

**VERNON CITY COMMISSION
REGULAR MEETING
NOVEMBER 25, 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, Public Works Director Darell Kennon, Community Development Director Monica Wilkinson, Finance Director Anne Garmon, Main Street Director Dan Kelleher, and City Secretary Linda Byers.

Commissioner Hinojosa led the group in the Pledge of Allegiance to the U.S. and Texas flags, followed by the invocation.

PUBLIC COMMENT

Paul Hawkins, Pat Quisenberry, and Ronnie Richie are concerned with making changes to the TMRS retirement benefits.

Jerry Brackeen, Sam Brackeen, Lewis King, and G.G. Garrett requested that the Commission review the ordinance restricting hunting in the Pease River within one mile of the City limits.

CONSENT AGENDA

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

- A. Approve Minutes of the Regular City Commission Meeting held on Tuesday, October 28, 2014, a Special Meeting held on Monday, November 10, 2014 and Minutes of the Finance Meeting held on Monday, October 27, 2014.
- B. Accept Grant from Wichita Falls Area Community Foundation for \$2,220 to purchase Wildland Firefighting Boots.
- C. Approve Change to Holiday Schedule to Observe Christmas Holiday on December 25 and December 26, 2014.
- D. Approve Expenditure in the amount of \$30,256 to Hydro Resources for Water Exploration - \$30,000 to be reimbursed to the City by Oklaunion Power Plant (PSO Oklahoma).
- E. Approve Financial Investment Report, Vouchers, and Payroll & Benefit Expense. October 1, 2014 – October 30, 2014.

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

PRESENTATION FROM TMRS REGIONAL MANAGER

Anthony Mills, TMRS Regional Manager – City Services informed the Commission concerning retirement benefits and the effect of proposed changes to the city’s plan.

There followed extensive discussion of the present TMRS plan and the proposed changes.

ORDINANCE #1652
TEXAS MUNICIPAL RETIREMENT SYSTEM

AN ORDINANCE PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY OF VERNON, AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

Commissioner Taylor made the motion to table Ordinance No. 1652 and call for a Special Meeting to give the Commission time to consider the changes.

Commissioner Bryant seconded the motion, which passed by unanimous vote. City Secretary Byers noted that the current Ordinance as presented would be considered at the Special Meeting and changes could be made at that time for the Second Reading at the December meeting.

DIRECTIVE REGARDING NOTICE OF MEETINGS

City Manager Grant explained that the Vernon Daily Record has requested that the Commission consider a directive to staff to notify the newspaper of each upcoming meeting.

Commissioner Hinojosa made the motion to approve the directive regarding notice of upcoming board and committee meetings.

Commissioner Taylor seconded the motion. The vote was four against and the motion failed.

Mayor Rogers suggested that the newspaper receive a packet in addition to notification.

Commissioner Hinojosa made the motion to approve the directive regarding upcoming Board and Committee meetings and to include a packet of such meetings.

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

DISCUSSION REGARDING SHOOTING IN PEASE RIVER

City Manager Grant explained the city’s authority in the extra-territorial jurisdiction, and background of passage of Ordinance No. 1602 prohibiting shooting in the Pease River within 5000 feet of the city limits.

Digital Recording on file

There was extended discussion of the danger to employees at the wastewater treatment plant and citizens driving on Highway 287 and hunting in Pease River.

It was the consensus of the Commission to change the warning signs to more closely reflect the wording of the ordinance.

RESOLUTION 974

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF VERNON ADOPTING A CONTRACTOR SECTION 3 POLICY

City Prosecutor Whitsitt explained that this is one of the requirements for the Bentley Street Paving Grant that encourages local businesses to place a bid on the project.

Commissioner Hinojosa made the motion to approve Resolution No. 974 adopting a contractor Section 3 Policy for the Bentley Street Grant.

Commissioner McMahan seconded the motion which passed by unanimous vote.

RESOLUTION NO. 975

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF VERNON, DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS CAPITAL FUND PROGRAM (TCF) CONTRACT NUMBER 7214272.

City Prosecutor Whitsitt explained that this resolution authorizes the personnel to sign contractual documents for the Bentley Street Grant.

Commissioner Taylor made the motion to approve Resolution No. 975 designating signatories for the Bentley Street Grant.

Commissioner Hinojosa seconded the motion which passed by unanimous vote.

RESOLUTION NO. 976

A RESOLUTION DESIGNATING THE MONTH OF DECEMBER, 2014, AS FAIR HOUSING MONTH AND SUPPORTING FAIR HOUSING ACTIVITIES WITHIN THE CITY.

City Prosecutor Whitsitt explained that this resolution designates December, 2014 as Fair Housing Month as a requirement of the Bentley Street Grant.

Digital Recording on file

Commissioner McMahan made the motion to approve Resolution No. 976 designating December as Fair Housing Month.

Commissioner Hinojosa seconded the motion which passed by unanimous vote.

RESOLUTION NO. 977

EXCESSIVE FORCE RESOLUTION

City Manager Grant explained that this is already in place, and this resolution will renew the established rules and regulations regarding excessive force. Mr. Grant noted that in the motion to approve, the definition of excessive force should be the definition approved by legal standards.

Commissioner Taylor made the motion to approve Resolution No. 977 establishing rules and regulations regarding excessive force as required for the Federal Bentley Street Grant with the definition of excessive force defined by legal standards.

Commissioner Hinojosa seconded the motion which passed by unanimous vote.

RESOLUTION 978

**A RESOLUTION BY THE CITY COMMISSION OF
THE CITY OF VERNON ADOPTING A SECTION
504 GRIEVANCE PROCEDURE**

City Prosecutor Whitsitt explained that this ordinance outlines grievance procedures for providing prompt and equitable resolution of complaints alleging discrimination.

Commissioner Hinojosa made the motion to approve Ordinance NO. 978 – Section 504 Grievance Procedures for the Bentley Street Grant.

Commissioner Taylor seconded the motion which passed by unanimous vote.

RESOLUTION NO. 979

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF VERNON, TEXAS, THAT AUTHORIZES THE RESCINDING
OF AN ORDER FOR DEMOLITION OF CERTAIN
STRUCTURES; AND PROVIDING FOR RECORDING AND
EFFECTIVE DATE.**

City Manager Grant explained that the owners of 1925 Yucca Lane have improved the property and staff recommends rescinding the condemnation. Community Development Director Wilkinson explained that there are other remedies for the problems with the fence and junk in the yard.

Digital Recording on file

Commissioner Hinojosa made the motion to approve Resolution No. 979 rescinding condemnation of 1925 Yucca Lane.

Commissioner McMahan seconded the motion which passed by unanimous vote.

ORDINANCE NO. 1653

AN ORDINANCE GRANTING TO AEP TEXAS NORTH COMPANY, ITS SUCCESSORS AND ASSIGNS (“AEP”), A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE ELECTRIC LINES AND APPURTENANCES AND APPLIANCES FOR CONDUCTING ELECTRIC ENERGY IN, OVER, UNDER AND THROUGH THE STREETS, AVENUES, ALLEYS, EASEMENTS, AND PUBLIC GROUNDS OF THE CITY OF VERNON, TEXAS (“CITY”).

City Manager Grant explained that this Franchise Ordinance allows the City to add wording to help residents not be affected by new poles. The City has more control over fixtures and we can require plans be submitted to major projects. The current ordinance changes from a ten year to a twenty year agreement.

City Prosecutor Whitsitt also explained that there was protection for landowners in this agreement, but would like some guidance on the desired term of the agreement. The fee is set by law and would only change if the law changed.

Following discussion, the Commission suggested requiring thirty day notice of tree trimming and suggested a fifteen year term.

Commissioner Taylor made the motion to approve Ordinance No. 1653 adopting a Franchise Agreement with American Electric Power pending legal review and change in term and notice of tree trimming.

Commissioner McMahan seconded the motion which passed by unanimous vote.

TXDOT MAINTENANCE AGREEMENT

City Manager Grant noted that we have two projects; one in the Highway 70 median at Hillcrest Drive and another at the Highway 70 median with Wilbarger Street. We must have an agreement with the Texas Department of Transportation (TXDOT) to maintain property on a State Highway. Mr. Grant recommends approval contingent upon final attorney approval.

Digital Recording on file

Commissioner Hinojosa made the motion to approve the agreement with the Texas Department of Transportation regarding maintenance and improvements at US Hwy 70 and US Hwy 287 Frontage and US Hwy 70 and Wilbarger Street contingent upon final legal review.

Commissioner McMahan seconded the motion which passed by unanimous vote.

STREET CLOSING FOR LIGHTED CHRISTMAS PARADE

The Lighted Christmas Parade Committee has requested closing of Pease Street between Main Street and Cumberland Street on Saturday, December 13 for a Community Celebration preceding the Lighted Christmas Parade.

Commissioner Taylor made the motion to approve closure of Cumberland Street between Main Street and Pease Street for the Lighted Christmas Parade activities on December 13.

Commissioner Bryant seconded the motion which passed by unanimous vote.

STREET CLOSURE FOR LYDAY CHRISTMAS PARADE ACTIVITIES

Commissioner Hinojosa made the motion to approve closure of streets at Lyday Park for Christmas Party on December 13.

Commissioner McMahan seconded the motion which passed by unanimous vote.

EXECUTIVE SESSION

Commissioner Taylor made the motion to enter Executive Session at 9:21 p.m. under Government Code Section 551.072 – Deliberation concerning Real Property - Water.

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

RESUME REGULAR SESSION

Commissioner Taylor made the motion to resume regular session at 9:52 p.m.

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

ACTION FOLLOWING EXECUTIVE SESSION

Commissioner Taylor made the motion go ahead and finish the test well on the subject property.

Commissioner McMahan seconded the motion, which passed by unanimous vote. City Manager Grant clarified that this is a temporary finish and not to put the well into production.

ADJOURN

Commissioner Taylor made the motion to adjourn the meeting at 9:54 p.m.

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



Joe Rogers
Mayor

ATTEST:



Linda Byers
City Secretary