

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
MARCH 9, 2015**

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 and Councilmembers Tim Barker, Al Bryant, Jeff Gubbels, Russell Machann and Steven Schneider.

Councilmember absent was: Mayor Domingo Montalvo, Jr.

Staff members present were: Finance Director Joan Andel, City Secretary Paula Favors, City Attorney Paul Webb, Public Works Director Kyle Marchant, P.E., Assistant to the Building Official Gwyn Laney and Police Chief Terry Lynch.

Visitors present were: Wharton Economic Development Director David Schroeder, I.O. Coleman, Jr., Damon Parker, Barry Calhoun, Sarah Hudgins and Natalie Frels with the Wharton Journal Spectator.

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

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

The fourth item on the agenda was the Wharton Moment. Councilmember Russell Machann congratulated the Wharton Varsity Boys Basketball team on their success.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held on February 9, 2015 and February 23, 2015. After some discussion, Councilmember Jeff Gubbels moved waive the reading of the minutes from the regular meetings held on February 9, 2015 and February 23, 2015 and approve them as presented. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda was a proclamation: Recognizing Coach Floyd Ciruti. Finance Director Joan Andel stated Coach Ciruti was unable to travel due to inclement weather. Mrs. Andel said the proclamation would be presented at a future City Council meeting.

The seventh item on agenda was to review and consider a request from Ms. Irene Billingham for City Council consideration regarding noise ordinance violations. Finance Director Joan

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Andel presented a letter received by City Manager Andres Garza, Jr.'s office regarding Ms. Irene Billingham concerning noise ordinance violations. Mrs. Andel stated that Ms. Billingham would not be available and the item would be postponed until a later meeting. After some discussion, no action was taken.

The eighth item on the agenda was to review and consider a request by Ms. Sarah Hudgins for City of Wharton assistance with the Vietnam Wall Ceremony. Finance Director Joan Andel presented Ms. Hudgins's request for assistance on the Vietnam Memorial Wall Ceremony set to travel through the City of Wharton in July of 2015. Ms. Hudgins stated that she would like to have the traveling wall stop on the Wharton Square for a brief ceremony. Police Chief Terry David Lynch stated that he had communicated with Ms. Hudgins and discussed the best option which would be to close Houston Street between Burleson and Milam. Chief Lynch said this would not create any road closures and would allow the wall to travel with the flow of traffic when exiting the square. After some discussion, Councilmember Al Bryant moved to approve the request by Ms. Sarah Hudgins for the City of Wharton's assistance with the Vietnam Wall Ceremony. Councilmember Russell Machann seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a request by Mr. Austin Moore for water utility services outside the City limits. Finance Director Joan Andel presented an application for water utility services from Mr. Austin Moore requesting water service at 2630 CR 166. Public Works Director Kyle Marchant, P.E. stated that Mr. Moore was requesting a 3/4" service that was available at the location and it would just be a reconnection of service. Mrs. Andel stated that the City ordinance required the City Council to approve any utility service outside city limits. After some discussion, Councilmember Al Bryant moved to approve the request by Mr. Austin Moore for water utility services outside the City limits. Councilmember Russell Machann seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution providing for the public sale of property acquired by the City of Wharton from delinquent taxes. Finance Director Joan Andel presented an email from Leslie Hilliard with McCreary Veselka Bragg & Allen PC Attorneys at Law requesting that the described properties were offered for sale by the Sheriff of Wharton County, Texas at a public auction prior to a judgment of foreclosure for delinquent taxes by the District Courts of Wharton County. Mrs. Andel stated that the properties did not receive sufficient bids as set by law and were struck off to the County of Wharton and later conveyed to the City of Wharton, Texas as Trustee. Mrs. Andel said that the following properties would be up for sale at no minimum bid:

- Cause # 8534 – Lot 3, Block 4, Cline Addition, an addition to the City of Wharton, Wharton County, Texas
- Cause # 8893 – The North 56.75 feet of Lots 1 and 2, Block 4, Cline Addition, an addition to the City of Wharton, Wharton County, Texas

After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2015-16, which read as follows:

**CITY OF WHARTON  
 RESOLUTION 2015-16**

**A RESOLUTION PROVIDING FOR THE PUBLIC SALE OF PROPERTY ACQUIRED BY THE CITY OF WHARTON FROM DELINQUENT TAXES.**

**WHEREAS**, the following described properties were offered for sale by the Sheriff of Wharton County, Texas at a public auction pursuant to a judgment of foreclosure for delinquent taxes by the District Courts of Wharton County; and

**WHEREAS**, the following described properties did not receive sufficient bids as set by law and were struck off to the County of Wharton and later conveyed to the City of Wharton, Texas as Trustee, for the use and benefit of itself and the other taxing units for which levied taxes on the properties, pursuant to TEX. PROP. TAX CODE § 34.01 (j); and

**WHEREAS**, TEX. PROP. TAX CODE § 34.05 (c) and (d) provide that a taxing unit may request that the Sheriff sell the property at a public sale to the highest bidder with no minimum bid required,

**THEREFORE, BE IT HEREBY RESOLVED** that the City of Wharton, Texas, does hereby request the Sheriff of Wharton County, Texas to conduct a public sale in the manner prescribed by the Texas Rules of Civil Procedure and § 34.05 (c) and (d) of the Texas Tax Code and sell the following described properties to the highest bidder for cash.

<b>CAUSE #</b>	<b>SUIT STYLING</b>	<b>ACCOUNT #</b>	<b>LEGAL DESCRIPTION</b> ALL PROPERTIES LOCATED IN WHARTON COUNTY, TEXAS UNLESS OTHERWISE NOTED	<b>DEED REFERENCE</b> (Volume/Page, Official Public or Deed Records of Wharton County, Texas)	<b>ORIGINAL SALE DATE</b>
8534	WHARTON COUNTY, ET AL VS. WILLIAM HARRIS, JR.	R012835	LOT 3, BLOCK 4, CLINE ADDITION, AN ADDITION TO THE CITY OF WHARTON, WHARTON COUNTY, TEXAS	790/943	7/7/2009
8893	WHARTON COUNTY, ET AL VS. STATE STREET BANK AND TRUST COMPANY AS TRUSTEE OF THE CONSUMER OBLIGATION STRUCTURED TRUST 1993-1	R012833	THE NORTH 56.75 FEET OF LOTS 1 AND 2, BLOCK 4, CLINE ADDITION, AN ADDITION TO THE CITY OF WHARTON, WHARTON COUNTY, TEXAS	844/228	3/1/2011

**THEREFORE, BE IT HEREBY RESOLVED** that the City of Wharton, Texas hereby directs the Sheriff of Wharton County, Texas to conduct a sale on the first Tuesday in April, 2015, in the manner prescribed by the Texas Rules of Civil Procedure and TEX. PROP. TAX CODE § 34.05 (c) and (d).

**THIS RESOLUTION WAS PASSED, APPROVED AND ADOPTED** this the 9<sup>th</sup> day of March, 2015.

**CITY OF WHARTON, TEXAS**

**BY:** \_\_\_\_\_  
**DON MUELLER**  
Mayor

**ATTEST:**

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

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

The eleventh item on the agenda was a request by Ms. Tracy Tripulas for approval of variance application:

- A. A backyard setback variance of 6' from required 20' setback resulting in total 14' setback of Arnel, Lot 1.
- B. An interior side yard setback variance of 5' from required 20' setback resulting in total 15' setback of Arnel, Lot 1.
- C. A front street setback variance of 13' from required 35' setback resulting in total 22' setback of Arnel, Lot 1.

Assistant to the Building Official Gwyn Laney stated that Ms. Tripulas was requesting three separate variances and that the Planning Commission met on March 2 and voted to recommend approval of the application to the City Council. After some discussion, Councilmember Jeff Gubbels moved to approve the variance application by Ms. Tracy Tripulas for the afore mentioned A., B., & C. Councilmember Tim Barker seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a request by Mr. and Mrs. Sherrell Speer for the approval of a variance application:

- A. A variance of 20' depth requirement for re-plat of Brantley-King Addition, Block 1, Lots 1, 1A, 2 & 2A.
- B. A variance on the minimum area requirement of 7,200 sq. ft. on proposed Lot 1 to 6,773 sq. ft.
- C. A preliminary/final re-plat of Brantley-King Addition, Block 1, Lots 1, 1A, 2 & 2A.

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Assistant to the Building Official Gwyn Laney stated that Mr. and Mrs. Sherrell were requesting approval for a variance of depth requirement and a preliminary/final RePlat and that the Planning Commission met on March 2 and voted to recommend approval of the application to the City Council. After some discussion, Councilmember Jeff Gubbels moved to approve the variance application by Mr. and Mrs. Sherrell Speer for afore mentioned items A., B., and C. Councilmember Al Bryant seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider Appointments to the City of Wharton Boards, Commissions and Committees:

**1. Appointments:**

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

After some discussion, no action was taken.

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

- A. Wharton Economic Development Corporation meeting held on February 18, 2015.
- B. Planning Commission meeting held on March 2, 2015.

After some discussion, no action was taken.

The fifteenth item on the agenda was adjournment. There being no further discussion, Councilmember Tim Barker moved to adjourn. All voted in favor.

The meeting adjourned at 7:13 p.m.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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