

**VERNON CITY COMMISSION
REGULAR MEETING
SEPTEMBER 23, 2014**

Mayor Joe Rogers called the Regular Meeting of the Vernon City Commission to order at 6:30 p.m. in City Hall, and a quorum was declared present.

Present: Mayor Joe Rogers

Commissioners: Danny McMahan, Ruben Hinojosa, Travis Taylor, and Pat Bryant.

Staff Present: City Manager Mitch Grant, City Prosecutor Jonathan Whitsitt, 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 Taylor led the group in the Pledge of Allegiance to the U.S. and Texas flags, followed by the invocation.

PUBLIC COMMENT

Attison Huckobey addressed the commission on water rates.

CONSENT AGENDA

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

- A. Minutes of the Regular City Commission Meeting held on Tuesday, August 26, 2014, and Minutes of the Finance Meeting held on Monday, August 25, 2014.
- B. Second Reading of Ordinance #1629 – Sale of 2419 Wanderer.
- C. Purchase of Forensic Device and Computers for the Police Department in the Amount of \$23,173.63 to be reimbursed 100% from Edward Byrnes Memorial Justice Assistance Grant Program.
- D. Acceptance of Grant From Homeland Security for Purchase of Chemical Detection Equipment for the Regional Haz-Mat Trailer in Amount of \$14,995.
- E. Financial Investment Report reflecting interest in the amount of \$2,677.41, Vouchers totaling \$614,306.78, and Payroll & Benefit Expense in the amount of \$498,030.13 for the period August 1, 2014 – August 31, 2014.

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

RESOLUTION NO. 971

A RESOLUTION CALLING FOR A PUBLIC HEARING TO DETERMINE WHETHER CERTAIN IMPROVEMENTS DESCRIBED HEREIN ARE EACH DANGEROUS STRUCTURES AND A PUBLIC NUISANCE.

Digital Recording on file

Community Development Director Wilkinson explained that this resolution will enable a hearing at the October Regular Meeting to condemn properties at 1925 Yucca Lane, 2119 Main St., 3112 Main St., and 3110 Main St.

Commissioner Taylor made the motion to approve Resolution No. 971 scheduling a public hearing for condemnation of 1925 Yucca Lane, 2119 Main St., 3112 Main St., and 3110 Main St.

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

DIRECTIVE REGARDING APPEARANCE TASK FORCE

Mayor Rogers noted that this was his suggestion to increase appearance of entrances to the city, and weedy lots, noting that this is the number one complaint he receives. He would like to get community participation.

Following discussion of ideas, a name for the task force and a suggestion of someone from each area of town, the commission directed staff to draw up criteria & gather names of persons to be on committee.

ORDINANCE NO. #1649

AN ORDINANCE AMENDING SECTION 54-151(A) OF ARTICLE V – WATER OF CHAPTER 54; AMENDING SECTION 54-152 OF ARTICLE V – WATER OF CHAPTER 54; SECTION 54-656 OF ARTICLE III – SEWERS 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 presented alternative proposals for water rate increases. A lower minimum with a 16% increase in rates, and a higher minimum with a lower rate increase, noting that any change from the rates that were discussed in August and presented for second reading tonight would require a second reading in October and would delay the rate increase.

Following discussion of the different alternatives, Commissioner Taylor made the notion to approve Ordinance No. 1649 adopting water and sewer rates as proposed and presented.

Commissioner McMahan seconded the motion. Following discussion of tapping fees, the motion passed by unanimous vote.

ORDINANCE NO. 1648

AN ORDINANCE APPROVING THE 2014 TAX ROLL; LEVYING AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN THE CITY OF VERNON, TEXAS, FOR THE YEAR 2014; 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 explained that when we adopted the tax rate at the August meeting, the motion was not worded as required by the Local Government Code, and the Ordinance did not include wording stating the amount of increase for a \$100,000 home.

Commissioner Taylor made the motion to approve Amended Ordinance No. 1648 ordering that the property tax rate be increased by the adoption of a tax rate of \$0.38000 which is effectively a 6.4 percent increase in the tax rate.

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

2014-2015 WILBARGER APPRAISAL DISTRICT BUDGET

City Manager Grant explained that the Fiscal 2014 amended budget was provided for comparison. Commissioner Bryant complained about the salary increases.

Commissioner Taylor made the motion to approve the Wilbarger County Appraisal District Budget with objections.

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

ADMINISTRATION CONTRACT FOR BENTLEY STREET PAVING

City Manager Grant explained that the only proposal received was from Municipal Development Services. Following staff review of the proposal, staff recommends a contract with Municipal Development Services, pending legal review. This contract will be paid with grant funds.

Commissioner McMahan made the motion to approve a contract for grant administration for Bentley Street paving – TDA Capital Grant.

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

ENGINEERING CONTRACT FOR BENTLEY STREET PAVING

City Manager Grant noted that three proposals were reviewed and scored by a committee. Proposals were received from AMD Engineering, Jacob & Martin, and Corlett, Probst & Boyd. AMD Engineering has agreed to do the project for fee allowed in the grant. Mr. Grant recommend approval of a contract with AMD Engineering pending legal review.

Commissioner Hinojosa made the motion to approve a contract for engineering for Bentley Street Paving – TDA Capital Fund pending legal review.

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

**CONTRACT FOR PAVING CONSTRUCTION – NE VERNON
FIRST TIME PAVING**

City Manager Grant explained that this is for a first time paving project in Northeast Vernon. Only one bid for paving was received from Freeman Paving. Project Engineering firm AMD Engineering recommends the base bid of \$198,841.50 and Additive Alternate #2 bid of \$93,719.75 for strip paving without curb and gutter.

Commissioner Taylor made the motion to approve a contract for paving construction for Northeast Vernon first time paving grant pending legal review.

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

BANK DEPOSITORY CONTRACT

City Manager Grant noted that the only proposal received was from our current financial institution, the Waggoner National Bank. The bank offered two and four year options with low interest rates, but no cost for services.

Following discussion of two year and four year options, Commissioner Taylor made the motion to approve the Bank Depository Contract at a two year fixed rate of 0.65%.

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

STREET CLOSURE FOR FARMERS FALL FESTIVAL

Community Development Director Wilkinson explained that they expected over 1000 people and requests closure of Pease Street to allow overflow and expansion of activities.

Commissioner McMahan made the motion to approve closure of Pease Street between Main Street and Cumberland on October 25, 2014 for Farmers Fall Festival.

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

ORDINANCE NO. 1650

AMENDING 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; 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 explained that this ordinance makes changes and adjustments for end of year total expenditures. There were a lot of retirements requiring payment of accrued leave, numerous water line repairs and low water sales. Total expenditures were \$16,761,308 with expected net loss of about \$700,000.

Commissioner Taylor made the motion to approve Ordinance No. 1650 Amending Fiscal 2013-2014 Budget.

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

CAPITAL IMPROVEMENT PLAN

City Manager Grant explained that this is required by our bond consultant and auditors, but does not bind the City to any expenses.

Commissioner Taylor made the motion to approve adoption of the Capital Improvement Plan.

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

INCREASE GRANT AWARD TO JIM PENNINGTON

Commissioner McMahan made the motion to approve a request for authorization of an increase of \$83.00 to the grant award to Jim Pennington for restoration of his building at 1701 Marshall Street.

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

ACCEPT FIRE PREVENTION TRAINING TRAILER

Fire Chief Smead explained that Wichita Falls donated their old training trailer. It will be used for fire prevention training in schools.

Commissioner Hinojosa made the motion to approve acceptance of a Fire Prevention Training Trailer from the City of Wichita Falls.

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

**DIRECTIVE REGARDING FRANCHISE AGREEMENT WITH
AMERICAN ELECTRIC POWER**

City Manager Grant explained that the current American Electric Power (AEP) franchise agreement is set to expire December 31, 2014. The AEP proposed agreement has quite a few differences, and Mr. Grant would like to work with AEP using the framework of our current agreement with consideration to home owner's rights.

Following discussion about the new steel power poles connecting the city's two substations, and AEP's donations for parks, and beautification of trees, the Commission gave unanimous consent to the City Managers recommendations.

ORDINANCE NO. 1651

AN ORDINANCE AMENDING CHAPTER 2 – ADMINISTRATION, ARTICLE III – BOARDS AND COMMISSIONS, BY CREATING DIVISION 4 – TOURISM ADVISORY BOARD, SECTION 2-125 – BOARD CREATION AND ESTABLISHMENT, AND SECTION 2-128 – OPERATIONAL GUIDELINES OF THE CITY OF VERNON CODE OF ORDINANCES, AND PROVIDING FOR THE RECORDING AND AN EFFECTIVE DATE.

City Manager Grant explained that this ordinance creating the Tourism Board follows the framework used when creating the Main Street Advisory Board, except there will be five board members instead of seven.

Commissioner McMahan made the motion to approve Ordinance No. 1651 creating the Tourism Advisory Board.

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

DIRECTIVE REGARDING DEVELOPMENT OF FINANCIAL POLICY

City Manager Grant recommends forming a small informal committee to make recommendations for policy. There was discussion about whether the policy should be in the form of a resolution, an ordinance or a charter amendment. Mr. Grant recommended an ordinance, and suggested himself, Finance Director Anne Garmon, Mayor Joe Rogers, Commissioner Pat Bryant, and City CPA Tim Truelove as a committee to make recommendations to the Commission.

Commissioner Taylor made the motion to approve directive of financial policy.

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

City Manager Grant clarified that he should contact the committee, develop a policy and bring a recommendation back for future meeting.

EXECUTIVE SESSION

Commissioner Taylor made the motion to enter Executive Session at 8:26 p.m. under Government Code Section 551.072 – Deliberation concerning Real Property.

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

RESUME REGULAR SESSION

Commissioner Taylor made the motion to resume regular session at 9:02 p.m.

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

ACTION FOLLOWING EXECUTIVE SESSION

Commissioner Taylor made the motion to follow recommendations regarding real property on both properties discussed in executive session.

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

EXECUTIVE SESSION

Commissioner Taylor made the motion to enter Executive Session at 9:03 p.m. under Government Code Section 551.071 – Consultation with Attorney regarding Pending Litigation.

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

RESUME REGULAR SESSION

Commissioner McMahan made the motion to resume regular session at 9:17 p.m.

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

ACTION FOLLOWING EXECUTIVE SESSION

Commissioner Taylor made the motion to authorize City Manager Grant to negotiate with TCEQ and execute the enforcement order.

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

ADJOURN

Commissioner Taylor made the motion to adjourn the meeting at 9:18 p.m.

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



Joe Rogers
Mayor

ATTEST:



Linda Byers
City Secretary