

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
December 12, 2011**

Mayor Domingo Montalvo, Jr. declared a Regular Meeting duly open for the transaction of business at 7:00 P.M. Councilmember Russell Machann led the opening devotion and Mayor Domingo Montalvo, Jr. led 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: City Manager Andres Garza, Jr., Finance Director Joan Anandel, City Secretary Paula Favors, Assistant to City Manager Jackie Jansky, City Attorney Paul Webb, Chief of Police Tim Guin, Building Official Ronald Bollom, Building Official Assistant Lori Jaquez, and Emergency Management Coordinator Jim Cooper.

Visitors present were: David Schroeder, Executive Director, Wharton Economic Development Corporation; Natalie Bednorz, Wharton Journal Spectator; Rachel Rust, Paul Sherland, Carlos Cotton P.E., Jones and Carter, Inc., Brett Kocian, Anthony Eugene Ray II, Nathan Williams, Isaiah Lynch, Tyler Knezek, Wharton High School Football Coach Anthony Ray, Matthew Sciba, Andrew Cruz, Cade Koonce, Alfred Pinkney, Wharton High School Football Coach Reginald Davis, Austin Cruz, Andrew Krenek, Jacob Hinze, Brad Wright, Robert Young, Bryan Knight, Thomas Kielman, Paige Wright, Kim Wright, Liz Krushall, Brandon Krushall, Donovan Krushall, Travis Hoffer, Claudio Rojas, Taylor Stavena, Jamal Gillis, Jonathan Araguz, Kay Shoppa, J. Boone Koonce, Jana Koonce, Grissom Bartee, Ramon Frazier, Alex Dorgan, Terry Hinze, Donald Allen, Marquin Ford, Derek Jackson, Demetrius Peacock, Joseph Castro, James Black, Eric Scheibe, Chad Schulz, and John Araguz.

The second item on the agenda was Roll Call and Excuses Absences. All Councilmembers 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. Mayor Domingo Montalvo, Jr. stated he was glad to see the Wharton Varsity Football team present at the meeting.

The fifth item on the agenda item was a proclamation declaring Wednesday, December 14, 2011 as Wharton High School Wharton 2011 Tiger Football Team Day in the City of Wharton. Mr. Brad Wright, Athletic Director and Head Coach thanked the City of Wharton for recognizing the Wharton Football Team, who has made tremendous strides since he arrived in February 2011. Coach Wright further stated that it was now time to become bigger, stronger and faster. Mayor Domingo Montalvo, Jr., presented a Proclamation declaring Wednesday, December 14, 2011 as Wharton High School Wharton 2011 Tiger Football Team Day in the City of Wharton Texas, which read as follows:

**CITY OF WHARTON
OFFICE OF THE MAYOR
Proclamation**

Whereas, we realize that participation in organized athletics helps to build character and teaches a wholesome sense of fair play and good sportsmanship among our youth; and

Whereas, to really excel in football, a young person must demonstrate, in addition to a great deal of natural ability, an outstanding spirit of dedication, enthusiasm, and hard work; and

Whereas, an example of this is the accomplishment of the Wharton High School Tiger Football Teams to achieve participation in the 2011 State 3A Division II Football Playoffs; and

Whereas, the City of Wharton is especially proud of its players and coaches who made this achievement possible; and

Whereas, the 2011-2012 Wharton High School Football Tiger Team includes:

Team Members

Jonathan Araguz - #65	Jacob Hinze - #74	Parkes Ousley - #5
Joseph Castro - #4	Derek Jackson - #85	Demetrius Peacock - #34
Andrew Cruz - #18	Thomas Kielman - #45	Alfred Pinkney - #26

Austin Cruz - #75	Tyler Knezek - #22	Anthony Ray, II - #44
Colin Curlee - #2	Bryan Knight - #3	Claudio Rojas - #50
Alex Durgan - #40	Brett Kocian - #12	Taylor Stavena - #33
Marquin Ford - #73	Cade Koonce - #9	Nathan Williams - #7
Ra'Mon Frazier - #56	Andrew Krenek - #55	Taylor Woodard - #35
Jamal Gillis - #21	Isaiah Lynch - #77	Robert Young - #32
Bartee Grissom - #15	Justin Matthews - #8	Donovan Krushall - Ball Boy

Coaches

Brad Wright – Athletic Director and Head Coach		
Donald Allen	Reggie Davis	Matt Sciba
Mark Anglin	Travis Hoffer	Chad Schulz
James Black	Anthony Ray	

Now, Therefore, I, Domingo Montalvo, Jr., by the virtue of the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim

Wednesday, December 14, 2011

as

Wharton High School Tiger Football Team Day

in Wharton, Texas, and encourage all our citizens to honor these young persons for a job well done in representing our community.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Wharton to be affixed this 12th day of December, in the year of our Lord two thousand and eleven A.D.

Mayor Domingo Montalvo, Jr. stated he was proud of the team for their success.

The sixth item on the agenda was a presentation of an award to the Wharton City Council for the City of Wharton successfully participating in the National Flood Insurance Community Rating System. City Manager Andres Garza, Jr. stated that the Code Enforcement Department Staff had been working with Ms. Donetta Walsh, CFM, Natural Hazards Program Team Specialist for the Federal Emergency Management Agency (FEMA), Region VI, to complete the City of Wharton's application for the National Flood Insurance Community Rating System (CRS) Program. City Manager Garza further stated that the City of Wharton had implemented higher regulatory standards, public education outreach, property acquisition programs and open space preservation initiatives, which have earned the City lower premiums as a CRS Class 8 Community. Building Official Ronald Bollom stated that Wharton residents, businesses, residential renters and business owners would now have the opportunity to lower their flood insurance premiums 5% to 10%. Mr. Bollom presented Mayor Domingo Montalvo, Jr with a

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plaque from the Federal Emergency Management Agency (FEMA) recognizing the City as a CRS Class 8 Community. City Manager Andres Garza, Jr. commended Mr. Bollom and Building Official Assistant Lori Jaquez for their dedication to the City of Wharton. No action was taken.

The seventh item on the agenda was to review and consider the reading of the minutes from the regular meetings held November 14, 2011 and November 28, 2011. After some discussion, Councilmember Terry David Lynch moved to approve the minutes from the regular meetings held November 14, 2011 and November 28, 2011. Councilmember Al Bryant seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by Councilmember Al Bryant for the City Council to consider the re-opening of the Harris Park entrance located at Milam Street. City Manager Andres Garza, Jr. presented a copy of the letter dated December 2, 2011 from Councilmember Al Bryant to him requesting the City of Wharton to re-open the Harris Park entrance at Milam Street and a copy of the City Council minutes dated June 10, 2002 that indicated the City Council's action to close the entrance. City Manager Andres Garza, Jr. stated the City Council Public Works Committee met on December 7, 2011 and reviewed the request and the Committee Members voted to recommend the City Council consider approving Councilmember Bryant's request to re-open the Harris Park Milam Street park entrance. After some discussion, Councilmember Al Bryant moved to approve the request to re-open the Harris Park entrance at Milam Street. Councilmember Russell Machann seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider 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 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. City Manager Andres Garza, Jr. presented a copy of the letter dated December 2, 2011 from Councilmember Al Bryant to him requesting the City of Wharton consider the implementation of the No Horn Rule – Quiet Zones for Trains inside the City of Wharton City Limits. City Manager Garza also presented a copy of information obtained from the Federal Register and the Federal Railroad Administration (FRA) regarding the requirements the City of Wharton should follow if a Train Horn Quiet Zone was sought for the City. City Manager Garza stated the City would need to designate a committee to conduct a diagnostic team review to determine if a quiet zone could be implemented by using the Quiet Zone Calculator. City Manager Garza further stated that the City Council Public Works Committee met on December 7, 2011 and voted to recommend the City Council consider 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. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2011-90, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-90**

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.

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

Passed, Approved, and Adopted this 12th day of December 2011.

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 tenth item on the agenda was to review and consider City of Wharton Road Extension of FM 1301 from SH 60 from:

- A. **Resolution:** A resolution of the Wharton City Council approving the contract amendment No. 1 to the Texas Department of Transportation Advance Funding Agreement with the City of Wharton for the Road Extension of FM 1301 from SH 60 to US Hwy. 59; and authorizing the Mayor of the City of Wharton to execute the agreement.

- B. **Resolution:** A resolution of the Wharton City Council approving a contract amendment to the Professional Engineering Services Agreement between the City of Wharton and IDC Inc. for the Road Extension of FM 1301 from SH 60 to US Hwy. 59; and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. stated that during the regular October 24, 2011 Wharton City Council meeting the City Council approved to conduct the environmental assessment phase of the road extension of FM 1301 to SH 60 to US Hwy 59 and to amend the Advance Funding Agreement between the City of Wharton and the Texas Department of Transportation (TxDOT). City Manager Garza further stated that during the regular November 14, 2011 City Council meeting, the City Council accepted the \$200,000 increase to the Advance Funding Agreement (AFA) making the States total support toward the project \$3,700,000 for construction and to amend the professional engineering services agreement between the City of Wharton and IDC Inc. to include the environmental assessment for the City of Wharton FM 102 Relocation, FM 1301 Road Extension to US 59 with service road and entrance ramp (east side) and Railroad Overpass. City Manager Garza presented a copy of the letter dated December 2, 2011 from Mr. Lonnie J. Gregorcyk, P.E. TxDOT District Engineer – Yoakum, providing the contract amendment (Item A). City Manager Garza stated that the City was in the process of preparing the draft contract amendment to IDC Inc.'s contract to include the environmental assessment services as approved by the City Council. He also stated that the amendment which also included the State requirements in regards to the TxDOT Local Government Project Procedures,

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whereby IDC Inc. would be required to follow State guidelines that included the disadvantaged business enterprise (DBE) requirements. City Manager Garza further stated the City Council Public Works Committee met on December 7, 2011 and voted to recommend the City Council consider approving the contract amendments. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2011-91, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-91**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE CONTRACT TO THE TEXAS DEPARTMENT OF TRANSPORTATION ADVANCE FUNDING AGREEMENT WITH THE CITY OF WHARTON FOR THE ROAD EXTENSION OF FM 1301 FROM SH 60 TO US HWY. 59; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT

WHEREAS, During the regular November 14, 2011, the Wharton City Council approved to amend the agreement to include that the City would undertake the environmental assessment and mitigation services for said project and that the Texas Department of Transportation would increase the State's contribution to the construction phase by \$200,000.00; and

WHEREAS, the City of Wharton and Texas Department of Transportation 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 amendment between the City of Wharton and the Texas Department of Transportation.

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the contract amendment to the Advance Funding Agreement between the City of Wharton and the Texas Department of Transportation to include the requirements stated above.

Section II. The City of Wharton and Texas Department of Transportation 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 12th day of December 2011.

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 was to review and consider City Council authorization for the Mayor of the City of Wharton to submit a formal letter to the Texas Department of Transportation regarding the Texas Department of Transportation Sidewalk Accessibility Project to reallocate funding for certain sidewalk accessibility improvements. City Manager Andres Garza, Jr. stated that on December 2, 2011, the City Staff and Mr. David Bucek, AIA of Stern and Bucek Architects met with Texas Department of Transportation (TxDOT) representatives Mr. Paul Frerich, P.E. and Mr. Mark Wooldridge, P.E. to discuss the Projects. City Manager Garza further stated that the City of Wharton was conducting its sidewalk enhancement project and TxDOT has begun its sidewalk accessibility project that included certain locations that were also included in the City's enhancement project. He stated that during the meeting, Mr. Frerich had indicated that the State would remove the duplicated sidewalk corners; however, he did not indicate that the funding for those corners would be reallocated to different areas within Wharton that needed improvement. City Manager Garza said that the City Staff had met with the City Council Public Works Committee to discuss both projects and to seek a recommendation to City Council for Mayor Domingo Montalvo, Jr. to submit a formal letter of request to TxDOT requesting that the funding that would have been used to improve those sidewalk corners that were being removed from the TxDOT project be reallocated to other sidewalks that were not part of the downtown sidewalk improvement plan. After some discussion, Councilmember Karen Schulz moved to authorize for the Mayor of the City of Wharton to submit a formal letter to the Texas Department of Transportation regarding the Texas Department of Transportation Sidewalk Accessibility Project to reallocate funding for certain sidewalk accessibility improvements. Councilmember Don Mueller seconded the motion. All voted in favor.

The twelfth item on the agenda was City of Wharton Construction/Installation of Hurricane Storm Window Barriers at City Hall:

A. Bid Tabulation.

B. **Resolution:** A resolution of the Wharton City Council awarding a bid for the City of Wharton Construction/Installation of Hurricane Storm Window Barriers at City Hall Project and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated December 12, 2011 from Emergency Management Coordinator Jim Cooper to him providing him with Police Chief Tim Guin's and his recommendation to consider awarding the bid for the afore mentioned project to BAM Construction, Inc. City Manager Garza also presented a copy of the letter dated December 12, 2011 to him from Ms. Dawn Holden, BAM Construction, Inc., providing with a change order to reduce the bid amount to \$133,000.00 instead of \$158,700.00. Emergency Management Coordinator Jim Cooper stated that the price was reduced, because there were mathematical errors in the original

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bid. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2011-93, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-93**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING THE BID FOR THE CITY OF WHARTON CONSTRUCTION/INSTALLATION OF HURRICANE STORM WINDOW BARRIER AT CITY HALL PROJECT AND AUTHROIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENTS.

WHEREAS, competitive, sealed bids were received on December 8, 2011, City of Wharton Construction/Installation of Hurricane Storm Window Barriers at City Hall Project; and

WHEREAS, the Wharton City Council wishes to award the bid to BAM Construction, Inc. for being the lowest and best qualified bidder as per bid specifications in the amount of \$158,700.00; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the required agreements for the road materials; and

WHEREAS, this resolution is passed in accordance with this bid.

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 awards the contract to BAM Construction, Inc. in the amount of \$158,700.00 for being the lowest and best qualified bidder as per bid specifications for the City of Wharton Construction/Installation of Hurricane Storm Window Barriers at City Hall Project

Section II. That the Mayor of the City of Wharton is hereby authorized execute the agreement

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

Passed, Approved, and Adopted this 12th of December 2011.

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 thirteenth item on the agenda was a resolution of the Wharton City Council approving the Texas Commission on Environmental Quality to conduct a new Phase I Environmental Site Assessment (ESA) on the property located at 500 North Richmond Road; Wharton, Block 29, Lot 7A, 7B, 7F, 8A. City Manager Andres Garza, Jr. stated in 2001, the City of Wharton participated in the Texas Commission on Environmental Quality (TCEQ) Brownsfield Site Assessment Program for the property located at 500 North Richmond Road; Wharton, Block 29, Lot 7A, 7B, 7F, 8A. He said that at that time, the State notified the City that no further testing of the site was required after the property had been mitigated from any contaminations that resulted from the service station that previously existed on the property. He further stated that TCEQ failed to issue the required Voluntary Cleanup Program (VCP) Certificate, No. G44. City Manager Garza stated that earlier this year, the City of Wharton had transferred the property to the Wharton Economic Development Corporation (WEDC) for economic development purposes. He said WEDC had an interested party looking to purchase the property; however, the VCP Certificate was being required by the lending company. City Manager Garza further stated that the City Staff had been corresponding with TCEQ representatives to obtain the VCP but the State had indicated that too much time had passed and that TCEQ could not issue the VCP without a current Phase I Environmental Site Assessment. City Manager Garza presented a copy of the email dated November 30, 2011 from Ms. Christene Whitney of TCEQ that indicated the original VCP should have been issued and that TCEQ would conduct the necessary testing at no cost to the City in an effort to have the VCP certificate issued. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2011-94, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-94**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO CONDUCT A NEW PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA) ON THE PROPERTY LOCATED AT 500 NORTH RICHMOND ROAD; WHARTON, BLOCK 29, LOT 7A, 7B, 7F, 8A.

WHEREAS, the City of Wharton conducted a Phase I Environmental Site Assessment to the property located at 500 North Richmond Road; Wharton, Block 29, Lot 7A, 7B, 7F, 8A. and had submitted all the necessary documentation to the Texas Commission on Environmental Quality; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ), in its letter dated May 1, 2002 indicated that TCEQ's review of the available information agreed that the soils at the site have attained a Petroleum Storage Tank Plan A cleanup of levels for non-residential properties, in accordance with 30 Texas Administrative Code (TAC) §334.81, that no additional corrective

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action was required for the LPST ID No. 11324 and that the case files and databases would be updated to reflect that the incident was closed; and

WHEREAS, TCEQ had failed to issue the Voluntary Cleanup Program certificate to the City of Wharton, which is required to sale the property due to the property's previous use; and

WHEREAS, in an effort to place the property back on the City of Wharton tax rolls, the City of Wharton wishes to accept TCEQ's offer for TCEQ to conduct a new Phase I Environmental Site Assessment to said property at no cost to the City; and

WHEREAS, the Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute any necessary documents related to said testing.

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 accepts the Texas Commission on Environmental Quality's offer to conduct a new Phase I Environmental Site Assessment to the property located at 500 North Richmond Road; Wharton, Block 29, Lot 7A, 7B, 7F, 8A.

Section II. That the City Manager of the City of Wharton to execute any necessary documents related to said testing.

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

Passed, Approved, and Adopted this 12th of December 2011.

CITY OF WHARTON, TEXAS

By:

DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Karen Schulz and Russell Machann seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider City of Wharton Road Materials:

A. Bid Tabulation.

B. Resolution: A resolution awarding a bid for certain road materials to Zbranek Brothers and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. stated that the bid for road materials for the City of Wharton was held November 17, 2011 and were presented to the City Council during the regular November 28, 2011 City Council meeting. City Manager Garza further stated that Zbranek Brothers was inadvertently left off of the agenda; therefore, the City Staff could not submit the necessary contracts. City Manager Garza said the City Staff was requesting that the Wharton City Council accept the recommendation presented by Public Works Director Carter Miska during the November 28, 2011 City Council meeting to award a contract to Zbranek Brothers for being the lowest and best qualified bidder for limestone base material in the amount of \$19.75 per ton delivered and \$19.75 per ton pick-up and flexible base in the amount of \$9.85 per ton delivered and \$4.00 per ton pick-up. After some discussion, Councilmember Terry David Lynch moved to approve City of Wharton Resolution No. 2011-95, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2011-95**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A BID FOR CERTAIN ROAD MATERIALS TO ZBRANEK BROTHER AND AUTHROIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENTS.

WHEREAS, competitive, sealed bids were received on November 17, 2011, for road materials for the fiscal year 2011-2012; and

WHEREAS, as per bid specifications, Zbranek Brothers was deemed to be the best and lowest qualified bidder for limestone base material in the amount of \$19.75 per ton delivered and \$19.75 per ton pick-up and flexible base in the amount of \$9.85 per ton delivered and \$4.00 per ton pick-up; and

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreements for the road materials; and

WHEREAS, this resolution is passed in accordance with this bid.

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 awards a contract Zbranek Brothers for being the lowest and best qualified bidder as per bid specifications for limestone base material in the amount of \$19.75 per ton delivered and \$19.75 per ton pick-up and flexible base in the amount of \$9.85 per ton delivered and \$4.00 per ton pick-up; and

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any and all documents related to the afore-mentioned contracts.

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

Passed, Approved, and Adopted this 12th of December 2011.

CITY OF WHARTON, TEXAS

By:

DOMINGO MONTALVO, JR.
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Al Bryant seconded the motion. Councilmember Don Mueller abstained, while Councilmembers Jeff Gubbels, Karen Schulz and Russell Machann voted in favor. Motion carried.

The fifteenth item 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. 1. City Manager Andres Garza, Jr. presented a copy of the letter dated November 25, 2011 from Mr. Jimmy D. Dunham, P.E., of Dunham Engineering, providing the Pay Request No. 1 in the amount of \$39,195.00 by M.K. Painting, Inc. for the City of Wharton Rehabilitation and Painting of two (2) 500,000 Gallons Steel Ground Water Storage Tank Project. Mr. Dunham indicated in his letter that he was recommending the City consider approving the payment. After some discussion, Councilmember Don Mueller 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. 1., in the amount of \$39,195.00. Councilmember Karen Schulz seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider the cancellation of the December 26, 2011 regular Wharton City Council meeting. City Manager Andres Garza, Jr. stated that due to the Holiday Season, he was requesting the Mayor and City Council consider canceling the December 26, 2011 regular City Council Meeting. City Manager Garza further stated that should the need arise, a special meeting would be scheduled. After some discussion, Councilmember Russell Machann moved to cancel the December 26, 2011 regular Wharton City Council meeting. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventeenth item 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.

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D. Mayor's Committee on People with Disabilities.

After some discussion, no action was taken.

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

- A. Wharton Regional Airport Board meeting held December 6, 2011.
- B. City Council Finance Committee meeting held December 6, 2011.
- C. City Council Public Works Committee meeting held December 7, 2011.

City Manager Andres Garza, Jr. presented the reports for the afore mentioned meetings. After some discussion, no action was taken.

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

The meeting adjourned at 7:44 p.m.

CITY OF WHARTON, TEXAS

By: _____
Domingo Montalvo, Jr.
Mayor

ATTEST:

Paula Favors
City Secretary