

**VERNON CITY COMMISSION  
REGULAR MEETING  
DECEMBER 20, 2016**

Mayor Joe Rogers called the Regular Meeting of the Vernon City Commission to order at 6:30 p.m. in City Hall, and a quorum was declared present.

Present: Mayor Joe Rogers

Commissioners: Guy Spears, Ruben Hinojosa, Travis Taylor and Britt Ferguson.

Staff Present: Interim City Manager Joe Pence, City Attorney Jonathan Whitsitt, Police Chief Tom Wilson, Public Works Director Darell Kennon, Fire Chief J.J. Oznick, Zoning Official Monica Wilkinson and City Secretary Linda Byers.

Commissioner Hinojosa led the group in the Invocation and the Pledge of Allegiance to the U.S. and Texas flags.

**PUBLIC COMMENT**

Elizabeth Meartz outlined a proposal to create a statute requiring owners to maintain a minimum safety and structural standard. She is also concerned about the safety of parking near Orbison Park.

**CONSENT AGENDA**

Commissioner Taylor made the motion to approve the consent agenda.

- A. Minutes of the Regular City Commission Meeting held on Tuesday, November 22, 2016; and Minutes of the Finance Meeting held on Tuesday, November 22, 2016.
- B. Purchase of Used Hydraulic Hammer from Yellowhouse Machinery at a cost of \$8,300.
- C. Financial Investment Report, Vouchers, and Payroll & Benefit Expense. November 1, 2016 – November 30, 2016.

Commissioner Ferguson seconded the motion, which passed by unanimous vote.

**PUBLIC HEARING**

Mayor Rogers opened the public hearing to consider condemnation of structures at 700 Texas Street, 2520 Wanderer Street, 4004 Marshall Street, and 1701 Peter Cooper Street.

Tony Kemp spoke in reference to the building at 700 Texas Street, and did not want the city to tear down a building that is salvageable.

Samuel, representing Jose Juarez, in reference to 4004 Marshall, noted that the outside was in bad condition, but the inside is being maintained. He is in the process of obtaining the property through divorce proceedings, and requested more time to fix the property.

Pam Gosline encouraged the city to do anything they can to encourage demolition of properties that look bad, and noted that we need to clean up Vernon.

Darell Kennon spoke on behalf of Shirley Nichols in reference to 4004 Marshall. She would like to see it demolished.

Shelia Richardson asked for more time to get the roof fixed on 2520 Wanderer Street.

**RESOLUTION NO. 1002**

**A RESOLUTION DECLARING THAT CERTAIN IMPROVEMENTS  
DESCRIBED HEREIN ARE PUBLIC NUISANCES, AND REQUIRING  
THE TAKING DOWN AND REMOVAL OF SUCH IMPROVEMENTS.**

Zoning Official Wilkinson noted that the property owners at 700 Texas are deceased and the heirs have not responded to notices. She encouraged that the city condemn the structure first so that the city is not the owner. The city could take bids for demolition and could then take the property for back taxes. The asbestos survey shows the boiler with asbestos. There have been numerous police calls to this building concerning drugs and vandalism. All of the wiring has been stripped, and the building is a constant problem. There is \$63,000 owed in back taxes. The city is trying to avoid the liability of ownership associated with this older building.

In reference to 2520 Wanderer Street, there is one year back taxes owed as well as roof damage and other structural damage.

In reference to 4004 Marshall Street, there are three years back taxes owed. The property can be removed from condemnation list if repairs are made. Property owners are normally given six months to make repairs.

In reference to 1701 Peter Cooper Street, this building burned and needs to be demolished.

Commissioner Hinojosa made the motion to approve Resolution No. 1002 condemning of structures at 700 Texas Street, 2520 Wanderer Street, 4004 Marshall Street, and 1701 Peter Cooper Street.

Commissioner Ferguson seconded the motion, which passed by unanimous vote.

### **UNITY IN THE COMMUNITY ADVISORY COMMITTEE GUIDELINES**

Pam Gosline explained that the All Lives Matter Committee was appointed and the decision was made by the group to change the name to Unity in the Community to hear complaints of discrimination.

Chris Bell noted that the committee was set up to be a buffer between community and the city commission. They will listen to complaints from citizens.

Commissioner Hinojosa made the motion to approve Unity in the Community Advisory Committee Guidelines.

Commissioner Taylor seconded the motion, which passed by unanimous vote.

### **MAIN STREET PROGRAM AND TOURISM PROGRAM DISCUSSION**

Mayor Rogers noted that this was a discussion topic only.

Commissioner Spears noted that there are numerous buildings that need to be torn down. The City has a company willing to work with us and Progressive Waste has offered negotiated prices for debris disposal. He thinks discussion is needed on how Main Street money is spent to get downtown fixed up. The Bowden building asbestos survey shows only small amounts in the floor tile. We could get that abated for under \$5,000.

Jamie Chapman noted that the Main Street Board is streamlining parameters to set structural needs above interior needs.

Commissioner Spears also had questions concerning a remedy for buildings with common walls.

Zoning Official Wilkinson noted that the International Building Codes set parameters, but this is mostly a civil dispute between property owners.

Commissioner Spears thinks that the city needs to mandate some things such as insurance.

Interim Manager Pence noted that he has checked with the Attorney General and a City cannot mandate property owners to carry insurance. He thinks we need to do a structural survey to find out what is wrong with all of the downtown buildings.

City Attorney Whitsitt noted that the City's condemnation ordinance needs to be revised and will be on a future agenda. A receivership ordinance is something that we might also look at in the future. Code Enforcement could get a search warrant based on probable cause to see problems if it became necessary.

Zoning Official Wilkinson noted that we need additional expertise to determine structural integrity of some buildings. Condemnation is also a means of remediating damage.

Commissioner Hinojosa noted that the city owns property that needs repairs even more than some other buildings.

**TOURISM ADVISORY BOARD BYLAWS**

City Secretary Byers noted that the Tourism Advisory Board had never formally adopted Bylaws that set in writing the purpose, vision and mission of the Board. The Bylaws as presented were approved at the December 13, 2016 Tourism Advisory Board meeting.

Commissioner Taylor made the motion to approve Tourism Advisory Board Bylaws.

Commissioner Ferguson seconded the motion, which passed by unanimous vote.

**RESOLUTION NO. 1003**

**A RESOLUTION OF THE CITY COUNCIL OF VERNON, TEXAS,  
AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO  
THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE  
COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING  
THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER  
AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS  
PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

City Secretary Byers noted that this resolution authorizes submission of the CDBG Application to the Texas Department of Agriculture.

Commissioner Spears made the motion to approve Resolution No. 1003 authorizing submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture.

Commissioner Ferguson seconded the motion, which passed by unanimous vote.

### **POTENTIAL CHARTER AMENDMENTS**

City Attorney Whitsitt explained that earlier this year, the City Commission, created a Charter Amendment Committee. The citizens appointed to the Charter Amendment Committee were Mayor Joe Rogers, Commissioner Guy Spears, Tra Cardwell, Kelly Couch, Don Aydelott, Dina Neal, and George Daigle. The goal of the Charter Amendment Committee was to review the City of Vernon's Charter, determine what, if any, amendments to the Charter would be in the City of Vernon's best interests, and present those proposed charter amendments to the City Commission.

Over the last six months, the Charter Amendment Committee has regularly met and discussed proposed amendments to the City of Vernon Charter. Through this process, the Charter Amendment Committee has approved five separate charter amendments that are hereby recommended to the City Commission, and the Charter Amendment Committee respectfully requests that the City Commission order an election on the following charter amendments at the next regularly scheduled election.

#### **Charter Amendment 1:**

Article VII - Taxation and Finance, Section 7.18-Financial Policy, shall be created and shall now read:

"The City shall adopt a financial policy annually that will include minimum cash reserves and a mechanism to alert the public when those reserves fall below a set limit."

The Charter Amendment Committee believes that it is in the best interests of the City for the City to have an annually adopted financial policy, which policy would include the creation of a reserve fund. Additionally, in the event the reserve fund created by the financial policy were to fall below a certain limit set in the financial policy, there must be a mechanism to notify the public.

#### **Charter Amendment 2:**

Article IX-Municipal Government, Section 9.3-Vacancies in Commission, shall be amended and shall now read:

"Vacancies in the Commission shall be filled by appointment by the majority of the remaining Commission members, including the Mayor, and such appointed person(s) shall serve until the next regular municipal election."

Under the City of Vernon's Charter as it exists today, a vacancy in the City Commission can only be filled by an election. The Charter Amendment Committee believes it is in the best interests of the City that, in the event of a vacancy in the City Commission, the City Commission should be able to appoint a person to fill a vacancy in the City Commission.

Under this proposed amendment, the City Commission, by majority vote, will appoint a person to fill a vacancy in the Commission. That appointed person shall only serve on the City Commission until the next scheduled election, and at that time, there shall be an election to fill the City Commission seat for the remainder of that seat's unexpired term, if such term has not yet expired.

Charter Amendment 3:

Article II-Specific Powers, Section 2.21-Peace and good order; enumeration of powers, Subsection (33) shall be repealed completely.

This provision of the City of Vernon Charter gives the City the power to create public workhouses where convictions can be commuted for labor. In other words, this provision allows the City of Vernon Municipal Court to commute punishment to hard labor, which is something not done on the municipal level anywhere in the State of Texas. This is outdated language that the Charter Amendment Committee recommends be appealed.

Charter Amendment 4:

Article IX-Municipal Government, Section 9.18-Same-Passage of measure (second sentence) shall be amended to delete the requirement that no ordinance, unless it be declared an emergency measure, and passed by a unanimous vote of the commission, shall be passed on the day on which it shall be introduced.

Section 9.18 of the City of Vernon's Charter mandates that an ordinance cannot be passed on the same day that it is introduced, except in the case of emergency. In other words, every ordinance brought before the City Commission must be read twice before it can be finally approved, except in the case of an emergency. The Charter Amendment Committee recommends that the requirement that an ordinance be read twice before being finally approved by the City Commission be deleted, so that an ordinance may be passed on the same day that it is presented to the Commission.

Charter Amendment 5:

Article IX-Municipal Government, Section 9.23-Contracts for personal services limited, shall be repealed completely.

Under the City of Vernon's Charter, the City Commission cannot contract with an employee of the City, which includes employment contracts. The Charter Amendment Committee believes it is in the best interests of the City for the City Commission to be able to enter into employment contracts with City employees, if the City Commission so desires.

The Charter Amendment Committee recommends that the City Commission order a charter election on the five proposed charter amendments stated above at the next regularly scheduled election.

**REMOVE CITY SECRETARY POSITION FROM FURLOUGH**

Commissioner Ferguson made the motion to approve removing City Secretary position from furlough.

Commissioner Taylor seconded the motion, which passed by unanimous vote.

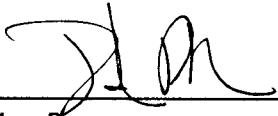
**SCHEDULE SPECIAL CITY COMMISSION MEETING**

Commissioner Spears made the motion to approve scheduling special City Commission meeting for January 10, 2017 to consult with city manager search firm.

Commissioner Ferguson seconded the motion, which passed by unanimous vote.

**ADJOURN**

Commissioner Taylor made the motion to adjourn the meeting at 7:50 p.m.



Joe Rogers  
Mayor

ATTEST:



Linda Byers  
City Secretary