

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MARCH 11, 2013**

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 the pledge of allegiance.

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

Councilmembers absent was: Mayor Domingo Montalvo and Councilmember Jeff Gubbels.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, Administrative Assistant Emily Bergstrom, Assistant City Attorney Amy Rod, Airport Manager David Allen, Building Official Ronnie Bollom, and Public Works Director Carter Miska, P.E.

Visitors present were: Carlos Cotton, P.E. of Jones & Carter, Inc., Bradley Loehr, P.E. with BEFCO Engineering, Inc., David Schroeder, Executive Director, Wharton Economic Development Corporation, King Soon Ooi, Tonya Hill, Mozell Stephens, Paul Kearney, Event Coordinator for Wharton County Juneteenth Festival, and Ben Sharp with Wharton Journal Spectator.

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

The third item on the agenda was Public Comments. Ms. Mozelle Stephens requested the support of the City Council for the 4th Annual James Simmons Jr. Juneteenth Festival.

The fourth item on the agenda was the Wharton Moment. City Manager Andres Garza, Jr. congratulated Emergency Management Coordinator Jim Cooper on obtaining the Advanced Professional Series of Disaster Operations Skills Certificate. City Manager Garza stated that Mr. Cooper has done an excellent job and always strives to obtain the most education possible to better serve the City.

The fifth item on the agenda was to review and consider reading of the minutes from the regular meeting held February 11, 2013 and the regular meeting held February 25, 2013. After some discussion, Councilmember Karen Schulz moved to approve the minutes from the regular meeting held February 11, 2013 and the regular meeting held February 25, 2013. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item discussed on the agenda was to review and consider a request by Ms. Tonya Hill, Property Owner of Barbee, Block 11, Lot 6; 501 Walnut Street, for approval for the temporary placement of a recreational vehicle (RV) or travel trailer to be occupied during the final stages of remodel of the home damaged due to fire. City Manager Andres Garza, Jr. presented a copy of the Planning Commission Application for Variance provided by Ms. Tonya Hill, Property Owner of Barbee, Block 11, Lot 6; 501 Walnut Street. Building Official Ronnie Bollom stated the Planning Commission met on March 4, 2013 and reviewed the request by Ms. Tonya Hill, Property Owner of Barbee, Block 11, Lot 6; 501 Walnut Street, for approval for the temporary placement of a recreational vehicle (RV) or travel trailer to be occupied during the final repairs of the home damaged due to fire. Mr. Bollom said Ms. Hill was planning to have the RV placed for the duration of two to three months and the ordinance allows for only a seven day placement. Mr. Bollom said Ms. Hill was previously granted a similar variance on March 12, 2012, and August 27, 2012 by the Wharton City Council and the Planning Commission voted to recommend the City Council consider approving her request. After some discussion, Councilmember Karen Schulz moved to approve the consider a request by Ms. Tonya Hill, Property Owner of Barbee, Block 11, Lot 6; 501 Walnut Street, for approval for the temporary placement of a recreational vehicle (RV) or travel trailer to be occupied during the final stages of remodel of the home damaged due to fire for 120 days. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by Mr. King Soon Ooi for approval of a Preliminary/Final Replat of 505 Reed Ave., RBP Ranch, Block 1, Reserve. City Manager presented a copy of the Planning Commission Application for a Plat of Re-Plat submitted by Mr. King Soon Ooi, Property Owner of 505 Reed Ave. Building Official Ronnie Bollom stated that the Planning Commission met on March 4, 2013 and reviewed the request by Mr. King Soon Ooi for approval of a Preliminary/Final Replat of 505 Reed Ave., RBP Ranch, Block 1, Reserve. Mr. Bollom stated that Mr. Ooi originally subdivided the property for a RV Park, however he was requesting the subdivision usage be changed to a manufactured home park. Mr. Bollom said the lot sizes were in conformance with the City Ordinance regarding the placement of manufactured homes. Mr. Bollom stated the Planning Commission voted to recommend the City Council consider approving his request. After some discussion, Councilmember Al Bryant moved to approve the request by Mr. King Soon Ooi for approval of a Preliminary/Final Replat of 505 Reed Ave., RBP Ranch, Block 1, Reserve. The motion failed for the lack of a second.

The eighth item on the agenda was to review and consider a request by Mr. Paul Kearney, Event Coordinator for Wharton County Juneteenth Festival, for City Council consideration to approve the following:

- A. Authorization to hold the 4th Annual on Saturday, June 15, 2013 from 10:00 a.m. through 12:00 midnight in the downtown square area.
- B. Use of the City of Wharton stage and City personnel to assemble and dismantle the stage at no cost.
- C. Use of City of Wharton personnel as a debris clean up crew at no cost.
- D. City of Wharton assistance by providing hotel/motel funding for the required security.
- E. City of Wharton assistance in coordinating with Waste Corporation of America for solid waste disposal receptacles and additional debris collection.

- F. Waiver of the fees associated with the Temporary Permit for the consumption and possession of Alcoholic Beverages.
- G. City Council authorization to close portions of Houston and Fulton Street adjacent to the Downtown Square from 5:00 p.m. on Friday, June 14th through 12:00 Midnight, Saturday, June 15th, 2013 and the section of Houston Street from Burleson Street to Elm Street on Saturday, June 15, 2013 from 6:00 p.m. through 11:30 p.m. in accordance with the Traffic Control Plan; and, to provide all necessary barricades.
- H. **Ordinance:** An ordinance approving the traffic control plan for the James Simmons, Jr. 4th Annual Juneteenth Festival, authorizing the Police Department to redirect traffic and authorizing the Mayor of the City of Wharton to execute the Texas Department of Transportation Agreement for the Temporary Closure of State Right of Way.

City Manager Andres Garza, Jr. presented copies of the letters dated November 10, 2012 from Mr. Paul Kearney, Event Coordinator for the Wharton County Juneteenth Festival requesting the afore-mentioned items. City Manager Garza also presented a copy of the Texas Department of Transportation Agreement for the Temporary Closure of State Right of Way and a draft copy of the ordinance approving the traffic control plan for the event. After some discussion, Councilmember Terry David Lynch moved to approve items A., B., D. with two-thousand dollars going to the Festival, E., F., G., and item H., which was City of Wharton Ordinance No. 2013-08, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2013 - 08**

AN ORDINANCE APPROVING THE TRAFFIC CONTROL PLAN FOR THE JAMES SIMMONS, JR. 4TH ANNUAL JUNETEENTH FESTIVAL, AUTHORIZING THE POLICE DEPARTMENT TO REDIRECT TRAFFIC AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE TEXAS DEPARTMENT OF TRANSPORTATION AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY.

WHEREAS, the Wharton County Juneteenth Festival Committee Members wishes to hold the James Simmons, Jr. 4th Annual Juneteenth Festival in the downtown area of the City of Wharton and has requested approval to close portions of State Hwy. 60; and

WHEREAS, said festival requires the City of Wharton to close State Highway 60, known as Burleson Street from its intersection of Polk Street to Fulton Street; and

WHEREAS, the closure will require the detouring of all traffic traveling south on State Highway 60 according to the map (Attachment A) attached to this ordinance; 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; and

WHEREAS, the City Council wishes to authorize the Mayor of the City of Wharton to execute the Agreement for the Temporary Closure of State Right of Way as required by the Texas Department of Transportation.

\NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, that:

Section I. The traffic control plan for the James Simmons, Jr. 4TH Annual Wharton County Juneteenth Festival is hereby approved.

Section II. The detour route resulting from the closure of State Highway 60 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. That the Mayor of the City of Wharton is hereby authorized to execute the Agreement for the Temporary Closure of State Right of Way as required by the Texas Department of Transportation.

Section VII. This ordinance shall become effective on the 15th day of June 2013 and remain in effect until such time that State Highway 60 is reopened to all traffic.

Passed, Approved and Adopted this 11th day of March 2013.

CITY OF WHARTON, TEXAS

By: _____
DONALD MUELLER
Mayor Pro-Tem

ATTEST

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was to review and consider City of Wharton Hydropneumatic Tank Addition at Cloud Street Water Plant:

A. Bid Tabulation.

B. **Resolution:** A resolution of the Wharton City Council awarding a contract for the construction of the City of Wharton Hydropneumatic Tank Addition at Cloud Street Water Plant and authorizing the Mayor of the City of Wharton execute said agreement.

City Manager Andres Garza, Jr. presented a copy of the letter dated March 7, 2013 from Mr. Carlos Cotton, P.E., of Jones and Carter, Inc., providing a copy of the bid tabulation and his recommendation from the bid opening held March 5, 2013 for the project listed above. Mr. Cotton stated that there were five bids submitted and his recommendation was for the lowest bidder, Schier Construction Company, Inc. for the construction of the City of Wharton Hydroneumatic Tank Addition at the Cloud Street Water Plant. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2013-18, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-18**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE CONSTRUCTION OF THE CITY OF WHARTON HYDROPNEUMATIC TANK ADDITION AT CLOUD STREET WATER PLANT AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The City of Wharton solicited quotes from companies for the construction of the Hydropneumatic Tank Addition at the Cloud Street Water Plant; and

WHEREAS, On March 5, 2013, Schier Construction Company, Inc. submitted its quote in the amount of \$184,300.00 for the construction of the Hydropneumatic Tank Addition at the Cloud Street Water Plant, and;

WHEREAS, the City of Wharton and Schier Construction Company, Inc. wishes to be bound by the conditions set forth in the agreement and within the terms of the quote; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor to execute all documents related to said project.

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

Section I. The Wharton City Council hereby awards a contract to Schier Construction Company, Inc. in the amount of \$184,300.00 for the construction of the Hydropneumatic Tank Addition at the Cloud Street Water Plant.

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Section II. The Wharton City Council hereby authorizes the Mayor to execute any and all documents related to said project.

Section III. The City of Wharton and Schier Construction Company, Inc. are hereby bound by the conditions as set forth in the contract amendment.

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

Passed, Approved, and Adopted this 11th day of March 2013.

CITY OF WHARTON, TEXAS

By: _____
DONALD MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda was to review and consider an ordinance declaring the unopposed candidate for Councilmember District No. 1, Councilmember District No. 3, and Councilmember At Large Place No. 5 as elected to office; Providing that the General Election held on May 11, 2013 for Councilmember District No. 1, Councilmember District No. 3, and Councilmember At Large Place No. 5 shall be canceled; Providing that this ordinance shall be cumulative of all ordinances; Providing for severability; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith and providing an effective date.

Ordenanza: Una ordenanza declarando el candidato sin oposición para Concejal para el Distrito No. 1, Concejal para el Distrito No. 3, y el Concejal de forma irrestricta para la Posición No. 5 según elegido a su puesto; disponiendo que se cancele la Elección General programada para el 11 de mayo 2013 para Concejal para el Distrito No. 1, Concejal para el Distrito No. 3, y el Concejal de forma irrestricta para la Posición No. 5; disponiendo que esta ordenanza sea cumulativa para todas las ordenanzas; disponiendo la divisibilidad; revocando todas las ordenanzas o parte de ellas que sean inconsistentes o en conflicto con la presente y disponiendo una fecha vigente.

City Secretary Paula Favors stated that the deadline to file for positions on the City of Wharton Election Ballot was Friday, March 1, 2013 at 5:00 p.m. and at that time, Councilmember District No. 1 Al Bryant, Councilmember District No. 3 Terry David Lynch, and Councilmember At Large Place No. 5 Russell Machann had filed to run for their respective positions. Mrs. Favors said the positions were not contested and there were no write in candidates and the Wharton City Council could cancel the City of Wharton General Election that was to be held on May 11, 2013.

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After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2013-09, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2013-09**

AN ORDINANCE DECLARING THE UNOPPOSED CANDIDATE FOR COUNCILMEMBER DISTRICT NO. 1, COUNCILMEMBER DISTRICT NO. 3, AND COUNCILMEMBER AT LARGE PLACE NO. 5 AS ELECTED TO OFFICE; PROVIDING THAT THE GENERAL ELECTION HELD ON MAY 11, 2013 FOR COUNCILMEMBER DISTRICT NO. 1, COUNCILMEMBER DISTRICT NO. 3, AND COUNCILMEMBER AT LARGE PLACE NO. 5 SHALL BE CANCELLED; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Wharton, Texas is a home rule municipality located in Wharton County, created in accordance with the provisions of Title 1 Chapter 9 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, pursuant to the City of Wharton, Ordinance No. 2013-03, passed and approved February 11, 2013, a general election was ordered to be held on May 11, 2013 for the purpose of electing Councilmember District No. 1, Councilmember District No. 3, and Councilmember At Large Place No. 5 to serve on the City of Wharton City Council; and

WHEREAS, pursuant to Section 2.052, Texas Election Code, the deadline for filing for a place on the City's General Election was expired on March 1, 2013, at 5:00 P.M.; and

WHEREAS, the City Secretary, in accordance with Section 2.052 Texas Election Code, has certified to the City Council in writing that Alfred Bryant is unopposed for election to the office of Councilmember District No. 1, Terry David Lynch is unopposed for election to the office of Councilmember District No. 5; and Russell Machann is unopposed for election to the office of Councilmember At Large Place No. 5.

WHEREAS, the City Council hereby finds and determines that the candidate for Councilmember District No. 1, Councilmember District No. 3, and Councilmember At Large Place No. 5 whose name is to appear on the ballot in said election is unopposed, and there are no declared write-ins.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, THAT:

SECTION 1.

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In accordance with Section 2.053(a) Texas Election Code, the following candidate, who is unopposed in the May 11, 2013, general election, is hereby declared duly elected to the respective offices.

Councilmember –District No. 1 – Alfred Bryant
Councilmember – District No. 3 – Terry David Lynch
Councilmember at Large - Place No. 5 – Russell Machann

SECTION 2.

Pursuant to Section 2.053 (b) Texas Election Code, the General Election for Councilmember District No. 1, Councilmember District No. 3, and Councilmember At Large Place No. 5 heretofore called and ordered by the City of Wharton by Ordinance No. 2013-03 for the 11th day of May 2013, shall not be held and is hereby canceled.

SECTION 3.

The City Secretary is hereby directed to post a copy of this Ordinance at the designated polling place on election day, same being May 11, 2013.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances of the City of Wharton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5.

It is hereby declared to the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on this **11th day of March 2013.**

CITY OF WHARTON, TEXAS

By: _____
Donald Mueller
Mayor Pro-Tem

ATTEST:

Paula Favors
City Secretary

APPROVED AS:

Paul Webb
City Attorney

**CIUDAD DE WHARTON, TEXAS
ORDENANZA N° 2013-09**

UNA ORDENANZA DECLARANDO EL CANDIDATO SIN OPOSICIÓN PARA CONCEJAL PARA EL DISTRITO NO 1, CONCEJAL PARA EL DISTRITO NO.3 Y EL CONCEJAL DE FORMA IRRESTRICTA PARA LA POSICIÓN NO 5 SEGÚN ELEGIDOS A SU PUESTO; DISPONIENDO QUE SE CANCELE LA ELECCIÓN GENERAL PROGRAMADA PARA EL 11 DE MAYO 2013 PARA CONCEJAL PARA EL DISTRITO NO. 1, CONCEJAL PARA EL DISTRITO NO. 3 Y CONCEJAL DE FORMA IRRESTRICTA PARA LA POSICIÓN NO. 5; DISPONIENDO QUE ESTA ORDENANZA SEA CUMULATIVA PARA TODAS LAS ORDENANZAS; DISPONIENDO LA DIVISIBILIDAD; REVOCANDO TODAS LAS ORDENANZAS O PARTE DE ELLAS QUE SEAN INCONSISTENTES O EN CONFLICTO CON LA PRESENTE Y DISPONIENDO UNA FECHA VIGENTE.

POR CUANTO, la Ciudad de Wharton, Texas es una municipalidad de gobierno autónomo ubicada en el condado de Wharton, creada de acuerdo con las disposiciones del Título 1, Capítulo 9 del Código de Gobierno Local y opera de acuerdo con la legislación habilitante de Texas; y

POR CUANTO, de acuerdo con la Ordenanza No. 2013-04 de la Ciudad de Wharton, pasada y aprobada el 11 de febrero de 2013, se ordenó una elección a realizarse el 11 de mayo de

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2013, con el propósito de elegir Concejal del Distrito No. 1, Concejal del Distrito No. 3, y Concejal de forma irrestricta para la Posición No.5 para desempeñarse en el Consejo Municipal de la Ciudad de Wharton; y

POR CUANTO, de acuerdo con la Sección 2.052 del Código de Elecciones de Texas, el plazo límite para solicitar un puesto en la elección general de la Ciudad venció el 1 de marzo de 2013, a las 5:00 de la tarde; y

POR CUANTO, la Secretaria Municipal, de acuerdo con la Sección 2.052 del Código de Elecciones de Texas, ha certificado por escrito al Consejo Municipal que Alfred Bryant es el candidato único para el puesto de Concejal del Distrito No. 1, Terry David Lynch es el candidato único para el puesto de Concejal del Distrito No. 3, y Russell Machann es el candidato único para la elección al puesto de Concejal para la Posición No. 5 de forma irrestricta.

POR CUANTO, el Consejo Municipal por el presente encuentra y determina que el candidato para Concejal del Distrito No. 1, Concejal del Distrito No. 3 y Concejal para la Posición No. 5 de forma irrestricta cuyo nombre ha de aparecer en la balota de dicha elección es candidato único, y no hay ningún candidato declarado para anotarse.

AHORA, POR LO TANTO, EL CONSEJO MUNICIPAL DE LA CIUDAD DE WHARTON, TEXAS ORDENA QUE:

SECCION 1.

De acuerdo con la Sección 2.053 (a) del Código de Elecciones de Texas, el siguiente candidato único en la elección general del 11 de mayo de 2013, por la presente queda declarado debidamente elegido a los respectivos puestos

Concejal - Distrito No. 1 - Alfred Bryant
Concejal - Distrito No. 3 - Terry David Lynch
Concejal de forma irrestricta - Posición No. 5 - Russell Machann

SECCION 2.

De acuerdo con la Sección 2.053 (b) del Código de Elecciones de Texas, la Elección General para Concejal del Distrito No. 1, Concejal del Distrito No. 3, y Concejal de forma irrestricta de la Posición No. 5 antes convocada y ordenada por el Consejo Municipal de la Ciudad de Wharton por medio de la Ordenanza No. 2013-04 para el 11 de mayo de 2013, no se celebrará y queda cancelada por medio del presente.

SECCION 3.

Por medio del presente se ordena que la Secretaria Municipal anuncie una copia de esta ordenanza en el lugar de votación designado el día de la elección, que es el 11 de mayo de 2013.

SECCION 4.

Esta ordenanza será cumulativa de todas las disposiciones de las ordenanzas de la Ciudad de Wharton, Texas, excepto donde las disposiciones de esta ordenanza estén en conflicto directo con las disposiciones de tales ordenanzas, en cuyo caso las disposiciones en conflicto de esas ordenanzas quedan revocadas por medio del presente.

SECCION 5.

Por medio del presente se declara que la intención del Consejo Municipal es que las frases, cláusulas, oraciones, párrafos, y secciones de esta ordenanza sean divisibles, y que si cualquier frase, cláusula, oración, párrafo o sección de esta ordenanza es declarada inconstitucional mediante un fallo o decreto válido de cualquier corte de jurisdicción competente, dicha inconstitucionalidad no afectará a ninguna de las frases, cláusulas, oraciones, párrafos, y secciones de esta ordenanza, puesto que la misma habría sido promulgada por el consejo municipal sin incorporar en esta ordenanza dicha frase, cláusula, oración, párrafo o sección.

SECCION 6.

Esta ordenanza será vigente y aplicable desde su aprobación y a partir de entonces.

PASADO Y APROBADO por El Consejo Municipal de la Ciudad de Wharton, Texas
este día 11 de marzo de 2013.

CIUDAD DE WHARTON, TEXAS

Por: _____
Donald Mueller
Alcalde Pro-Tem

ATESTIGUACIÓN:

Paula Favors
Secretaria Municipal

APROBADO:

Paul Webb
Abogado Municipal

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

The eleventh item on the agenda to review and consider a resolution of the Wharton City Council approving Fixed Base Operator Hangar Lease Agreement between the City of Wharton and Houston Air Motor, LLC., and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated that the City Staff had been meeting with Mr. Bill Kingrey and his partners of Houston Airmotive, LLC, regarding the proposal to establish an engine repair business at the Wharton Regional Airport. City Manager Garza said Mr. Kingrey leased hangar J from the City and the company wishes to make improvements to the hangar to accommodate their business. City Manager Garza presented a letter to the City on the work that would need to be done to the hangar. City Manager Garza stated that they requested the City participate through the TxDOT RAMP program to cover some of the cost associated with the improvements. Assistant City Attorney Amy Rod stated that she had reviewed the draft contract and was recommending a ten year lease with a ten year extension option, a monthly rental with inflation escalation, and that affidavits of all bills paid for the improvements be submitted to the City. City Manager Garza said the City Staff was recommending the City Council approve the agreement with the stipulation that the final agreement reflect the recommendations of Mrs. Rod. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2013-19, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-19**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING FIXED BASE OPERATOR HANGAR LEASE AGREEMENT BETWEEN THE CITY OF WHARTON AND HOUSTON AIRMOTIVE, LLC. AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The City of Wharton City Council wishes to enter into an agreement with Houston Airmotive, LLC. For the renovation and leasing of Hangar J; and

WHEREAS, The City of Wharton and Houston Airmotive, LLC. wishes to be bound by the conditions as set forth in the agreement; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement.

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

Section I. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a Fixed Base Operator Hangar Lease Agreement for Hangar J located at the Wharton Regional Airport between the City of Wharton and Houston Airmotive, LLC.

Section II. That the City of Wharton and Houston Airmotive, LLC. are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 11th day of March 2013.

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By: _____
DONALD MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider City of Wharton Sidewalk Accessibility and Historic Streetscape Project, Texas Department of Transportation Contract CSJ # 0913-09-049:

- A. Bid Tabulation.
- B. **Resolution:** A resolution of the Wharton City Council accepting the bids received for the City of Wharton Sidewalk Accessibility and Historic Streetscape Project, Texas Department of Transportation Contract CSJ # 0913-09-049.

City Manager Andres Garza, Jr. presented a copy of the letter dated March 7, 2013 from Mr. Bradley Loehr, P.E. with BEFCO Engineering, Inc. providing a copy of the bid tabulation and his recommendation from the bid opening held March 5, 2013 for the project listed above. Mr. Loehr stated that four bids were received and his recommendation was for the lowest and most qualified bidder which was M & C Fonseca Construction Co. Inc. in the amount of \$374,165.75 which includes alternatives A, B, and C for the construction of TxDOT Sidewalk Accessibility & Historic Streetscape Project. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2013-20, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2013-20**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE CONSTRUCTION OF THE TXDOT SIDEWALK ACCESSIBILITY & HISTORIC STREETScape PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The City of Wharton solicited quotes from companies for the construction of the TxDot Sidewalk Accessibility & Historic Streetscape Project; and

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WHEREAS, On March 5, 2013, M & C Fonseca Construction Co. Inc. submitted its bid in the amount of \$374,165.75 which includes alternatives A, B, and C for the construction of TxDot Sidewalk Accessibility & Historic Streetscape Project, and;

WHEREAS, the City of Wharton and M & C Fonseca Construction Co. Inc. wishes to be bound by the conditions set forth in the agreement and within the terms of the quote; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor to execute all documents related to said project.

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

Section I. The Wharton City Council hereby recommends to award a contract to M & C Fonseca Construction Co. Inc. in the amount of \$374,165.75 which includes alternatives A, B, and C for the construction of the TxDot Sidewalk Accessibility & Historic Streetscape Project.

Section II. The Wharton City Council hereby authorizes the Mayor to execute any and all documents related to said project.

Section III. The City of Wharton and M & C Fonseca Construction Co. Inc. are hereby bound by the conditions as set forth in the contract amendment.

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

Passed, Approved, and Adopted this 11th day of March 2013.

CITY OF WHARTON, TEXAS

By: _____
DONALD MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Terry David Lynch seconded the motion. All voted in favor.

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

A. Planning Commission held Monday, March 4, 2013.

After some discussion, no action was taken.

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The fourteenth item on the agenda was to review and consider appointments to the City of Wharton Boards and Commissions:

- A. Holiday Light Decoration Chairman.
- B. Mayor's Committee on People with Disabilities.

City Manager Andres Garza, Jr. stated that each of the committees listed above had one (1) vacancy respectively. City Manager Garza said the City Council could consider possible appointments to fill the vacancies. After some discussion, no action was taken.

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

The meeting adjourned at 7:26 p.m.

CITY OF WHARTON, TEXAS

By: _____
Don Mueller
Mayor Pro Tem

ATTEST:

Paula Favors
City Secretary