

**VERNON CITY COMMISSION
REGULAR MEETING
MAY 28, 2013**

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

Present: Mayor Jeff Bearden

Commissioners: Jimmy Dennis, Russell Brownlow and Travis Taylor.

Staff Present: City Manager Mitch Grant, City Prosecutor Jonathan Whittset, Police Chief Tom Wilson, Fire Chief Kent Smead, Public Works Director Bob Cochran, Community Development Director Monica Wilkinson, Main Street Director Dan Kelleher, Municipal Judge Lori Adams and City Secretary Linda Byers.

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

PUBLIC COMMENT

There was no Public Comment.

CONSENT AGENDA

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

- A. Minutes of the Regular City Commission Meeting held on Tuesday, April 23, 2013, a Special City Commission Meeting held on Tuesday, May 7, 2013, a Special Meeting held on Friday, May 17, 2013, and minutes of the Finance Committee Meeting held on Monday, April 22, 2013.
- B. Financial Investment Report for the month of April, 2013 with interest earned totaling \$3,356.88 and vouchers from April 1, 2013 – April 30, 2013 in the amount of \$803,495.04.

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

ELECT MAYOR PRO-TEM

Commissioner Brownlow nominated Travis Taylor as Mayor Pro-Tem.

Travis Taylor's nomination was approved by unanimous vote.

PRESENTATION BY STATE FIRE MARSHALL

Fire Chief Kent Smead introduced Jesse Williams, Director of ISO/PPC Oversight for the State Fire Marshalls Office. Mr. Williams presented the City an Award of Achievement and Congratulations from the State Fire Marshall's Office which reads:

AWARD OF ACHIEVEMENT

Presented to

CITY OF VERNON

In official recognition of outstanding dedication in
providing exemplary fire protection services to
the community

The Texas State Fire Marshall's Office is pleased to award a
CLASS 2

Mr. Williams pointed out that only 136 of 3500 cities in Texas have a Class 2 rating, which puts Vernon in the top 1.6% of cities in the United States.

FIRE DEPARTMENT ANNUAL REPORT

Fire Chief Kent Smead submitted his department annual report for 2012. The department responded to 2,150 calls for service with EMS accounting for 1,791 and Fire accounting for 359. This is an increase of 7% from the previous year. In addition to the award of Class 2 by the State Fire Marshalls Office, Mr. Smead also reported receiving a total of \$12,448 in grant funds for supplies, equipment and training.

WATER SERVICE OUTSIDE CITY LIMITS

Community Development Director Monica Wilkinson explained that Steve and Mary Jones are requesting city water service for a home outside the city limits on CR99 South. Mr. Jones has agreed to all the requirements of Section 54-162 of City of Vernon Code of Ordinances, and staff is recommending approval of his request.

Commissioner Taylor made to motion to approve water service outside the city limits for Steve Jones.

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

ORDINANCE NO. 1613

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON, TEXAS, ("CITY") APPROVING AND ADOPTING RATE SCHEDULE "RRM – RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; 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 ACSC LEGAL COUNSEL.

City Manager Grant explained that this Rate Review Mechanism would set the rates for Atmos Service to City residents and was approved by the Atmos Cities Steering Committee, which the city is a member of, and Atmos Corporation. Staff recommends approval.

Commissioner Dennis made the motion to approve Ordinance No. 1613 regarding Atmos rates.

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

ORDINANCE NO. 1614

AN ORDINANCE CHANGING THE BOUNDARIES OF THE SINGLE FAMILY RESIDENTIAL (R-1) & COMMUNITY FACILITIES (C-F) DISTRICTS, DEFINING THE LOCATION OF THE NEW BOUNDARIES, AND PROVIDING FOR CONFLICT, VALIDATION, RECORDING AN EFFECTIVE DATE.

Community Development Director Monica Wilkinson explained that following a public hearing the Planning and Zoning Commission has approved a proposal from Gene and JoAnn Tyra to rezone the west 60 feet of Lot 8 of Simmons 2nd Addition to the City of Vernon (4008 Gordon) from Single Family Residential (R-1) to Community Facilities (C-F). If approved, Mr. and Mrs. Tyra plan to sell the vacant lot to American Electric Power (AEP) for the expansion of the Sand Road Substation.

Commissioner Taylor made the motion to approve Ordinance No. 1614 regarding zoning change for 4008 Gordon.

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

AMENDMENT TO OSBORNE'S LOADING DOCK LEASE AGREEMENT

City Manager Grant explained that representatives from Osborne Properties, Inc. have approached the city with a request to allow an amendment to a 1984 lease of a six foot strip of right-of-way behind their store at 3900 Wilbarger that allowed for a loading dock addition to be constructed. The amendment would allow the lease to be transferrable to a new owner. The original term will remain as 99 years from 1984, and we will continue with the usual \$100 annual payment. Staff recommends approval.

Commissioner Brownlow made the motion to approve an amendment to Osborne's Loading Dock Lease Agreement at 3900 Wilbarger.

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

PROPERTY DONATED BY CHARLES HUGHES

City Manager Grant explained that the late Charles Louis Hughes has left the City of Vernon a 10.2+ acre tract of land. The property sits adjacent to high School Drive on the 2400 block, just north of Faith United Methodist Church. As stated in the will, our only requirements are to not allow the property to be developed and erect a marker showing who donated the property for open space. Mr. Grant noted that this is property that could be developed into a park, but is currently being farmed. Staff recommends acceptance of the property.

Commissioner Taylor made the motion to accept property donated to the City of Vernon by the late Charles Hughes – Abstract 726, Block 12, Section 62, H&TC – 10.2 acres in the 2400 block of High School Drive.

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

EXECUTIVE SESSION #1

Commissioner Dennis made the motion to enter Executive Session at 7:09 p.m. under Government Code Section 551.071 – Consultation with Attorney regarding pending or contemplated litigation.

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

RESUME REGULAR SESSION

Commissioner Brownlow made the motion to resume regular session at 7:55 p.m.

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

ACTION FOLLOWING EXECUTIVE SESSION

Commissioner Taylor made the motion to approve collaboration between the City and other political entities to provide a public information forum to explain our work on the water bills and to authorize City Manager Grant to consult and collaborate with the County Commissioners Court on implementation of this new law as appropriate.

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

EXECUTIVE SESSION #2

Commissioner Brownlow made the motion to enter Executive Session at 7:57 p.m. under Government Code Section 551.072 – Deliberation Concerning Real Property.

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

RESUME REGULAR SESSION

Commissioner Taylor made the motion to resume regular session at 8:43 p.m.

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

ACTION FOLLOWING EXECUTIVE SESSION

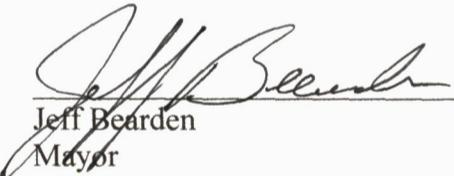
Commissioner Dennis made the motion to authorize the City Manager to explore and negotiate with Wilbarger County landowners for any water resources that can be developed for use by the City and to continue to engage Council in that negotiation as needed.

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

ADJOURN

Commissioner Brownlow made the motion to adjourn the meeting at 8:45 p.m.

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



Jeff Bearden
Mayor

ATTEST:



Linda Byers
City Secretary