

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
OCTOBER 12, 2015**

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. Councilmember Vincent Huerta 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 and Don Mueller.

Councilmember absent was: Steven Schneider.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Andel, City Secretary Paula Favors, Police Chief Terry David Lynch and Assistant to the Building Official Gwyn Laney.

Visitors present were: Wharton Economic Development Director David Schroeder, Bradley C. Loehr, P.E. with BEFCO Engineering, Inc., John Driscoll, Wharton Chamber of Commerce Executive Director Ron Sanders and Morgan Taylor with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Don Mueller moved to excuse Councilmember Steven Schneider. Councilmember Tim Barker seconded the motion. All voted in favor.

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

The fourth item on the agenda was the Wharton Moment. Mayor Domingo Montalvo, Jr. stated that it was a successful weekend for the City of Wharton with a 49-21 win over Columbus for the Wharton Varsity Football Team and the Monterey Square Wine and Arts Fair.

The fifth item discussed on the agenda was to review and consider the reading of the minutes from the regular meetings held September 14, 2015 and September 28, 2015. After some discussion, Councilmember Al Bryant moved to approve the minutes from the regular meetings held September 14, 2015 and September 28, 2015. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Mr. John Driscoll, 404 E. Alabama St., Wharton, Block 24, Lot 8A for a 4 foot interior side yard setback variance from the required 5 foot minimum interior side yard setback for the placement of a new 20 foot by 28 foot metal carport with storage. City Manager Andres Garza, Jr. presented a request from Mr. John Driscoll, 404 E. Alabama St., Wharton, Block 24, Lot 8A for a 4 foot interior side yard setback variance from the required 5 foot minimum interior side yard

setback for the placement of a new 20 foot by 28 foot metal carport with storage. Assistant to the Building Official Gwyn Laney stated that the existing carport would be demolished and since the request was over a 50% variance it had to be approved by the City Council. After some discussion, Councilmember Don Mueller moved to approve the request from Mr. John Driscoll, 404 E. Alabama St., Wharton, Block 24, Lot 8A for a 4 foot interior side yard setback variance from the required 5 foot minimum interior side yard setback for the placement of a new 20 foot by 28 foot metal carport with storage. Councilmember Tim Barker seconded the motion. All voted in favor.

The seventh item on the agenda was review and consider a request by Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2015 Holiday Parade Chairman for the Wharton Holiday Parade for the following:

- A. **Ordinance:** An ordinance approving the 2015 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.
- C. The tree lights be functional for the "lighting ceremony".

City Manager Andres Garza, Jr. presented a copy of the letter dated September 11, 2015 from Mr. Jeff Rainer, Wharton Chamber of Commerce and Agriculture 2015 Parade Chairman requesting City Council's approval of a draft ordinance authorizing the Police Department to redirect traffic for the 2015 Wharton Holiday Parade. City Manager Garza stated that Mr. Rainer was also requesting City Council's authorization for the assistance of Facilities Director, Bob Baker to obtain the five (5) portable lights needed during the parade and to make sure lights on the tree were functional for the "lighting ceremony". City Manager Garza said the parade was scheduled to be held on Tuesday, November 24<sup>th</sup> at 7:00 PM. After some discussion, Councilmember Russell Machann moved to approve the Chamber of Commerce requested City of Wharton Ordinance No. 2015-14, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2015-14**

**AN ORDINANCE APPROVING THE 2015 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,

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**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 24<sup>th</sup> day of November 2015 and remain in effect until such time that the parade concludes.

**Passed, Approved and Adopted this 12<sup>th</sup> day of October 2015.**

**CITY OF WHARTON, TEXAS**

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

**ATTEST**

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**PAULA FAVORS**  
**City Secretary**

Councilmember Tim Barker 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 approving a moratorium on the issuance of all future permits for salvage yards/junk yards within the Wharton City limits. City Manager Andres Garza, Jr. stated that the City Staff had been reviewing existing City Ordinances that were outdated and were in need of updating. City Manager Garza stated that one of those ordinances was the one concerning salvage yard/junk yards within the City limits. City Manager Garza presented a copy of Chief Lynch's memorandum to him concerning a moratorium on permits for salvage/junk yards in the City. City Attorney Paul Webb stated that he concurred with Chief Lynch and requested a moratorium on the issuance of any permits for salvage/junk until the City's ordinance could be updated. After some discussion, Councilmember Tim Barker moved to approve City of Wharton Resolution No. 2015- 78, which read as follows:

**CITY OF WHARTON**  
**RESOLUTION NO. 2015-78**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A MORATORIUM ON THE ISSUANCE OF ALL FUTURE PERMITS FOR SALVAGE YARDS/JUNK YARDS WITHIN THE WHARTON CITY LIMITS.**

**WHEREAS,** the Wharton City Council has been informed by the City Staff that the existing City Ordinance concerning salvage/junk yard is in need of updating; and,

**WHEREAS,** The Wharton City Council wishes to approve a moratorium on the issuance of all future permits for salvage yards/junk yards within the city limits pending the modifications to the existing ordinance.

**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 a moratorium on the issuance of all future permits for salvage yards/junk yards within the city limits pending the modifications to the existing ordinance.

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

**Passed, Approved, and Adopted** this 12<sup>th</sup> day of October 2015.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The ninth item on the agenda was to review and consider Ahldag Addition Sanitary Sewer System Improvement Project. - TXCDBG Contract No. 713510:

- A. Request Payment No. 4 from Supak Construction Inc.
- B. Change Order No. 3.

City Manager Andres Garza, Jr. presented pay request No. 4 and Change Order No. 3 from Supak Construction Inc. for the Ahldag Addition Sanitary Sewer System Improvement Project. Bradley C. Loehr, P.E. with BEFCO Engineering, Inc., stated that item B. consisted of the addition of manhole covers. After some discussion, Councilmember Russell Machann moved to approve afore mentioned items A. and B. Councilmember Al Bryant 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 authorizing the purchase of three (3) patrol vehicles through Buyboard Cooperative Purchasing Program from Caldwell Country. City Manager Andres Garza, Jr. presented a resolution authorizing the Wharton Police Department to purchase three (3) patrol vehicles through Buyboard Cooperative Purchasing Program from Caldwell Country.

- A. The purchase price of \$80,450.00 (\$40,225.00 each) for two (2) 2016 Chevrolet Tahoes.
- B. The purchase price of \$37,410.00 is for one unmarked unit.

City Manager Garza presented a memo from Chief Terry Lynch requesting the replacement of three vehicles for the Wharton Police Department. Chief Lynch stated the purchase of all three (3) patrol vehicles totaling \$117,860.00 was budgeted for in the 2015-2016 year which was approved by City Council. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2015-79, which read as follows:

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**CITY OF WHARTON  
RESOLUTION NO. 2015-79**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF THREE (3) PATROL VEHICLES THROUGH BUYBOARD COOPERATIVE PURCHASING PROGRAM FROM CALDWELL COUNTRY.**

**WHEREAS,** The Wharton Police Department wishes the City Council to approve the purchase of the three patrol vehicles through Caldwell Country; and,

**WHEREAS,** The City of Wharton is a member of and participates in the Buyboard Cooperative Purchasing Program; and,

**WHEREAS,** the Wharton City Council wishes to authorize the City Staff to purchase one (1) 2016 Chevrolet Tahoe patrol vehicle in the amount of \$40,225.00, one (1) 2016 Chevrolet Tahoe in the amount of \$40,225.00 and one (1) 2016 Chevrolet Tahoe in the amount of \$37,410.00 from Caldwell Country; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Wharton Police Department to execute the agreement related to the purchase of the vehicles.

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

**SECTION I.** The Wharton City Council hereby authorizes the purchase of one (1) 2016 Chevrolet Tahoe patrol vehicle in the amount of \$40,225.00, one (1) 2016 Chevrolet Tahoe in the amount of \$40,225.00 and one (1) 2016 Chevrolet Tahoe in the amount of \$37,410.00 from Caldwell Country.

**SECTION II.** The Wharton City Council hereby authorizes the Wharton Police Department to execute the agreement related to the purchase of the vehicles.

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

**PASSED AND APPROVED** this 12th day of October 2015.

**CITY OF WHARTON**

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Domingo Montalvo, Jr.  
**Mayor**

**ATTEST:**

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**Paula Favors**  
City Secretary

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

The eleventh item on the agenda was to review and consider a resolution authorizing the creation of the Gulf Coast Regional 9-1-1 Emergency Communications District. City Manager Andres Garza, Jr. presented a copy of a letter to Mayor Domingo Montalvo, Jr., dated September 29, 2015, from The Houston-Galveston Area Council requesting the City of Wharton to adopt a resolution authorizing the formation of the Gulf Coast Regional 9-1-1 Emergency Communications District and a memo from Chief Terry Lynch supporting the formation of the Gulf Coast Regional 9-1-1 Emergency Communications District. After some discussion, Councilmember Tim Barker moved to approve City of Wharton Resolution No. 2015-80, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015-80**

**A RESOLUTION AUTHORIZING THE CREATION OF THE GULF COAST REGIONAL 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT.**

**WHEREAS,** Chapter 772, Subchapter H, of the Texas Health and Safety Code, cited as the Regional Emergency Communications District Act (the “Act”), provides for the creation of a Regional Emergency Communications District; and

**WHEREAS,** the Act applies to a state planning region established under Chapter 391 of the Texas Local Government Code with a population of under 1.5 million, composed of counties and municipalities that operate a 9-1-1 system solely through a regional planning commission; and,

**WHEREAS,** the Act requires that the governing bodies of each participating county and municipalities in the region adopt a resolution approving the creation of the Regional Emergency Communications District (the “District”); and,

**WHEREAS,** as of September 1, 2015, the City of Wharton exclusively received 9-1-1 system services operated through the Houston-Galveston Area Council, a regional planning commissions;

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**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF WHARTON AUTHORIZES THE CREATION OF THE GULF COAST REGIONAL 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT.**

**PASSED AND APPROVED** this 12th day of October 2015 at a regularly scheduled Council Meeting of the City of Wharton, Texas.

**CITY OF WHARTON**

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**DOMINGO MONTALVO, JR.**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council designating a City of Wharton Representative and Alternate to the Houston-Galveston Area Council 2015 General Assembly. City Manager Andres Garza, Jr. presented a copy of the letter dated September 17, 2015 to Mayor Domingo Montalvo, Jr. from Mr. Jack Steele of the Houston-Galveston Area Council (H-GAC) requesting the City of Wharton to designate a City of Wharton representative, and alternate representative, to the H-GAC 2016 General Assembly. City Manager Garza stated that Councilmember Al Bryant served as the City's representative for the 2015 General Assembly and Councilmember Russell Machann served as the alternate representative. After some discussion, Councilmember Tim Barker moved to approve City of Wharton Resolution No. 2015-81, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2015-81**

**A RESOLUTION DESIGNATING A CITY OF WHARTON REPRESENTATIVE AND ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2016 GENERAL ASSEMBLY.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS** that Councilmember Al Bryant be, and is hereby designated as its Representative to the General Assembly of the Houston-Galveston Area Council for the year 2016.



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**FURTHER**, that the Official Alternate authorized to serve as the voting representative should the hereinabove named representative become ineligible, or should he/she resign, is Councilmember Russell Machann.

**THAT**, the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named representative and alternate.

**Passed, Approved, and Adopted** this 12<sup>th</sup> day of October 2015.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The thirteenth item on the agenda was to review and consider City Manager Travel Reimbursement. City Manager Andres Garza, Jr. presented his request for travel reimbursement. After some discussion, Councilmember Russell Machann moved to approve City Manager Andres Garza, Jr.'s City Manager Travel Reimbursement request. Councilmember Tim Barker seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider the appointment of Ms. Gloria Montoya to the Mayor's Committee for People with Disabilities. City Manager Andres Garza, Jr. presented an email from Ms. Gloria Montoya stating her interest in serving on the Mayor's Committee for People with Disabilities. After some discussion, Councilmember Vincent Huerta moved to appointment the following:

<u>Mayor's Committee for People with Disabilities</u>	<u>Term Expiring</u>
Gloria Montoya	June 30, 2017

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

The fifteenth item on the agenda was to review and consider Appointments to the City of Wharton 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. Central Appraisal District of Wharton County Board of Directors.

City Manager Andres Garza, Jr. presented a letter from Chief Appraiser Tylene Gamble requesting the name of a representative to serve on the board for the term beginning January 1, 2016-December 31, 2017. After some discussion, no action was taken.

The sixteen item on the agenda was to review and consider City Council Boards, Committees and Commissions reports:

- A. Building Standards Commission meeting held on September 17, 2015.
- B. Wharton Economic Development Corporation meeting held on September 28, 2015.

After some discussion, no action was taken.

The seventeenth item 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.

**Discussion:**

- A. City Managers Evaluation.

Mayor Domingo Montalvo, Jr. moved the meeting into closed session at 7:20 p.m.

The eighteenth item on the agenda was to Return to Open Meeting: Action on items discussed in Executive Session:

**Review & Consider:**

- A. City Managers Evaluation.

Mayor Domingo Montalvo, Jr. returned to open session at 7:43 p.m. Mayor Montalvo stated that information only was received on the afore mentioned item. No action was taken.

The nineteenth 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 7:44 p.m.

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

**ATTEST:**

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**Paula Favors**  
**City Secretary**