

**VERNON CITY COMMISSION
REGULAR MEETING
OCTOBER 27, 2015**

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: Ruben Hinojosa, Travis Taylor, and Britt Ferguson.

Staff Present: City Manager Joseph Jarosek, City Prosecutor Jonathan Whitsitt, Police Chief Tom Wilson, Fire Chief Marcus Smith, Public Works Director Darell Kennon, Community Development Director Monica Wilkinson, Finance Director Anne Garmon, Municipal Judge Lori O. Adams, and City Secretary Linda Byers.

Commissioner Taylor led the group in the Invocation and the Pledge of Allegiance to the U.S. and Texas flags.

PUBLIC COMMENT

Tony Velez spoke about his father, who was an Iwo Jima survivor. He requested a small memorial to his father somewhere in the City when funds are available.

CONSENT AGENDA

Commissioner Taylor made the motion to approve the consent agenda.

- A. Minutes: Attached are copies of the Regular City Commission Meeting held on Tuesday, September 22, 2015; Minutes of a Special City Commission held on Tuesday, September 8, 2015; and Minutes of the Finance Meeting held on Monday, September 21, 2015.
- B. Purchase of Drug Analysis Equipment to be paid from Grant funds totaling \$15,045.
- C. Purchase of Drain Bars for Ion Exchange Plant from Hungerford & Terry in the amount of \$6,495.00.
- D. Financial Investment Report, Vouchers, and Payroll & Benefit Expense. September 1, 2015 – September 30, 2015

Commissioner Hinojosa seconded the motion which passed by unanimous vote.

RESIGNATION OF COMMISSIONER PLACE 1

Commissioner Hinojosa read the resignation letter, and made the motion to accept the resignation of Commissioner Place 1 Danny McMahan.

Commissioner Ferguson seconded the motion which passed by unanimous vote.

EMPLOYEE INSURANCE BENEFITS

Commissioner Taylor made the motion to table the presentation and analysis of employee insurance benefits with Tommy Morris Agency.

Commissioner Ferguson seconded the motion which passed by unanimous vote.

Mayor Rogers requested staff to shop the City benefits with other agencies.

GROUNDWATER CONSERVATION DISTRICTS

Mike McGuire, District Manager for the Rolling Plains Groundwater Conservation District, explained that Wilbarger County is in Groundwater Management Area 6 and is not part of any groundwater district.

Chapter 36 of the Water Code sets rules for water districts, and groundwater districts are the states preferred method for regulating groundwater. Mr. McGuire explained the process of forming and joining a groundwater district. If you are not part of a groundwater district, the state could control groundwater in that county.

Mr. McGuire also explained that districts can either have a groundwater ad valorem tax or a fee for pumping. The Rolling Plains District (Baylor, Knox, and Haskell Counties) have an ad valorem rate of \$0.0197 and a pumping limit of three acre feet. If a landowner exceeds the pumping limit, a court suit would be filed for a restraining order.

The Board is appointed by the Commissioners Court. All registered voters would be able to vote on the issue. He compared groundwater districts to zoning. It does not change the ownership, just modifies the available use.

USE OF CITY-OWNED PARKS

City Manager Jarosek explained that the City had a request from a for-profit entity that wanted to rent Orbison Park to temporarily install multiple bounce houses, and charge for admission. He noted that the current park ordinance nor anything else in our Code of Ordinance prohibits it, but does not contemplate it either.

There followed discussion of liability issues, solicitor permits, use of the park for community wide events, and the restrictions of public use if the park was rented for profit.

The consensus of all present was that we do not want to rent out City parks.

PUBLIC HEARING

Mayor Rogers opened the public hearing on a zoning change from Southwest Rural Electric for a 2.58 acre tract in the southwest corner of Highway 70 and Center Drive from General Residential (R-G) to Light Industrial (L-I).

Community Development Director Wilkinson explained that the Planning & Zoning Commission conducted a public hearing on this proposal on October 13, 2015. The Planning & Zoning Commission, on a vote of 5-0, approved the zoning change request for a 100Kw small scale community solar project consisting of 380 panels. There was no opposition from the public.

Southwest Rural Electric Association Chairman Mike Haggy told the Commission that the Association owns the land north of the apartments on Center Drive. This project would create a community solar project, giving members another choice for power. If the zoning change is approved, the project will be finished before the end of 2016.

With no other comments, Mayor Rogers closed the public hearing.

ORDINANCE NO. 1673

AN ORDINANCE CHANGING THE BOUNDARIES OF ZONING DISTRICTS, DEFINING THE LOCATION OF THE NEW BOUNDARIES, AND PROVIDING FOR CONFLICT, VALIDATION, RECORDING AN EFFECTIVE DATE.

Commissioner Hinojosa made the motion to approve Ordinance No. 1673 - Zoning Change from Southwest Rural Electric for a 2.58 acre tract in the southwest corner of Highway 70 and Center Drive from General Residential (R-G) to Light Industrial (L-I).

Commissioner Taylor seconded the motion which passed by unanimous vote.

CHANGING DATE FOR NOVEMBER & DECEMBER MEETINGS

City Manager Jarosek requested that the date for the December, 2015 Regular City Commission Meeting be changed from December 22 to December 15 due to the absence of staff during the Christmas holidays.

Commissioner Taylor made the motion to change the date of the December, 2015 Regular Meeting to December 15, 2015.

Commissioner Ferguson seconded the motion which passed by unanimous vote.

COMMISSION MEETING AND HOLIDAY SCHEDULE FOR 2016

Commissioner Taylor made the motion to approve the Commission Meeting and Holiday Schedule for 2016, with a change of the date of the December, 2016 Regular Meeting to December 20, 2016.

Commissioner Ferguson seconded the motion which passed by unanimous vote.

APPOINTMENT FOR AUDIT OF ASSET FORFEITURE FUND

Police Chief Wilson explained that the Attorney General requires a City Commission appointed officials signature on the Asset Forfeiture Fund Report that is filed yearly. Staff recommends the Finance Director as that official.

Commissioner Hinojosa made the motion to appoint the Finance Director for audit of the Asset Forfeiture Fund.

Commissioner Taylor seconded the motion which passed by unanimous vote.

STOP SIGN AT INTERSECTION OF BACON AND STRAHAN STREETS

City Manager Jarosek, Police Chief, and Street Superintendent recommends the placement of a stop sign on the north-bound and south-bound lanes of Strahan Street at the intersection of Bacon Street and Dean Street.

Commissioner Ferguson made the motion to approve placement of a stop sign at the intersection of Strahan Street and Bacon Street.

Commissioner Hinojosa seconded the motion which passed by unanimous vote.

SALT BIDS

City Manager Jarosek informed the Commission that staff had requested bids on salt for the Ion Exchange/Nitrate Removal Plant. Proposals were received from three (3) companies, with Brenntag – Morton Salt having the lowest bid at \$173.00 per ton delivered.

Public Works Director Kennon recommended working with an engineer to possibly recommend use of a lower grade of salt at a better price for the future.

Commissioner Hinojosa made the motion to approve the bids for salt for the Nitrate Plant to Brenntag – Morton Salt.

Commissioner Taylor seconded the motion which passed by unanimous vote.

LEASE OF GIBSON'S PARKING LOT

City Manager Jarosek explained that he had agreed to the use of the Gibson's parking lot by Cameron Hudson for the display of prefabricated buildings and sheds because he had agreed to keep it clean. His agreement was a month-to-month lease in case the property sold. City Prosecutor Whitsitt noted that the written lease is a six month lease that can be terminated and can be extended after the initial six month period.

Commissioner Taylor made the motion to approve lease of Gibson's Parking Lot.

Commissioner Ferguson seconded the motion which passed by unanimous vote.

ORDINANCE NO. 1674

AN ORDINANCE CREATING SECTION 48-67 OF ARTICLE III – OBSTRUCTIONS, OF CHAPTER 48 – STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES OF THE CITY OF VERNON; AND AMENDING SECTION 28-20 OF ARTICLE II – NUISANCES, OF CHAPTER 28 – HEALTH AND SANITATION, 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 Jarosek explained that this ordinance is necessary to enhance safety and make streets and alleys passable for all fire, street sweeping, school buses and utility equipment. Low hanging limbs over streets and alleys continue to be an issue, and there needs to be specific height clearance above streets, alleys and sidewalks. Mr. Jarosek also noted that the City will follow best practices and will work with property owners to maintain safety for all vehicles and equipment travelling in the streets, alleys and sidewalks.

Following discussion about how the ordinance will be enforced, Commissioner Taylor made the motion to approve Ordinance No. 1674 authorizing tree trimming in City right-of-way.

Commissioner Hinojosa seconded the motion which passed by unanimous vote.

APPOINT PUBLIC HEALTH OFFICER

Commissioner Hinojosa made the motion to approve appointment of Dr. Randall Schaffner as the Public Health Officer.

Commissioner Taylor seconded the motion which passed by unanimous vote.

ORDINANCE NO. 1675

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON, TEXAS, APPROVING THE SALE OF THE PROPERTY AT 2600 ST. JAMES STREET; THE SALE OF PROPERTY AT 3204 MAIDEN STREET; THE SALE OF PROPERTY AT 3212 MAIDEN STREET; THE SALE OF PROPERTY AT 2400 MESQUITE STREET; THE SALE OF PROPERTY AT 1219 EAGEL STREET; THE SALE OF PROPERTY AT 2123 PEARL STREET; THE SALE OF PRPERTY AT 1021 MANSARD STREET; THE SALE OF PROPERTY AT 2401 ST. JAMES STREET; THE SALE OF PROPERTY AT 3019 WHEATLEY STREET; APPROVING THE SALES PRICE, AND REQUIRING THAT DELIVERY OF THE PROPERTY BE EXECUTED TO THE PERSON NAMED BELOW

Community Development Director Wilkinson explained that thirty-five tax properties that the City is trustee of were offered for sale by modified sealed bid. Nine properties are recommended for sale at a price totaling \$1,660.00. This sale will put these properties back on the tax roll, and the City will no longer have to mow and maintain the property. She also noted that the City will probably have another of these tax sales every six months.

Commissioner Taylor made the motion to approve Ordinance No. 1675 - sale of tax properties at 2600 St. James Street, 3204 Maiden Street, 3212 Maiden Street, 2400 Mesquite Street, 1219 Eagle Street, 2123 Pearl Street, 1021 Mansard Street, 2401 St. James Street, and 3019 Wheatley Street.

Commissioner Hinojosa seconded the motion which passed by unanimous vote.

CITY – COUNTY FIRE PROTECTION SERVICES

City Manager Jarosek told the Commission that he had visited with the County Judge and one Commissioner, who agreed to participate and they are searching for citizens to join the committee. Commissioner Ferguson agreed to serve on the committee.

The plan is for the City and Wilbarger County to identify costs and note where compensation is needed. Mr. Jarosek suggested that the committee get together and begin a dialogue with the City and County and the Fire Department.

EXECUTIVE SESSION – REAL PROPERTY

Commissioner Taylor made the motion to enter Executive Session at 8:01 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 8:52 p.m.

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

ACTION FOLLOWING EXECUTIVE SESSION

Commissioner Ferguson made the motion to send notice of termination on the Groundwater Lease Agreement by and between the City of Vernon, Texas (Lessee, a Texas Home Rule City) and Daniel Leonard Spears and Guy Keith Spears as co-trustees of the Daniel L Spears 2010 Irrevocable Trust.

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

EXECUTIVE SESSION – PERSONNEL

Commissioner Taylor made the motion to enter Executive Session at 8:54 p.m. under Government Code Section 551.074 – Deliberation concerning Personnel – Tourism Director Job Duties.

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

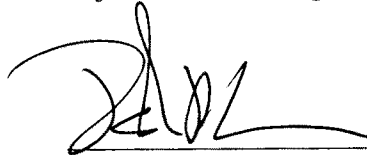
RESUME REGULAR SESSION

Commissioner Taylor made the motion to resume regular session at 9:36 p.m.

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

ADJOURN

Commissioner Ferguson made the motion to adjourn the meeting at 9:37 p.m.



Joe Rogers
Mayor

ATTEST:



Linda Byers
City Secretary