

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 26, 2018**

Mayor Tim Barker 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. Pastor Janice Blair led the opening devotion and Mayor Barker led the pledge of allegiance.

Councilmember's present were: Mayor Tim Barker and Councilmembers Al Bryant, Terry Freese, Don Mueller, Russell Machann and Steven Schneider.

Councilmember absent were: None.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, TRMC, CPM, Assistant to the City Manager Brandi Jimenez, Community Development Coordinator Gwyneth Teves, Building Official Ronnie Bollom, Assistant to the Building Official Claudia Velasquez, Police Chief Terry David Lynch and Public Works Director Wade Wendt.

Visitors present were: Mary Barnes, Pastor Janice Blair, Lawrence Armour, Earnest Lemmons, Bradley Loehr, P.E. with BEFCO Engineering and Chad Odom, Executive Director of Wharton Economic Development Corporation (WEDCo).

The second item on the agenda was Roll Call and Excused 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 Tim Barker congratulated Mr. John McClain on his 100<sup>th</sup> birthday and stated a party was held at the Wharton Civic Center with over 400 attendees. Mayor Barker requested prayers for former Mayor Don Carlson who suffered a severe heart attack during the previous week. Councilmember Steve Schneider congratulated the Wharton I.S.D. Girls' Softball team won 3 out of 5 games and Councilmember Terry Freese congratulated the Wharton Girls' Basketball team for a successful season ending as regional finalist.

The fifth item on the agenda was to review and consider the City of Wharton Finance Report for January 2018. Finance Director Joan Andel presented the financial report for the

City of Wharton  
Regular Council Meeting  
February 26, 2018

month of January 2018. Mrs. Andel stated that the TexPool balance for January was \$679,628.09 with an average monthly yield of 1.2989%. She said the Prosperity Bank balance for January 2018 was \$4,665,550.64 with an average monthly yield of .25%. After some discussion, Councilmember Don Mueller moved to approve the City of Wharton Financial Report for the month of January 2018. Councilmember Steve Schneider seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider an ordinance approving an amendment to the City of Wharton Budget October 1, 2016 – September 30, 2017. Finance Director Joan Andel presented the City of Wharton Budget Adjustments for fiscal year October 1, 2016 through September 30, 2017. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2018-01, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2018-01**

**AN ORDINANCE APPROVING AMENDMENTS TO  
THE CITY OF WHARTON, TEXAS, BUDGET FOR  
THE 2016-2017 FISCAL YEAR.**

**WHEREAS,** The City Council of the City of Wharton, Texas finds and determines it necessary to revise the 2016-2017 budget to better reflect actual revenues and expenditures in operations and activities during the fiscal year; and,

**WHEREAS,** The City Council finds and determines that these amendments to the budget are for municipal purposes.

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Wharton, Texas that the 2016-2017 Budget be amended as per Attachment "A;" and is adopted by the following favorable majority of votes of the members of the City Council of the City of Wharton, Texas in a duly assembled city council meeting by the following majority:

Al Bryant Councilmember District No. 1	Voted Yes	Steven Schneider Councilmember District No. 2	Voted Yes
Terry Freese Councilmember District No. 3	Voted Yes	Donald Mueller Councilmember District No.4	Voted Yes
Russell Machann Councilmember at Large No. 5	Voted Yes		
Tim Barker	Voted Yes		

City of Wharton  
Regular Council Meeting  
February 26, 2018

Mayor

**Separability**

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a distinct and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, this 26th day of February 2018.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

**ADMISSION:**

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

\_\_\_\_\_  
**JOAN ANDEL**  
Director of Finance

Councilmember Russell Machann 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 rifle buy-back program for the Wharton Police Department, authorizing the purchase of the firearms and authorizing the City Manager to enter into a Firearms Purchase Agreement. City Manager Andres Garza, Jr. presented a memorandum from Chief of Police Terry Lynch to him regarding a rifle purchase buyback program. City Manager Garza stated the proposed program required the City to purchase twenty six (26)

City of Wharton  
Regular Council Meeting  
February 26, 2018

rifles upfront and the individual officer would buy the rifle from the City through a payroll deduction over twenty six (26) pay periods. City Attorney Paul Webb stated he had reviewed and approved the agreement that would be between the City and the individual officer. Chief Lynch presented four (4) bids for the program as follows:

Mr. Money Pawn-\$26,234.00  
Carroll's Gun Shop-\$28,002.00  
R&M Firearms-\$28,808.00  
Wharton Guns and Gear-\$30,446.00

City Manager Garza stated that the Public Safety Committee met on Monday, February 26, 2018 at 12:00 p.m. and were recommending the City Council consider approving the program. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2018-10, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018 -10**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A RIFLE BUY-BACK PROGRAM FOR THE WHARTON POLICE DEPARTMENT, AUTHORIZING THE PURCHASE OF THE FIREARMS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A FIREARMS PURCHASE AGREEMENT.**

**WHEREAS,** The City of Wharton received quotes for rifles for the Wharton Police Department; and,

**WHEREAS,** Carroll's Gun Shop was deemed the most qualified bidder in the amount of \$28,002.00; and,

**WHEREAS,** The Wharton City Council wishes to approve the purchase with Carroll's Gun Shop for the rifles in the amount of \$28,002.00; and,

**WHEREAS,** The Wharton City Council wishes to approve the rifle buy-back program, authorize the purchase of the firearms and authorize the City Manager to enter into a firearms purchase agreement; and,

**WHEREAS,** The Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute any and all documents related to said purchase and firearm purchase agreement.

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

City of Wharton  
Regular Council Meeting  
February 26, 2018

**Section I.** That the City Council hereby approves an agreement with Carroll's Gun Shop for the purchase of a rifles in the amount of \$28,002.00.

**Section II.** That the City Manager of the City of Wharton is hereby authorized to execute any and all documents related to said purchase and firearm purchase agreement.

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

**PASSED, APPROVED, and ADOPTED** this 26th day of February 2018.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

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

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

The eighth item on the agenda was to review and consider the Annual Contact Report for 2017. City Manager Andres Garza, Jr. presented a copy of the memorandum dated February 15, 2017, to him from Police Chief Terry D. Lynch submitting the City of Wharton 2017 Racial Profiling Report in accordance with Senate Bill 1074. Chief Lynch stated that no complaints were received regarding racial profiling. He stated that the traffic contacts that resulted in a citation or an arrest by race or ethnicity were:

Caucasian/White	790
Hispanic	1200
Black	838
Asian	28
Middle Eastern-Descent	20
Native American	1

After some discussion, Councilmember Al Bryant moved to approve the Wharton Police Department Annual Contact Report for 2017. Councilmember Terry Freese seconded the motion. All voted in favor.

City of Wharton  
Regular Council Meeting  
February 26, 2018

The ninth item on the agenda was a resolution of the Wharton City Council authorizing the purchase of a Pneumatic Rubber Tire Roller through the Buyboard Cooperation Purchasing Program for the Public Works Department and authorizing the City Manager to execute all documents relating to said purchase. City Manager Andres Garza, Jr. informed the City Council that the item would be pulled from the agenda. After some discussion, no action was taken.

The tenth item on the agenda was to review and consider the reinstatement of the Wharton Housing Development Corporation. City Manager Andres Garza, Jr. presented a memorandum detailing the program and the recommendation of the City Council Housing Committee. City Manager Garza also presented information provided by legal counsel and information on the steps to reinstate the corporation. After some discussion, Councilmember Al Bryant moved to approve the reinstatement and creation of the Wharton Housing Development Corporation. Councilmember Terry Freese seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a request by Mr. Brett Rowley for annexation of four (4) parcels. City Manager Andres Garza, Jr. presented a petition for annexation of the following properties:

1. Arnel 2 Lot 1K-4A
2. Arnel 2 Lot 1K-4
3. Green Meadows Block 2 Lot 1, 2, 3, 4, 5, 6, 7, 8
4. Green Meadows Block 2 Lot 8A, 18

City Manager Garza stated that Mr. Rowley would be building a patio home subdivision on this property. After some discussion, Councilmember Don Mueller moved to accept the petition from Mr. Brett Rowley for annexation and begin the annexation proceedings of four (4) parcels which were as follows:

1. Arnel 2 Lot 1K-4A
2. Arnel 2 Lot 1K-4
3. Green Meadows Block 2 Lot 1, 2, 3, 4, 5, 6, 7, 8
4. Green Meadows Block 2 Lot 8A, 18

Councilmember Terry Freese seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider City of Wharton Property at 2228 Newton, Ahldag Addition, Block 15, Lot 15, 15A, 15-1, 16A:

- A. Request from Team Wharton to terminate lease of property.
- B. Request from Boys & Girls Club of Wharton for the City of Wharton to donate the property to their organization.

City of Wharton  
Regular Council Meeting  
February 26, 2018

City Manager Andres Garza, Jr. presented the following:

- A. A letter from President Dwight King of Team Wharton, Inc. requesting to terminate the lease for the property at 2228 Newton.
- B. A letter requesting the above property be donated to the Boys & Girls Club of Wharton by President Chris Reina.

City Attorney Paul Webb informed the City Council on the process and instrument needed to transfer the property to the Boys & Girls Club of Wharton, Inc. Community Development Coordinator Gwyn Teves stated the property would revert back to the City of Wharton at any time the Boys & Girls Club of Wharton no longer utilized it. After some discussion, Councilmember Al Bryant moved to approve afore mentioned requests A. & B. Councilmember Don Mueller seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider establishing a City of Wharton sponsored structure demolition program throughout the City. City Manager Andres Garza, Jr. presented a memorandum detailing the program and the recommendation of the City Council Housing Committee. After some discussion, Councilmember Russell Machann moved to approve establishing a City of Wharton sponsored structure demolition program throughout the City. Councilmember Al Bryant seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider Pay Request No. 4 & 5 and Change Order No. 2 from JTM Construction, LLC for the Alabama Sanitary Sewer Project. City Manager Andres Garza, Jr. presented Pay Request No. 4 & 5 from JTM Construction, LLC in the amount of \$58,931.02 for the Alabama Sanitary Sewer Project for work completed through 01/19/18. Mr. Bradley Loehlr, P.E. with BEFCO Engineering, Inc. stated the Change Order No. 2 was for final close out of the project. After some discussion, Councilmember Al Bryant moved to approve Pay Request No. 4 & 5 from JTM Construction, LLC in the amount of \$58,931.02 for the Alabama Sanitary Sewer Project for work completed through 01/19/18. Councilmember Don Mueller seconded the motion. All voted in favor. Community Development Coordinator Gwyn Teves presented Change Order No. 2 from JTM Construction, LLC for the Alabama Sanitary Sewer Project. After some discussion, Councilmember Al Bryant moved to approve Change Order No. 2 from JTM Construction, LLC for the Alabama Sanitary Sewer Project. Councilmember Steve Schneider seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider Pay Request #22, #23 & #24 from Ceres Environmental. City Manager Andres Garza, Jr. presented 3 Pay Requests from Ceres Environmental for debris removal services from Ceres Environmental:

City of Wharton  
Regular Council Meeting  
February 26, 2018

- No. 22 in the amount of \$ 8,987.35
- No. 23 in the amount of \$ 1,087.85
- No. 24 in the amount of \$ 6,138.72

Community Development Coordinator Gwyn Teves stated the total due was \$16,213.92 for these three requests. After some discussion, Councilmember Al Bryant moved to approve Pay Request #22, #23 & #24 from Ceres Environmental in the total amount of \$16,213.92. Councilmember Terry Freese seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider is an update of City of Wharton Grant Programs. Community Development Coordinator Gwyn Teves presented an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The seventeenth item on the agenda was the update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented a copy of his memorandum dated February 22, 2018 providing an update on the City of Wharton current projects as of January 31, 2018.

#### **FLOOD REDUCTION (LEVEE) PROJECT**

The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report is located at the Wharton County Library and the office of the City of Wharton City Secretary for viewing or the report may be viewed on line at <http://www.cityofwharton.com/information-a-notices/lcrb-feasibility-study>. The City Council authorized the submission of a loan application to the Texas Water Development Board (TWDB) for the first phase of the levee project. The City Staff re-submitted the project to Texas Water Development Board for the 2017 Program Year under the Clean Water State Revolving Fund for loan forgiveness consideration. Also, there has been some federal legislation passed in Congress that may provide funding for the project. The City Staff is working with the Fort Worth District Office regarding the legislation. The USACE is developing the guidance on the process to move this project forward.

#### **DRAINAGE:**

**1. Stavena Addition Drainage Project.**

The design and construction plans are complete. The challenge on this project is to find locations to place approximately 35,000 cubic yards of soil.

**2. Ahldag Ditch Improvement.**

The project was approved by the City Council. Public Works Director is currently working out the details.



**3. On-going Drainage and Maintenance Program.**

The Public Works Department has continued working on cleaning residential draining ditches that have experienced poor drainage.

**4. Pecan Acres (Mahann, Kinkaid, Delmas) Drainage Project.**

The project area has been surveyed and an improvement plan has been developed by Schibe Engineering. The City Staff has contacted property owners for the necessary easements needed to install the drainage pipes. Two (2) of the four (4) property owners have executed the drainage agreements and have been accepted by the City Council. The remaining two (2) property owners have been contacted and the City Staff has been waiting for a response.

**WATER/SEWER IMPROVEMENTS:**

**1. On-going Water and Sewer Maintenance Program.**

Water leaks and sewer failures are still being seen in the month of January.

**2. Alabama Street Sewer Line Project.**

The bid has been awarded to JTM Construction and the construction phase has been completed. The City Staff and company will be conducting the final work through to finalize the project.

**STREET IMPROVEMENTS**

**1. FM 1301 Extension and Overpass Project Progress Report.**

IDC Inc. has submitted to TxDOT Yoakum District Office all required plans for the project. The City Staff continues to coordinate with TxDOT to ensure the project continues to move forward. The City is awaiting TxDOT announcement of the project to be funded in Wharton County.

**2. I-69 Project.**

The City submitted the comments as approved by the City Council to TxDOT.

**3. NanYa Exit Ramp Project.**

TxDOT has been coordinating with NanYa on the exit design.

**4. 2018 City Street Improvements.**

The City 2017 Street Improvement Program was approved by the City Council. The project has been placed on hold due to Hurricane Harvey flooding event. The City Staff is incorporating the 2017 Street Program into the 2018 Street Improvement Program. It is anticipated that a April 15, 2018 start date, also the City is submitting several streets to FEMA for repair.

City of Wharton  
Regular Council Meeting  
February 26, 2018

**5. Wharton Sidewalk Accessibility and Historic Streetscape Project.**

M.C. Fonseca Construction finished the project. Final payment has been approved by the City Council on October 16, 2017.

After some discussion, no action was taken.

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

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Plumbing and Mechanical Board.
- D. City Council Committees.

After some discussion, no action was taken.

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

- A. Wharton Economic Development Corporation meeting held February 5, 2018.
- B. Housing Committee meeting held February 12, 2018.
- C. Finance Committee meeting held February 12, 2018.

After some discussion, no action was taken.

The twentieth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the emergency sewer line repairs on Walnut Street and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. presented a memorandum to him from Public Works Director Wade Wendt informing him of the emergency sewer line repairs on Walnut Street just south of Alabama Street. City Manager Garza said the sewer pipe had a stoppage and would need to be dug up and point repair be made. Public Works Director Wade Wendt stated two (2) bids were received for the project, which were Supak Construction in the amount of \$41,730.00 and JTM in the amount of \$29,800.00. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2018-11, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018 -11**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE EMERGENCY SEWER LINE REPAIRS ON WALNUT STREET AND AUTHORIZING**

City of Wharton  
Regular Council Meeting  
February 26, 2018

**THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.**

**WHEREAS,** The City of Wharton received quotes for emergency sewer line repairs on Walnut Street; and,

**WHEREAS,** JTM Construction, LLC was deemed the lowest and most qualified bidder; and,

**WHEREAS,** The Wharton City Council wishes to award the contract for emergency sewer line repairs on Walnut Street to JTM Construction, LLC and,

**WHEREAS,** The Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute any and all documents related to said contract.

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

**Section I.** That the City Council hereby approves an agreement with JTM Construction, LLC for the emergency sewer line repairs on Walnut Street in the amount of \$29,800.00 to JTM Construction, LLC.

**Section II.** That the City Manager of the City of Wharton is hereby authorized to execute any and all documents related to said purchase.

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

**PASSED, APPROVED, and ADOPTED** this 26<sup>th</sup> day of February 2018.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

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

Councilmember Don Mueller seconded the motion. All voted in favor.

City of Wharton  
Regular Council Meeting  
February 26, 2018

The twenty-first item on the agenda was City Manager's Reports:

- |   |                                 |
|---|---------------------------------|
| A. City Secretary/Personnel.                                      | H. Fire Marshall.               |
| B. Code Enforcement.  | I. Legal Department.            |
| C. Community Services Department /<br>Civic Center.               | J. Municipal Court.             |
| D. Emergency Management.  | K. Police Department.           |
| E. E.M.S. Department.   | L. Public Works Department.     |
| F. Facilities Maintenance Department /<br>Wharton Municipal Pool. | M. Water / Sewer Department.    |
| G. Fire Department.   | N. Weedy Lots / Sign Ordinance. |
|   | O. Wharton Regional Airport.    |

After some discussion, no action was taken.

The twenty-second item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 18, Building and Construction, Article V, Electrical Code; providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine. City Manager Andres Garza, Jr. presented a memorandum from Building Official Ronnie Bollom to him requesting amendments/additions to the City of Wharton Code of Ordinances, Chapter 18, Building and Construction, Article V, Electrical Code, Sec. 18-137, 18-254, 18-256, 18-257, 18-260 and 18-261. Mr. Bollom presented the changes to the City Council. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2018-03, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2018-03**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 18, BUILDING AND CONSTRUCTION, ARTICLE V. ELECTRICAL CODE; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE.**

**BE IT ORDAINED** by the City Council of the City of Wharton, Texas:

**WHEREAS**, it is the desire of the City of Wharton to adopt, in all respects, the National Electrical Code, 2017 Edition with its latest revisions.

**DIVISION 1. ADOPTION OF THE TEXAS ELECTRICAL SAFETY AND LICENSING ACT.**

Sec. 18-137. Codes and Rules adopted.

City of Wharton  
Regular Council Meeting  
February 26, 2018

- (a) The Administrative Rules of the Texas Department of Licensing and Regulation 16 Texas Administrative Code, Chapter 73 are here by adopted, except insofar as they may conflict with provisions of this article.
- (b) Effective March 02, 2018 at 12:01 a.m., the City of Wharton adopts the National Electric Code, 2017 Edition with its latest revisions except insofar as it does not conflict with amendments to the City of Wharton Code of Ordinances section 18-254 through section 18-261.
- (c) Any person violating any provision of these rules and regulations shall be subject to the penalties as provided in section 1-5 of this Code of Ordinances.

**Section 18-254 Services and feeders.** The use of service entrance cable type **SE** shall be prohibited use as a Service Entrance conductors.

**Section 18-256 No. 1 Fire Zone Wiring Methods- General Requirements.** Wiring for electric light or power installed for general use in buildings or structures located within the No. 1 fire zone limit of the city shall be installed in metal raceways, flexible metal raceways, nonmetallic raceways encased in not less than 50mm (2 in.) of concrete, type MI, MC, or AC cable. Exception: Wiring for special occupancies, special equipment and or special conditions shall be installed in accordance with the provision of the National Electrical Code.

**Section 18-257. Aluminum cable, conductors or wire.** No aluminum or copper-clad aluminum electric cable, conductors or wire shall be used within the City on any building, structure or apparatus wiring except as noted in this section.

Aluminum type conductors may be used in feeders or as service entrance conductors, provided that no such aluminum conductors smaller than number one AWG shall be used. Aluminum conductors, where permitted, shall be installed in conduit and shall only be used in conjunction with compatible lugs, spliced, terminals or connectors. Aluminum conductors shall not be used as grounding electrode conductors. With the exception, aluminum conductors consisting of either two or three insulated wires wrapped around a messenger cable in sizes number six AWG and larger may be used for outside branch circuits and feeders, provided they are installed in accordance with the provisions of the electrical code.

**Section 18-261. Service Equipment Disconnecting Means for New Construction.** The service disconnecting means shall be installed at a readily accessible location outside of a building or structure nearest the point of entrance of the service conductors.

City of Wharton  
Regular Council Meeting  
February 26, 2018

Exception: In large commercial and/or industrial application, this requirement could be waived by the authority of the City of Wharton Electrical Board.

***Separability***

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

***Fine and Penalty for Violations***

Except as otherwise provided in this chapter, any person found guilty of intentionally, knowingly or recklessly violating any provision of this article and upon conviction thereof in the municipal court shall be fined in accordance with the terms of Section 1-5 of the Code of Ordinances of the City of Wharton, Texas.

**Effective Date**

This Ordinance shall become effective at 12:01 a.m. 2<sup>nd</sup> day of March 2018.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on the 26th day of February, 2018.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER.**  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**PAUL WEBB**

City of Wharton  
Regular Council Meeting  
February 26, 2018

City Attorney

Councilmember Terry Freese seconded the motion. All voted in favor.

The twenty-third item on the agenda was adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Russell Machann seconded the motion. All voted in favor.

The meeting adjourned at 7:48 p.m.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_

**Tim Barker**  
**Mayor**

**ATTEST:**

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