

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
JANUARY 13, 2014**

Mayor Pro-Tem Don Mueller 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 Pro-Tem Mueller led the opening devotion and the pledge of allegiance.

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

Councilmember absent was: Mayor Domingo Montalvo, Jr. and Councilmember Jeff Gubbels.

Staff members present were: Finance Director Joan Anandel, City Secretary Paula Favors, Assistant to the City Manager Cheryl Urbanovsky, EMS Director John Kowalik, Police Chief Tim Guin, Emergency Management Coordinator Steve Johnson, Building Official Ronnie Bollom, Airport Manager David Allen, and City Attorney Paul Webb.

Visitors present were: David Schroeder, Executive Director, Wharton Economic Development Corporation, Bradley Loehr, P.E. with BEFCO Engineering, Inc., Carlos Cotton, P.E. with Jones and Carter, Inc. Linda Sanders, Santa Ramos, Stephanie Simmons, Mozelle Stephens, Jeanie Terronez, Daniel Terronez, Thelma Hayes, Lee E. Allen, Raymond Limas, Cindy Limas, Stela Sanders, Gregory Baines, Clarence Crockett, Marrolin Earls, Cynthia Davis, Michael Limas, Tiki Mashy, Bart Weghorst, Tony Bone, I.O. Coleman, Jr., Alfred Davis, Roberta Duncan, Brandon Cruz with the Wharton Masonic Lodge #621, and Ben Sharp, with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Russell Machann moved to excuse Mayor Domingo Montalvo, Jr. and Councilmember Jeff Gubbels. Councilmember Al Bryant seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Thelma Hayes requested the City Council consider establishing a Train Quiet Zone. Ms. Hayes stated the trains are loud and operate at a fast speed through town which is causing her health problems. Cindy Limas requested the City Council consider the Train Quiet Zone stating the many problems the noise

City of Wharton  
Regular Council Meeting  
January 13, 2014

has caused her as well as her home which shakes every time the train passes. Clarence Crockett stated he had the same issues with the train and requested the City Council help assist with the issue. I.O. Coleman, Jr. stated his issues with the noise and requested the City Council correct the problem. Alfred Duncan stated he lived within one hundred feet of the train and requested the City Council correct the problem. No action was taken.

The fourth item on the agenda was the Wharton Moment. Mayor Pro-Tem Don Mueller congratulated the Wharton High School Basketball team and staff for being undefeated.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held December 9, 2013. After some discussion, Councilmember Al Bryant moved to approve the minutes from the regular meetings held December 9, 2013. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider City of Wharton Financial Report for the month of November 2013. Finance Director Joan Anandel presented the financial report for the month of November 2013. Mrs. Anandel stated that the TexPool balance for November was \$151,310.42 with an average monthly yield of .04%. She said the Prosperity Bank balance for September 2013 was \$10,566,151.25 with an average monthly yield of .15%. After some discussion, Councilmember Terry David Lynch moved to approve the City of Wharton Financial Report for the month of November 2013. Councilmember Russell Machann seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a Hydropneumatic Tank Addition at Cloud Street Water Plant Project. City Manager Andres Garza, Jr. presented the following requests from Jones & Carter for the Hydropneumatic Tank Addition at Cloud Street Water Plant Project:

- A. Request for ratification of Progress Payment Request No. 3 by Jones & Carter, Inc. for Schier Construction Company.

City Manager Andres Garza, Jr. stated that the City received Progress Payment Request No. 3 after the City Council meeting held on December 9, 2013. City Manager Garza said the City Staff proceeded to pay Request No. 3 since the next council meeting was scheduled for January 13, 2014 and the City Staff was requesting ratification of Progress Payment Request No. 3. After some discussion, Councilmember Al Bryant moved to approve the ratification of Progress Payment Request No. 3 from Jones & Carter, Inc. for Schier Construction Company.

- B. Request for Progress Payment Request No. 4 by Jones & Carter, Inc. for Schier Construction Company.

City Manager Andres Garza, Jr. presented a copy of Progress Payment No. 4 on the project and a request for payment from Jones & Carter, Inc. for Schier Construction Company. After some discussion, Councilmember Al Bryant moved to approve the Progress Payment Request

City of Wharton  
Regular Council Meeting  
January 13, 2014

No. 4 by Jones & Carter, Inc. for Schier Construction Company. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the Sidewalk Accessibility & Historic Streetscape Project. City Manager Andres Garza, Jr. presented the following requests from BEFCO for the Sidewalk Accessibility & Historic Streetscape Project:

- A. Request for ratification of Payment Request No. 4 by BEFCO Engineering, Inc. from M & C Fonseca Construction Company, Inc.

City Manager Andres Garza, Jr. stated that the City received Payment Request No. 4 after the City Council meeting held on December 9, 2013. City Manager Garza said the City Staff proceeded to pay Request No. 4 since the next City Council meeting was scheduled for January 13, 2014 and the City Staff was requesting ratification of Payment Request No. 4. After some discussion, Councilmember Terry David Lynch moved to approve the ratification of Payment Request No. 4 by BEFCO Engineering, Inc. from M & C Fonseca Construction Company, Inc. Councilmember Russell Machann seconded the motion. All voted in favor.

- B. Change Order No. 1 from BEFCO Engineering, Inc. and M & C Fonseca Construction Company adding three areas to the Sidewalk Project.

City Manager Andres Garza, Jr. stated that in the September 23, 2013 City Council meeting, the City Council authorized the construction of additional sidewalks to the project. City Manager Garza presented Change Order No. 1 that would add the Sidewalks listed:

1. 300 Block of West Milam – South Side
2. Ramp on 100 Block of South Polk
3. Area in front of the Coffee Shop near the intersection of Houston / West Milam

After some discussion, Councilmember Terry David Lynch moved to approve Change Order No. 1. Councilmember Al Bryant seconded the motion. All voted in favor.

- C. Request for Payment Request No. 5 by BEFCO Engineering, Inc. from M & C Fonseca Construction Company, Inc.

City Manager Andres Garza, Jr. presented a copy of Progress Payment No. 5 on the project and a request for Payment Request No. 5 by BEFCO Engineering, Inc. from M & C Fonseca Construction Company, Inc. After some discussion, Councilmember Al Bryant moved to approve Payment Request No. 5 by BEFCO Engineering, Inc. from M & C Fonseca Construction Company, Inc. Councilmember Karen Schulz seconded the motion. All voted in favor.

The ninth item on the agenda was a resolution of the Wharton City Council approving a Joint

City of Wharton  
Regular Council Meeting  
January 13, 2014

Election Agreement with Wharton County Elections Department for the City Election; and Authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the Joint Election Agreement with Wharton County Elections Department for the City Election, which was to be held Saturday, May 10, 2014. City Secretary Paula Favors stated the contract was unchanged from previous years. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2014-01, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2014-01**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A JOINT ELECTION AGREEMENT WITH 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 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 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 the Wharton to execute the agreement.

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

**Passed, Approved, and Adopted** this the 13<sup>th</sup> day of January 2014.

**CITY OF WHARTON**

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

**Domingo Montalvo, Jr.**  
Mayor

**ATTEST:**

---

**Paula Favors**  
City Secretary

Councilmember Russell Machann seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a request by Mr. Brandon Cruz on behalf of the Wharton Masonic Lodge #621 for the following:

- A. Use of Riverfront Park to hold a Bar-B-Que Cook-off Friday, January 31, 2014 beginning at 7:00 a.m. through Saturday, February 1, 2014 ending at 7:00 p.m.
- B. Variance from the City of Wharton Code of Ordinances, Chapter 54 Parks and Recreation, Section 54-2 and 54-8 Operating or parking motor vehicles in parks.
- C. Variance for the City of Wharton Code of Ordinances, Chapter 54 Parks and Recreation, Section 54-3 Hours of use of City parks.
- D. Waive applicable fees for the following:
  - 1. Use of Riverfront Park.
  - 2. Temporary permit for Possession/Consumption of Alcoholic Beverages in City Parks.

City Manager Andres Garza, Jr. presented a copy of the letter dated December 3, 2013 from Mr. Brandon Cruz requesting City Council approval of the afore-mentioned items for the Annual Wharton Masonic Lodge #621 Bar-B-Que Cook-Off. City Manager Garza stated that the cook-off was scheduled to be held Friday, January 31<sup>st</sup> beginning at 7:00 a.m. through Saturday, February 1<sup>st</sup> at 7:00 p.m. After some discussion, Councilmember Russell Machann moved to approve the afore-mentioned items for the Annual Wharton Masonic Lodge #621 Bar-B-Que Cook-Off. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The eleventh item on the agenda to review and consider was a resolution of the Wharton City Council approving a contract between Pepco Energy Services and the City of Wharton; and Authorizing the Mayor of the City of Wharton to execute the agreement on behalf of the City. City Manager Andres Garza, Jr. presented a copy of an Agreement between Pepco Energy Services and the City of Wharton for energy conservation measures. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2014-02, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2014-02**

City of Wharton  
Regular Council Meeting  
January 13, 2014

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT BETWEEN PEPKO ENERGY SERVICES AND THE CITY OF WHARTON; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.**

**WHEREAS,** The Wharton City Council wishes to approve a contract between Pepco Energy Services and the City of Wharton for energy conservation measures; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement on behalf of the City of Wharton.

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

**Section I.** That the contract between Pepco Energy Services and the City of Wharton for energy conservation measure is hereby approved.

**Section II.** That the Mayor of the City of Wharton is hereby authorized to sign any and all documents relating to the contract.

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

**Passed, Approved, and Adopted** this 13th day of January 2014.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

City of Wharton  
Regular Council Meeting  
January 13, 2014

The twelfth item on the agenda was to review and consider a resolution by the Wharton City Council approving a Fixed Based Operator Lease Agreement for Cowboy Up Hang-Gliding, LLC, to operate a business at the Wharton Regional Airport. City Manager Andres Garza, Jr. presented a request for approval of a Fixed Based Operation Lease Agreement with Cowboy Up Hang-gliding to operate a business at the Wharton Regional Airport hangars. Airport Manager stated that Cowboy Up Hang-Gliding, LLC, wished to operate a Hang-Gliding business and rent a hanger at the airport. City Manager Garza stated that the Wharton Regional Airport Board met on January 7, 2014 with a favorable vote to proceed with approval of this agreement. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2014-03, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2014-03**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A FIXED BASED OPERATION LEASE AGREEMENT BETWEEN COWBOY UP HANG-GLIDING, LLC AND THE CITY OF WHARTON; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.**

**WHEREAS,** The Wharton City Council wishes to approve a Fixed Based Operation Lease Agreement with Cowboy Up Hang-Gliding, LLC and the City of Wharton; and,

**WHEREAS,** The Wharton City Council wishes to authorize Cowboy Up Hang-Gliding, LLC to operate a business at the Wharton Regional Airport; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement on behalf of the City of Wharton.

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

**Section I.** That the Fixed Base Operation Lease Agreement between Cowboy Up Hang-Gliding, LLC and the City of Wharton is hereby approved.

**Section II.** That the Wharton City Council hereby authorizes Cowboy Up Hang-Gliding, LLC to operate a business at the Wharton Regional Airport.

**Section III.** That the Mayor of the City of Wharton is hereby authorized to sign any and all documents relating to the contract.

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

**Passed, Approved, and Adopted** this 13th day of January 2014.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The thirteenth item discussed on the agenda was a request by Councilmember Al Bryant for City Council's reconsideration of the establishment of a Quiet Zone along the Kansas City Southern Railroad. City Manager Andres Garza, Jr. presented a letter from Councilmember Al Bryant for City Council's reconsideration of the establishment of a Quiet Zone along the Kansas City Southern Railroad. City Manager Garza also presented a portion of the minutes from the September 10, 2012 City Council Meeting where the item was initially discussed and after some discussion, tabled indefinitely. City Attorney Paul Webb stated his concerns with the liability that would fall on the City of Wharton and not the railroad if an accident was to occur. City Manager Garza stated that the issue is liability and the City could ask the railroad to reduce their speed when traveling through the City but it would ultimately be their decision. After some discussion, Councilmember Al Bryant moved to pursue the establishment of a Quiet Zone along the Kansas City Southern Railroad and determine the liability the City would face. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The fourteenth item discussed on the agenda was to review and consider the acceptance of Resignation of Chief of Police Tim Guin. City Manager Andres Garza, Jr. presented a resignation letter from Chief of Police Tim Guin dated December 12, 2013. After some discussion, Councilmember Karen Schulz moved to accept the resignation of Chief of Police Tim Guin. Councilmember Al Bryant seconded the motion. Councilmember Terry David Lynch opposed the motion. Councilmember Karen Schulz, Councilmember Al Bryant, and Councilmember Russell Machann voted in favor of the motion. The motion carried.

The fifteenth item discussed on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.074 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open meeting.

**A. Discussion: Appointment of Chief of Police**

Mayor Pro-Tem Don Mueller moved the meeting into closed session at 7:39 p.m.



City of Wharton  
Regular Council Meeting  
January 13, 2014

The sixteenth item discussed on the agenda was Return to open meeting: Action on items discussed in Executive Session:

**A. Review and Consider:** Appointment of Chief of Police

Mayor Pro-Tem Don Mueller returned to open session at 7:56 p.m. After some discussion, Councilmember Karen Schulz moved to approve the Police Chief job description and appoint Chief Guin as part time interim Police Chief. Councilmember Al Bryant seconded the motion. Councilmember Terry David Lynch abstained. Councilmembers Karen Schulz, Russell Machann, Al Bryant and Don Mueller voted in favor of the motion. The motion carried.

The seventeenth item discussed on the agenda was a resolution of the Wharton City Council approving a contract with SouthEast Texas Regional Advisory Council (SETRAC) for funding of a Mobile Communications Vehicle and authorizing the Mayor to execute said Contract. City Manager Andres Garza, Jr. stated the Wharton EMS, Police and Emergency Management Department had been seeking funding from SETRAC toward the purchase of the Mobile Communications Vehicle. City Manager Garza said the City had been notified that it had received approval in the amount of \$145,000 for the purchase of the communication vehicle. EMS Director John Kowalik stated the vehicle would have many other uses which included an emergency operations center and a rehab unit. City Attorney Paul Webb stated he reviewed the contract and recommended City Council consider approval of the contract. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2014-04, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2014-04**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT WITH SOUTHEAST TEXAS REGIONAL ADVISORY COUNCIL (SETRAC) AND THE CITY OF WHARTON FOR FUNDING OF A MOBILE COMMUNICATIONS VEHICLE; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE SAID CONTRACT.**

**WHEREAS,** The Wharton City Council wishes to approve a contract with SouthEast Texas Regional Advisory Council (SETRAC) and the City of Wharton for funding of a Mobile Communications Vehicle; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the contract on behalf of the City of Wharton.

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

City of Wharton  
Regular Council Meeting  
January 13, 2014

**Section I.** That the contract with SouthEast Texas Regional Advisory Council (SETRAC) and the City of Wharton is hereby approved.

**Section II.** That the Mayor of the City of Wharton is hereby authorized to sign any and all documents relating to the contract.

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

**Passed, Approved, and Adopted** this 13th day of January 2014.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

Councilmember Russell Machann seconded the motion. All voted in favor.

The eighteenth item on the agenda was an Ordinance approving amendment to the City of Wharton Budget October 1, 2012 through September 30, 2013. Finance Director Joan Andel presented budget adjustments for fiscal year October 1, 2012 through September 30, 2013. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2014-01, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2014-01**

**AN ORDINANCE APPROVING AMENDMENTS TO THE CITY OF WHARTON,  
TEXAS, BUDGET FOR THE 2012-2013 FISCAL YEAR.**

**WHEREAS,** the City Council of the City of Wharton, Texas finds and determines it necessary to revise the 2012-2013 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.

City of Wharton  
Regular Council Meeting  
January 13, 2014

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Wharton, Texas that the 2012-2013 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	Voted	<u>Yes</u>	Karen Schulz	Voted	<u>Yes</u>
Councilmember District No. 1			Councilmember District No. 2		
Terry D. Lynch	Voted	<u>Yes</u>	Donald Mueller	Voted	<u>Yes</u>
Councilmember District No. 3			Mayor Pro-Tem		
Russell Machann	Voted	<u>Yes</u>	Domingo Montalvo, Jr.		<u>Absent</u>
Councilmember At Large Place No. 5			Mayor		
			Jeff Gubbels		<u>Absent</u>
			Councilmember At Large Place No. 6		

### **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 13<sup>th</sup> day of January 2014.

**CITY OF WHARTON, TEXAS**

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

**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 nineteenth item on the agenda was to review and consider a request by Tony Bone on behalf of The Plaza Theatre for financial assistance. City Manager Andres Garza, Jr. presented a copy of a letter from Mr. Tony Bone, Board Director for Plaza Theatre dated December 12, 2013 requesting financial assistance in the amount of \$5000.00 from the City Hotel Motel Fund for The Houston Grand Opera performance of their brand new opera at the Plaza Theatre in March 2014. Mr. Bone stated the performance would be a unique opportunity for the City of Wharton and would bring people into the area who may have not visited before. After some discussion, no action was taken.

The twentieth item on the agenda was to review and consider an agreement with WISD for use of the City Swimming Pool. City Manager Andres Garza, Jr. presented a copy of the letter dated October 21, 2013, where the City submitted to WISD regarding the cost to heat the City Pool for the District's use. City Manager Garza also presented the school district's response to that letter dated December 10, 2013. City Manager Garza stated that the district requested their monthly fee be reduced by \$500, reduce the cost of the use of natural gas by 50% and establish a long term period of a minimum of five years for exclusive use of the pool from September 1 through May 31 each school year. After some discussion, Councilmember Russell Machann moved to approve reducing the monthly fee by \$500 and extend the contract for five years with Wharton I.S.D. for use of the City Swimming Pool. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The twenty-first item on the agenda was to review and consider a recommendation by the Planning Commission for City Council consideration of the request by Jimmy and Karen Schulz for approval of a Preliminary/Final Replat of William Kincheloe, Block 66, Lots 8 and 9. City Manager Andres Garza, Jr. presented the Planning Commission's recommendation regarding Mr. and Mrs. Schulz's application for the re-platting of William Kincheloe, Block 66, Lots 8 and 9, which recommended the City Council consider approving the request. Building Official Ronnie Bollom stated Mrs. Schulz had moved a building onto the property and wanted to subdivide. After some discussion, Councilmember Al Bryant moved to approve the request by Jimmy and Karen Schulz for approval of a Preliminary/Final Replat of

City of Wharton  
Regular Council Meeting  
January 13, 2014

William Kincheloe, Block 66, Lots 8 and 9. Councilmember Russell Machann seconded the motion. Councilmember Karen Schulz and Councilmember Terry David Lynch abstained. Councilmember Al Bryant, Councilmember Russell Machann and Mayor Pro-Tem Don Mueller voted for the motion. The motion carried.

The twenty-second item on the agenda was to review and consider a recommendation by the Planning Commission for City Council consideration of the request by C. E. Muegge for approval of a Preliminary/Final Replat of 3.176 ac., William Kincheloe, Abstract 38. City Manager Andres Garza, Jr. stated that he had talked to Mr. Muegge who requested the City Council defer the item. After some discussion, no action was taken.

The twenty-third item on the agenda was to review and consider the City Manager's request for travel reimbursement. City Manager Andres Garza, Jr. presented his travel reimbursement request for the period of October 1, 2013 to December 31, 2013. After some discussion, Councilmember Terry David Lynch moved to approve City Manager Andres Garza, Jr.'s travel reimbursement request for the period of October 1, 2013 to December 31, 2013. Councilmember Russell Machann seconded the motion. All voted in favor.

The twenty-fourth item on the agenda was to review and consider City of Wharton City Council Boards, Commissions, and Committees Appointments:

- A. Beautification Commission.
- B. Holiday Light Decorating Chairman

After some discussion, no action was taken.

The twenty-fifth item on the agenda was to review and consider City of Wharton City Council Boards, Commissions and Committee Reports:

- A. Planning Commission Committee was held on December 16, 2013.

After some discussion, no action was taken.

The twenty-sixth item on the agenda was to review and consider City Manager's Reports for November 2013:

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

City of Wharton  
Regular Council Meeting  
January 13, 2014

After some discussion, no action was taken.

The twenty-seventh 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 8:18 p.m.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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