

**VERNON CITY COMMISSION
REGULAR MEETING
JANUARY 28, 2014**

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 Supervisor 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

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

- A. Minutes of the Regular City Commission Meeting held on Tuesday, December 17, 2013, a Special Meeting held on Monday, December 16, 2013 and minutes of the Finance Committee Meeting held on Monday, December 16, 2013.
- B. Cooperative Grants with Wilbarger County and Electric Transmission of Texas for purchase of a used Wildfire Water Tanker at a cost of \$45,000.
- C. Payment to Edgin, Parkman, Fleming & Fleming for Fiscal Year 2013 Audit services.
- D. Financial Investment Report for the month of December, 2013 with interest earned totaling \$2,933.57 and vouchers from December 1, 2013 – December 31, 2013 in the amount of \$338,038.86 and Payroll & Benefits costs totaling \$497,038.88.

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

**AWARD PRESENTATION FOR
BEST CHRISTMAS DECORATIONS OF 2013**

Mayor Bearden, along with Main Street Board Vice-Chairman Ty Coffee presented a trophy for the Main Street Program Christmas Decoration Contest to Forest Cole, owner of Phive'5, a gift store on Fannin Street.

TOURISM REPORT

Carrie Hawkins, Chamber of Commerce Executive Director, informed the Commission about changes to billboards promoting Vernon, new magazine placements of community calendar of upcoming events, and the success of the Vernon Basketball Tournament. She also reported that due to increased inquiries, the Chamber is keeping a list of hunting leases available in the area.

POLICE DEPARTMENT RACIAL PROFILING REPORT / ANNUAL REPORT

Police Chief Tom Wilson reported that his department made 864 motor vehicle stops in 2013. Of those 440 were Caucasian, 323 Hispanic, 97 African, and 4 other Ethnicity, and five searches were made.

Chief Wilson also reported that the Police Department made 18,158 calls for service, which is an increase of 799 over 2012. There were 1451 crimes investigated, 1263 traffic citations, 1682 warnings and 246 accidents investigated. Stolen property reported for 2013 was \$510,985 of which 35% was recovered.

There were no formal complaints against the department. The Police Department received \$44,374 in Federal and State grants. Chief Wilson also praised his department for their personal and public service to the citizens.

GENERAL ELECTION ORDER

Commissioner Brownlow made the motion to approve the Order for the May 10, 2014 General Election.

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

SPECIAL MEETING TO CONSIDER ZONING CHANGE REQUEST

City Manager Grant explained the state law requirements involved following the Planning and Zoning Commission approval for a zoning change on Hillcrest Drive. The necessary 10-day written notifications to adjacent property owners and 15-day legal notices were not completed in time for the January Regular Meeting. Mr. Grant suggested calling a Special Meeting in February or adding it to the February Regular Meeting Agenda.

There was discussion concerning the earliest date that a Special Meeting could be held (February 17), and the dates when all Commissioners could be present, as well as the requirement for a super majority to approve a zoning change. Commissioner Bryant would be out of town that week, and would not be present for the February Regular Meeting, and several Commissioners asked that the Special Meeting to consider the zoning change request be postponed until March 3.

Commissioner Dennis made the motion to set a Special Meeting for March 3, 2014 at 6:30 pm.

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

RESOLUTION NO. 957

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF VERNON TEXAS, AUTHORIZING
SUBMISSION OF A GRANT APPLICATION FOR
THE EDWARD BYRNE MEMORIAL JUSTICE
ASSISTANCE GRANT PROGRAM (JAG).**

Police Chief Wilson explained that this is a grant submission for equipment.

Commissioner Taylor made the motion to approve Resolution No. 957.

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

RESOLUTION NO. 956

City Manager Grant explained that this is a formality to accept the Texas Community Development Program (TCDP) Block Grant of \$275,000 to help fund a Street System Improvement Project from the Texas Department of Agriculture and to approve an Interlocal Agreement with NORTEX for administration of this 2015 first time paving grant. City match will be \$27,500 for total funds for paving of \$302,500. The plans are to pave the entire northeast quadrant of the city's unpaved streets.

Commissioner Dennis made the motion to approve Resolution No. 956 and the Interlocal Agreement with Nortex.

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

MAIN STREET ADVISORY BOARD APPOINTMENTS

Mayor Bearden presented nomination letters as Main Street Advisory Board Alternate Members for Jimmy Anderson, Mark-Farr-Nash and Meredith Wright.

Commissioner Dennis made the motion to approve these Main Street Advisory Alternate Board Members.

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

ORDINANCE NO. 1625

**AN ORDINANCE AMENDING SECTION 40-26 (b-c)
ARTICLE II - ROY ORBISON PARK, PAVILLION &
AQUATICS CENTER IN CHAPTER 40, PARKS &
RECREATION, 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 recommended that changes be made to the Aquatics Center Operations Policy to delete Family Night on Thursday and Group Parties to allow for booking private parties on those nights, and to change the hours of operation on Sunday to allow for a 1 pm opening.

Commissioner Brownlow made the motion to approve Ordinance No. 1625.

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

CONTRACT FOR WATER WELL CONSTRUCTION

City Manager Grant explained that the City advertised for proposals for drilling a water well for City use, and the proposal was sent to five companies, but no bids were received by the deadline. All of the Companies were contacted and the time for submission was extended which enabled the City to received one bid from Leonard Water Services in the amount of \$72,755. Mr. Grant recommended acceptance of this proposal, but since no bids were received by the deadline, the Commission would have to declare an emergency before accepting and approving the bid. Otherwise we would have to re-advertise, and accept proposals at the next meeting.

There was discussion about the quality and quantity of the water in the proposed well, which would be on the Goss property, as well as the need to declare an emergency to expedite and proceed with the project.

Commissioner Bryant made the motion to approve award of the contract for water well construction and approve development plans for drilling one well based on a declared emergency.

Commissioner Taylor seconded the motion. City Attorney Whitsett wanted to be on record that an emergency was declared. The motion passed by unanimous vote.

DEVELOPMENT OF RIGHT-OF-WAY MANAGEMENT POLICY

City Manager Grant noted that the City has never had a comprehensive right-of-way management policy because there has been only limited activity. Because of the increased activity, an ordinance requiring utility companies to provide certain information to the City so that we can review and possibly head off some conflicts we may have with our water and sewer lines. Utility Franchise Agreements would require them to adhere to any City right-of-way policy. A sample ordinance used by another City was provided. These rules need to be in place before our franchise agreements are renewed within the next three years.

Mr. Grant requested direction whether or not to proceed with development of this policy.

Commissioner Dennis made the motion to proceed with development of the right-of-way management policy.

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

EXECUTIVE SESSION

Commissioner Brownlow made the motion to enter Executive Session at 7:29 p.m. under Government Code Section 551.072 – Deliberation Concerning Real Property.

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

RESUME REGULAR SESSION

Commissioner Taylor made the motion to resume regular session at 7:38 p.m.

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

ORDINANCE NO. 1626

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON, TEXAS, APPROVING THE GRANTING OF AN EASEMENT AND RIGHT-OF-WAY TO ELECTRIC TRANSMISSION TEXAS LLC, APPROVING THE PURCHASE PRICE, AND REQUIRING THAT DELIVERY OF THE PROPERTY BE EXECUTED TO THE PERSON NAMED BELOW

Commissioner Taylor made the motion to approve Ordinance No. 1626, an Easement for ETT on Sand Road at Orbison Park, subject to final negotiations and approval by Attorneys.

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

EXECUTIVE SESSION

Commissioner Brownlow made the motion to enter Executive Session at 7:39 p.m. under Government Code Section 551.071 – Consultation with Attorney regarding contemplated litigation.

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

RESUME REGULAR SESSION

Commissioner Brownlow made the motion to resume regular session at 8:09 p.m.

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

ACTION FOLLOWING EXECUTIVE SESSION

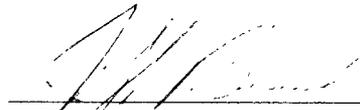
Commissioner Bryant made the motion to approve ongoing negotiations concerning water contracts.

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

ADJOURN

Commissioner Brownlow made the motion to adjourn the meeting at 8:10 p.m.

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



Jeff Bearden
Mayor

ATTEST:



Linda Byers
City Secretary