

REGULAR MEETING
December 22, 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 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, 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 opened the meeting to Public Comment from those who had submitted Requests to Speak during Public Comment Forms.

William Oglesby, Stephen Caldwell, David Logsdon, Danita Logsdon, Cynthia Baxter, Charles Lynn, Ronnie Wilson, Marion Lynn, Kenneth Baxter, Joe Wilson, and Sarah Hernandez all spoke in strong opposition to the proposed stop sign at the corner of Cannon Street and Kennedy Street. Other comments were to clean up the corner to improve visibility and paint a lane dividing line in the center of the street.

Glenda Downes voiced opposition to allowing liquor sales at the proposed bowling alley on Wilbarger Street. She was also concerned that building the bowling alley across a waterway will cause flooding in the area. She asked if this area was zoned for alcohol sales.

Charles McArthur voiced support of the special use permit for a carport at 2300 Summerour Street.

CONSENT AGENDA

Mayor Bearden requested the removal of Item C from the consent agenda for separate review.

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

- A. Minutes of the Regular City Commission meeting held on Tuesday, November 24, 2009, and a Special City Commission Meeting held on December 7, 2009.
- B. City Commission Meeting and Holiday Schedule for 2010.
- C. Removed for Separate Review.
- D. Acceptance of TXDOT Award IDM Incentive Grant in the amount of \$4,000 for Labor Day DWI Enforcement.

- E. Accept donation from Walmart of \$1,000 for Fire Department Safety Equipment.
- F. Approve contract with B&L Maintenance for Janitorial Service for City Hall, Police Department and City Warehouse & Garage in the amount of \$19,510.92 per year.
- G. Approve second reading of Ordinance #1532 amending Water Usage amount as required of our private contract customers by TCEQ.
- H. Approve Vouchers – November 1, 2009 through November 30, 2009.

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

CONSENT AGENDA ITEM C

A Video Tour contract with CGI Communications was proposed. The company would prepare a video tour of Vernon that would be linked to our website. There would be no cost to the city, but the company would sell advertising to local businesses.

Commissioner Dennis made the motion to send the proposal back to city staff for further review and discussion.

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

PUBLIC HEARING – ORDINANCE NO. 1535

Mayor Bearden opened a Public Hearing for a Special Use Permit for a carport at 2300 Summerour Road.

Juan Cardenas spoke for Francisco Cardenas. Mr. Cardenas went before the Planning and Zoning Commission to obtain approval to place a carport in the front of his home at 2300 Summerour Road. Their only issue was the 4 ft. setback, but they gave their approval for the carport and he is asking for the City Commission approval.

Charles McArthur asked the commission to approve the special use permit. Mr. Cardenas has taken the necessary steps before building the carport, and it will improve his property value.

With no other comments, Mayor Bearden closed the public hearing.

ORDINANCE NO. 1535

AN ORDINANCE GRANTING A SPECIAL USE: DEFINING THE SPECIAL USE; PROVIDING FOR CONFLICT, VALIDATION, RECORDING AND EFFECTIVE DATE.

Commissioner Dennis made the motion to approve Ordinance No. 1535.

Commissioner McCuiston seconded the motion.

Community Development Director Wilkinson noted that there was no opposition to this special use permit, after which the motion passed by unanimous vote.

PUBLIC HEARING – ORDINANCE NO. 1536

Mayor Bearden opened a Public Hearing for rezoning 4800 College Drive from Single-Family Residential (R-2) to General Residential (R-G).

Matt Maurer spoke on behalf of applicant Leon Laney, explaining that they plan to convert the old Church of Christ building into a duplex with two apartment units.

With no other comments, Mayor Bearden closed the public hearing.

ORDINANCE NO. 1536

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

Commissioner McCuiston made the motion to approve Ordinance No. 1536.

Commissioner Brownlow seconded the motion, and with no further discussion, the motion passed by unanimous vote.

PUBLIC HEARING – ORDINANCE NO. 1537

Mayor Bearden opened a public hearing on Ordinance No. 1537, setting ambulance rates for special events.

With no comments, Mayor Bearden closed the public hearing.

ORDINANCE NO. 1537

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON, TEXAS AMENDING ORDINANCE NO. 1530 SETTING THE AMBULANCE RATES FOR SPECIAL EVENTS.

Commissioner Dennis made the motion to approve Ordinance No.1537.

Commissioner Taylor seconded the motion, and with no further discussion, the motion passed by unanimous vote.

CHAMBER OF COMMERCE TOURISM COMMITTEE

Mayor Bearden explained that it is the City Commissions duty to appoint six members to the Tourism Committee. City Manager recommended the following:

Robert Webb	Gerald Thiele
Gary Don Harkey	James Pilcher
Jim Gryseels	Ashley Kieschnick

Commissioner Taylor made the motion to approve the recommended list of appointments to the Tourism Committee.

Commissioner Brownlow seconded the motion.

Following discussion concerning the appointments to be made by the Chamber of Commerce, Commissioner Dennis made the motion to make these appointments contingent upon the final determination of the committee as a whole.

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

The amended motion to approve the above nominations, contingent upon the final determination of the committee as a whole passed by unanimous vote.

RESOLUTION NO. 896

**A RESOLUTION OF THE CITY OF VERNON
AUTHORIZING FOR THE PLACEMENT OF STOP SIGNS
AT THE INTERSECTING ROADWAY OF KENNEDY
STREET AND CANNON STREET, AND PROVIDING FOR
AN EFFECTIVE DATE.**

Public Works Director Cochran explained that according to Section 4C-4 of the State of Texas Manual on Uniform Traffic Control Devices the traffic count at this location does not warrant the use of stop signs or any other traffic control devices for stopping traffic. Staff had recommended stop signs at this intersection to help slow down traffic.

City Manager Grant explained the process when the City received complaints about an intersection not being safe. The City Manager, Public Works Director and Police Chief took a look at this intersection and there is clear vision for 30 feet from the center line of both streets. As far as the adjacent property needing to be cleaned, the City ordinances do not have a lot of requirements for undeveloped land. If the obstruction is not in the right-of-way and not obstructing the clear vision field, the City does not have the authority to make them clear the obstructions. The City is in the process of trying to get this property owner to clean up that property. The City received a request and felt that if putting up a stop sign would save a life, it would be worth it. City staff recommended the stop signs in the interest of safety.

Commissioner Brownlow made the motion to table this resolution for further study and consideration at a future meeting.

Commissioner McCuiston seconded the motion, and with no further discussion, the motion passed by unanimous vote.

ORDINANCE NO. 1533

AN ORDINANCE AMENDING SECTION 25-54, REPORTS, IN CHAPTER 24, TAXATION AND LICENSES, OF THE CODE OF ORDINANCES OF THE CITY OF VERNON, TEXAS; PROVIDING FOR REPEALING, A SAVINGS CLAUSE, RECORDING AND AN EFFECTIVE DATE.

City Manager Grant noted that this change in the reporting requirements for Hotel-Motel Tax funds from quarterly to monthly was made at the request of the hotel owners, and this would have no adverse effect on the City.

Commissioner McCuiston made the motion to approve Ordinance No. 1533.

Commissioner Dennis seconded the motion, and following a short discussion, the motion passed by unanimous vote.

WINSTON FARM LEASE AMENDMENT

City Manager Grant explained that the current Leaser needed a livestock well, and the wording of Clause C(1) in the current lease was vague about well drilling requirements. This amendment requires any new well to be at least 150 feet from any other wells and have a six inch casing size. There is no limit on the number of wells, but the Leaser must have City approval. These new requirements meet TCEQ rules but not necessarily require them to meet the Public Water Supply rules if they are less than 6 inch casing size and at least 150 feet from Public Wells.

There was discussion concerning storage tanks and depth of wells, Commissioner McCuiston made the motion to approve the amended farm lease clarifying requirements to drill water wells for livestock.

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

CONTRACT FOR INMATE HOUSING AND TRANSPORTATION

City Manager Grant explained that this is a contract with Childress County to temporarily house City of Vernon inmates when the Wilbarger County Jail is full. This contract is to supplement our agreement with Wilbarger County, not to replace it. Wilbarger County has a similar contract with Childress County.

Commissioner Brownlow made the motion to approve the agreement with Childress County for temporary housing of inmates.

Commissioner Taylor seconded the motion, and following a short discussion, the motion passed by unanimous vote.

CHARTER AMENDMENTS

Paul Hawkins, Chairman of the Charter Review Committee, explained that the Committee has recommended twenty-two (22) changes to the City Charter. Eleven (11) of those are for Election Code conflicts. He recommends that the commission proceed to call an election on these Charter Amendments.

Commissioner McCuiston made the motion to adopt the committee recommendation for all twenty-two changes to the Charter.

Commissioner Brownlow seconded the motion.

Commissioner Dennis noted that we need to clarify our reason for this Charter election to the citizens. Mr. Grant explained that we are planning a voter's guide to explain each amendment. Following a short discussion, the motion passed by unanimous vote.

TEXAS TECH UNIVERSITY MESONET SITE

City Manager Grant explained that he has been in discussion with Wes Burnett of the Texas Tech Wind Research Center in Lubbock about placing a weather station to measure wind speed, precipitation, ground temperature, solar readings and other measurements in Wilbarger County. The weather stations use a 30' x 30' space, and only require an IP address for the internet upload and electricity. The information is uploaded to the internet every few minutes to www.mesonet.ttu.edu.

Mr. Grant is requesting approval to negotiate with the Wind Research Center to place this either at Orbison Park or the Odell area. Benefits include weather readings, soil temperatures for farming operations, and additional information about Vernon on the internet. It could help the BDC in recruiting wind generation companies. Cost to the taxpayer would be the charge for an internet connection and electricity for the site unless they provide solar power.

Commissioner Dennis made the motion to approve the Texas Tech Wind Research Mesonet site at the Winston Farm or beside Orbison Park and to allow the City Manager to negotiate the site.

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

BUSINESS DEVELOPMENT CORPORATION BUDGET AMENDMENT

Sean Stockard, President and CEO of the Business Development Corporation, explained that in order to better reflect the financial position of the BDC and to allow proper access to funds available for expenditures on Economic Development Projects that they undertake, Line Item 850 Project Funds of the BDC operating budget should be budgeted to include the total amount of funds available for project investment, including all reserve funds. The BDC is requesting a budget amendment of \$689,953 of reserve funds be added to Line item 850 Project Funds.

Tape #850

Commissioner Dennis clarified that this request does not change any other approvals but is an audit recommendation so that the BDC can access all of their funds legally.

Commissioner Taylor made the motion to approve the budget amendment for BDC to fund projects.

Commissioner Brownlow seconded the motion.


City Manager Grant clarified that the City Commission has control of the purse strings of the BDC and the Commission could make any requirement they feel is necessary. This should probably be discussed next year at budget time.

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

ADJOURN

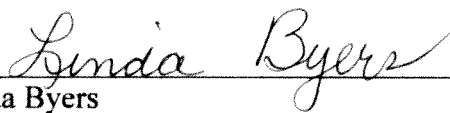
Commissioner McCuiston made the motion to adjourn at 7:55 pm.

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



Jeff Bearden
Mayor

ATTEST:



Linda Byers
City Secretary