

**REGULAR MEETING**  
**JULY 26, 2011**

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, Fire Chief Kent Smead, Police Chief Tom Wilson, Public Works Director Bob Cochran, Community Development Director Monica Wilkinson, Main Street Director Dan Kelleher, and City Secretary Linda Byers.

Commissioner Dennis 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.

Andy Brumley found it difficult to believe that the City is still putting wastewater into the aquifer by discharging into the Pease River, and stated that they were jeopardizing the health and safety of its citizens along the river.

Jeff Bryant encouraged the possibility of adding a stage to the Aquatic Center, stating that it would increase revenue by 15% to 20%.

Linda Hamza, a student at Texas A&M Commerce requested the commission add water quality issues to a future agenda. She said that she was not able to obtain all the information that she needed from our website, but was concerned about the nitrate levels in the City water. She encouraged the update of our website with more current information.

**CONSENT AGENDA**

Commissioner Brownlow moved the following items under the Consent Agenda are approved:

- A. Minutes of the Regular City Commission Meeting held on Tuesday, June 28, 2011 and the Finance Meeting held on Monday, June 27, 2011.
- B. Proposed Wichita-Wilbarger 9-1-1 Budget.
- C. Proposed Wilbarger County Central Appraisal District Budget.
- D. First Annual Renewal of the North Texas State Hospital Ambulance Service Agreement.
- E. Second Reading of Ordinance No. 1564 – 2010-2011 Budget Amendment regarding New Visions Development Corporation and Maiden Street Grant Match.

- F. Second Reading of Ordinance NO. 1565 – Special Use Permit for State National Bank Off-Premise sign.
- G. Purchase of new Police Evidence Software from Quetel Corporation in the amount of \$18,840.
- H. Auditor Engagement Letter with Edgin, Parkman, Fleming & Fleming for the Annual 2010-2011 Audit.
- I. Financial Investment Report for the month of June, 2011 with interest earned totaling \$7,372.52 and vouchers from June 1, 2011 – June 30, 2011 in the amount of \$724,502.24.

### **WATER CONSERVATION & DROUGHT REPORT**

Public Works Director Bob Cochran reported that the water department had been watching the water wells closely, and if we do not get some rain, we will be at Stage 3 Drought Contingency early next week. There has been a 23.4% decrease in normal production capacity. Stage 3 will be implemented at 25% decrease. Wholesale water customers have an overall decrease of 5%. Implementation of Stage 3 will call for issue of citations for non-compliance.

### **BRINE DISCHARGE LINE REPORT**

Public Works Director Bob Cochran reported that the design stage of the project was 95% complete, and was waiting on the Railroad to issue a permit to go under their tracks. It is expected to be complete early in 2012. Mr. Cochran commented on earlier public comment that the City is in compliance with the Safe Water Act with the exception of high nitrates, which will be remedied when operation resumes of the Nitrate Plant. Our Consumer Confidence Report is posted on our website.

### **AQUATIC CENTER CONSTRUCTION REPORT**

Public Works Director Bob Cochran reported that the design stage is complete, the contractor has been given the notice to proceed and we are waiting for the contractor to proceed. They have relocated the BBQ grills to Lyday Park. The sprinkler system has been disconnected in that area.

### **REPORT ON 2011 SEAL COAT & PAVING PROJECTS**

Public Works Director Bob Cochran reported that we finished the seal coat on the streets on our seven year schedule which included 123,182 yards. We also finished 6,898 yards of new paving on Pavilion Road in Orbison Park, Antelope Street from Maiden to Dean St, Tanglewood Street from Kennedy to the end, plus completion of streets adjacent to the Maiden Street project including Peck Street, Luna Street and Gilbert Street.

### **REPORT ON MAIN STREET PROJECTS**

Main Street Director Dan Kelleher requested that the Commission consider guideline rules for two downtown beautification programs: A Façade Improvement Matching Grant Program and a Physical Improvement Deferred Matching Loan Program.

These programs are structured in the same way but targeted toward two different types of activities. The applicant requests design assistance on their proposed improvement. On the Façade Improvement program, the State provides that free assistance. Under the Physical Improvement Deferred Matching Loan Program the program budget provides that assistance. There would be a dollar for dollar match for any assistance.

Mr. Kelleher outlined the guidelines for each program. There is already some funding for these Main Street oriented programs, and additional funding is being sought. Approval of the program rules will establish the administrative structure that will enable these programs to slowly begin to improve and enhance the downtown area.

### **BUSINESS DEVELOPMENT CORPORATION BUDGET**

Commissioner Taylor made the motion to approve the Business Development Budget as presented.

Commissioner Brownlow seconded the motion, which was approved by unanimous vote.

### **RESOLUTION NO. 920**

**A RESOLUTION OF THE CITY COMMISSION OF VERNON, TEXAS THAT PROVIDES FOR THE HOLDING OF A PUBLIC HEARING ON THE SUBMISSION TO THE U.S. DEPARTMENT OF JUSTICE AND AUTHORIZING THE HOLDING OF A JOINT ELECTION WITH WILBARGER COUNTY; HAVING A LOCAL ECONOMIC DEVELOPMENT SALES TAX PROPOSITION ON THE SAME BALLOT WITH THE STATE CONSTITUTIONAL AMENDMENTS ELECTION; INVITING THE PUBLIC TO COMMENT ON THE SUBMISSION; MAKING THE SUBMISSION AVAILABLE FOR PUBLIC INSPECTION; AND PROVIDING FOR THE RECORDING AND AN EFFECTIVE DATE.**

City Manager Grant explained that this resolution is necessary to solicit public comment on our change in voting practices for the upcoming November Special Election.

Mayor Bearden opened Public Comment on the changes in the City's voting practices. There was no public comment, and Mayor Bearden closed public comment.

Commissioner Dennis made the motion to approve Resolution No. 920.

Commissioner McCuiston seconded the motion, which was approved by unanimous vote.

**ORDER OF ELECTION FOR NOVEMBER ELECTION**

Sean Stockard, President/CEO of the BDC explained that they are a Type "A" organization tasked with the creation of primary jobs in industry manufactured locally and distributed outside of our region. Use of funds for Type "B" activities will allow the BDC to help retail, service sector and restaurants. The election order wording will outline and enable this assistance.

Commissioner Dennis questioned whether the funding would be based on job creation. Mr. Stockard responded that the BDC would set the criteria for the programs.

Commissioner McCuiston made the motion to approve the Order of Election regarding sales tax use by the Business Development Corporation with the addition of wording to extend the early voting hours from 7:00 am to 7:00 pm for the last two days.

Commissioner Taylor seconded the motion, which was approved by unanimous vote.

**JOINT ELECTION AGREEMENT WITH WILBARGER COUNTY**

City Secretary Byars explained that the Joint Election Agreement outlines the costs that the City would be responsible for when holding an election in conjunction with Wilbarger County. Estimates of cost during the November Election would be approximately \$2,500 to \$3,000.

Commissioner Dennis made the motion to approve the Joint Election Agreement with Wilbarger County subject to attorney review.

Commissioner Brownlow seconded the motion, which was approved by unanimous vote.

**RESOLUTION NO. 919**

**A RESOLUTION CALLING FOR A PUBLIC HEARING TO DETERMINE WHETHER CERTAIN IMPROVEMENTS DESCRIBED HEREIN ARE EACH DANGEROUS STRUCTURES AND A PUBLIC NUISANCE.**

Community Development Director Wilkinson explained that this resolution sets a public hearing for condemnation of six structures. The structures will be discussed at the August Regular Meeting.

Commissioner Brownlow made the motion to approve Resolution No. 919.

Commissioner Taylor seconded the motion, which was approved by unanimous vote.

### ELECTIONS / SENATE BILL 100 REPORT

City Secretary Byers reported on the City's options with Senate Bill 100 which was passed in response to the federally mandated Military and Overseas Voter Empowerment Act (MOVE). Senate Bill 100 moves various deadlines back to enable elections administrators to meet the new, longer time periods necessary to accommodate military and overseas voters. These longer deadlines place the runoff for the March Primary Elections two weeks after our May Elections. City's are allowed to continue holding city elections on the second Saturday in May, however, County elections administrators are no longer required to provide election equipment to cities holding elections in even-numbered years, because they would still be using the equipment for early voting in the runoff elections for the Primary.

The Wilbarger County Clerk has advised that they have a sufficient number of voting machines to continue to furnish election equipment for our May Elections, so that we can continue with our current voting processes.

Senate Bill 100, by resolution, supersedes provisions in home-rule charters that require a May election or require the terms of commission members to be staggered. None of these options will be necessary for the City, but this report is to make the Commission aware of all of the options.

Commissioner Brownlow questioned the benefit of holding November elections. Ms. Byers explained the problems of non-partisan elections on a partisan ballot.

### STREET CLOSURE FOR VINTAGE VERNON EVENT

City Manager Grant explained that the Vintage Vernon Ghost Tour and Folk Festival is requesting closure of Pease Street from Main Street to Cumberland Street and Cumberland Street from Pease Street to Wilbarger Street on Saturday September 10, 2011.

Commissioner McCuiston made the motion to approve the street closures.

Commissioner Brownlow seconded the motion, which was approved by unanimous vote.

### TAX REINVESTMENT (ABATEMENT) ZONE STUDY

Main Street Director Kelleher explained that the Main Street Advisory Board is requesting the City Commission direct City staff to study and, if feasible, to establish a new Tax Abatement Reinvestment Zone (TARZ), and to adopt policies and criteria to provide tax abatements to downtown property owners who invest in the restoration or rehabilitation of their buildings.

Commissioner Dennis made the motion to direct the staff to conduct a feasibility study regarding creation of a new Tax Reinvestment (Abatement) Zone.

Commissioner McCuiston seconded the motion, which was approved by unanimous vote.

**ORDINANCE NO. 1566**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON TEXAS, AUTHORIZING BUDGET AMENDMENT NUMBER 5 TO THE 2010-2011 OPERATING BUDGET DUE TO UNFORESEEN SITUATIONS.**

City Manager Grant explained that this is to purchase material for the main extension of our water line to be installed by Bud Freeman for his residential extension outside the city limits. This cost will be reimbursed by Mr. Freeman. The extension will become City property after installation.

Commissioner Brownlow made the motion to approve Ordinance No. 1566.

Commissioner Taylor seconded the motion, which was approved by unanimous vote.

**POOL FUND RAISING PROGRAMS**

Commissioner Brownlow explained that the Swimming Pool Committee has developed some suggestions for fund raising efforts:

- Brick Sales – the Boys & Girls Club has agreed to help sell bricks.
- Donations – We have set up a Pay Pal Account on our website to enable possible donations from Vernon alumni or Roy Orbison Fans.
- Passbooks – Staff will develop books with 10 – 25 daily passes with discounted prices for sale now.
- Utility Billing Donations – the pool committee will push for people to increase their donation from \$1 to \$5.
- Concert Fund Raiser – Atlantis Pools has a marketing person who will help us work on having a Roy Orbison concert.

Commissioner McCuiston made the motion to approve additional fund raising programs to add additional Aquatics Center features.

Commissioner Taylor seconded the motion, which was approved by unanimous vote.

**ORDINANCE NO. 1567**

**AN ORDINANCE OF THE CITY COUNCIL 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 FOURTH ANNUAL RATE REVIEW MECHANISM ("RRM") FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; 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; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.**

City Manager explained that these are Atmos rates negotiated by the steering committee that we are a member of.

Commissioner Taylor made the motion to approve Ordinance No. 1567.

Commissioner Dennis seconded the motion, which was approved by unanimous vote.

**EXECUTIVE SESSION**

Commissioner McCuiston made the motion to enter executive session under Government Code 551-071 for consultation with Attorney regarding contemplated litigation at 7:33 pm.

Commissioner Taylor seconded the motion, which was approved by unanimous vote.

**RESUME REGULAR SESSION**

Commissioner Dennis made the motion to resume regular session at 7:49 pm.

Commissioner Taylor seconded the motion, which was approved by unanimous vote.

Commissioner McCuiston made the motion to approve additional fees for up to four (4) hours of consultation.

**EXECUTIVE SESSION**

Commissioner McCuiston made the motion to enter executive session under Government Code 551-072 for deliberating about real property at 7:51 pm.

Commissioner Taylor seconded the motion, which was approved by unanimous vote.

**RESUME REGULAR SESSION**

Commissioner Taylor made the motion to resume regular session at 8:27 pm.

Commissioner McCuiston seconded the motion, which was approved by unanimous vote.

There was no action regarding real property.

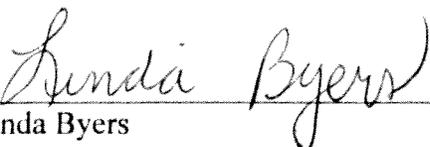
**ADJOURN**

Commissioner McCuiston made the motion to adjourn the meeting at 8:28 p.m.

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

  
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Jeff Bearden  
Mayor

ATTEST:

  
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Linda Byers  
City Secretary