

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
FEBRUARY 10, 2014**

Mayor Domingo Montalvo, Jr. declared a Regular Meeting duly open for the transaction of business at 7:00 P.M at City Hall 120 E. Caney Street Wharton, TX. Councilmember Al Bryant led the opening devotion and the pledge of allegiance.

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

Councilmember absent was: None.

Staff members present were: Finance Director Joan Andel, City Secretary Paula Favors, Assistant to the City Manager Cheryl Urbanovsky, EMS Director John Kowalik, Assistant to Building Official Gwyn Laney, and City Attorney Paul Webb.

Visitors present were: David Schroeder, Executive Director, Wharton Economic Development Corporation, Carlos Cotton, P.E. with Jones and Carter, Inc., Larry Janak, P. E. of IDC, Inc., Eric Muegge, and Ben Sharp, with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. All members were present.

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

The fourth item on the agenda was the Wharton Moment. City Manager Andres Garza, Jr. congratulated the Wharton High School Basketball team and staff for being undefeated and advancing as District Champions.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held January 13, 2014 and January 27, 2014. After some discussion, Councilmember Karen Schulz moved to approve the minutes from the regular meetings held January 13, 2014 and January 27, 2014. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution of the Wharton City council authorizing the submission of an application to the Criminal Justice Division (CJD) of the Governor's Office for funding.

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- A. Resolution:** A resolution of the Wharton City Council authorizing the submission of an application to the Criminal Justice Division (CJD) of the Governor's Office for funding.

City Manager Andres Garza, Jr. presented a letter dated February 3, 2013 from Mrs. Phyllis Sliva, MSW, Executive Director of the Boys & Girls Club of Wharton, addressed to him requesting that the City of Wharton act as the grantee for the continuation of the Boys & Girls SMART Moves program. City Manager Garza stated the City Staff was requesting the City Council consider approving the afore-mentioned resolution. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2014-15, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-15**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE
SUBMISSION OF AN APPLICATION TO THE CRIMINAL JUSTICE DIVISION
(CJD) OF THE GOVERNOR'S OFFICE FOR FUNDING.**

WHEREAS, the Wharton City Council wishes to authorize the submission of an application to CJD for funding of a diversion program using an external contractor; and

WHEREAS, the application would be for funding a diversion program administered by an external contractor for the City of Wharton in the amount of \$30,816.00, and;

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

WHEREAS, the Wharton City Council designates Domingo Montalvo, Jr., Mayo, as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency.

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

Section 1. The Wharton City Council authorizes the submission of an application to CJD for funding a diversion program in the amount of \$30,816.00.

Section 2. That this resolution shall become effective immediately upon its passage.

PASSED, APPROVED AND ADOPTED this 10th day of February 2014.

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By: _____
DOMINGO MONTALVO, JR.
MAYOR

ATTEST:

BY: _____
PAULA FAVORS
CITY SECRETARY

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

The seventh item on the agenda was to review and consider a resolution of the Wharton City Council approving a Memorandum of Understanding Affiliation Agreement between the Houston Community College District and the City of Wharton and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a draft copy of the proposed Memorandum of Understanding Affiliation Agreement between the Houston Community College District and the City of Wharton for a three (3) year period. City Manager Garza also presented a copy of the memorandum dated February 5, 2014 from EMS Director John Kowalik providing his recommendation regarding the agreement. Mr. Kowalik stated the contract remained the same as in years past and recommended the City Council consider approving the agreement. City Attorney Paul Webb stated he reviewed the agreement and recommended the City Council consider approving it. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2014-16, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2014 - 16

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A MEMORANDUM OF UNDERSTANDING AFFLIATION AGREEMENT BETWEEN THE CITY OF WHARTON AND HOUSTON COMMUNITY COLLEGE DISTRICT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton, Texas, to execute a Memorandum of Understanding Affiliation Agreement the Houston Community College District for the purpose of offering EMT, EMT/ Intermediate and Paramedic Students the opportunity to utilize the City of Wharton E.M.S. Ambulance for the basic and advanced ambulance rotation; and

WHEREAS, the City of Wharton and Houston Community College District wishes to be bound by the conditions as set forth in 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, Texas, to execute an Memorandum of Understanding Affiliation Agreement the Houston Community College District for the purpose of offering EMT, EMT/ Intermediate and Paramedic Students to utilize the City of Wharton E.M.S. Ambulance for the basic and advanced ambulance rotation with the Houston Community College.

Section. II. That the City of Wharton and the Houston Community College District wishes to be 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 the 10th day of February 2014.

CITY OF WHARTON

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Karen Schulz seconded the motion. Councilmember Terry David Lynch abstained. Councilmembers Don Mueller, Russell Machann, and Jeff Gubbels voted for the motion. The motion carried.

The eighth item on the agenda was to review and consider a resolution approving a statement of intent for participation in Texas Colorado River Floodplain Coalition Hazard Mitigation Plan update. City Manager Andres Garza, Jr. stated that in the past, the City had participated with the Texas Colorado River Floodplain Coalition (TCRFPC) in developing and updating its Hazard Mitigation Plan which the City was required to have for federal assistance. City Manager Garza said the City's plan would expire in 2016 and the TCRFC was again providing assistance to entities to help update the plans. City Manager Garza presented an email from the Texas Division of Emergency Management requesting entities to submit a statement of intent that they would participate in the TCRFPC Hazard Mitigation Plan Update. After some

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discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2014-17, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-17**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A STATEMENT OF INTENT TO PARTICIPATE IN THE TEXAS COLORADO RIVER FLOODPLAIN COALITION (TCRFPC) HAZARD MITIGATION PLAN UPDATE, AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF WHARTON SAID STATEMENT OF INTENT AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Wharton City Council wishes for the City to participate with the TCRFPC Hazard Mitigation Plan Update; and

WHEREAS, the City of Wharton Hazard Mitigation Plan must be updated by 2016; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute on behalf of the City a Statement of Intent to participate with the TCRFPC for the plan update, and;

WHEREAS, the Wharton City Council wishes to make this resolution effective immediately after its passage.

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

Section 1. The Wharton City Council hereby approves the updating of its Hazard Mitigation Plan.

Section 2. The Wharton City Council authorizes City's participation with the TCRFPC in updating its Hazard Mitigation Plan.

Section 3. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute Statement of Intent to participate in TCRFPC to update its Hazard Mitigation Plan.

Section 3. That this Wharton City Council hereby authorizes this resolution to become effective immediately upon its passage.

PASSED, APPROVED AND ADOPTED this 10th day of February 2014.

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By: _____
DOMINGO MONTALVO, JR.
MAYOR

ATTEST:

BY: _____
PAULA FAVORS
CITY SECRETARY

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

The ninth item on the agenda was a Change Order No. 1 to Wharton Sidewalk Accessibility and Historical Streetscape Project. City Manager Garza stated that at the January 13, 2014 meeting, the City Council voted to approve Change Order No. 1 to the Wharton Sidewalk Accessibility and Historical Streetscape Project that was being undertaken by M & C Fonseca Construction. City Manager Garza said BEFCO Engineering had submitted a Supplemental Work Authorization No. 1 for the additional design work. After some discussion, Councilmember Russell Machann moved to approve the Change Order No. 1 to Wharton Sidewalk Accessibility and Historical Streetscape Project. Councilmember Al Bryant seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council amending the Wharton Regional Airport Fixed Base Operator Hangar Lease Agreement between the City of Wharton and Dynasty Aviation Group authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a letter received from Mr. Gerry Shore of Dynasty Aviation dated January 2, 2014. City Manager Garza stated Mr. Shore was requesting a fixed rate of \$2,000 per month through the remainder of his lease which would end February 28, 2015. City Manager Garza further stated that in August 2013, the City Council authorized the agreement to keep the lease at \$2,000 per month until February 28, 2014 and on March 1, 2014 under the existing lease, the monthly payment would go up to \$3,000 for hangar rental and \$500 for office rental. City Manager Garza said the City Staff was recommending Mr. Shore's request be approved. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2014-18, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2014-18

A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING THE WHARTON REGIONAL AIRPORT FIXED BASE OPERATOR HANGAR LEASE AGREEMENT BETWEEN THE CITY OF WHARTON AND DYNASTY AVIATION GROUP AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

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WHEREAS, On January 11, 2010, the Wharton City Council approved the City of Wharton to enter into a Fixed Base Operator Hangar Lease Agreement with The Dynasty Group (Dynasty Aviation); and

WHEREAS, the Wharton City Council wishes to amend said lease agreement to amend the rates as set forth in the contract amendment; and

WHEREAS, the City of Wharton and The Dynasty Group (Dynasty Aviation) 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 contract 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 contract amendment to the Fixed Base Operator Hangar Lease Agreement for the large commercial hangar located at the Wharton Regional Airport between the City of Wharton and The Dynasty Group (Dynasty Aviation).

Section II. That the City of Wharton and The Dynasty Group (Dynasty Aviation) are hereby bound by the conditions as set forth in the contract amendment.

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

PASSED, APPROVED AND ADOPTED this 10th day of February 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eleventh item on the agenda to review and consider was a resolution of the Wharton City Council authorizing the construction of a hangar at the Wharton Regional Airport, requesting financial assistance for the Texas Department of Transportation for said improvements,

authorizing its 10% responsibility for the share of the costs naming the Texas Department of Transportation as its agent for said project, and authorizing the Mayor of the City of Wharton to execute on the City of Wharton's behalf all contracts and agreements with the State of Texas for the implementation of these improvements. City Manager Andres Garza, Jr. stated that on February 11, 2013, the City Council approved Resolution 2013-11 authorizing a Letter of Intent that was submitted to the Texas Department of Transportation Aviation Division for the construction of a new hangar at the Wharton Regional Airport. City Manager Garza said the City had been notified that the process for the new hangar would begin with the City approval of the presented resolution. City Manager Garza presented the projected costs for the hangar and stated that under the Capital Improvement Program for the first year (2014) the engineering design work was undertaken, the second year (2015) the actual construction of the hangar would begin while funding for the project would come from the Airport Fund. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2014-19, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-19**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CONSTRUCTION OF A HANGAR AT THE WHARTON REGIONAL AIRPORT, REQUESTING FINANCIAL ASSISTANCE FOR THE TEXAS DEPARTMENT OF TRANSPORTATION FOR SAID IMPROVEMENTS, AUTHORIZING ITS 10% RESPONSIBILITY FOR THE SHARE OF THE COSTS, NAMING THE TEXAS DEPARTMENT OF TRANSPORTATION AS ITS AGENT FOR SAID PROJECT, AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ON THE CITY OF WHARTON'S BEHALF ALL CONTRACTS AND AGREEMENTS WITH THE STATE OF TEXAS FOR THE IMPLEMENTATION OF THESE IMPROVEMENTS.

WHEREAS, the City of Wharton intends to make certain improvements to the Wharton Regional Airport; and

WHEREAS, the general description of the project is described as: construction of a hangar; and

WHEREAS, the City of Wharton intends to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, the City of Wharton will be responsible for 10% of the total project costs currently estimated to be \$1,220,880.00.

WHEREAS, the City of Wharton names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements;

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NOW, THEREFORE, BE IT RESOLVED, that the City of Wharton hereby directs the Mayor of the City of Wharton to execute on behalf of the City of Wharton, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Wharton Regional Airport.

PASSED, APPROVED AND ADOPTED this 10th day of February 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

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 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 from Ms. Maggie Mejorado, EMS Coordinator for Wharton County Junior College (WCJC) providing the Emergency Medical Services (EMS) Affiliation Agreement. City Manager Garza stated that the City Staff had submitted the agreement to City Attorney Paul Webb and EMS Director John Kowalik for their review. City Manager Garza presented a copy of the memorandum dated February 5, 2014 from Mr. Kowalik providing recommendation that City Council consider approving the agreement pending the review of Mr. Webb recommended the City Council consider approving the agreement. After some discussion, Councilmember Karen Schulz moved to approve City of Wharton Resolution No. 2014-20, which read as follows:

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RESOLUTION NO. 2014 - 20

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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 10th day of February 2014.

CITY OF WHARTON

By: _____
DOMINGO MONTALVO, JR.
MAYOR

ATTEST:

**PAULA FAVORS
CITY SECRETARY**

Councilmember Al Bryant seconded the motion. Councilmember Terry David Lynch abstained. Councilmembers Don Mueller, Russell Machann, and Jeff Gubbels voted in favor of the motion. The motion carried.

The thirteenth item on the agenda was to review and consider a Progress Payment Request No.1 & FINAL from Jones & Carter for Iseler Demolition, Inc. on Cloud Street Water Plant Elevated Storage Tank Project. City Manager Andres Garza, Jr. presented the Payment Request No. 1 and Final from Jones & Carter Engineering for Iseler Demolition, Inc. on the Cloud Street Water Plant Elevated Storage Tank Project and a memo from Phil Bush, Interim Public Works Director approving the completion of the project. After some discussion, Councilmember Don Mueller moved to approve the Progress Payment Request No.1 & FINAL from Jones & Carter for Iseler Demolition, Inc. on Cloud Street Water Plant Elevated Storage Tank Project. Councilmember Al Bryant seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider the FM 1301 Extension and Overpass Project Status Report from IDC, Inc. and setting a Public Hearing date for the environmental portion of said project. City Manager Andres Garza, Jr. presented a status report from IDC, Inc. on the FM 1301 Extension and Overpass Project. City Manager Garza stated that a Public Hearing date for the environmental portion of said project must be set. Mr. Larry Janak, P. E. of IDC, Inc. presented a status update to the City Council. After some discussion, no action was taken.

The fifteenth item on the agenda was the Establishment of a No Train Horn Quiet Zone in the City of Wharton.

- A. **Resolution:** A resolution authorizing the Wharton City Council authorizing the City Staff to conduct a diagnostic team review in accordance with the Federal Railroad Administration Quiet Zone Calculator and Federal requirements to determine a proposed Train Horn Quiet Zone in the City of Wharton from the Colorado River north to the city limits and authorizing the City Manager to submit any necessary documentation to the Federal Railroad Administration.
- B. **Resolution:** A resolution authorizing the City Manager to execute an agreement with BEFCO Engineering for engineering services for the establishment of a No Train Horn Quiet Zone in the City of Wharton.

City Manager Andres Garza, Jr. stated that at the January 27, 2014 Wharton City Council meeting, the City Council deferred any action to City Attorney, Mr. Paul Webb. Mr. Webb stated he contacted Texas Municipal League Intergovernmental Risk Pool (TML-IRP) regarding the coverage and liability of establishing a No Train Horn Quiet Zone in the City of Wharton. Mr. Webb said TML-IRP informed him there would not be any issue with coverage and the City would be represented if an accident did occur. Mr. Webb stated there would not be an increase in the premiums if the City established a No Train Horn Quiet Zone. City

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Manager Garza presented an agreement with BEFCO Engineering for the engineering assistance needed for the establishment of the Quiet Zone. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolutions 2014-05 and 2014-06, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2014-05**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY STAFF TO CONDUCT A DIAGNOSTIC TEAM REVIEW IN ACCORDANCE WITH THE FEDERAL RAILROAD ADMINISTRATION QUIET ZONE CALCULATOR AND FEDERAL REQUIREMENTS TO DETERMINE A TRAIN HORN QUIET ZONE IN THE CITY OF WHARTON FROM THE COLORADO RIVER NORTH TO THE CITY LIMITS AND AUTHORIZING THE CITY MANAGER TO SUBMIT ANY NECESSARY DOCUMENTATION TO THE FEDERAL RAILROAD ADMINISTRATION.

WHEREAS, The Wharton City Council has determined that it is in the best interest of the citizens of Wharton to conduct a Train Horn Quiet Zone diagnostic team review in accordance with Federal regulation using the Federal Railroad Administration Quiet Zone Calculator; and

WHEREAS, The Wharton City Council wishes to authorize the City Staff to conduct said review; and

WHEREAS, The Wharton City Council wishes to authorize the City Manager to submit any necessary documentation that may be required to the Federal Railroad Administration; and

WHEREAS, The Wharton City Council wishes to review the diagnostic review analysis to determine if the No Train Horn Quiet Zone should be implemented.

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 determines that it is in the best interest of the citizens of Wharton to conduct a Train Horn Quiet Zone diagnostic team review in accordance with Federal regulation using the Federal Railroad Administration Quiet Zone Calculator.

Section II. That the Wharton City Council hereby authorizes the City Manager to submit any necessary documentation that may be required to the Federal Railroad Administration

Section III. That the Wharton City Council shall review the diagnostic team review to determine if the No Train Horn Quiet Zone should be implemented.

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Section IV. That this resolution shall become effective on the date of its passage.

Passed, Approved, and Adopted this 10th day of February 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2014-06**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT WITH BEFCO ENGINEERING, INC. AND THE CITY OF WHARTON FOR ENGINEERING SERVICES ON THE CITY OF WHARTON NO TRAIN HORN QUIET ZONE AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On February 10, 2014 the Wharton City Council wishes to enter into a professional engineering services agreement with BEFCO Engineering, Inc. for the engineering services on establishing a No Train Horn Quiet Zone.

WHEREAS, the City of Wharton and BEFCO Engineering, Inc. 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 said agreement.

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

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Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an agreement with BEFCO Engineering, Inc. and the City of Wharton for engineering services on establishing a No Train Horn Quiet Zone.

Section II. The City of Wharton and BEFCO Engineering, Inc. are hereby bound by the conditions as set forth in the contract amendment.

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

PASSED, APPROVED AND ADOPTED this 10th day of February 2014.

CITY OF WHARTON, TEXAS

By: _____
DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

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

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

After some discussion, no action was taken.

The seventeenth item on the agenda was to review and consider City of Wharton City Council Boards, Commissions and Committee Reports:

- A. Mayor's Committee on People with Disabilities meeting held February 4, 2014.

After some discussion, no action was taken

The eighteenth item on the agenda was to review and consider a recommendation by the Planning Commission for City Council consideration of the request by C. E. Muegge for

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approval of a Preliminary/Final Replat of 3.176 ac., William Kincheloe, Abstract 38. Assistant to Building Official Gwyn Laney stated the Planning Commission met and recommended City Council consider approving an application for the re-platting of 3.176 ac., William Kincheloe, Abstract 38 from Eric Muegge. After some discussion, Councilmember Terry David Lynch moved to approve the request by C.E. Muegge for approval of a Preliminary/Final Replat of 3.176 ac., William Kincheloe, Abstract 38. Councilmember Al Bryant seconded the motion. All voted in favor.

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

The meeting adjourned at 7:18 p.m.

CITY OF WHARTON, TEXAS

By: _____
Don Mueller
Mayor Pro Tem

ATTEST:

Paula Favors
City Secretary