1(a) – levee alignment. City Manager Andres Garza, Jr. stated that during the September 12, 2011 Wharton City Council meeting, the City Council approved the Amendment No. 3 to the contract between the City of Wharton and the Lower Colorado River Authority (LCRA) for this project. City Manager Garza further stated that the amendment included Segment 1a of the original levee design. City Manager Garza presented a copy of a drawing showing the proposed levee locations. City Manager Garza stated that the United States Army Corps of Engineers (USACE) was requesting the City of Wharton determine the extended route of the levee from the Segment 1 section. City Manager Garza further stated that the City Council Public Works Committee met on October 6, 2011 and voted to recommend that the City Council consider approving the Levee Segment 1(a) to be the Option 1 Alignment in accordance with the levee alignment shown on the map that was provided in the packet. After some discussion, Councilmember Terry David Lynch moved to approve the Levee Segment 1(a) to be the Option 1 Alignment that would bring the levee alignment further away from FM 102 and the old the Railroad right of way that followed FM 102 and extended to Caney Creek. Councilmember Al Bryant seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council approving a Joint Election Agreement and Election Services Contract between the City of Wharton and the Wharton County Election Department and authorizing the Mayor of the City of Wharton to execute said agreement. City Manager Andres Garza, Jr. presented a copy of a draft resolution of the Wharton City Council approving a Joint Election Agreement and Election Services Contract between the City of Wharton and the Wharton County Election Department and authorizing the Mayor of the City of Wharton to execute said agreement. City Secretary Paula Favors stated that the Joint Election Agreement and Election Services Contract was the standard contract the City authorizes each year for Wharton County to conduct the City of Wharton 2012 Elections. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2011-78, which reads as follows:

**CITY OF WHARTON**  
**RESOLUTION NO. 2011-78**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A JOINT ELECTION AGREEMENT AND ELECTION SERVICE CONTRACT BETWEEN THE WHARTON COUNTY ELECTIONS DEPARTMENT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE SAID AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to approve the joint election agreement with the Wharton County Elections Department for the conduction of a joint election to be held Saturday, May 12, 2012; and

**WHEREAS,** The City of Wharton and Wharton County 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 said 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 the joint election agreement with the Wharton County Elections Department for the joint election to be held Saturday, May 12, 2012.

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

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

**Passed, Approved, and Adopted** this the 10<sup>th</sup> day of October 2011.

**CITY OF WHARTON**

**By:** \_\_\_\_\_  
**DON MUELLER**  
Mayor Pro-Tem

**ATTEST:**

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

Councilmember Jeff Gubbels seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider appointments to the City of Wharton City Council Boards, Commissions, and Committees:

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- A. Beautification Commission.
- B. Building Standards Commission.
- C. Holiday Light Decorating Chairman.
- D. Mayor's Committee on People with Disabilities.
- E. Wharton Economic Development Corporation Board of Directors.

City Manager Andres Garza, Jr. stated the Wharton Economic Development Corporation Selection Committee met on October 7<sup>th</sup> and recommended the City Council consider appointing Mr. Marshall Francis and Mr. Scott Chambers to the board for a two-year term that would expire September 30, 2013. Councilmember Al Bryant moved to approve appointing Mr. Marshall Francis and Mr. Scott Chambers to the board for a two-year term set to expire on September 30, 2013. The motion failed for a lack of a second. Councilmember Karen Schulz moved to table the appointment of the new member's to the Wharton Economic Development Board of Directors until the next regular City Council meeting. Councilmember Jeff Gubbels seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider City Council Committees, Boards, and Commission's Reports:

- A. Wharton Regional Airport Board meeting held October 4, 2011.
- B. City Council Public Works Committee meeting held October 6, 2011.
- C. City Council Selection Committee for the Wharton Economic Development Corporation Board of Directors.

After some discussion, no action was taken.

The twelfth item on the agenda was adjournment. There being no further discussion, Councilmember Karen Schulz moved to adjourn. Councilmember Al Bryant seconded the motion. All voted in favor.

The meeting adjourned at 7:15 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**Don Mueller**  
**Mayor Pro-Tem**

**ATTEST:**

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

