

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
OCTOBER 14, 2013**

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, Jeff Gubbels, Russell Machann, and Karen Schulz.

Councilmember absent was: Mayor Domingo Montalvo, Jr.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Anandel, City Secretary Paula Favors, Building Official Ronnie Bollom, and Assistant City Attorney Amy Rodd.

Visitors present were: David Schroeder, Executive Director, Wharton Economic Development Corporation, Mary Agnes Grissom, De'loris Johnson, and John Alaniz, owner of WolfPakRadio (WPR).

The second item on the agenda was Roll Call and Excuses Absences. Councilmember Terry David Lynch moved to excuse Mayor Domingo Montalvo, Jr. Councilmember Karen Schulz 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. Councilmember Russell Machann congratulated the Wharton Varsity Football team on continued success. City Manager Andres Garza, Jr. stated the Run For Katie 5k event was a success with the community joining together to show support for Katie Ondrias. City Manager Garza requested prayers for the family of Mr. Richard Arnold, a long time community supporter, who passed away October 10, 2013. Councilmember Terry David Lynch stated the City of Wharton had also had significant losses with the passing of long time City of Wharton residents and business owners Don and Lynn Bates on October 8, 2013.

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The fifth item on the agenda was a proclamation. Mayor Pro-Tem Don Mueller presented a proclamation declaring the Month of October 2013 as Domestic Violence Awareness Month in Wharton, Texas, which read as follows:

**CITY OF WHARTON  
OFFICE OF THE MAYOR  
PROCLAMATION**

**WHEREAS,** Violence against women and children continues to become a more prevalent social problem; and

**WHEREAS,** The problems of domestic violence are not confined to any groups of people, but cross all economic, racial and societal barriers and are supported by societal indifference; and

**WHEREAS,** The impact of domestic violence is wide-ranging, directly affecting families and society; and

**WHEREAS,** It is fitting to set aside a special time to bring this issue to the attention to all citizens of the City of Wharton so they can become better informed and involved in programs to eliminate this epidemic from our society; and

**WHEREAS,** On Monday, October 28, 2013, a Candlelight Vigil in memory of the women killed due to domestic violence in the Year 2013 will be held at St. Thomas Episcopal Church Parish, 207 Bob-O-Link, Wharton, Texas.

**NOW, THEREFORE,** I, Don Mueller, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim the

*Month of October 2013 as Domestic Violence Awareness Month in Wharton,  
Texas.*

**IN WITNESS THEREOF,** I have set my hand and caused the seal of the City of Wharton to be affixed this 28<sup>th</sup> day of October, in the year of our Lord Two Thousand Thirteen A.D.

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**Don Mueller  
Mayor Pro-Tem  
City of Wharton, Texas**

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Mayor Pro-Tem Don Mueller then presented the proclamation to Mrs. Mary Agnes Grissom of St. Thomas Episcopal Church Parish and De'loris Johnson of The Crisis Center. No action was taken.

The sixth item on the agenda was to review and consider the reading of the minutes from the regular meetings held September 9, 2013 and September 23, 2013. After some discussion, Councilmember Karen Schulz moved to approve the minutes from the regular meetings held September 9, 2013 and September 23, 2013. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the naming of a designated Representative for Central Appraisal District Board. City Manager Andres Garza, Jr. presented a letter requesting the name of the City's designated representative that would serve on the Central Appraisal District of Wharton County Board of Directors for the January 1, 2014 – December 31, 2015 term. City Manager Andres Garza, Jr. stated that new directors would be installed at their regular board meeting on January 9, 2014 and Councilmember Karen Schulz was serving as the City's representative. After some discussion, Councilmember Al Bryant moved to re-appoint Councilmember Karen Schulz to serve as the designated representative for the Central Appraisal District Board of Directors for the January 1, 2014 – December 31, 2015 term. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Article 1, Chapter 66, Section 66-26 Signs and Advertising, 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 ordinance amending the City of Wharton Code of Ordinances, Chapter 66. Signs and Advertising; 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 Garza stated that Section 66-26 of the City's Code of Ordinances regulated the placement of garage/yard sale signs and the current ordinance prohibited the placement of any signs except for one (1) sign on the property of the sale. City Manager Garza said the City Staff had received several comments of whether the City would consider changes to allow for more signs and the City Staff had reviewed the ordinance and was recommending the following changes. Building Official Ronnie Bollom stated the changes would include Garage/yard sale signs not being prohibited but only be a maximum of three (3) signs would be allowed and one (1) sign shall be located on the property of the sale. Mr. Bollom said two (2) additional signs could be placed on other private property locations with permission of the property owner and signs shall not be allowed in city right of ways or on utility poles, street sign poles or traffic sign poles. Mr. Bollom said the sign area shall not exceed six square feet and must provide address of sale and signs may be placed the evening before the sale and must be removed no later than 8:00 p.m. on the final day of the sale. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2013-25, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2013-25**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, ARTICLE I, SECTION 66-26 SIGNS AND ADVERTISING; 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. 66-26. Garage/yard sale signs.** Garage/yard sale signs are not prohibited. However, there shall only be a maximum of three (3) signs allowed. One (1) sign shall be located on the property of the sale. Two (2) additional signs can be placed on other private property locations with permission of the property owner. Signs shall not be allowed in city right of ways or on utility poles, street sign poles or traffic sign poles. The sign area shall not exceed six square feet and must provide address of sale. Signs may be placed the evening before the sale and must be removed no later than 8:00 p.m. on the final day of the sale.

**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**

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This Ordinance shall become effective on the 24th day of October 2013.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on the 14<sup>th</sup> day of October 2013.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

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

Councilmember Jeff Gubbels arrived at 7:10 p.m.

The ninth item on the agenda was to review and consider the request for financial assistance for WolfPakRadio's (WPR's) Fall Festival. City Manager Andres Garza, Jr. stated that WolfPakRadio (WPR) was a Spanish Internet radio station from Wharton, Texas and over the past two (2) years, WPR had only been playing music over the internet airways, but for the past four (4) months they had begun broadcasting live. City Manager Garza presented a letter from Mr. John Alaniz requesting financial assistance for the WolfPakRadio Fall Festival to be held October 26, 2013 at Wharton River Park from 2:00 PM – 7:00 PM. Mr. John Alaniz stated that the event would be a

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“Tent or Treat” whereby businesses or individuals set up 12’ x 12’ tents decorated with Halloween and have candy to give away for trick or treating kids and live Tejano and Conjunto music would be broadcast from the event with WPR DJs present. Mr. Alaniz requested funding for the festival from the City’s Hotel Occupancy Tax. After some discussion, Councilmember Terry David Lynch moved to waive City of Wharton park rental fees and provide trash receptacles from Waste Corporation of American, Inc. (WCA). Councilmember Karen Schulz seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider City Manager’s request for Travel Reimbursement. City Manager Andres Garza, Jr. presented a travel reimbursement request for the period of July 1, 2013 to September 30, 2013. After some discussion, Councilmember Terry David Lynch moved to approve the travel reimbursement request by City Manager Andres Garza, Jr. for the period of July 1, 2013 to September 30, 2013. Councilmember Russell Machann seconded the motion. All voted in favor.

The eleventh item on the agenda is Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.071 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:** Cause No. 44746; William King Satterwhite v. Larry Robert Guerrero, et al in the District Court of Wharton County, Texas; 329<sup>th</sup> Judicial District.

Mayor Pro-Tem Don Mueller moved the meeting into closed session at 7:19 p.m.

The twelfth item on the agenda was action on items discussed in Executive Session:

- A. Review & Consider:** Cause No. 44746; William King Satterwhite v. Larry Robert Guerrero, et al in the District Court of Wharton County, Texas; 329<sup>th</sup> Judicial District.

Mayor Pro-Tem Don Mueller returned to open session at 7:25 p.m. Mayor Pro-Tem Don Mueller stated that the item was discussion only and no action would be taken.

The thirteenth item on the agenda was City Council Boards, Commissions and Committees:

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

After some discussion, no action was taken.

The fourteenth item on the agenda was City of Wharton City Council Committees, Boards, Commission’s Reports:

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- A. Wharton Economic Development Corporation Special Meeting held on September 23, 2013.
- B. City Council Finance Committee Meeting held on September 24, 2013.
- C. City Council Finance Committee Meeting held on October 2, 2013.

After some discussion, no action was taken.

The fifteenth item on the agenda was adjournment. There being no further discussion, Councilmember Karen Schulz moved to adjourn. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The meeting adjourned at 7:26 p.m.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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