

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
DECEMBER 8, 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 Jeff Gubbels led the opening devotion and the pledge of allegiance.

Councilmember's present were: Mayor Domingo Montalvo, Jr. and Councilmembers Tim Barker, Al Bryant, Jeff Gubbels, Russell Machann, Don Mueller and Steven Schneider.

Councilmember absent was: none.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Anandel, City Secretary Paula Favors, Assistant to the City Manager – Special Projects Cheryl Urbanovsky, Assistant to the City Manager Brandi Jimenez, City Attorney Paul Webb, Fire Chief Anthony Abbott, Building Official Ronnie Bollom, Public Works Director Kyle Marchant and Police Chief Terry Lynch.

Visitors present were: Wharton Economic Development Director David Schroeder, Carlos Cotton, P.E. with Jones and Carter, Inc., Rachel Rust, Paul Sherland, Irene Bellingham, Ray Linseisen, Chester Davis, Jeff Coffee, Sherrell Speer, Keith Jedlicka, Donald Kalmus, Philip Hundl, attorney with Wadler Perches Hundl & Kerlick, Dalby Fleming, attorney with Fleming & Fleming, PLLC, Dianne Wildman and Natalie Frels 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. Mr. Paul Sherland requested the City Council postpone Phase II of the future sustainable water supply project and create a special water committee to review the project. Ms. Irene Bellingham stated her issue with loud music coming from vehicles traveling in front of her home. She said she had reported the issue to Wharton Police Department but felt the issue was being ignored. Ms. Bellingham also stated her issue with leaves that were blown into the streets and included that she had to pay a service to bag her leaves.

The fourth item on the agenda was the Wharton Moment. City Attorney Paul Webb congratulated Harvard University for its win over Yale University to gain the title of Ivy League Football Championship. He said that his son, Doug, was a player with the Harvard University football team.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held on November 10, 2014 and November 24, 2014. After some discussion, Councilmember Jeff Gubbels moved to approve the reading of the minutes from the regular meetings held on November 10, 2014 and November 24, 2014. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Mr. W. Wayne Allen, Vice-President of ARC of Wharton and the City of Wharton for the following:

**A. Resolution:** A resolution of the Wharton City Council approving the extension to the lease agreement between the City of Wharton and ARC of Wharton for a new 30-year term lease period and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. stated that on October 22, 2007 the Wharton City Council approved Resolution No. 2007-93 extending the agreement with the ARC of Wharton for ten (10) years from its original termination date and the lease was extended until October 31, 2017. City Manager Garza presented a letter from Mr. W. Wayne Allen, Vice-President of The ARC of Wharton requesting a new 30-year term lease period with the City of Wharton. Councilmember Jeff Gubbels moved to approve a 10-year term lease period beginning November 1, 2017 and City of Wharton Resolution No. 2014-93, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2014 - 93**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AMENDMENT NO. 2 EXTENDING THE LEASE AGREEMENT BETWEEN THE CITY OF WHARTON AND ARC OF WHARTON FOR A NEW 10-YEAR TERM LEASE PERIOD BEGINNING NOVEMBER 1, 2017 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** the City of Wharton and ARC of Wharton entered into a lease agreement, and;

**WHEREAS,** the lease agreement is due to terminate October 31, 2017; and,

**WHEREAS,** the City of Wharton and ARC of Wharton hereby wish to extend the lease agreement as per Section 15 of the original lease for an additional ten (10) year period beginning November 1, 2017; and,

**WHEREAS,** the Wharton City Council wishes to approve the lease agreement extension; 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 approves the lease agreement Amendment No. 2 extension for an additional ten (1) year period with ARC of Wharton.

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**Section II.** That the City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute the amendment to the afore-mentioned lease agreement.

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

**Passed, Approved, and Adopted** this 8th day of December 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 seventh item on agenda was to review and consider possible action as to the City of Wharton 's legislative history, intent and effect of the City Council's vote on the ninth item of the May 28, 2013 City Council Meeting Agenda and the City Attorney's related drafting and enforcement of City of Wharton Municipal Ordinance No. 2013-13; regarding the legality of Mr. W Fireworks retail location at 3019 FM 1301, by and through a review of any audio/video recording of said Meeting, the Minutes of said Meeting and comparison/contrast of same with language drafted by City Attorney and codified as City of Wharton Municipal Ordinance No. 2013-13. City Manager Andres Garza, Jr. presented Mr. Dalby Fleming's email requesting to address the City Council. Mr. Jeff Coffee, for American Fireworks requested the City Council not approve Mr. W Fireworks Inc.'s request for an exclusive exemption of City of Wharton Code of Ordinance Article IV. Fireworks Section 30-132 Prohibited Acts. Mr. Coffee stated American Fireworks moved their fireworks stand to abide by the Code of Ordinances after an annexation of property which caused their fireworks stand to be within 5,000 feet of the City Limits. Mr. Dalby Fleming, attorney for Mr. W Fireworks requested the City Council amend City of Wharton Ordinance 2013-13 to allow the sale of fireworks at the Mr. W Fireworks location on Boling Highway for a grace period. City of Wharton Attorney Paul Webb stated that he had correspondence from Mr. Fleming stating Mr. W Fireworks was located over 4,000 feet from the City Limits and the City of Wharton 2013-13 allowed for the sale of fireworks over 4,000. Mr. Webb said it was later determined that Mr. Fleming was incorrect and Mr. W Fireworks location was less than 4,000 feet from the City Limits which caused them to be in violation of the Ordinance for the sale of fireworks. After some discussion, no action was taken.

The eighth item on the agenda was to review and consider a report from Halff and Associates on Phase I of the conceptual plan to develop a future sustainable water supply for the City of Wharton and take any action necessary to move forward with additional phases of the

agreement with Halff and Associates. Mr. Wes Birdwell of Halff and Associates presented to the City Council, Phase 1 of the conceptual plan to develop a future sustainable water supply for the City in accordance with the agreement. Mr. Birdwell stated the surface water component of the project would be around \$70,000 and \$100,000 for the hydrogeological study. After some discussion, Councilmember Jeff Gubbels made the motion to proceed with submitting the grant only and paying the \$10,000 fee. Councilmember Al Bryant seconded the motion. Councilmember Don Mueller voted against the motion. Councilmember Steve Schneider, Councilmember Tim Barker and Councilmember Russell Machann voted for the motion. The motion carried.

The ninth item on the agenda was to review and consider requesting TxDOT funding assistance for the FM 1301 Extension Projects identified in the City's Transportation Plan. City Manager Andres Garza, Jr. stated that on November 4, 2014, the citizens of Texas voted to authorize funding for transportation projects. City Manager Garza said the City Council had developed and approved its transportation plan to extend FM 1301 to Highway 59 and had submitted its development plan to TxDOT for improvements to Highway 59 to bring it to interstate standards. He said Highway 59 had been designated as Interstate 69 and was currently being upgraded and the proposed resolution would authorize the City to seek funding for some of the segments identified in the City's plan. He stated that there were many cities and counties in the state making their request, therefore it was important for the City of Wharton to pursue funding for these projects. City Manager Garza said the City Council Finance and Public Works Committees had met and were recommending City Council consider approving the request. Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2014-94, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2014-94**

**A RESOLUTION OF THE WHARTON CITY COUNCIL REQUESTING TXDOT FUNDING ASSISTANCE FOR FM 1301 EXTENSION PROJECTS IDENTIFIED IN THE CITY OF WHARTON'S TRANSPORTATION PLAN, AUTHORIZING THE MAYOR TO SUBMIT THE FUNDING REQUEST ON BEHALF OF THE CITY OF WHARTON, AND SETTING AN EFFECTIVE DATE.**

**WHEREAS,** The Texas Department of Transportation has been allocated funding for projects under the recently approved Proposition 1 on November 4, 2014 ballot; and,

**WHEREAS,** The Wharton City Council is wishing to submit the following projects to the Texas Department of Transportation – Yoakum District for funding (as per attached map):

1. FM 1301 from Railroad Overpass to U.S. 59. (A-1A, A-1B)
2. Two (2) way frontage road from FM 102 to road at U.S. 59. (A-2)
3. Nan-Ya exit ramp from North Relief Bridge to FM 102 with turnaround. (E)

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**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to submit the funding requests to the Texas Department of Transportation.

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to submit the afore-mentioned projects to the Texas Department of Transportation – Yoakum District for funding.

**Section II:** That this resolution shall be come effective immediately upon its passage.

**Passed, Approved, and Adopted** this 8<sup>th</sup> day of December 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 tenth item on the agenda was to review and consider dispatching services to Emergency Services District #1 and #2. City Manager Andres Garza, Jr. presented copies of letters he sent Mr. Patrick Hlavaty of ESD District No. 1 and Mr. Raymond Rabijs of ESD District No. 2 regarding the City's dispatching services the City was providing and requesting payment for the services. City Manager Garza stated that ESD District No. 1 responded with a letter received on September 30, 2014 but ESD District No. 2 had not submitted a written response, however, he did meet with Mr. Rabijs and he expressed they were not using the service because of reception problems. City Manager Garza stated that he had discussed the issue with Chief Terry Lynch and he provided him an e-mail dated November 24, 2014 indicating that 266 assorted calls for service had been dispatched to the East Bernard EMS since January 1, 2014. He said the Finance Committee met on November 24, 2014 and voted to recommend to the City Council that services be terminated with both districts at a date to be set by the City Council. After some discussion, Councilmember Jeff Gubbels moved to terminate dispatching services to ESD #1 and #2 on April 1, 2015. Councilmember Al Bryant seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider tax sale properties bid in trust to taxing entity:

**A. Resolution:** A resolution of the Wharton City Council authorizing that tax sale properties located within the city of Wharton be bid in trust to the City of Wharton as trustee and setting an effective date.

**B. Resolution:** A resolution of the City Council approving and accepting a Deed from Wharton County regarding tax sale properties bid in trust to taxing units, authorizing the Mayor to execute said deed on the City of Wharton's behalf and setting an effective date.

City Manager Andres Garza, Jr. stated that on July 14, 2014, the City Council adopted Resolution No. 2014-54, approving an intergovernmental agreement for tax sale properties that were bid in trust to a taxing unit. City Manager Garza said the proposed agreement would allow the City to collect for its cost to maintain properties that had been placed in trust with Wharton County but the agreement had to be approved by all taxing entities in the City in order for the City to recover its cost. City Manager Garza said that when presented to Wharton County Commissioners they did not approve the agreement, therefore the City staff and City Attorney met to develop a way the City could be reimbursed. He stated that the Texas Property Tax Code allows the entity that property has been placed in trust to recover its cost for maintenance without seeking authority from the other entities and the City staff felt that the best solution would be for the City to become the trustee of all properties that are bid in trust in the city limits allowing the City to recover its maintenance costs. City Manager Garza stated that when presented with this option, Wharton County decided to agree to transfer its trustee status for all properties in the City limits and to allow the City to become the trustee in all future tax sales and the City staff felt this was the best option for the City to recover its cost and to work on getting these properties back on the tax roll. He stated that the City Council Finance Committee met on Monday December 8 at 5:30 p.m. and recommended the City Council consider approving the proposed resolutions. After some discussion, Councilmember Jeff Gubbels moved to approve City of Wharton Resolution No. 2014-95 and 2014-96, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2014-95**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THAT TAX SALE PROPERTIES LOCATED WITHIN THE CITY LIMITS OF THE CITY OF WHARTON BE STRUCK OFF TO THE CITY OF WHARTON AS TRUSTEE AND SETTING AN EFFECTIVE DATE.**

**WHEREAS,** the City Council of the City of Wharton, Texas finds it to be in the public interest to have tax sale properties located within the city limits of the City of Wharton that do not receive the minimum bid in a tax sale conducted pursuant to section 34.01 of the Texas Property Tax Code to be struck off to the City of Wharton, Texas so that the City can control the maintenance, preservation and safekeeping of these properties; and,

**WHEREAS,** Texas Property Tax Code, section 34.01(j) requires that if the minimum bid is not received the officer conducting a sale under section 34.01 sale shall bid the property off to the taxing unit that requested the order of sale.

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

**Section I.** The City of Wharton, Texas does request an order of sale to be issued on its behalf for all properties located within the city limits of the City of Wharton, Texas, that in its delinquent tax attorney's judgment are ripe for a tax sale pursuant to Texas Property Tax Code, section 34.01.

**Section II.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

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

**Passed, Approved, and Adopted** this 8<sup>th</sup> day of December 2014.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**DOMINGO MONTALVO, JR.**  
Mayor

**ATTEST:**

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

**CITY OF WHARTON  
RESOLUTION NO. 2014-96**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AND ACCEPTING A DEED FROM WHARTON COUNTY REGARDING TAX SALE PROPERTIES BID IN TRUST TO TAXING UNITS, AUTHORIZING THE MAYOR TO EXECUTE SAID DEED ON THE CITY OF WHARTON'S BEHALF AND SETTING AN EFFECTIVE DATE.**

**WHEREAS,** the City Council of the City of Wharton, Texas finds it to be in the public interest to have tax sale properties located within the city limits of the City of Wharton that were previously struck off to Wharton County, Texas pursuant to section 34.01(j) of the Texas Property Tax Code to be transferred to the City of Wharton, Texas so that the City can control the maintenance, preservation and safekeeping of these properties; and,

**WHEREAS,** the County Judge for Wharton County, Texas has executed a deed transferring the County's interest in these properties, solely as a purchasing taxing unit to whom the property was bid off to in accordance with Section 34.01(j) of the Texas Property Tax Code;

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

**Section I.** The City of Wharton, Texas does hereby accept the Deed without Warranty that was previously executed by the County Judge for the County of Wharton, Texas, and attached to this resolution as Exhibit A.

**Section II.** The Mayor of the City of Wharton, Texas is hereby authorized to execute the Deed without Warranty that was previously executed by the County Judge for the County of Wharton, Texas, and attached to this resolution as Exhibit A.

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

**Passed, Approved, and Adopted** this 8<sup>th</sup> day of December 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 twelfth item on the agenda was to review and consider the City of Wharton Budget Adjustments for fiscal year October 1, 2013 through September 30, 2014. City Manager Andres Garza, Jr. stated that the adjustments would be presented at a future meeting. After some discussion, no action was taken.

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

City Manager Andres Garza, Jr. presented the list of persons serving on the various City Boards, Commissions and Committees. City Manager Garza stated that there were still vacancies that need to be filled.

**1. Appointments:**



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- A. Electrical Board.
- B. Holiday Light Decorating Chairman.
- C. Beautification Commission.

After some discussion, no action was taken.

The fourteenth 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 copy of the memorandum from Mr. Philip Hamlin, Electrical Board Chairman regarding the Electrical Board with the Board's recommendation on changes to the City's Code of Ordinance regarding the electrical code. Building Official Ronnie Bollom stated recommended changes to the Ordinance would be to maintain a high quality of work. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2014-13, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2014-13**

**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, 2014 Edition with its latest revisions.

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

**Sec. 18-137. - Codes and rules adopted.**

- (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 December 09, 2014 at 12:01 a.m., the City of Wharton adopts the National Electric Code, 2014 Edition, with its latest revisions except insofar as it does not conflict with amendments to the City of Wharton Code of Ordinances, sections 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.

**Sec. 18-138. - Electrical board—Created; membership; organization.**

- (a) There is hereby created an electrical board, which shall consist of five members. Members of the board shall be appointed by the mayor with the approval of the city council at any regular council meeting date between the election date set for the mayor's election and June 30 of the same year. Board members' appointments shall be for a period of two years, and any or all members may be removed by the mayor with council approval for reasons considered justifiable by the city council. Continued absence of any member from regular or called meetings of the board may render any such member subject to immediate removal from office. The chairman of the electrical board shall be elected by a majority vote of the board. Members of the electrical board shall be selected as follows:
- (1) One member shall be selected from licensed and insured master electricians performing business with an established electrical contracting firm within the jurisdiction of the city. This member need not be the owner of such firm, but must be employed full-time by such firm.
  - (2) One member having had at least 20 years of experience as a master electrician, having no other affiliation with any other business that has additional representation on the electrical board, or a master electrician as stated in subsection (1) above, provided that he is employed by a different electrical contracting firm than the person in subsection (1).
  - (3) One member shall be an employee of the power company, such power company being the one holding a franchise to transmit and distribute electrical energy within the city.
  - (4) One member shall be the city fire marshal/inspector.
  - (5) One member shall be selected at large from the city council.
- (b) No meeting shall be considered official except when a majority is present.
- (c) The city attorney shall be the electrical board's legal consultant.
- (d) The chairman of the electrical board shall appoint a secretary to keep the official records of the board's actions, such records to be open for public inspection upon request of any taxpayer.
- (e) Regular meetings of the electrical board shall be held on a basis to be determined by the board at the time of appointment. Special meetings of the board may be called by the chairman for conducting urgent business.

**Sec. 18-139. - Same—Duties.**

- (a) The electrical board shall review and recommend revisions of the electrical code, ordinances and regulations pertaining to local electrical work.
- (b) The electrical board shall prepare reports to the city council indicating therein the official actions of the board.

- (c) The electrical board may request suspension per Sec. 1305.252 (Occupations Code, Chapter 1305) for just cause of the license under this chapter of a license holder working in its jurisdiction.
- (d) The electrical board shall make such investigations regarding electrical work as is deemed necessary by a majority of the board members or as directed by the city council, city manager, building official or the electrical inspector.

## **DIVISION 2. - LICENSES AND REGISTRATION**

### **Sec. 18-172. - Electrical work done only by or under a licensed electrician.**

No person or firm shall engage in the business of installing electrical wiring or apparatus within any building or structure or on any property within the city who does not hold a valid and unexpired State of Texas Master Electrician's License, and a State of Texas Electrical Contractors License. All journeymen and apprentices working under the Master Electrician on the jobsite shall be registered at no fee with the permit office. There shall be no more than ten (10) apprentices supervised under the direction of one (1) journeyman on the jobsite at any given time.

The only exception to the above, is electrical work performed in a dwelling or on a dwelling premises by the owner who resides in that dwelling and whose property is recorded as a homestead with the Wharton County Central Appraisal District. Any work so performed, however, must be permitted, inspected and approved the same as if it was performed by a licensed electrician.

### **Sec. 18-173. - Suspension, withholding or revocation of licenses.**

As described in Section 1305.252 (Occupations Code, Chapter 1305).

### **Sec. 18-174. - Transferability.**

- (a) No electrical work shall be performed by any person not the holder of the required license.
- (b) No person shall employ another person for doing electrical work unless such person proposed to be employed is the holder of the proper license.

### **Sec. 18-175. - Identification of service vehicles.**

As described in Section 1305.166 (Occupations Code, Chapter 1305).

### **Secs. 18-176—18-200. - Reserved.**

## **DIVISION 3. - PERMITS AND INSPECTIONS**

### **Sec. 18-202. - Permit issuance to licensed persons only.**

No permit required in this division shall be issued to any person or firm who is not the holder of a valid and current Texas Master Electrician's License and Texas Electrical Contractor's License.

A licensed contractor may designate, by letter to the permitting department, an individual authorized to obtain permits for this contractor. This shall remain in effect until cancelled by the permitting department or the electrical contractor.

The only exception to the above is electrical work performed in a dwelling or on the dwelling premises by the owner who resides in that dwelling and whose property is recorded as a homestead by the Wharton County Central Appraisal District. Any work performed, however, must be permitted, inspected and approved the same as if it was performed by a licensed electrician.

**Sec. 18-203. - Application for permit.**

The application for a permit required in this division shall describe the work to be done and shall be made in writing by a person holding the proper Texas Master Electricians License and Texas Electrical Contractors License or Homestead Exemption. The permit when issued shall be issued to such applicant to cover such work as described and detailed. Any changes or additions must be covered by additional permits at the time changes are made. The application shall be accompanied by such plans, specifications and schedules as may be necessary to determine whether or not the installation as described will be in conformity with the requirements of this article.

**Sec. 18-204. - Submitting plans and specifications; criteria for issuance of permit.**

(a) *Plans and specifications.* With each application for an electrical permit, when required by the electrical inspector for enforcement of this article, two sets of plans and specifications shall be submitted. The electrical inspector may require that such plans and specifications be prepared and designed by and bear the seal of a registered professional electrical engineer licensed by the state to practice as such.

(b) *Issuance criteria.*

- (1) The application, plans and specifications filed by an applicant for an electrical permit shall be checked by the electrical inspector. Such plans may be reviewed by other departments of the city to check compliance with laws and ordinances under their jurisdiction. If the electrical inspector is satisfied that the work described in an application for the permit and the plans filed therewith conform to the requirements of this article and other pertinent laws and ordinances and that the fees as specified in this article have been paid, he shall issue a permit therefor to the applicant.
- (2) When the electrical inspector issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications, "reviewed".
- (3) The electrical inspector may issue an electrical permit covering part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been made complying with all pertinent requirements of this article. The holder of such permit may proceed without assurance that the permit covering the work in the entire building or structure will be granted.

**Sec. 18-205. - Issuance and display of permit.**

- (a) Plans, specifications and schedule shall not be submitted and will not be examined under this article, unless the plans, specifications and schedule are submitted by the holder of the proper electrician's license or electrical sign contractor's license. If it is found that the installation as described will in general conform to the requirements of this section and if the applicant has complied with all provisions of this article and all applicable ordinances of the city, a permit for such installation shall be issued.
- (b) On all new construction, remodel or repairs the permit for electrical work shall be displayed in a readily accessible location, or as directed by the electrical inspector, throughout the time such installation, as is covered by the permit, is being installed.

**Sec. 18-208. - Suspension or revocation of permit.**

- (a) The building official may, in writing, suspend or revoke a permit issued under this article whenever the permit is issued in error or on the basis of incorrect information supplied or when in violation of any ordinance, regulation or any of the provisions of this article.
- (b) Any contractor who accepts payment for electrical work, then refuses to finish the work for which a permit was taken, shall, after written notification by the building official, be reported to the Texas Department of Licensing and Regulation for possible license suspension. (See Sec. 1305.252 Requested suspension by Local Government.)
- (c) Upon failure on the part of any electrical contractor or electrical sign contractor to correct any defect, error or deficiency in any work installed under the authority of an electrical permit issued to him within ten calendar days after written notification thereof from the electrical inspector, the electrical inspector shall, without further notice, stop the issuance of permits to such electrical contractor or electrical sign contractor until such corrections have been made, inspected and approved. This subsection shall be cumulative of all other penalties provided in this article, and in addition thereto the penalties provided in this article may be enforced.

**DIVISION 4. - INSTALLATION AND EQUIPMENT STANDARDS AND SPECIFICATIONS**

**Sec. 18-251. - Decision on questions.**

The electrical inspector and the electrical board shall decide all questions not provided for in this article pertaining to the installation, operation or maintenance of electric wiring and apparatus.

**Sec. 18-258. - Type UF cable.**

Type UF electric cable shall be used only for branch circuit wiring on residential properties. Where installed underground, the cable shall be buried in accordance with latest edition of the National Electric Code. The cable shall be protected by rigid conduit on exterior walls and at the points where it enters and leaves the ground.

**Sec. 18-260. - Use of 14-gauge conductor or wire in residential applications.**

The use of 14-gauge conductor or wire shall be prohibited for residential applications.

#### **Fine and Penalty for Violations**

Penalties. Any person violating any of the terms or provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$100.00 nor more than the maximum provided in section 1-5 for each offense. If the terms or provisions of this article are violated by any corporation or firm, the officers and agents actively in charge of the business of such corporation or firm and the person actually performing the work for such corporation or firm shall be subject to the penalties provided in this section.

#### **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.

#### **Effective Date**

This Ordinance shall become effective on the 1<sup>st</sup> day of January, 2015.

#### **Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on the 8<sup>th</sup> day of December, 2014.

**CITY OF WHARTON, TEXAS**

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

Domingo Montalvo, Jr., Mayor

**ATTEST:**

\_\_\_\_\_  
Paula Favors, City Secretary

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

The fifteenth item on the agenda was to review and consider City Manager Travel Reimbursement. City Manager Andres Garza, Jr. presented his request for travel reimbursement. After some discussion, Councilmember Al Bryant moved to approve City Manager Travel Reimbursement. Councilmember Tim Barker seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider cancellation of the December 22, 2014 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 22, 2014 regular City Council Meeting. City Manager Garza said if it did become necessary, a special meeting would be scheduled. After some discussion, Councilmember Russell Machann moved to cancel the December 22, 2014 regular City Council Meeting. Councilmember Al Bryant seconded the motion. All voted in favor.

City of Wharton  
Regular Council Meeting  
December 8, 2014

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

- A. Wharton Economic Development Corporation regular meeting held on November 19, 2014.
- B. Finance Committee meeting held on November 24, 2014.

After some discussion, no action was taken.

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

The meeting adjourned at 9:10 p.m.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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