

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
January 9, 2012**

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

Councilmember's present were: Mayor Domingo Montalvo, Jr., Councilmembers Al Bryant, Jeff Gubbels, Russell Machann, Don Mueller, and Karen Schulz.

Councilmember absent was: Terry David Lynch

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

Visitors present were: David Schroeder, Executive Director, Wharton Economic Development Corporation, and Natalie Bednorz, Wharton Journal Spectator.

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

The third item discussed on the agenda was the Wharton Moment. No comments were given.

The fourth item discussed on the agenda item was to review and consider the reading of the minutes from the regular meeting held December 12, 2011. After some discussion, Councilmember Jeff Gubbels moved to approve the minutes from the regular meeting held December 12, 2011. Councilmember Al Bryant seconded the motion. All voted in favor.

The fifth item discussed on the agenda was to review and consider the City of Wharton Financial Report for the month of November 2011. Finance Director Joan Anzel presented the financial report for the month of November 2011. Mrs. Anzel stated that the total ad valorem taxes collected were \$52,919.22 and the sales tax for the month of November 2011 was \$111,279.23. She further stated that the TexPool balance for November was \$169,997.27 with an average monthly yield of 0.11%. She said the Prosperity Bank balance for November 2011 was \$5,572,085.09 with an average monthly yield of 0.15%. Mrs. Anzel further stated that other investments included \$2,663.09 at TexasGulf Federal Credit Union in the debt fund, and \$256,155.15 at Capital One Marketing. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of November 2011. Councilmember Karen Schulz seconded the motion. All voted in favor.

The sixth item discussed on the agenda was to review and consider a recommendation from the Planning Commission for City Council to consider approving the request by Mr. Ali Qattom for a preliminary/final plat of 9'ers Subdivision being a re-plat of a 1.624 acre tract of land situated in the City of Wharton, in the William Kincheloe League, Abstract No. 38, Wharton County Texas, being comprised of two parcels: 1) that certain called 0.7664 acre tract of land and 2) Lots Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14); Block No. One (1), of the Sol's Addition; 112 West Boling Highway. Assistant to City Manager Jackie Jansky stated that the Planning Commission met on December 19, 2011 and voted to recommend the City Council consider approving the request by Mr. Ali Qattom, owner of the 9'ers Grill, for a preliminary/final plat of 9'ers Subdivision being a re-plat of a 1.624 acre tract of land situated in the City of Wharton, in the William Kincheloe League, Abstract No. 38, Wharton County Texas, being comprised of two parcels: 1) that certain called 0.7664 acre tract of land and 2) Lots Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14); Block No. One (1), of the Sol's Addition; 112 West Boling Highway. Mr. Ali Qattom stated that the building would be roughly 3,500 square feet and there would be a space of 20 feet from the existing building. After some discussion, Councilmember Jeff Gubbels moved to approve the preliminary/final plat of 9'ers Subdivision being a re-plat of a 1.624 acre tract of land situated in the City of Wharton, in the William Kincheloe League, Abstract No. 38, Wharton County Texas, being comprised of two parcels: 1) that certain called 0.7664 acre tract of land and 2) Lots Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14); Block No. One (1), of the Sol's Addition; 112 West Boling Highway. Councilmember Russell Machann seconded the motion. All voted in favor.

The seventh item discussed on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 66 Signs and Advertising, Articles I-IV; Providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine; Providing for separability and setting an effective date. City Manager Andres Garza, Jr. presented a draft copy of an ordinance amending the City of Wharton Code of Ordinances, Chapter 66 Signs and Advertising, Articles I-IV; Providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine; Providing for separability and setting an effective date. Building Official Ronnie Bollom stated that there were items in the ordinance needed to be defined and the new ordinance would accomplish that. City Manager Garza stated that the Planning Commission met on December 19, 2011 and voted to recommend the City Council consider approving the ordinance amendment. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Ordinance No. 2012-01, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2012-01**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 66 SIGNS AND ADVERTISING, ARTICLES I-IV; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING FOR SEPARABILITY AND SETTING AN EFFECTIVE DATE.**

**BE IT ORDAINED** by the City Council of the City of Wharton, Texas:

**WHEREAS**, it is the desire of the City of Wharton Code of Ordinances to read as follows:

**Sec. 66-2 Definitions.**

*Apartment/condominium/mobile home park identification sign:* An attached sign or a freestanding sign with permanent foundation or moorings, designed for identification of a multi-family residential project or a mobile home park project.

*Area identification sign:* A freestanding or wall sign with permanent foundation or moorings, designed for identification of subdivisions of ten to 50 acres, or identification of a distinct area within a subdivision.

*Attached sign:* A sign attached to or applied on and totally supported by a part of a building.

*Banner:* A graphic composed primarily of cloth, paper, fabric or other similar means, not including decorative streamers with no lettering thereon.

*Building:* A structure that has a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or property.

*Building official:* The City of Wharton building official as prescribed by Chapter 18 Buildings and Construction, Article II, Building Official, sections 18-36--18-40 of the City of Wharton Code of Ordinances.

*Changeable electronic variable message signs (CEVMS)* means a sign which permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including a light emitting diode (LED) or digital sign, and which varies in color or intensity. A CEVMS sign does not include a sign located within the right-of-way which functions as a traffic control device and which is described and identified in the Manual on Uniform Traffic Control Devices (MUCTD) approved by the Federal Highway Administrator as the National Standard."

*Church directional sign:* An off-premise sign that furnishes directions to a church.

*Commercial sign:* A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing.

*Construction sign:* An attached or freestanding sign erected upon a lot or parcel of land for the purpose of advertising the furnishing of labor, materials, or the practice of crafts for a subdivision or building project.

*Corporate Signs/Flags:* A piece of fabric of distinctive design meant to draw attention to the main entrance of an apartment complex, hotel, church, nursing home, home for the aged, business or school.

*Development sign:* A sign announcing a proposed subdivision or a proposed building project.

*Directional traffic control sign:* A sign utilized as a traffic control device in off-street parking or access areas.

*Finance sign:* An attached or freestanding sign erected upon a lot or parcel of land for the purpose of advertising by a bank or other lending institution the furnishing of interim or permanent financing for a subdivision or proposed building project.

*Freestanding commercial sign:* A sign supported by one or more columns, poles or bars extended from the ground or from an object on the ground, or that is erected on the ground; the term includes all signs which are not substantially supported by a building or part thereof, or which are substantially supported by a building or part thereof, when the sole significant purpose of the building or part thereof, is to support or constitute the sign.

*Fuel price sign:* A sign used to advertise the current price of fuel at locations where fuel is sold.

*Garage/yard sale sign:* A sign used to advertise the sale of personal property at a person's residence.

*Home occupation sign:* A sign used to identify the name and occupation of a person with a legal home commercial enterprise.

*Low profile sign:* A sign with a permanent foundation which is not attached to a building, but is a stand-alone sign and which does not exceed 60 square feet. in area and four feet in height.

*Non-commercial sign:* A sign containing a work of art or message which is political, religious, or pertaining to a point of view, expression, opinion, or idea that contains no reference to the endorsement, advertising of or promotion of patronage, of a business, commodity, service, entertainment, or attraction that is sold, offered, or existing.

*Off-premise commercial sign:* A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the premises where such sign is displayed.

*On-premise commercial sign:* A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing upon the premises where such sign is displayed. This definition does not include non-commercial signs.

*Pennants/festoons:* A piece(s) of fabric or other pliable material used for decoration (contains no copy or logo) or for identification (contains copy and/or logo).

*Political sign:* Any sign which promotes a candidate for any public office or which advocates a position on any social issue as its primary purpose. Political signs shall be considered in the category of non-commercial signs except where there are regulations pertaining to their removal after an election.

*Portable sign:* An on premise sign which is not permanently affixed or attached to real property by poles, stakes or other members which are placed into the ground or upon some other type of permanent foundation; including trailer signs, any sign with wheels or skids, and any sign which is constructed so as to sit upon the surface of the ground, without subsurface attachment or extension.

*Premises:* An area of land planned and designed as a single comprehensive project, considered from the time the plan is first submitted to the planning department either at plat stage or site plan stage.

*Real estate sign:* An attached or freestanding sign erected upon a lot or parcel of land for the purpose of advertising same for sale or lease.

*Roof sign:* An outdoor advertising display sign erected, constructed, or maintained on the roof of a building or which is wholly dependent upon a building for support, and which projects above the point of a building with a flat roof six feet above the eave line of a building with a shed, gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

*Sign* means any written or graphic representation, decoration, form, emblem, trademark, flag, banner, or other feature or device of similar character which is used for the communication of commercial information, or communication of ideas or subjects of political significance, and which:

- (1) Is a structure or any part thereof, including the roof or wall of a building, or a free standing wall or fence;
- (2) Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into a building, board, plate canopy, awning, or vehicle, or upon any material, object or device whatsoever;
- (3) By reason of its form, color, wording, symbol design, illumination or motion attracts or is designed to attract attention to the subject thereof, or is used as a means of identification, advertisement or announcement.
- (4) A sign shall be considered to be a single display surface, a double-faced display surface, or display device-containing elements clearly organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign; provided, however, that the display of actual physical merchandise through glass windows in any store where such merchandise may be sold in the ordinary course of business shall not constitute a sign or signs.

*Spinners:* Any sign display or attention-seeking device (that is not a flag) which spins or flutters when contacted by air currents or is propelled by a mechanical fan.

*Subdivision identification sign:* A freestanding or wall sign with permanent concrete foundation or moorings, designed for permanent identification of a subdivision of greater than 50 acres. (Ord. No. 2000-15, § 2(Exh. A), 8-28-00; Ord. No. 2008-07, 6-9-08)

**Sec. 66-14. Portable signs.**

An applicant may seek a permit from the building official for the use of a portable sign. A permit granted for a portable sign will allow the applicant to use the sign for one consecutive sixty (60) day period from the date the permit is issued. An applicant granted a permit under this section may not seek another permit for the use of any portable sign at that location for a twelve (12) month period, which begins the date the permit expires. The fee for such a permit shall be established by resolution of the city council and may be changed from time to time. Any portable sign located on a commercial premises must direct attention to a business, commodity, service, entertainment or attraction, sold offered, or existing on those premises. Any portable sign allowed pursuant to a permit will be subject to the following requirements:

- (1) All portable signs shall display an affixed tag which identifies the name, address and phone number of the sign owner and of the person in control of the sign, if different from the owner.
- (2) Portable signs shall be a minimum of twenty-five (25) feet from any residential property line.
- (3) The maximum facial display area of all the sides combined of a portable sign shall be no larger than thirty-two (32) square feet.
- (4) At least twenty-five (25) feet of space shall separate all portable signs on the same side of the street regardless of property ownership.
- (5) Portable signs shall have a front property and side setback from the property line of not less than ten (10) feet.
- (6) The maximum height of any portable sign from ground to top of sign shall be not greater than six (6) feet.
- (7) All portable signs shall be staked or otherwise secured in such a manner that they may not be reasonable expected to be blown over or moved by wind gusts not associated with officially declared tropical storms, hurricanes or tornadoes. Extra grounding precautions or removal must be taken by portable sign owners in the event of an approaching tropical storm, hurricane or tornado.
- (8) All portable signs shall be kept in good repair.
- (9) Any other requirements as prescribed by the building code.

**Sec. 66-17. Non-commercial signs--Political signs.**

(a) This chapter does not regulate the size, content or location of non-commercial signs, political signs except as follows:

- (1) No commercial message shall be shown on any non-commercial sign.
- (2) No non-commercial sign:
  - a. May be located within a public road right-of-way of the State of Texas; or
  - b. May be located off the premises of the property owner who is displaying the sign; or
  - c. May exceed thirty-two (32) square feet in area and six (6) feet in height measured from the ground to the top of the sign. Non-commercial/Political signs exceeding an area of six (6) square feet shall not be allowed in residential neighborhoods.
  - d. May be located within a city right-of-way or on city property.

(b) This provision is necessary to avoid visual clutter, proliferation, resulting rubbish and dangerous distraction to pedestrians and drivers caused by close proximity of such signs to automobile traffic, to avoid damage to automobiles which may leave the paved surface

intentionally or by accident, and to avoid the necessity for pedestrians to step into the roadway to bypass such signs or to seek line-of-sight verification of traffic. No regulatory alternative exists to accomplish this police power obligation.

(c) In the event that any non-commercial/political sign is located in a prohibited area or exceeds the maximum height or size limitations, it shall be removed by the city.

(d) All political signs shall be removed within ten (10) days after the election to which they are applicable. Any private restrictive covenants in real property deeds should be consulted by landowners to determine if their private property may otherwise be regulated regarding posting signage.

**Sec. 66-20. Freestanding commercial signs.**

(a) Freestanding commercial signs are allowed only on developed commercial property. One freestanding sign shall be allowed only when the premise has a minimum of two acres, subject to the requirements set forth in Table II. One low profile sign shall be allowed when the premise has less than two acres subject to the requirements set forth in Table II. Height, area and setback from the property line requirements for all other freestanding signs are not found in Tables I and II. See section 66.22 concerning banners and flags.

(b) A premise with less than seventy-five (75) feet of public street frontage shall be allowed to use one low profile sign.

(c) A premise with more than seventy-five (75) feet of public street frontage shall be allowed to use Table I standards for one freestanding sign rather than one low profile sign.

(d) A premise with more than one hundred fifty (150) feet of public street frontage shall be allowed to use Table I standards for one freestanding sign or any number of low profile signs as long as there is a minimum separation between signs of one hundred fifty (150) feet.

(e) Premises with less than seventy-five (75) feet of public street frontage may be combined in order to utilize signage corresponding to the resulting frontage as described in the preceding two paragraphs.

(f) The sign applicant may elect the frontage street where two streets intersect at the corner are classified the same in accordance with the city's subdivision ordinance. If the intersection occurs at two differently classified streets, then the wider street shall be considered the frontage street.

(g) No more than one freestanding sign shall be allowed on any premise except when all of the following conditions are met:

- (1) The site must be twenty-five (25) acres or more in area.
- (2) The site must have 1,000 feet or more of continuous unsubdivided public frontage on any major arterial street (as determined by the city's subdivision ordinance) toward which one freestanding sign is to be displayed.

(h) Balloons or floating devices anchored to the ground or structure may be used for display or advertising for special events. Maximum height shall be not greater than fifty (50) feet. One

balloon or other floating devices shall be allowed for a period not to exceed a cumulative total of thirty (30) days per calendar year per location. A no-fee permit is required. Party balloons are not included in this chapter.

**Sec. 66-25. Home/Business address numbering.**

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

- a. The primary location of the address numbers shall be located as near to the front entrance as possible.
- b. Numbers shall contrast with their background and shall be Arabic numerals and/or alphabet letters if applicable.
- c. Numbers and/or letters shall be four (4) inches high with a minimum stroke width of one-half (0.5) inch.

In addition to the above building numbering, signs may also be erected for the purpose of identifying the address of residential homes. Such signs shall be no longer than sixteen (16) inches in length and eight (8) inches in width and no more than thirty (30) inches in height. Curb numbering can also be used in conjunction with the primary position numbers. These numbers shall have a contrasting background.

**Sec. 66-26. Garage/yard sale signs.**

Garage/yard sale signs are not prohibited. However, signs shall be located on the property of the sale only. Placement of signs at any other location is prohibited. The sign area shall not exceed six (6) square feet. Signs must be removed by 8:00 p.m. on the final day of the sale.

**Sec. 66-29. Prohibited signs.**

- (a) The following signs shall be prohibited within the corporate limits of the city:
  - (1) Signs painted on roof tops.
  - (2) Except as permitted in Section 66-22, corporate banners, flags, pennants, festoons or spinners are prohibited. However, if a business holds a grand opening or special event flags, pennants, festoons or spinners may be displayed for a cumulative total of thirty (30) days per calendar year per location. A no-fee permit is required. The flags of any country, state, city, church, or school are not prohibited.
  - (3) Signs and displays with flashing, blinking or traveling lights, or erratic or other moving parts, either internal or external to the premise, and oriented and visible to vehicular traffic, provided that time and temperature signs are permissible if the maximum area and setback requirements of this chapter are met and if the commercial information or content of such sign is restricted to no more than eight square feet.
  - (4) Any signs which are intended to or designed to resemble traffic signals and bear such words as "stop," "slow," "caution," "warning," or other words, and which are erected for purposes other than actual traffic control or warning to the public.
  - (5) Any sign which emits sound, odor or visible matter
- (b) The following signs shall be prohibited within the corporate limits or the extraterritorial jurisdiction of the city.



Changeable electronic variable message signs (CEVMS) shall be prohibited within the corporate limits and the extraterritorial jurisdiction of the city, except that changeable electronic variable message signs shall be permitted for public tax-supported schools to provide public information. No new permit shall be issued for the installation, erection, or replacement of a CEVMS, including any conversion or modification of an existing sign to a CEVMS, within the corporate limits or the extraterritorial jurisdiction of the city, except as provided herein.

Changeable electronic variable message sign (CEVMS) regulations for public tax-supported schools:

- (1) Images or messages shall be static in nature and shall not blink, flash, scroll or be animated in such a manner as to constitute a distraction to passing motorists.
- (2) No image or message may be displayed for less than six seconds.
- (3) The changeable message portion shall be limited to one color, and shall be limited to white, gold, yellow, red, blue, or green. The building official shall determine whether proposed colors conform to these colors.
- (4) The face or display of the sign shall be placed toward a public right-of-way.  
(Ord. No. 2000-15, § 2(Exh. A), 8-28-00; Ord. No. 2008-07, 6-9-08)

### **Sec. 66-30 Exempt Signs.**

The following signs are exempt from the requirements of this Chapter:

- (1) Signs that are not easily read from beyond the boundaries of the lot or parcel on which they are located or from any public thoroughfare or traveled right-of-way. Such signs are not exempt from the safety regulations contained herein and in city building and electrical codes.
- (2) Official notices posted by government officials in the performance of their duties and government signs controlling traffic, regulating public conduct, identifying streets, or warning of danger or which perform some other governmental function. (Bulletin boards or identification signs accessory to government buildings or other buildings are subject to the provisions of this chapter.)
- (3) Temporary signs erected by private property owners for the purpose of warning of a dangerous defect or condition, or other hazard to the public.
- (4) Non-commercial signs on private property or works of art that in no way identify or advertise a product or business, or by their location and placement impede traffic safety.
- (5) Temporary decorations or displays, if they are clearly incidental to and are customarily and commonly associated with any national, local, ethnic, sporting or religious event or celebration.
- (6) Temporary or permanent signs erected by public utilities or construction related companies to warn of the location of pipelines, electrical conduits, or other dangers or conditions in public rights-of-way.
- (7) Signs that are displayed on motor vehicles that are being operated or stored in the normal course of a business, such as signs indicating the name or the type of business that are located on automobiles, moving vans, delivery trucks, trailers and other commercial vehicles; but only if the primary purpose of such vehicles is not for the display of the signs thereon, and only if such vehicles are parked or stored in areas

appropriate to their use as commercial or delivery vehicles, such as service areas or locations close to the business building(s) away from public traffic areas.

(8) Signs carried by a person and not set on or affixed to the ground.

(9) Off-premise outdoor advertising display signs/banners by sponsors of charitable events. These signs may be displayed for two (2) weeks prior and during the event with written approval of the City Manager.

(10) Flags used as political symbols including only the United States, Texas, city and church flags.

(11) Flags used solely for decoration and not containing any copy or logo and located only in multi-family, commercial and industrial districts or premise developments. In multi-family developments, commercial and industrial premise, flags will be restricted to twenty-five (25) square feet in area, thirty (30) feet in height, and the number shall be restricted to no more than twelve (12) flags per building plot.

### **Article III. Variances**

#### **Sec. 66-76 Variances**

- (a) Variations of this chapter will be considered by the planning commission when in its judgment special or particular factors and conditions warrant such variation and they do not affect the general application or spirit of this chapter. An application for a variance shall be obtained through the code enforcement department and submitted to the planning commission at the next regularly scheduled meeting for consideration. Advice and cooperation is to be offered and will always be fully given by the members of the city staff and planning commission. For the granting of a variance, a favorable vote of no less than a majority of members of a quorum of the planning commission shall be necessary.
- (b) Before any initial decision of the planning commission regarding a variance shall become final, such initial decision shall be subject to review by the city council, if within ten days from the date of the planning commission's initial decision, any member of council requests review of such initial decision at the next regularly scheduled council meeting. If the initial decision of the planning commission is not reviewed by the council at its next regularly scheduled council meeting it is deemed a final decision. The council may approve or deny the initial decision of the planning commission.
- (c) If an the application is denied by the planning commission, an applicant may appeal the final decision to the city council within ten days from the date of the final decision, if the city council also denies the application, the applicant may appeal the final decision to the appropriate local court.
- (d) If an application is denied, an applicant may not seek another substantially similar variance for a period of 12 months from the date the original variance was denied by the planning commission or city council.
- (e) The applicant pays a Variance fee as established by the City Council of the City of Wharton under separate resolution.

**Fine and Penalty for Violations**

**Sec. 18-145. Penalties.** Any person violating any of the terms or provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$100.00 or more than the maximum provided in section 1-5 for each offense. If the terms or provisions of this article are violated by any corporation or firm, the officers and agents actively in charge of the business of such corporation or firm and the person actually performing the work for such corporation or firm shall be subject to the penalties provided in this section.

**Separability**

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.

**Effective Date**

This Ordinance shall become effective on the 20<sup>th</sup> day of January 2012 at 12:01 a.m.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on the 9<sup>th</sup> day of January 2012.

CITY OF WHARTON, TEXAS

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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**PAUL WEBB**  
**City Attorney**

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

The eighth item discussed on the agenda was to review and consider a resolution of the Wharton City Council establishing fees for the City of Wharton Code of Ordinances, Chapter 66, Signs and Advertising, Articles I-IV; in accordance with Section 66-112. Building Permit Fees. City Manager Andres Garza, Jr. stated that with the City Council's approval of the adoption of the ordinance amendment, fees need to be established. City Manager Garza further stated that the Planning Commission met on December 19, 2011 and voted to recommend the City Council consider approving the resolution establishing the fees. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2012-01, which read as follows:

**CITY OF WHARTON**  
**RESOLUTION NO. 2012 - 01**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING FEES FOR THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 66, SIGNS AND ADVERTISING, ARTICLES I-IV; IN ACCORDANCE WITH SECTION 66-112. BUILDING PERMIT FEES.**

**WHEREAS**, On January 9, 2012, the Wharton City Council wishes to establish the sign variance fees; and

**WHEREAS**, The Wharton City Council wishes to authorize the Building Official and/or appointed representative to enforce said charges and the applicable fees.

**WHEREAS**, The Wharton City Council hereby establishes the sign variances fees as follows:

\$250.00 non-refundable fee if requesting a variance; and

**WHEREAS**, the Wharton City Council wishes this resolution to become effective January 20, 2012 at 12:01 a.m.

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

**Section I.** The Wharton City Council hereby establishes the fees for filing a Variance Fee to Chapter 66 Signs and Advertising, Article III Variances, Section 66-76 (e) as follows:

\$250.00 non refundable fee if requesting a variance.

**Section II.** That this resolution shall become effective January 20, 2012 at 12:01 a.m.

**Passed, Approved, and Adopted** this 9<sup>th</sup> day of January 2012.

**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 ninth item discussed on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 18, Building and Construction, Article III. Construction Codes by adding Section 18-79 Off-Street Parking Requirements; Providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine; Providing for separability and setting an effective date. City Manager Andres Garza, Jr. stated the Planning Commission met on December 19, 2011 and voted to recommend the City Council consider approving the ordinance amendment. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2012-02, which read as follows:

**CITY OF WHARTON**  
**ORDINANCE NO. 2012-02**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 18, BUILDING AND CONSTRUCTION, ARTICLE III. CONSTRUCTION CODES BY ADDING SECTION 18-79 OFF-STREET PARKING REQUIREMENTS; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING FOR SEPARABILITY AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, it is the desire of the City of Wharton to adopt, in all respects, commuting parking spaces and establishing parking requirements for townhouse and duplex residential, as well as restaurant and bar establishments.

**THEREFORE, BE IT ORDAINED** by the City Council of the City of Wharton, Texas, that Chapter 18, Building and Construction, Article III. Construction Codes be amended by adding the following:

Sec. 18-79. Off-Street Parking Requirements.

- a. *Off-street parking required.* At the time that any building, use or structure is initiated, erected, enlarged or converted from one (1) land use to another land use which requires an increase in the number of parking spaces, off-street parking facilities shall be provided in accordance with these regulations for the use of occupants, employees, visitors and patrons. Off-street parking facilities shall be maintained and continued as long as the building, use or structure is continued. No person shall utilize such building; use or structure without providing the required off-street parking facilities. In addition, it shall be unlawful to discontinue or dispense with, or cause the discontinuance or reduction of, the required parking facilities apart from the discontinuance of the building, use or structure, without establishing alternative off-street parking facilities which meet these requirements. The provisions of this section may not apply to properties located in the Downtown Business Area. These properties shall be evaluated separately by the Building Official for applicability.
- b. *Amount of off-street parking spaces required.* The required number of off-street parking spaces for any building, use or structure shall be determined by the list of land use classifications and corresponding parking standards contained in Table 3.1, of this section. Such parking standards shall be applied subject to the following subsections:
  - 1) *Seating capacity.* Where requirements are established on the basis of the number of seats, such requirements shall be based on the seating capacity permitted by the fire code and approved by the Fire Marshall’s office. When determining seating capacity for a building, use or structure utilizing bench seating, each twenty-two (22) inches of bench shall be considered one (1) seat.
  - 2) *Fractions.* Fractional numbers shall be increased to the next whole number if the fraction is five-tenths (0.5) or more, and when the fraction is less than five-tenths (0.5), the next lower whole number shall apply.
  - 3) *Unlisted uses.* The off-street parking requirements for any use not specifically listed in Table 3.1 shall be the same as those for the use most similar to the proposed use, as determined by the Building Official.

Table 3.1  
 Off-Street Parking Standards

Table Inset

LAND USE	NUMBER OF PARKING SPACES
Single-Family, patio-cluster, townhouse,	2.0 spaces per dwelling unit

condominium, manufactured home	
Multifamily Apartments	Per Dwelling Unit:
	Efficiency: 1.0 per space
	1 Bedroom: 1.5 spaces
	2 Bedrooms: 2.0 spaces
	3 or more bedrooms: 2.5 spaces Where offices are provided on site, visitor parking must be provided as per the office parking requirements outlined in this section and where clubhouses are provided on site, appropriate off-street parking must be provided as per the community centers/club requirements outlined in this section.
Two, Three, and Four Family Duplex, etc. Apartments	2.0 spaces per unit
Rooming, lodging or boarding houses	1.5 spaces per rental sleeping room
Bed and breakfast	1 space per guest room, plus 2 spaces per owners unit
Churches, temples, synagogues	1 space per 4 seats in auditorium/chapel
Community centers, clubs, lodges, etc.	1 space per 4 seats or 1 space per 300 square feet of gross floor area, whichever is greater
Game courts (tennis, racquetball, etc.)	4 spaces per court
Golf courses	6 spaces per hole + 1 space per 200 square feet of gross floor area of public building(s)
Hospitals and sanitariums	1.5 spaces per bed + 1 space per 500 square feet of gross floor area of emergency room and outpatient care (where such care is specifically provided)
Libraries and museums	1 space per 400 square feet of gross floor area
Nursing home, rest home, convalescent center	1 space per 3 beds + 1 space per administration and staff
Parks, playgrounds, play-fields	2 spaces per acre

Kindergarten and elementary	1 space per faculty and staff + 1 space per 12 seats in auditorium/assembly area
Junior high or middle	1 space per faculty and staff + 1 space per 8 seats in auditorium/assembly area
High schools	1 space per faculty and staff + 1 space per 4 students
College education facilities	1 space per faculty and staff + 1 space per 3 students
Swimming pools	1 space per 150 square feet of pool area
Automobile and equipment sales and rentals:	
For showroom, office area	1 space per 300 square feet of gross floor area
For outside lot	1 space per 2,500 square feet of paved storage/display area
For service area and body shop	4 spaces per bay and working area
Auto repair shop	4 spaces per bay and working area
Convenience Store	1 space per 250 square feet of gross floor area (not in shopping center)
Day care center	1 space per 10 children enrolled + 1 space per employee
Flea market	1 space per 150 square feet of display area
Funeral homes or mortuaries	1 space per 4 seats in the chapel(s) or auditorium(s)
Furniture store	1 space per 500 square feet of gross floor area
Horticulture, nursery	1 space per 300 square feet of gross floor area + 1 space per 2,500 square feet of greenhouse and yard storage area
Kennel	1 space per 400 square feet of kennel area
Laundry and dry cleaning services	1 space per 300 square feet of customer service area + 1 space per 500 square feet of remaining gross floor area
For office	1 space per 300 square feet of gross floor area



For manufactured home sales, display area	1 space for 10,000 square feet of area devoted to the sale, display or storage of manufactured homes
Motel or Hotel	1.5 spaces per motel/hotel unit + the number of spaces required by this section for any bar, restaurant or other related facility
Nightclubs, bars, etc.	1.5 spaces per 100 square feet
Business, professional, governmental	1 space per 350 square feet of gross floor area
Banks	1 space per 300 square feet of gross floor area
Medical	1 space per 250 square feet of gross floor area
Personal services (beauty salons, barber shops, etc.)	3 spaces per chair or work station
Arcades	1 space per 300 square feet of gross floor area
Dance halls	1 space per 4 seats
Golf driving range	1 space per driving station
Health clubs	1 space per 250 square feet of gross floor area
Rental, general	1 space per 250 square feet of gross floor area
Retail, outdoor sales	1 space per 500 square feet of outdoor sales area
Sports arenas, stadiums, gymnasiums, etc.	1 space per 4 seats
Theaters	1 space per 4 seats
Restaurant	1 space per 3 seats, w/bar add 1.5 per 100 square feet of gross floor area
Restaurant, fast food	1 space per 100 square feet of gross floor area
Discount store	1 space per 300 square feet of gross floor area
Hardware, paint, home improvement stores and lumber yards	1 space per 400 square feet of gross floor area
Shopping center	1 space per 300 square feet of gross floor area
Supermarket	1 space per 250 square feet of gross floor area
Self-storage, mini-storage	1 space per 20 storage stalls + 1 space per 300 square feet of gross

Climate control only	floor area of office space
Service station, oil change shop	4 spaces per bay and working area
Veterinarian office, pet grooming, etc.	1 space per 200 square feet of examining, operating or grooming areas, plus 1 space per 400 square feet of additional floor area.
Industrial, manufacturing, fabricating, finishing, printing	1 space per 650 square feet of gross floor area
Recycling operations	1 space per 500 square feet, with a minimum of 3 spaces
Scrap operations, junk yards	1 space per employee +2 spaces per acre
Warehousing, shipping, receiving	1 space per 1,000 square feet of gross floor area
Wholesaling, storage distribution	1 space per 1,000 square feet of gross floor area

- 4) *Mixed uses.* For mixed uses, the parking requirements shall be tabulated separately for each use within the development, using the specific standards listed in Table 3.1. Mixed uses regulated under separate parking requirements shall not be combined to achieve a larger square footage total that would result in a reduced parking requirement. If any part of a mixed use is converted to another use category, then the parking requirements shall be recalculated based on the new square footage figure.
- 5) *Large-scale developments.* When the developer of a large-scale development can demonstrate that such development will require fewer parking spaces than required by the standards contained herein, the Building Official may allow a reduction in the number of required parking spaces for the development. Such a reduction in parking spaces shall be justified through the development of a parking study prepared by a professional traffic engineer or professional transportation planner and submitted to the Building Official. The Building Official shall forward the study to the Planning Commission for consideration. This provision shall not be used as a means to reduce the size of a parcel of land needed to accommodate a development. The balance of the land necessary to meet these requirements shall be held in reserve as an undeveloped area, to meet any future needs generated by an expansion of the business, a change in land use, or under-estimated parking demand.
- 6) *Working shifts.* Where a manufacturing/industrial use has more than one (1) working shift of employees, parking facilities should be adequate to accommodate overlap requirements during transition periods.

- 7) *Historic structures.* When the parking standards of Table 3.1 are applied to a historic structure, as defined herein and such requirements would detrimentally affect the historic character of the property, the Building Official may reduce the parking requirement. Such reduction may only be allowed if the Building Official, in consultation with the Chief of Police or his designee determines that on-street parking in the vicinity of the use will not create a hazardous condition or detrimentally affect traffic movements.
- 8) *Employee/staff parking.* Accommodations shall be included for all applications.

2. Parking Space Dimension Requirements.

- a. *Standard Parking Space.* Standard dimensions for pull-in parking spaces shall be a minimum of nine (9) feet wide and eighteen (18) feet in depth. Parallel parking space dimensions shall be a minimum of twenty-four (24) feet in length and ten (10) feet in depth.
- b. *Accessible Parking Spaces.* Spaces should be constructed in accordance with the Texas Accessibility Standards or Americans with Disabilities Act (ADA).

**Sec. 18-80—18-95. Reserved.**

**Fine and Penalty for Violations**

**Penalties.** Any person violating any of the terms or provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$100.00 nor more than the maximum provided in section 1-5 for each offense. If the terms or provisions of this article are violated by any corporation or firm, the officers and agents actively in charge of the business of such corporation or firm and the person actually performing the work for such corporation or firm shall be subject to the penalties provided in this section.

**Separability**

**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.**

**Effective Date**

This Ordinance shall become effective on the 20<sup>th</sup> day of January 2012 at 12:01 a.m.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on the 9<sup>th</sup> day of January 2012.

CITY OF WHARTON, TEXAS

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

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

**Mayor Domingo Montalvo, Jr. arrived at 7:37 p.m.**

The tenth item discussed on the agenda was to review and consider a resolution of the Wharton City Council authorizing the Mayor of the City of Wharton to execute any and all Right of Entry Agreements with certain property owners regarding the extension of FM 1301 from SH 60 to US 59 Project. City Manager Andres Garza, Jr. stated that the City Staff was currently in the process of obtaining the necessary right of entry agreements from certain property owners for the project and was requesting City Council approval for Mayor Domingo Montalvo, Jr. to execute the agreements as they were executed by said property owners. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2012-02, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-02**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ANY AND ALL RIGHT OF ENTRY AGREEMENTS WITH CERTAIN PROPERTY OWNERS REGARDING THE EXTENSION OF FM 1301 FROM SH 60 TO US 59 PROJECT.**

**WHEREAS,** The City of Wharton is moving forward with the extension of FM 1301 from SH 60 to US 59 Project; and

**WHEREAS,** It is necessary to obtain right of entry agreements from certain property owners located within the proposed project area; and

**WHEREAS,** the City Staff wishes the City Council to authorize the Mayor of the City of Wharton to execute said right of entry agreements as they are obtained from those certain property owners; and

**WHEREAS,** the City Council wishes this resolution to become effective immediately upon its passage.

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

**Section I.** The Wharton City Council authorizes the Mayor of the City of Wharton to execute any and all right of entry agreements received from certain property owners for the extension of FM 1301 from SH 60 to US 59 Project.

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

**Passed, Approved, and Adopted** this 9<sup>th</sup> day of January 2012.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The eleventh item discussed on the agenda was a resolution of the Wharton City Council ratifying and/or authorizing the execution of an Electric Sales Agreement by City Manager Andres Garza, Jr., on behalf of the City of Wharton, Texas. City Manager Andres Garza, Jr. stated that the City of Wharton would be under contract for electric service until September 30, 2012. He then presented a copy of the email dated January 6, 2012 from Mr. Paul Smolen of Fox, Smolen & Associates providing a copy of the bids received for electric service for the City of Wharton. City Manager Garza stated that since the bids came in too late to issue a contract, the bids would

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be refreshed on Monday, January 9, 2012 and a contract would be obtained. City Manager Garza went on to say that the City Staff was requesting City Council approval for him to be authorized to execute the contract as soon as it's received. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2012-03, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-03**

**A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND/OR AUTHORIZING THE EXECUTION OF THE ELECTRIC SALES AGREEMENT BY CITY MANAGER ANDRES GARZA, JR. ON BEHALF OF THE CITY OF WHARTON.**

**WHEREAS,** the City of Wharton, as a member of the Governmental Aggregation Project (GAP), requested bids for electric services on Friday, January 6, 2012; and

**WHEREAS,** time will be of the essence in securing a contract with an electric provider upon the receiving the bid submittals; and

**WHEREAS,** on January 6, 2012, the City of Wharton received the recommended contract provided by Reliant Energy Retail Services, LLC to provide electric service to the GAP; and

**WHEREAS,** the Wharton City Council wishes to ratify and/or authorize the City Manager to execute the recommended contract for electric service to be provided to the City of Wharton; and

**WHEREAS,** the Wharton City Council wishes this resolution to become effective immediately upon its passage.

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

**Section I.** That the City Council of the City of Wharton hereby ratifies and/or approves the execution of the electric sales agreement by City Manager Andres Garza, Jr. on behalf of the City of Wharton.

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

**Passed, Approved, and Adopted** this 9<sup>th</sup> day of January 2012.

**CITY OF WHARTON, TEXAS**

**By:**

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

**ATTEST:**

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**PAULA FAVORS**

City Secretary

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

The twelfth item discussed on the agenda was a resolution of the Wharton City Council approving an Affiliation Agreement pertaining specifically to EMS Education and the City of Wharton EMS assuming the role of Clinical Affiliation for Field Internship between the City of Wharton and the Wharton County Junior College and authorizing the City Manager to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the letter dated December 14, 2011 from Ms. Maggie Mejorado, EMS Coordinator for Wharton County Junior College (WCJC) providing the Emergency Medical Services (EMS) Affiliation Agreement. City Manager Garza also presented a copy of the memorandum dated January 5, 2012 from Mr. Kowalik providing recommendation that City Council consider approving the agreement pending the review of City Attorney Paul Webb. Mr. Webb stated the agreement was the same as the past agreement and he recommended the City Council approving the agreement. Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2012-04, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2012-04**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AFFILIATION AGREEMENT PERTAINING SPECIFICALLY TO EMS EDUCATION AND THE CITY OF WHARTON EMS ASSUMING THE ROLE OF CLINICAL AFFILIATION FOR FIELD INTERNSHIP BETWEEN THE CITY OF WHARTON AND WHARTON COUNTY JUNIOR COLLEGE AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS**, the City of Wharton and the Wharton County Junior College wishes to enter into an Affiliation Agreement pertaining specifically to EMS Education and the City of Wharton EMS assuming the role of Clinical Affiliation for field internship; and

**WHEREAS**, the City of Wharton and the Wharton County Junior College wishes to be bound by the conditions as outlined in the agreement; and

**WHEREAS**, the Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute the agreement; and

**WHEREAS**, the Wharton City Council wishes the resolution to become effective immediately after its passage.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS that;**

**Section I.** The Wharton City Council hereby approves the Affiliation Agreement pertaining specifically to EMS Education and the City of Wharton EMS assuming the role of Clinical Affiliation for field internship between the City of Wharton and the Wharton County Junior College.

**Section II.** The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute the agreement.

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

**PASSED, APPROVED AND ADOPTED** this 9<sup>th</sup> day of January 2012.

**CITY OF WHARTON**

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**DOMINGO MONTALVO, JR., MAYOR**

**ATTEST:**

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**PAULA FAVORS, CITY SECRETARY**

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

The thirteenth item discussed on the agenda was to review and consider City of Wharton Rehabilitation and Painting of two (2) 500,000 Gallons Steel Ground Water Storage Tank Project – M.K. Painting, Inc. – Pay Request No. 2. City Manager Andres Garza, Jr. presented a copy of the letter dated December 20, 2011 from Mr. Jimmy D. Dunham, P.E. providing the Pay Request No. 2, in the amount of, \$98,100.00 from M.K. Painting, Inc. for the City of Wharton Ground Water Storage Tank Project. Public Works Director Carter Miska, P.E., stated the project was complete and the tank had passed inspection. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Rehabilitation and Painting of two (2) 500,000 Gallons Steel Ground Water Storage Tank Project – M.K. Painting, Inc. – Pay Request No. 2 in the amount of \$98,100.00. Councilmember Karen Schulz seconded the motion. All voted in favor.

The fourteenth item discussed on the agenda was to review and consider in Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.071 and 551.072 of the 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:** Consultation with Attorney regarding Haywood Ross, Plaintiff, Civil Action H-10-2008.



- B. Discussion:** Deliberation regarding real property; deliberate the purchase, exchange, lease, or value of real property for the Extension of FM 1301 from SH 60 to US. 59 Project.

Mayor Domingo Montalvo, Jr. adjourned into executive session at 7:37 p.m.

The fifteenth item discussed on the agenda was to return to open session: Action on items discussed in Executive Session:

- A. Discussion:** Consultation with Attorney regarding Haywood Ross, Plaintiff, Civil Action H-10-2008.
- B. Discussion:** Deliberation regarding real property; deliberate the purchase, exchange, lease, or value of real property for the Extension of FM 1301 from SH 60 to US. 59 Project.

Mayor Domingo Montalvo, Jr. returned to open session at 7:50 p.m.

Mayor Montalvo, Jr. stated that no action would be taken on the afore mentioned items and the Executive Session was for information purposes only.

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

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Holiday Light Decorating Chairman.
- D. Mayor's Committee on People with Disabilities

After some discussion, no action was taken.

The seventeenth item discussed on the agenda was to review and consider Boards, Commissions and Committee Reports:

- A. Wharton Economic Development Corporation Board of Directors meeting held December 19, 2011.
- B. Planning Commission meeting held December 19, 2011.
- C. Wharton Regional Airport Board meeting held January 3, 2012.

City Manager Andres Garza, Jr. presented a copy of the report to the City Council. After some discussion, no action was taken.

The eighteenth item discussed on the agenda was to review and consider the City's Reports:

- A. City Secretary/Personnel.
- B. Code Enforcement.
- I. Legal Department.
- J. Municipal Court.

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|---|--------------------------------|
| C. Community Services Department /Civic Center. | K. Police Department           |
| D. Emergency Management.                        | L. Public Works Department.    |
| E. E.M.S. Department.                           | M. Water/ Sewer Department.    |
| F. Engineer/Planning Department.                | N. Weedy Lots/ Sign Ordinance. |
| G. Facilities Maintenance Department.           | O. Wharton Municipal Pool.     |
|   | P. Wharton Regional Airport.   |

City Manager Andres Garza, Jr. presented the reports to the City Council. No action was taken.

The nineteenth item discussed on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Don Mueller moved to excuse Councilmember Terry David Lynch. Councilmember Al Bryant seconded the motion. All voted in favor.

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

The meeting adjourned at 7:53 p.m.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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