

REGULAR MEETING
AUGUST 25, 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, with Commissioner Russell Brownlow absent due to illness.

Present: Mayor Jeff Bearden

Commissioners: Jimmy Dennis, Travis Taylor and Phil McCuistion

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

PUBLIC COMMENT

Mayor Bearden opened the meeting to Public Comment from those who had submitted Requests to Speak during Public Comment Forms.

Mark James spoke against rezoning of 4800 College Drive. Sale of alcohol & tobacco at this location would set a bad example for the kids in view of this location from North Texas State Hospital. He wants to keep this area for churches.

Ismael Ortiz also spoke against rezoning of 4800 College Drive.

Nathan King voiced agreement with a petition to prohibit open containers of alcohol in the Central Business District.

Jackie Barnes want the Commission to allow golf carts on city streets. The City has authority to prohibit or permit after September 1. He stated that golf cart owners are willing to do what is necessary to allow driving on city streets. Mayor Bearden asked the City Attorney to look into the legal issues.

Mayor Bearden closed Public Comment.

CONSENT AGENDA

Commissioner McCuistion moved the following items under the Consent Agenda be approved:

- A. Approve minutes of the Regular City Commission Meeting held on Tuesday, July 28, 2009, a Special Meeting held on August 6, 2009, and a Special Meeting held on August 18, 2009.

- B. Approve a Consumer Services Contract with North Texas State Hospital for ambulance service.
- C. Approve second reading of Ordinance No. 1519 creating a Central Business District.
- D. Approve second reading of Ordinance No. 1520 creating a Corridor Overlay District
- E. Approve second reading of Ordinance No. 1522 regarding the Atmos Rate Review Mechanism.
- F. Approve vouchers for July 1, 2009 through July 31, 2009.

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

ORDINANCE NO. 1528

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON, TEXAS APPROVING THE SALE OF THE FIRE STATION ON SAND ROAD BY SEALED BID, APPROVING THE SALES PRICE, FINDING SUCH TO BE FAIR MARKET VALUE, AND REQUIRING THAT DELIVERY OF THE PROPERTY BE EXECUTED TO THE WINNING BIDDER.

City Manager Mitch Grant recommended acceptance of the bid from Scott Ripley in the amount of \$31,313.27 and approval of this ordinance.

Commissioner Taylor made the motion to approve the first reading of the Ordinance.

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

WINSTON FARM LEASE

City Manager Grant explained that the terms of the lease allows for 30 days notice of termination by either party. There were two bids received; one from Michael & Gene White for a five year lease at \$14.31 per acre, and one from Phil Bartlett for a ten year lease at \$16.52 per acre. Mr. Grant recommended the Commission accepts the high bid from Mr. Bartlett with the caveat that all parties understand that it is not a true ten year lease.

Commissioner Dennis made the motion to accept the bid from Phil Bartlett for \$18,502.40 per year.

Commissioner McCuiston seconded the motion. He then questioned if the CRP program increases, whether the city could increase the rent. It was explained that the city cannot receive federal payments under the farm service programs.

Commissioner Taylor stated that he was not in favor of a ten year lease. The White's have been good renters and should be able to keep the farm. His concern was to do what is right.

Commissioner Dennis pointed out that the city set the terms and asked for a bid of one year, five years and ten years, so we should hold to that.

Commissioner McCuiston noted that he would hate for the city to appear to be involved in breaking a contract.

Commissioner Taylor feels that loyalty should go farther than money.

Mayor Bearden stated that the commission needs to do what's in the best interest of the city.

Bidders submitted bids the way they were requested and the commission needs to choose.

A vote was called and Commissioners Dennis and McCuiston voted in favor of the motion to accept the bid from Phillip Bartlett. Commissioner Taylor voted against the motion. The motion passed.

BUSINESS DEVELOPMENT CORPORATION BUDGET

Sean Stockard, President/CEO presented the budget that was approved by the BDC Board at their July meeting totaling \$550,000.

Commissioner Dennis had concerns with projected expenses being about \$90,000 higher than what is unallocated and available to use for projects.

Mr. Stockard explained that in the administrative budget there is about \$140,000 in new expenses associated with the Nocona Boot Factory building purchased for Agriboard. These are expenses that were not there last year. The other major increases are associated with the move to a new building. The funds were budgeted even though they may not be spent. The other increase was technological increases within the office. Promotional Literature budget increased so that the promotional brochure could be reprinted next year. The BDC plans to be more aggressive with corporate recruitment.

Commissioner Dennis said we should have as much money available for projects as administration to make those projects happen. Commissioner Taylor asked if he would be able to find \$15,000 to cut if he needed to.

Mr. Stockard said he could, but felt that this was a tight, sound budget and anything taken away could hinder the BDC ability to do their job.

After further discussion of various expenses, Commissioner Taylor made the motion to approve the BDC Budget.

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

WILBARGER COUNTY APPRAISAL DISTRICT BUDGET

The 2009-2010 Appraisal District Assessment Budget increased from 2008-2009 by \$2,918, and expenses total \$265,571. The Collections Budget increased \$706 for a total of \$73,748.

Commissioner Dennis made the motion to approve the 2009-2010 Appraisal District Budget.

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

POLICE DEPARTMENT OPEN HOUSE

Police Chief Wilson explained that they would like to have an open house for the new Police Station on Friday, August 28, 2009 from 10:00 am to 12:00 pm. Refreshments will be provided.

Commissioner Taylor made the motion to approve the date and time.

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

STREET CLOSURE – FANNIN ST. BETWEEN WILBARGER ST. AND PEASE ST.

Carolyn Grimes, President of Vintage Vernon Foundation and Chair of the Downtown Revitalization Task Force explained that the Vintage Vernon Ghost Tours is a project to benefit Downtown Vernon's Revitalization Projects, and will be a family friendly project. It is a re-enactment of historic events and will bring history to life. Property owners within the area of the street closure have been notified and are 100% behind the project. The Vintage Vernon Ghost Tour will be September 26, 2009 from 10:00 am to 4:00 pm.

Ms. Grimes requested closure of Fannin Street between Wilbarger Street and Pease Street in order to do a historic reenactment in the street.

Commissioner Dennis made the motion to approve the street closure.

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

STREET CLOSURE – PEASE ST. BETWEEN MAIN ST. AND CUMBERLAND ST.

Carolyn Grimes explained that this street closure is also for the Vintage Vernon Ghost Tours.

Commissioner McCuiston made the motion to approve the street closure.

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

PUBLIC HEARING – ORDINANCE NO. 1521

Mayor Bearden opened the meeting to Public Comments on Ordinance No. 1521.

There were no public comments.

ORDINANCE NO. 1521

AN ORDINANCE AMENDING ORDINANCE NUMBER 1086, KNOWN AS THE "ZONING REGULATIONS" OF THE CITY OF VERNON, BY AMENDING AND ADDING OUTDOOR STORAGE AND LANDSCAPING REGULATIONS IN CONVENIENCE COMMERCIAL (C-C), AUTOMOBILE COMMERCIAL AND COMMERCIAL RECREATION (C-A/R), LIGHT INDUSTRIAL (L-1), AND HEAVY INDUSTRIAL DISTRICTS; AND PROVIDING FOR CONFLICTS, SEVERABILITY, RECORDING AND AN EFFECTIVE DATE.

Commissioner McCuiston made the motion to approve Ordinance No. 1521 on first reading.

Commissioner Dennis seconded the motion.

City Manager Grant noted that the Planning & Zoning Commissioner did not address an effective date for this ordinance, but a date six months from passage of the Ordinance has been added.

Community Development Director Wilkinson explained that this is a follow up to the ordinance creating the Central Business District and the Corridor Overlay District. This ordinance prohibits dead trees and shrubs and places regulations and restrictions on outdoor storage.

After a short discussion, the motion passed by unanimous vote.

PUBLIC HEARING – ORDINANCE NO. 1523

Mayor Bearden opened the meeting to Public Comments on Ordinance No. 1523 which would change the zoning on the northernmost 146 feet of 4630 Wilbarger from Single Family Residential (R-1) to Convenience Commercial (C-C)..

There were no public comments.

ORDINANCE NO. 1523

AN ORDINANCE CHANGING THE BOUNDARIES OF ZONING DISTRICTS, DEFINING THE LOCATION OF THE NEW BOUNDARIES AND PROVIDING FOR CONFLICT, VALIDATION AND RECORDING AND EFFECTIVE DATE.

Commissioner Taylor made the motion to approve Ordinance No. 1523 on first reading.

Commissioner McCuiston seconded the motion.

Community Development Director Wilkinson noted that there were no comments made at the Public Hearing held by the Planning and Zoning Commission, and the land is adjacent to other

property zoned Convenience Commercial (C-C). This rezoning will make the rear of the property zoned the same as the front of the property, and adjacent property owners have no objection.

The motion was passed by unanimous vote on the first reading.

PUBLIC HEARING – 2009-2010 BUDGET

Mayor Bearden opened the meeting to public comments on the 2009-2010 Fiscal Year Budget, and amendments to the 2008-2009 Budget.

There were no public comments.

ORDINANCE NO. 1524

AN ORDINANCE ADOPTING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2009 THROUGH SEPTEMBER 20, 2010, FOR THE CITY OF VERNON; AMENDING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009, FOR THE CITY OF VERNON; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGETS; ESTABLISHING AND ADOPTING AN OFFICIAL CLASSIFICATION PLAN FOR ALL POSITIONS AND ABOLISHING ALL POSITIONS NOT LISTED IN SAID BUDGETS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT; DECLARING AN EMERGENCY AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner McCuiston made the motion to approve Ordinance No. 1524.

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

PUBLIC HEARING – 2009 PROPERTY TAX RATE

Mayor Bearden opened the meeting to public comments on the 2009 Property Tax Rate.

City Manager Grant explained that the Truth in Taxation laws were very confusing, If the City adopts the effective tax rate of \$0.374244, that rate is lower than our 2008 tax rate of \$0.387500, but will effectively increase revenue by a total of \$12.19.

Historically, our collection rate is 97.66%, and we have budgeted accordingly, which means we get \$1,896 less total revenue.

There were no public comments.

ORDINANCE NO. 1525

AN ORDINANCE LEVYING AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN THE CITY OF VERNON, TEXAS, FOR THE YEAR 2009, FIXING THE DUE DATE AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE COLLECTION OF TAXES, DECLARING AN EMERGENCY, AND EFFECTIVE DATE.

Commissioner Dennis made the motion to adopt the effective tax rate of \$0.374244 per \$100 valuation, which will raise more taxes for maintenance and operations than last year's tax rate by a total revenue of \$12.19.

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

ORDINANCE NO. 1526

AN ORDINANCE APPROVING THE 2009 TAX ROLL OF THE CITY OF VERNON, TEXAS AND PROVIDING FOR THE MAILING OF TAX STATEMENTS, A SAVING CLAUSE, A REPEALING CLAUSE, RECORDING, DECLARING AN EMERGENCY, AND AN EFFECTIVE DATE.

Commissioner Taylor made the motion to approve Ordinance No. 1526.

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

RESOLUTION NO. 887

DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION.

City Manager Grant explained that the City would be invited to apply for the Federal Drinking Water Fund. There were 679 applicants and Vernon was rated #4. Application for these funds could delay construction of the project by a few months, but could save \$20,000 to \$30,000 in interest costs with the better rates. The City should continue with the publication of intent to issue certificates of obligation. Mr. Grant recommended approval of this resolution.

Commissioner Taylor made the motion to approve Resolution No. 887.

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

RECESS

Mayor Bearden declared a short recess at 7:35 p.m.

RESUME MEETING

Mayor Bearden resumed the meeting at 7:40 pm.

ORDINANCE NO. 1527

AN ORDINANCE AMENDING SECTION 26-124 OF ARTICLE VI, WATER OF CHAPTER 26, AND SECTION 26-78 OF ARTICLE IV, SEWER OF CHAPTER 26, UTILITIES – CITY OWNED, OF THE CODE OF ORDINANCES OF THE CITY OF VERNON; AND PROVIDING FOR A REPEALING SECTION, A SAVINGS SECTION, A RECORDING SECTION AND FOR AN EFFECTIVE DATE.

Commission McCuiston made the motion to approve Ordinance No. 1527, setting water and sewer rates.

Commissioner Taylor seconded the motion.

City Manager Grant noted that he would be sending letters to all of the contract bulk water customers to notify them of the increased water rates.

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

**PETITION TO PROHIBIT OPEN CONTAINERS
IN THE CENTRAL BUSINESS DISTRICT.**

City Manager Grant advised that attorneys for the Texas Alcoholic Beverage Commission indicated that a resolution needs to be adopted, not just a petition, and no action should be taken on this agenda item at this time.

This proposal would prohibit open containers in certain public areas within the Central Business District. Open containers are allowed unless prohibited by resolution.

Police Chief Wilson noted that it will probably be hard to enforce this type of resolution on Cruise Night, but that someone being able to drink on the Courthouse Square is not the image that we want visitors to see when they come to Vernon.

There was discussion about the restaurants that have TABC permits.

Mayor Bearden instructed the staff to prepare a resolution to be considered at the next City Commission Meeting.

REPAIRS TO CITY HALL FROM WATER LEAK

City Manager Grant asked the Commission to give staff the latitude to have repairs done with insurance proceeds, and to declare an emergency and allow staff to go ahead with repairs. Total cost is estimated to be around \$35,000. Insurance deductible is \$2,500. The plan is to do some modernization but still maintain the vintage look of the building.

Commissioner McCuiston made the motion to declare an emergency and proceed with repairs to City Hall.

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

HOUSING AUTHORITY BOARD

Iva Belew has agreed to be reappointed to another two year term and Danny Vanek has agreed to be appointed to replace Jesse Appleby for a two year term.

Commissioner Dennis made the motion to approve the appointments to the Housing Authority Board.

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

DISPOSAL FUNDS TO PURCHASE EQUIPMENT FOR VOLUNTEERS

City Manager Grant explained that New Visions wants to do cleanup around the Booker T. Washington Building and vacant lots and needs equipment.

The City has \$5,000 left of Grant Funds that could be used to purchase hand tools and mowers and other equipment for volunteers to do detail work on lots mowed by the City, but owned by others that do not take care of their property. Mr. Grant wants the latitude to implement a program, barring any liability insurance issues.

Commissioner McCuiston made the motion to approve using disposal funds to purchase equipment for volunteers.

Commissioner Taylor seconded the motion. He and Commissioner McCuiston wanted to make sure that there were no problems with liability on the City's part.

Mr. Grant stated that if the City had any liability exposure, we would not proceed. We would possibly donate the equipment if necessary.

City Attorney Byars noted that the motion was not specific, but there is latitude in the wording of the motion to allow donation of the equipment if necessary.

Mayor Bearden noted that the Commission supports this project, and this motion gives the latitude to do that and help the New Visions, and make sure that the City does not incur any additional liability. Mr. Grant noted that the equipment could be purchased in this Fiscal Year Budget, and a more detailed plan implemented at a later date.

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

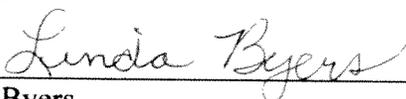
ADJOURN

The meeting was declared adjourned at 7:57 p.m.



Jeff Bearden
Mayor

ATTEST:



Linda Byers
City Secretary