

**VERNON CITY COMMISSION
REGULAR MEETING
SEPTEMBER 24, 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, Public Works Director Bob Cochran, Community Development Director Monica Wilkinson, Finance Director Anne Garmon, Main Street Director Dan Kelleher, Municipal Judge Lori Adams, EMS Director Kade Long, 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

There was no public comment.

CONSENT AGENDA ITEM A

City Manager Grant explained that the minutes of the August 27, 2013 Regular Meeting, page 4, Ordinance #1617 the amount of the total proposed budget does not reflect the approved change of \$10,000 to the Hotel / Motel Funds. The correct amount should be \$14,988,919.

Commissioner Dennis moved that Item A under the Consent Agenda be approved with the corrections as noted above:

- A. Minutes of the Regular City Commission Meeting held on Tuesday, August 27, 2013, minutes of a Special Meeting held on Wednesday, September 11, 2013, and minutes of the Finance Committee Meeting held on Monday, August 26, 2013.

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

CONSENT AGENDA ITEM B – E

Commissioner Brownlow made the motion to approve the remainder of the consent agenda.

- B. Second Reading of Ordinance No. 1616 – Special Use Permit for 2225 Roberts Street.
- C. Acceptance of grant award and approval of purchase of data extraction device.
- D. Fire Department grant application to Wichita Falls Area Community Foundation the amount of \$6,120 for purchase of Wildland Personal Protective Equipment.

- E. Financial Investment Report for the month of August, 2013 with interest earned totaling \$3,106.48 and vouchers from August 1, 2013 – August 31, 2013 in the amount of \$458,411.62 and Payroll & Benefits costs totaling \$512,848.11.

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

BDC REPORT

Business Development Corporation Chairman Bobby Crews reported that a new business with 15 potential jobs has already purchased property in Vernon. They have had inquiries from local retail businesses seeking infrastructure money and a manufacturing business seeking help. The BDC is working well without a president with the help of the board members. He detailed the local BDC business successes.

Don Malone informed the Commission about the use of 4A and 4B funds, and proposed economic incentive grants for local business with performance agreements and underwriting standards for highest, best and safest use of BDC money. Details will be presented at the next meeting.

PROCEDURES FOR BOARD APPOINTMENTS

Mayor Bearden submitted a draft proposal whereby members of CC could submit nominations for board appointments in advance of a meeting. Interested citizens could submit applications and nominations could be made from these applications. Voting procedure would be done by written ballot.

Commissioner Taylor questioned intent of “Commissioners” whether Mayor could nominate and vote – Yes, the wording should be changed to include the Mayor.

Commissioner Bryant expressed disapproval concerning the actions of the September 11 Special Meeting and discussion followed.

Commissioner Dennis questioned the type of application. Do we have a deadline for nominations? Commissioner Bryant wondered who determines the qualifications? That should be members of the City Commission.

Mayor Bearden suggested that the procedures should be in the form of a resolution to approve at a future meeting.

Following additional discussion, it was suggested that City Manager Grant draft a resolution including suggestions made by the City Commission.

APPOINTMENT OF PLANNING & ZONING BOARD MEMBER
UNEXPIRED TERM

This appointment to the Planning & Zoning Commission is for the unexpired term of Judy Heatly. There were no nominations from members of the City Commission.

City Manager Grant approached Anne Spears and Sandra Holley with Community Director Monica Wilkinson's recommendations. Both have agreed to serve if appointed.

It was decided that each Commissioner vote for one person in writing along with their name. City Secretary Byers read the votes aloud with Commissioner Bryant voting for Anne Spears, and all others voting for Sandra Holley.

Commissioner Brownlow made the motion to appoint Sandra Holley as a Planning & Zoning Board member to fill the unexpired term.

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

HOUSING AUTHORITY BOARD APPOINTMENTS

Commissioner Taylor made the motion to reappoint Freda Morris and to appoint Rita Martin to the Housing Authority Board, as recommended by Housing Authority Executive Director Sherry Johnson.

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

SALES TAX DESIGNATED FOR ROAD MAINTENANCE

Commissioner Bryant explained that the City has the maximum sales tax allowed by state law. Infrastructure is suffering and is important to maintain. He requested that ¼% sales tax be taken from the BDC to be used specifically for roads and streets, and the proposal be placed on the ballot at the next May election.

If approved by the voters, it will be for four years. The funds cannot be used to create new streets. Mayor Bearden voiced concern about taking funds for business opportunities from the BDC for a temporary road maintenance tax.

Lengthy discussion followed with the consensus being that it should be given careful consideration to be sure it is something that should be considered and if that is what the community wants. No action could be taken at this time since this was not posted as an action item.

AMENDED APPRAISAL DISTRICT BUDGET

Commissioner Dennis informed the Commission that the Appraisal Board has revised their budget. Part of the Appraising will be done by Pritchard & Abbott and part by staff. Salary increases were removed except step & grade/longevity increases, travel lowered and one staff position removed. The revised budget is approximately \$5,000 less.

Following discussion Commissioner Dennis made the motion to approve changes to the proposed Wilbarger County Appraisal District Budget.

Commissioner Taylor seconded the motion, which passed by a vote of 4-1 with Commissioner Bryant voting against.

STREET CLOSURE FOR FALL FESTIVAL

The Vernon Farmers Market Association is requesting closure of the 1700 block of Pease Street for the Farmers Fall Festival on October 26th from 10:00 am to 2:00 pm for the safety of those who attend.

Commissioner Taylor made the motion to approve the street closure.

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 Grant noted that the second reading of this ordinance was included in the regular agenda because of a typographical error that left off the \$1.00 sewer rate increase from the first reading of the ordinance.

Commissioner Dennis made the motion to approve second reading of Ordinance No. 1618 regarding 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 noted that a memo was included in the agenda packet that addresses all of the questions that were raised at the August Regular Meeting. This ordinance would be an additional tool to prevent problems in certain areas of the city.

Police Chief Wilson informed the Commission that there had been three instances at these establishments in the last month. Following discussion of the requirements of the ordinance, Chief Wilson noted that these are the same guidelines as those required of Texas Alcoholic Beverage Commission licensed establishments.

As this item was tabled at the August 27 Regular Commission Meeting, Commissioner Bryant made the motion to remove this item from the table.

Commissioner Taylor seconded the motion which passed by unanimous vote.

Commissioner Bryant made the motion to approve Ordinance No. 1620 establishing guidelines for regulating alcohol use in "BYOB" establishments.

Commissioner Taylor seconded the motion which passed by unanimous vote.

APPLICATION FOR STATE FARM GRANT

The Police Department is requesting approval to apply for a State Farm Community Grant in the amount of \$5,000 to be used to purchase four AEDS (defibrillators) to be used by the Police Department, City Warehouse, City Hall and the Aquatic Center.

Commissioner Brownlow made the motion to approve the grant application.

Commissioner Taylor seconded the motion which passed by unanimous vote.

INTERLOCAL AGREEMENT – CEDAR HILL, TEXAS

City Manager Grant explained that this Interlocal Agreement with Cedar Hill, Texas would be used to purchase certain emergency medications and pharmaceuticals for the ambulance service at a cost savings. There are thirty other cities that have joined into this interlocal agreement.

Commissioner Taylor made the motion to approve the interlocal agreement with the City of Cedar Hill, Texas.

Commissioner Dennis seconded the motion which passed by unanimous vote.

ORDINANCE NO. 1621

AN ORDINANCE AMENDING CHAPTER 6, AMBULANCES, OF THE CODE OF ORDINANCES OF THE CITY OF VERNON; ADOPTING A NEW SCHEDULE OF RATES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR RECORDING AN EFFECTIVE DATE.

City Manager Grant explained that Intermedix, our ambulance billing firm, had submitted a comparison of prices with other nearby communities, and Vernon's rates were considerably lower. EMS Director Kade Long explained that this rate change will also go from itemized billing to flat rate billing, based on the type of call and level of service. Fire Chief Smead noted that only about 15% of our billing is from private insurance, and we would continue to accept whatever Medicare paid.

Commissioner Taylor made the motion to approve Ordinance No. 1621 setting ambulance rates.

Commissioner Bryant seconded the motion which passed by unanimous vote.

ORDINANCE NO. 1622

AMENDING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2012, AND THROUGH SEPTEMBER 30, 2013, FOR THE CITY OF VERNON; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH 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 this ordinance will amend the current year's budget with the most current estimates for year-end expenditures. General Fund is down 1.99%. Utility is down 4.21%.

Commissioner Dennis made the motion to approve first and final reading of Ordinance No. 1622.

Commissioner Taylor seconded the motion which passed by unanimous vote.

ORDINANCE NO. 1623

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM 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; PROVIDING A MOST FAVORED NATIONS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

City Manager Grant explained the Atmos Rate Review Mechanism. This ordinance will set the Atmos rates for the coming year and included a \$.74 increase on residential customer rates.

Commissioner Taylor made the motion to approve first reading of Ordinance No. 1623.

Commissioner Bryant seconded the motion which passed by unanimous vote.

AMEND MAIN STREET FAÇADE IMPROVEMENT PROGRAM RULES

Main Street Director Dan Kelleher explained that this change in program rules, as recommended by the Main Street Advisory Board, is to restrict the permitted uses of grants awarded under the program to the preservation or restoration of historic buildings, and to provide a definition of historic buildings for the purposes of the program.

Commissioner Brownlow made the motion to approve the amendment to the Main Street Façade Improvement Program Rules.

Commissioner Dennis seconded the motion which passed by unanimous vote.

AMEND MAIN STREET PHYSICAL IMPROVEMENT PROGRAM RULES

Main Street Director Dan Kelleher explained that this change in program rules, as recommended by the Main Street Advisory Board, is to clarify the type of activities that are allowed to be supported with Physical Improvement Deferred Matching Loan grants and to authorize the award of small grants under \$1000.

Commissioner Taylor made the motion to approve the amendment to the Main Street Façade Improvement Program Rules.

Commissioner Bryant seconded the motion which passed by unanimous vote.

GRANT APPLICATION – FACADE RENOVATION AT 1408 MAIN STREET

Main Street Director Dan Kelleher explained that the Main Street Advisory Board and the Vintage Vernon Foundation Board recommend awarding a Façade Improvement Grant to Gerald Thiele for the restoration of his building at 1408 Main Street. Estimated cost of the project to repair windows, doors, wood fixtures and masonry repairs is \$10,125, with total grant award amounting to \$5,063 or less.

Commissioner Brownlow made the motion to approve the grant application from Gerald Thiele for a store front façade renovation at 1408 Main Street.

Commissioner Bryant seconded the motion which passed by unanimous vote.

GRANT APPLICATION – DOWNTOWN BENCHES

Main Street Director Dan Kelleher explained that the Main Street Advisory Board recommend awarding a Physical Improvement Deferred Matching Loan Grant to Sue Ann Streit in an amount not to exceed \$1,800 for fabrication and installation of three wrought iron public benches.

Commissioner Bryant made the motion to approve the grant application from Sue Ann Streit for downtown benches.

Commissioner Brownlow seconded the motion which passed by unanimous vote.

APPOINTMENT OF ASSOCIATE JUDGE

City Manager Grant explained that there is a need to appoint a Municipal Court Associate Judge to be available if the Municipal Judge is unavailable. The current Municipal Court Clerk, Mamie McArthur, is recommended for appointment.

Digital Recording on file

Following a short discussion, Commissioner Dennis made the motion to approve the appointment of Mamie McArthur as Associate Municipal Judge.

Commissioner Bryant seconded the motion.

Commissioner Taylor amended the motion to include a salary increase to \$27,137. Commissioner Dennis seconded this motion which passed by unanimous vote.

The amended motion to appoint Mamie McArthur as Associate Municipal Judge at a salary increase to \$27,137 was passed by unanimous vote.

EXECUTIVE SESSION

Commissioner Brownlow made the motion to enter Executive Session at 7:59 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 Dennis made the motion to resume regular session at 8:47 p.m.

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

ACTION FOLLOWING EXECUTIVE SESSION

Commissioner Taylor made the motion to approve the actions regarding executive session.

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

FINANCING OF BUDGETED WATER IMPROVEMENTS

Commissioner Dennis made the motion to approve financing up to \$200,000 with the Waggoner National Bank for 2013-2014 Budgeted Water Improvements at a rate of 3.75% for 10 years and appropriation thereof.

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

ADJOURN

Commissioner Brownlow made the motion to adjourn the meeting at 8:49 p.m.

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



Jeff Bearden
Mayor

ATTEST:



Linda Byers
City Secretary