

**VERNON CITY COMMISSION
REGULAR MEETING
AUGUST 27, 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.

Present: Mayor Jeff Bearden

Commissioners: Jimmy Dennis, Russell Brownlow, Travis Taylor and Pat Bryant.

Staff Present: City Manager Mitch Grant, City Prosecutor Jonathan Whittsett, Police Chief Tom Wilson, Fire Chief Kent Smead, Community Development Director Monica Wilkinson, Finance Director Anne Garmon, Main Street Director Dan Kelleher, and City Secretary Linda Byers.

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

- A. Minutes of the Regular City Commission Meeting held on Tuesday, July 30, 2013, minutes of a Special Meeting held on Tuesday August 6, 2013, and minutes of the Finance Committee Meeting held on Monday, July 29, 2013.
- B. Budgeted server purchase for the Police Department in-car computer system in the amount of \$6,357.42.
- C. Financial Investment Report for the month of July, 2013 with interest earned totaling \$3,456.42 and vouchers from July 1, 2013 – July 31, 2013 in the amount of \$695,801.18 and Payroll & Benefits costs totaling \$493,641.57.

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

APPRAISAL DISTRICT BUDGET

Commissioner Dennis, as President of the Appraisal District Board, explained that the Budget as presented reflects less for contract appraising, with salary increases that will enable appraising to be done in-house. Sandy Burkett, Chief Appraiser, noted that residents will now be able to talk to the local person that is doing the appraising on their property rather than a person contracted from out of town. The Appraisal District is now in compliance with state law.

There was extended discussion about the large salary increases. Ms. Burkett explained that salaries for our appraisal district employees are required by the state to be comparative with

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other counties with similar number of parcels. Commissioner Dennis explained that these salaries had not been increased because the District had been paying such a large amount to Pritchard & Abbott.

Commissioner Dennis made the motion to approve the Appraisal District Budget.

Commissioner Brownlow seconded the motion. The motion passed by a vote of 3-2 with Commissioner Taylor and Commissioner Bryant voting against the motion.

APPOINT APPRAISAL DISTRICT BOARD MEMBER

Mayor Bearden informed the Commission that Commissioner Dennis has requested that he be replaced on the Appraisal Board, and Commissioner Brownlow has agreed to serve if nominated.

Commissioner Dennis made the motion to nominate Commissioner Brownlow to serve on the Appraisal District Board.

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

APPOINT BUSINESS DEVELOPMENT CORPORATION BOARD MEMBER

Mayor Bearden informed the Commission that Jim Gunn has completed an unexpired term, Jonathan Voelkel and Jim Trafton had completed one term on the Board, and all have agreed to serve another term if appointed. Board Members are eligible to serve two consecutive terms. Commissioner Bryant noted that George Daigle had voiced a willingness to serve on the Board and asked that he be considered. Commissioner Dennis said that Randy Boyd was interested in serving on the Board.

Mayor Bearden asked if there was any certain way they wanted to handle the vote and received no response. It was decided to vote on the members' one at a time. The vote was taken in the following order:

Jim Gunn, Jonathan Voelkel, Jim Trafton, George Daigle, Randy Boyd

After a series of preliminary votes to narrow the field of officers, Mayor Bearden asked if it was the intent to appoint Jim Gunn, Jonathan Voelkel and Randy Boyd.

Commissioner Brownlow made the motion to appoint Jim Gunn, Jonathan Voelkel and Randy Boyd to the Business Development Corporation Board.

Pat Bryant seconded that motion. The motion carried by a vote of 4-1 with Mayor Bearden voting against the motion.

PUBLIC HEARING FOR ORDINANCE No. 1616
SPECIFIC USE PERMIT FOR 2225 ROBERTS STREET

Mayor Bearden opened the Public Hearing.

Community Development Director Wilkinson explained that this special use permit was to place a front yard carport at property owned by the Holy Family Catholic Church at 2225 Roberts Street. The request has been approved by the Planning & Zoning Commission.

Hazel Kajs explained the need for a carport at the parish priests home and requested approval.

There being no other public comments, Mayor Bearden declared the public hearing closed.

ORDINANCE NO. 1616

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

Commissioner Dennis made the motion to approve Ordinance No. 1616 approving a front yard carport at 2225 Roberts Street.

Commissioner Brownlow seconded the motion.

Commissioner Taylor and Commissioner Bryant both abstained from voting since they are members of the Holy Family Catholic Church.

The motion passed by unanimous vote.

CITY HALL ROOF REPAIRS

City Manager Grant explained that several hail storms have damaged the roof, which is leaking in the storage rooms. TML Risk Pool has agreed to pay the city \$19,542.59. Mr. Grant requests authority to spend an additional \$2,957.41 out of the General Fund to get the repairs done. Bradley Industrial Roof Coatings has proposed to make the necessary repairs for \$22,500.

Commissioner Taylor made the motion to approve the City Hall roof repair costs over the amount of insurance proceeds.

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

PUBLIC HEARING
BUDGET 2013-2014

Mayor Bearden opened a public hearing for adoption of the City Budget for Fiscal Year 2013-2014.

City Manager Grant noted that the Tourism Committee had met today and wanted to make changes to the submitted budget for Hotel Motel Tax Revenue.

Carrie Hawkins, Chamber of Commerce Director, explained that the Tourism Committee met and voted to increase the projected revenue by \$10,000 and to create a separate line item in the budget for the Main Street Program with a budget of \$10,000, for the Façade Improvement Grants that meet State Guidelines.

There was discussion about excess revenues and surplus funds. There being no further comment, Mayor Bearden closed the Public Hearing.

ORDINANCE NO. 1617

AN ORDINANCE ADOPTING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2013, AND THROUGH SEPTEMBER 30, 2014, 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.

City Manager Grant noted that there are no changes from the budget workshop August 6, and he explained the items that were included or cut from the requests. Total 2013-2014 Proposed Budget is \$14,978,919. Mr. Grant also explained that there would be a budget amendment at the September Meeting to adopt the changes to the 2012-2013 Budget.

Mr. Grant distributed the changes to Fund 30 (Hotel-Motel Funds) as requested by the Tourism Committee and explained in the Public Hearing.

There was extended discussion about the carryover funding in Fund 30 and projects not funded by the Tourism Committee.

Commissioner Taylor made the motion to adopt Ordinance No. 1617 adopting the City Budget for Fiscal 2013-2014.

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

ORDINANCE NO. 1618

AN ORDINANCE APPROVING THE 2013 TAX ROLL; LEVYING AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN THE CITY OF VERNON, TEXAS, FOR THE YEAR 2013; PROVIDING FOR THE MAILING OF TAX STATEMENTS; FIXING THE DUE DATE AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE COLLECTION OF TAXES, A SAVINGS CLAUSE, A REPEALING CLAUSE, RECORDING, DECLARING AN EMERGENCY, AND EFFECTIVE DATE.

City Manager Grant noted that this ordinance will adopt a tax rate of \$0.360778 per \$100 of assessed value, which is the same tax rate as last year.

Commissioner Dennis made the motion to adopt Ordinance No. 1618 adopting the tax rate.

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

ORDINANCE NO. #1619

AN ORDINANCE AMENDING SECTION 54-152 OF ARTICLE V – WATER OF CHAPTER 54 AND SECTION 54-62 OF ARTICLE III – SEWERS OF CHAPTER 54 – UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF VERNON; PROVIDING FOR A REPEALING SECTION; A SAVINGS SECTION; A RECORDING SECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager explained that this ordinance would increase the water rates by \$7.00 and increase the sewer rates by \$1.00 to support the 2013-2014 Budget. The rates for the smaller water systems that we supply water to was also increased based on the average usage and calculated a “per thousand” rate. The ordinance includes a \$0.63 per thousand increase for the systems that receive treated water and \$0.27 per thousand increase for those receiving raw water.

Commissioner Taylor made the motion to adopt Ordinance No. 1619 setting water and sewer rates.

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

ORDINANCE NO. 1620

AN ORDINANCE CREATING ARTICLE VI; RELATING TO ESTABLISHMENTS THAT ARE NOT LICENSED BY THE TEXAS ALCOHOLIC BEVERAGE COMMISSION, OF CHAPTER 50, TAXATION AND LICENSES OF THE CODE OF ORDINANCES OF THE CITY OF VERNON, TEXAS; PROVIDING FOR CIVIL AND CRIMINAL PENALTIES; PRESCRIBING REGULATIONS FOR ESTABLISHMENTS THAT ARE NOT LICENSED BY THE TEXAS ALCOHOLIC BEVERAGE COMMISSION FOR THE TIME PERIODS BEFORE CHAPTER 50-40 TAKES EFFECT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

City Manager Grant explained that Police Chief Wilson approached him with a problem the department is having with reports of minors consuming alcohol, drug use, and other unsafe conditions every weekend with "BYOB" establishments.

Chief Wilson explained that this is not a local problem but a statewide problem. The Texas Alcoholic Beverage Commission normally controls illegal alcohol use but because these clubs are unlicensed by TABC, they consider these establishments a local problem. These clubs locally have been causing problems for years, but the problems (assault, fights, drug use, serving minors) seem to be escalating and happen between 2:00 am and 6:00 am.

There was extensive discussion about who the rules would apply to, law enforcement access to establishments to make sure laws are being followed, and Texas Alcoholic Beverage Commission lack of control over these clubs, as well as the problems surrounding these establishments.

Mayor Bearden called for a motion to approve Ordinance No. 1620 establishing guidelines for regulating alcohol use in "BYOB" establishments. Commissioner Dennis made that motion, which died for lack of a second.

Commissioner Taylor made the motion to table the ordinance pending further review and consideration at the next regular meeting.

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

BUSINESS DEVELOPMENT CORPORATION BUDGET

Jonathan Voelkel, BDC Board Member, explained the BDC budget for 2013-2014 which includes \$660,000 in total revenue and expenditures.

There was discussion concerning some of the line items in the budget.

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Commissioner Taylor made the motion to approve the Business Development Corporation Budget.

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

ADJOURN

Commissioner Brownlow made the motion to adjourn the meeting at 8:07 p.m.

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



Jeff Bearden
Mayor

ATTEST:



Linda Byers
City Secretary