

**REGULAR MEETING**  
**JULY 28, 2009**

Mayor Jeff Bearden called the Regular Meeting of the City Commission to order at 6:30 p.m. in the Commission Chambers, and a quorum was declared present.

Present: Mayor Jeff Bearden

Commissioners: Jimmy Dennis, Russell Brownlow, Travis Taylor and Phil McCuiston

Staff Present: City Manager Mitch Grant, City Attorney Trish Byars, Police Chief Tom Wilson, Fire Chief Kent Smead, Public Works Director Bob Cochran, Finance Director Anne Garmon, Community Development Director Monica Wilkinson, Municipal Judge Delores Flores and City Secretary Linda Byers.

Commissioner Brownlow led the group in the Pledge of Allegiance to the U.S. and Texas flags, followed by the invocation.

**PUBLIC COMMENT**

Mayor Bearden made note that the Public Comment portion of the agenda has been moved to the beginning of the meeting, and opened the meeting for public comment.

Brenda Eaton was attending her first City Commission meeting and wanted to see what happens.

Charles McArthur commented that there had been neighborhood watch groups several years ago, but the drug problems are bad again, or worse. He was not complaining about Chief Wilson, but would like to start the neighborhood watch groups again.

Brenda Eaton noted that Weed & Seed money was used for the neighborhood watch groups and they helped.

Andy Brumley asked when and where the hearings would be held concerning the permit for the Nitrate Plant. (August 31, 2009 @ 7:00 pm in the Forum Room of Wilbarger Auditorium)

With no other comment, Mayor Bearden closed Public Comment.

**CONSENT AGENDA**

Mayor Bearden requested that Item D be removed from the consent agenda for individual consideration.

Commissioner Dennis moved the following items under the Consent Agenda be approved, with the exception of Item D:

- A. Minutes of the regular City Commission Meeting held on Tuesday, June 23, 2009, and minutes of a special meeting held on July 20, 2009, for approval.

- B. Approve contract with Corporate Leasing Service for lease purchase financing of a phone system and door lock system for the new police department at a cost of \$354.88 per month for 60 months.
- C. Approve vouchers for June 1, 2009 through June 30, 2009.
- D. Removed for individual consideration.
- E. Approve two (2) year cellular phone contract with Norsworthy Radio Shack for a yearly cost of \$7,357.64.
- F. Approve annual Memorandum of Understanding with Vernon ISD for the Student Resource Officer. The reimbursement amount for vehicle supplies, gasoline and oil was increased to \$750 and the vehicle depreciation was increased to \$3000.
- G. Approve scheduling a Special Meeting for August 31, 2009 at 7:00 pm at Wilbarger Auditorium Forum Room for a Public Hearing for Nitrate Discharge to be conducted by the Texas Commission on Environmental Quality.
- H. Approve membership in the National League of Cities in order to get city-wide discounts for prescriptions for un-insured citizens.
- I. Approve second reading of Ordinance No. 1518 Prohibiting Drilling for Oil & Gas in City Parks.
- J. Approve draft of Wichita-Wilbarger 9-1-1 District Budget, with no comment.

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

#### **ITEM D:**

Mayor Bearden noted that Gene and Michael White have been excellent tenants, but there has been interest from others who would like to bid on the property. He wanted to get the best option for the City, but also treat the White's fairly.

There was discussion of the terms of the current lease and of possible hunting income from the property.

Commissioner McCuiston made the motion that the city takes bids for one (1) year, five (5) year and ten (10) year lease, and allows the City Commission to decide on the best option with recommendations from staff.

Commissioner Brownlow seconded the motion.

City Attorney Byars noted that she would add a more specific waiver of liability to the contract for hunting on the property. With no further discussion the motion passed by unanimous vote.

#### **CHAMBER OF COMMERCE REPORT**

Sandra Holley reported that the Chamber reorganization was going well, and that the boards and committees were working as needed.

Mayor Bearden stated that the board has done an outstanding job of reorganizing, commended their hard work, and offered help if needed.

## **BUSINESS DEVELOPMENT CORPORATION REPORT**

BDC President/CEO Sean Stockard reported that the BDC Board has prepared their budget for 2009-2010 and will present it at the August City Commission meeting. There was a strategic planning session held in July to set goals for the next three to five years, and a report is being prepared.

There is a strong desire by the BDC Board of Directors to partner with Midwestern State University, Vernon College and the Small Business Development Center to start placing a strong emphasis on entrepreneurial development and to develop an entrepreneurial development center here in Vernon for all counties west of Wichita County, and make the BDC a business service center for this region.

He addressed a comment from Charles McArthur during Public Comment and noted that there were Weed & Seed grants available last year from the International Economic Development Council with a program that would survey the area and set up programs for the community to attain the goals they want to accomplish. He offered his help to contact the agency to see if the funding was still available.

Commissioner Dennis asked if the City Commission could see the goals from the last retreat to see if the goals were accomplished. Mr. Stockard stated that 90% to 95% of those goals were met, and he would supply a copy of that along with his other reports.

### **PRELIMINARY BUDGET**

City Manager Grant supplied the Commission with a preliminary schedule of hearings which would be required with an increase in the effective tax rate. This schedule would change depending on the date that the effective tax rate is published. The Appraisal District has not yet supplied us with the values for our effective tax rate publication.

A preliminary balanced budget was filed with the City Secretary on July 22, 2009, but can be changed up until the date it is adopted.

Steps taken to balance the budget:

- Includes a 1% COLA and Step and Grade plus a 3% increase for Directors.
- Cut the tax rate to raise the same revenue as last year.
- Increased ambulance fees by \$25,000
- Restored a vacant Fire Dept position that was left out of original calculations
- Left in the Ladder Truck
- Police Dept. cut ½ time receptionist
- Police Dept. increased animal control position from ½ time to full time.
- Decrease Police Station Make Ready by \$9,000
- Court cut clerk back to part time.
- Parks added \$30,000 in manpower
- Cemetery lease purchase mower instead of purchase (cut \$9500)
- Code Enforcement cut cleanup from \$80,000 to \$30,000
- Raise water & sewer rates 5.25%
- Replace 5 special meters instead of 10

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- Wastewater Treatment removed vacant position
- Reduce contingency from \$85,454 to \$50,454
- Utility Billing cut imaging equipment

City Manager Grant asked the commission to give him guidance as to any changes that they wanted to make in the budget and whether or not to include a property tax increase.

There was extended discussion of the need for another budget work session and the options concerning the effective tax rate or a tax increase and public hearings.

### **SCHEDULE BUDGET WORK SESSION**

Commissioner Dennis made the motion to schedule a budget work session, with the date to be established after publication of the effective tax rate.

Commissioner McCuistion seconded that motion, which passed by unanimous vote.

### **PROPOSAL TO ADOPT TAX RATE**

Mayor Bearden asked the commission if they would approve a proposal to adopt the lower of the effective or rollback tax rates to generate the same income as 2008.

There was no discussion or motion on this matter.

### **PROPOSAL TO CALL A SPECIAL MEETING TO PROPOSE A TAX INCREASE**

Commissioner Dennis made the motion to call a special meeting for possible tax increase with the date to be established with staff.

Commissioner Brownlow seconded that motion. Commissioner Taylor noted that we cannot plan a tax increase but must leave options open until the City receives more information. The motion passed by unanimous vote.

### **HARROLD WATER SUPPLY CONTRACT**

City Manager Grant explained that the Harrold Water Supply would hold a meeting August 5, 2009 to approve this forty year contract. The City has the water, and it would not affect our customer base. Meters are limited to seventy-five (75). Harrold Water Supply has been notified of the possible system wide increase proposed in the 2009-2010 Budget.

Commissioner McCuistion asked if they could add industrial customers without City approval. Mr. Grant explained that the contract is for domestic customers only.

Commissioner Dennis made the motion to approve the contract with Harrold Water Supply.

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

### **OFFICER MEMORIAL PROJECT**

Bobby Martin explained the proposed Officer Memorial Project to be placed at the Wilbarger County Courthouse in memory of officers who died in the line of duty in service to Wilbarger County. The cost of the monument will be \$3,200. The County has pledged \$3,200 for the current costs, and asked that the City match that amount to be put aside for future use.

Police Chief Tom Wilson thanked Mr. Martin for his efforts, and noted that there needed to be a memorial for Officer Richard Beck, who did a lot for our City.

Fire Chief Smead voiced his support of the project.

Commissioner Brownlow made the motion to reserve funding of \$3,200 for this project in the 2009-2010 Budget.

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

### **PUBLIC HEARING FOR CENTRAL BUSINESS DISTRICT ORDINANCE #1519**

Community Development Director Monica Wilkinson commended the Planning & Zoning Commission for their efforts on this project. Ordinance No 1519 lays out the Central Business District which will be a sixteen (16) block area downtown. Currently the General Commercial area downtown is forty-eight (48) blocks. This Ordinance would create an area that is smaller, more condensed, that has more strolling and pedestrian friendly areas that it is hoped will promote tourism, redevelopment and revitalization downtown.

This proposal would allow light commercial uses in the Central Business District such as professional and administrative offices, bakeries, restaurants, bowling alleys, theaters, beauty or barber shops, drug stores, service stations, florist shops, grocery stores, hotels or bed and breakfast establishments, retail stores, auto sales but not salvage yards or auto repair garages, furniture stores, residential use and other light commercial use listed in the ordinance, or approved by the P&Z Commission and congruent with the intent and purpose of the Central Business District. Site standards will be the same as General Commercial District.

The concern among business owners is when this Ordinance will take effect. Business owners and current property owners have one year from the effective date of the ordinance to show proof of intent to the City Community Development Department that they had intention to use their building or business as one of the uses that was permitted previously, other than what is listed in the ordinance. This is a way for the owner to show that the owner had intent to use their property in a permitted use in a General Commercial District.

Mayor Bearden opened the Public Hearing for Ordinance No. 1519 establishing a Central Business District.

There were no public comments, and Mayor Bearden closed the Public Hearing.

**ORDINANCE NO. 1519**

AN ORDINANCE CREATING THE CENTRAL BUSINESS DISTRICT, DEFINING THE LOCATION OF THE NEW BOUNDARIES, DEFINING THE DISTRICT PURPOSE, STANDARDS, PERMITTED USES, REGULATIONS AND PROVIDING FOR CONFLICT VALIDATION, RECORDING AN EFFECTIVE DATE.

Commissioner McCuiston made the motion to approve on first reading, Ordinance No. 1519, establishing a Central Business District.

Commissioner Brownlow seconded the motion. City Manager Grant clarified that the Ordinance does go into effect immediately on passage, but does allow the property owner who does not have a business open currently, up to a year to give intent that the owner will be opening a business that will be in non-conformance. Existing businesses are grandfathered.

After a short discussion, Commission Taylor abstained from voting on this matter since it would affect his business directly. The motion passed by unanimous vote.

**PUBLIC HEARING – CORRIDOR OVERLAY DISTRICT**

Ms. Wilkinson noted that the Planning & Zoning Commission was following the City Commission directive to further regulate our thoroughfares and help with the appearance of our town. This Corridor Overlay District is treated like a zoning district but overlays the current zoning and does not change that zoning, but acts as additional regulations that is on top of the regular zoning.

The Corridor that is proposed is a 300 foot path (150 feet on either side of the center line) of Main Street, Hillcrest Drive, Wilbarger Street, and U.S. Highway 70, and 20 feet from the curb line of the frontage road on U.S. Highway 287.

The Ordinance regulates landscaping and outdoor storage. Dead trees or shrubs will not be allowed. Outdoor storage is defined. New merchandise can be displayed outdoors overnight. If the merchandise is used it must be screened by vegetation or fencing. There is a list of exemptions (such as used cars).

Mayor Bearden opened the meeting to public comment.

Charles McArthur asked how far from downtown this corridor is going. The main street might look good, but the block behind it would still be unsightly. Ms. Wilkinson explained that it would be all of Main Street and Wilbarger Street within the City limits.

Brenda Eaton voiced concern about the appearance of U.S. Highway 287. Ms. Wilkinson explained the requirements along the highway, but noted that a future ordinance (No. 1521) will create additional regulations to address these problems.

Ms. Wilkinson also noted the ordinance will go into effect one year from date of passage so that the property owners will have ample time to plan for compliance. The City will send notices to business and publish notices in the newspaper. Mayor Bearden also noted that this does not negate any requirements to maintain weedy lots or maintaining enforcement efforts for appearance safety of property. This is part of an ongoing effort to keep the whole city looking good.

Commissioner Brownlow commented that he would like to see the corridors into Vernon look as good as cities such as Graham, with the properties clean and the yards manicured.

There were no further public comments, and Mayor Bearden closed the Public Hearing.

### **ORDINANCE NO 1520**

AN ORDINANCE CREATING THE CORRIDOR OVERLAY DISTRICT, DEFINING THE LOCATION OF THE NEW BOUNDARIES, DEFINING THE DISTRICT PURPOSE, STANDARDS, PERMITTED USES, REGULATIONS AND PROVIDING FOR CONFLICT, VALIDATION, RECORDING AN EFFECTIVE DATE.

Commissioner Brownlow made the motion to approve on first reading, Ordinance No. 1520, establishing a Corridor Overlay District.

Commissioner McCuiston seconded the motion. Mayor Bearden commended the staff and the Planning & Zoning Commission on their efforts in establishing this Corridor Overlay District. Ms. Wilkinson noted that the reason there were so few public comments at this meeting was due to the fact that the Planning & Zoning Commission had already had two public hearings.

With no further discussion, the motion passed by unanimous vote.

### **CREATION OF PAVING TASK FORCE**

City Manager Grant explained the need for a committee to get input from the public since we have obtained the grant for paving Maiden Street, and are seeking further funding for additional paving grants. The Maiden Street project is a 3 ½ block paving project with full curb and gutter. The city plans to submit a change order to remove the curb and gutter and use that funding to pave Maiden Street and additional streets with strip paving. Federal funding could have restrictions such as factors for the number of people served and low to moderate income guidelines, and others.

The Paving Task force should meet; develop a plan whereby they could rank the streets needing paving and make recommendations about which ones would be a priority, so that when the city does receive funding, it would be able to proceed more quickly. The Paving Task Force would have a specific charge to assist in development of a Comprehensive Paving Plan for the City, and guidelines to help them develop that plan.

Mayor Bearden noted that we won't be able to pave all of the streets at once, but once this committees work is done, people will know that if their street is not the first on the list to get paved, citizen's will understand that it was a fair and reasonable process.

Commissioner Dennis asked that Lloyd Bridges name be removed from the list because he had been appointed to another committee. He feels that there is not a fair representation for the East side of town. Commissioner Brownlow noted that Carolyn Randel was from the east side. Commissioner Taylor noted that there were two citizens' that lived on the same street, and suggested that Mike Hager could be removed from the list of possible committee members. There was additional discussion of possible committee members.

Commissioner Taylor made the motion to approve an advisory committee of seven members with each Commissioner to appoint one member and the Mayor would appoint three members to the City Manager who will form the committee.

Commissioner McCuiston seconded the motion. Commissioner Brownlow asked how many on the list provided had agreed to serve. If there are others the Commissioners want to appoint, they should make those suggestions to the Mayor or City Manager. After this discussion, and review of the charge to the committee, the motion was approved by unanimous vote.

#### **RESOLUTION FOR PAVING GRANT APPLICATION TO NORTEX**

City Manager Grant asked that this item be struck from the agenda, and no action taken at this time.

#### **PUBLIC COMMENT PROCESS**

City Manager Grant explained that the process of requiring citizens to request to speak gives the commission an ability to compile comments and control crowd problems. Moving the public comment section to the start of the meeting allows citizen input to agenda items before action is taken on those items. There was discussion in support of this process, and the rules concerning public comment.

Commissioner Dennis made the motion to approve the form "Request for Public Comment" and move public comments to the first of the meeting.

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

#### **RESOLUTION 886**

A RESOLUTION AUTHORIZING THE CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING PAYMENT OF TWO (2) CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.

City Manager Grant explained that this is something that the city has maintained for several years. The City has a certain amount of regulatory authority over gas utilities. We exercise that authority to try to keep the gas rates manageable. This steering committee actually saves the citizens money, and recommends that the commission approve this resolution.

Commissioner McCuistion made the motion to approve Resolution No.886.

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

### **ORDINANCE NO. 1522**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC" OR "STEERING COMMITTEE") AND ATMOS ENERGY CORP.-MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") REGARDING THE COMPANY'S RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REEASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS' PROOF OF REVENUES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

City Manager Grant explained that this is a rate review mechanism which is a three year temporary replacement for the GRIP, and recommends approval.

Commissioner Taylor made the motion to approve Ordinance No. 1522.

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

### **CREATION OF A GRANT FUND**

City Manager Grant explained that creation of this separate fund will allow accounting for grant funds to cross fiscal years, and will allow staff to provide reports that show where we are actually at. When grant funds are expended in one fiscal year and received in another fiscal year, it does not provide an accurate picture of actual revenue and expenditures.

Commissioner Brownlow made the motion to approve creation of the Grant Fund.

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

**MUTUAL AID AGREEMENT – FREDERICK, OK.**

Fire Chief Smead informed the commission that the current mutual aid agreement with Frederick, OK is identical to the one passed at the June 23<sup>rd</sup> meeting with Altus, OK. The Frederick city council has already approved the Mutual Aid Agreement. All Texas cities are covered under the regional aid agreement.

Commissioner McCuiston made the motion to approve the agreement.

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

**ADJOURN**

The meeting was declared adjourned at 8:30 p.m.

  
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Jeff Bearden  
Mayor

ATTEST:

  
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Linda Byers  
City Secretary