

**VERNON CITY COMMISSION  
REGULAR MEETING  
MARCH 25, 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, and City Secretary Linda Byers.

Commissioner Taylor 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, February 25, 2014, and minutes of the Special City Commission Meeting held on Monday, March 3, 2014, and minutes of the Finance Committee Meeting held on Monday, February 24, 2014.
- B. Second Reading of Ordinance No. 1627 amending the City Purchasing Policy.
- C. Second Reading of Ordinance No. 1628 authorizing an Zoning Change at 718 Bentley from C-A-R to Heavy Industrial.
- D. Second Reading of Ordinance No. 1629 for Sale of 2419 Wanderer to Maria Leal.
- E. Financial Investment Report for the month of February, 2014 with interest earned totaling \$3,038.81 and vouchers from February 1, 2014 – February 28, 2014 in the amount of \$973,853.51 and Payroll & Benefits costs totaling \$497,243.96.

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

**BUSINESS DEVELOPMENT CORPORATION REPORT**

Rick Hardcastle, BDC Consulting Manager reported that the BDC had reached consulting agreement with Rolling H Consulting LLC. They have made a settlement with Worldwide Notary, which paid back \$160,000 of the \$200,000 they were loaned. Two assistance requests were approved: NTSH for \$10,000 to recruit doctors, and Classic Quick Change in the amount of \$14,250 for infrastructure improvements. He reported that a warehouse distribution project is looking to relocate in Wilbarger County.

**FIRE/EMS DEPARTMENT ANNUAL REPORT**

Fire Chief Kent Smead thanked the City Commission, City Manager and Citizens for their support and reported that the Fire/EMS Department responded to 2037 calls for service with EMS accounting for 1677 and Fire accounting for 360, which is a decrease of 6% from the previous year. The Department had 516 overlapping incidents, and received \$12,903 in grant funds. Chief Smead gave a review of the department and personnel, types of calls, and noted that 66% of our EMS revenue is from Medicare/Medicaid.

**REPORT OF P&Z WORKSHOP FOR NEIGHBORHOOD OFFICE DISTRICT**

Community Development Director Monica Wilkinson reported that the Planning & Zoning Commission met last Tuesday. She supplied them with a spread sheet of other City's with similar zoning as requested by City Commission. They held a workshop and will continue to work on this new zoning classification, but will require several more meetings before presentation to the Commission. She noted that the Herbers had rescinded their request for a zoning change.

**REQUESTS FOR WATER EXTENSION ON CR 128 WEST**

Community Development Director Monica Wilkinson reported that the City has received requests for water extension from Gary Wofford, Maria Leal & Darrell King, all of which are on CR128 W – east of the Sand Road water line. Ms. Wilkinson voiced the possibility of several homeowners joining together to install the new line extension, and Coble Burdette Mechanical was working on costs. Director Wilkinson had also received a request from James Thompson after the agenda deadline. It cannot be approved until it appears on a future agenda. Recommend approval subject to staff review, signed annexation agreements, and compliance with ordinance and other details.

Commissioner Dennis made the motion to approve the water line extension requests subject to signing annexation agreements and meeting the requirements of Section 54.162 of the Code of Ordinances, and staff review.

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

**STREET CLOSURE FOR ROY ORBISON BIRTHDAY AND PICNIC**

Main Street Director Dan Kelleher explained that Roy Orbison's birthday on April 23 would be celebrated with a picnic on the site of Roy Orbison's birth. Closure of the street will provide space for the event in the 1900 block of Pease Street.

Commissioner Brownlow made the motion to approve closure of the 1900 block of Pease Street on April 23 from 11:00 am to 2:00 om for the Annual Roy Orbison Birthday and Picnic.

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

**RESOLUTION NO. 959**

**A RESOLUTION OF THE CITY COMMISSION OF  
THE CITY OF VERNON TEXAS, AUTHORIZING  
SUBMISSION OF A GRANT APPLICATION FOR  
LIVE MUSIC FOR THE ROY ORBISON COMMUNITY PICNIC.**

Main Street Director Dan Kelleher explained that the Texas State Music Office administers a Live Music Grant Program that can provide up to \$1,500 to pay for live entertainment for the Roy Orbison Birthday Celebration. The proposed resolution would authorize staff to submit an application for such a grant.

Commissioner Bryant made the motion to approve Resolution No. 959 making application for funding from the Texas Live Music Grant Program.

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

**WICHITA-WILBARGER 9-1-1 BOARD APPOINTMENT**

City Manager Grant informed the Commission that Dan Fears will no longer be serving on the Wichita-Wilbarger 9-1-1 Board, and Dana Ross has agreed to replace him on the Board.

Commissioner Taylor made the motion to approve the appointment of Dana Ross to the Wichita-Wilbarger 9-1-1 Board.

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

**TEXAS WATER DEVELOPMENT BOARD (TWDB)**  
**DRINKING WATER FUND APPLICATIONS**

City Manager Grant informed the Commission that the City Manager was allowed to make application to the TWDB, and he felt that it would be an advantage to have a project application on file with TWDB in case grant funding becomes available from the state or federal government. He has applied for a project that includes reconstruction of the wastewater plant and a discharge line for wastewater reuse, and would like to make an additional application for reconstruction of the old water transmission line from the Winston-Odell well fields.

These loan applications are not a firm commitment for the City to proceed with these projects, but if the opportunity arises for grant opportunities, we may gain some real advantage over other entities not having a project identified.

Following a short discussion about the City's needs, Commissioner Taylor made the motion to approve the City Manager developing TWDB Drinking Water Fund applications.

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

**ORDINANCE NO. 1632**

**AN ORDINANCE OF THE CITY OF VERNON, TEXAS  
ADOPTING A WATER CONSERVATION & DROUGHT  
CONTINGENCY PLAN; ESTABLISHING DATA,  
INFORMATION, AND POLICY FOR WATER  
CONSERVATION PROGRAMS; CRITERIA FOR THE  
INITIATION AND TERMINATION OF DROUGHT  
RESPONSE STAGES; ESTABLISHING RESTRICTIONS  
ON CERTAIN WATER USES; ESTABLISHING  
PENALTIES FOR THE VIOLATION OF THESE  
RESTRICTIONS; ESTABLISHING PROCEDURES FOR  
GRANTING VARIANCES; AND PROVIDING  
SEVERABILITY AND AN EFFECTIVE DATE.**

City Manager Grant explained that David Templeton has worked hard to update our Drought Contingency and Water Conservation Plan, which will have to be approved by the Texas Commission on Environmental Quality (TCEQ). The City hired a consultant to help us get it right. This will be the City's plan and also the communities plan. We anticipate comment from the public. The final plan has to be delivered to TCEQ by May 1.

Approving the ordinance on first reading would enable public comment before final approval. This new plan has stronger penalties in Stage 3 and a surcharge for those who abuse water use.

Commissioner Dennis made the motion to approve Ordinance No. 1632 adopting the TCEQ required update to the City Drought Contingency and Water Conservation Plan.

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

**ORDINANCE NO. #1633**

**AN ORDINANCE AMENDING SECTION 26-34; SECTION 26-35 AND SECTION 26-36(a) OF ARTICLE II, COLLECTION AND REMOVAL SERVICES OF CHAPTER 26 – GARBAGE AND TRASH, OF THE CODE OF ORDINANCES OF THE CITY OF VERNON; AND PROVIDING FOR A REPEALING SECTION, A SAVINGS SECTION, A RECORDING SECTION AND FOR AN EFFECTIVE DATE.**

City Manager Grant informed the Commission that our contract with IESI (currently Progressive Waste Solutions) is subject to Consumer Price Index (CPI) increases. He had received a sanitation rate CPI increase request last year but the city absorbed that increase. With an additional increase request this year, a 3.23% rate increase would be required. Mr. Grant recommended that the city pass on the total 3.23% increases in this ordinance. The impact will be \$0.53 for a typical residential customer.

Commissioner Brownlow made the motion to approve Ordinance No. 1633 increasing sanitation rates to offset a contract increase from IESI.

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

**EXECUTIVE SESSION**

Commissioner Brownlow made the motion to enter Executive Session at 7:19 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 8:29 p.m.

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

**ACTION FOLLOWING EXECUTIVE SESSION**

**ORDINANCE NO. #1634**

**AN ORDINANCE AMENDING SECTION 54-152(f-g) OF ARTICLE V – WATER OF CHAPTER 54 – UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF VERNON; APPROVING CONTRACT WITH RED RIVER AUTHORITY OF TEXAS; PROVIDING FOR A REPEALING SECTION; A SAVINGS SECTION; A RECORDING SECTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Brownlow made the motion to approve the new water contract with Red River Authority of Texas subject to their approval of the contract at their next regular board meeting, and final passage of the enabling ordinance.

Commissioner Bryant seconded that motion.

Mayor Bearden explained that this contract is a renewal of the contract between the Red River Authority and the City that makes the City of Vernon the sole provider of water to the Red River Authority for its existing water systems and customers, and allows for a provision for an expansion of systems in Wilbarger County, and those systems that have at least 25% of their current system in Wilbarger County.

Attorney Don Malone noted that under the terms of this contract the City will be the sole provider of water to Red River Authority, and they will not drill or acquire water as long as city is willing and able to provide water as required. Red River Authority stated that their current system provides adequate pressure to existing customers, and the contract does not require the City to expand its current infrastructure to furnish water to them.

Term of contract is 20 years.

The Commission voiced appreciation to all those involved in negotiations with this contract. This contract serves the City customers and Red River Authority and preserved water in Wilbarger County for Wilbarger County customers.

The motion passed unanimously.

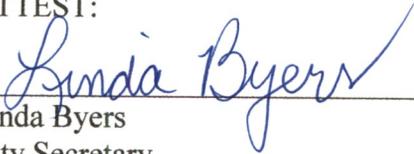
**ADJOURN**

Commissioner Brownlow made the motion to adjourn the meeting at 8:35 p.m.

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

  
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Jeff Bearden  
Mayor

ATTEST:

  
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Linda Byers  
City Secretary