

**VERNON CITY COMMISSION
REGULAR MEETING
SEPTEMBER 27, 2016**

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, with Commissioner Travis Taylor Absent.

Present: Mayor Joe Rogers

Commissioners: Guy Spears, Ruben Hinojosa, and Britt Ferguson.

Staff Present: Interim City Manager Joe Pence, City Prosecutor Jonathan Whitsitt, Police Chief Tom Wilson, Public Works Director Darell Kennon, Finance Director Anne Garmon, Fire Chief J.J. Oznick, 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

Robert Thomas voiced concern about a shooting of an animal and asked if anything had been done. Prosecutor Whitsitt responded that the matter was pending litigation.

Molly Baldwin's suggested that some recent incidents should have been addressed by the City Attorney. She also hoped that money will be used to repair downtown buildings, clean up downtown and address deteriorating downtown buildings.

Pam Gosline spoke on behalf of the Pride Committee and reminded the Commission of the city-wide cleanup on October 8th. The downtown planters have been painted and flowers will be planted October 15th. She also wants to get downtown cleaned up and complimented the way the cemetery looks.

Charles McArthur is concerned about what would happen if the waterline went down and how the city would meet industry water needs.

CONSENT AGENDA

Commissioner Ferguson made the motion to approve the consent agenda.

Digital Recording on file.

- A. Minutes of the Regular City Commission Meeting held on Tuesday, August 23, 2016; Minutes of the Special City Commission Meeting held on Tuesday, August 16, 2016; Minutes of the Special City Commission Meeting held on Friday, September 2, 2016; Minutes of the Special City Commission Meeting held on Tuesday, September 6, 2016; Minutes of the Special City Commission Meeting held on Tuesday, September 13, 2016; Minutes of the Special City Commission Meeting held on Thursday, September 15, 2016; and Minutes of the Finance Meeting held on Monday, August 22, 2016.
- B. Second Reading of Ordinance No. 1693 Granting a Sanitary Control Easement.
- C. Financial Investment Report, Vouchers, and Payroll & Benefit Expense. August 1, 2016 – August 31, 2016.

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

COMMITTEE FOR ALL LIVES MATTER

Consideration of this agenda item was delayed until later in the meeting when Commissioner Taylor was expected to arrive.

UPDATE AND DISCUSSION OF BUILDING DEMOLITION

Prosecutor Whitsitt informed the Commission that the asbestos survey revealed only small amounts of asbestos and the asbestos survey firm is working on an abatement plan. A contract had been received and signed for Phase 1 and work should begin the next day on stabilizing the west wall. There was discussion concerning the use of city funds for private citizens and it was noted that stabilizing that wall before demolition would insure that no more buildings would be damaged when the debris is removed.

PUBLIC HEARING ON BUDGET FOR FISCAL YEAR 2016-2017

Mayor Rogers opened the public hearing on the Fiscal 2016-2017 Budget. With no public comment, the Mayor closed the public hearing.

ORDINANCE NO. 1695

AN ORDINANCE ADOPTING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2016, AND THROUGH SEPTEMBER 30, 2017, FOR THE CITY OF VERNON; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGETS; ESTABLISHING AND ADOPTING AN OFFICIAL CLASSIFICATION PLAN FOR ALL POSITIONS AND ABOLISHING ALL POSITIONS NOT LISTED IN SAID BUDGETS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT; DECLARING AN EMERGENCY AND PROVIDING FOR AN EFFECTIVE DATE.

Digital Recording on file.

Commissioner Ferguson made the motion to approve Ordinance #1695 – adopting Budget for Fiscal Year 2016-2017.

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

ORDINANCE NO. 1696

AN ORDINANCE APPROVING THE 2016 TAX ROLL; LEVYING AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN THE CITY OF VERNON, TEXAS, FOR THE YEAR 2016; 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.

Commissioner Spears made the motion to approve Ordinance #1696 - that the property tax rate be increased by the adoption of a tax rate of \$0.56471, which is effectively a .081 percent increase in the tax rate.

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

CAPITAL IMPROVEMENT PLAN

Public Works Director Kennon explained that the Capital Improvement Plan had been updated so that the budgeted FY 2016-2017 capital expenses are listed in the column titled "FYE2016". The other columns show the anticipated capital expenses for the future.

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

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

ORDINANCE NO. 1697

AMENDING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2015, AND THROUGH SEPTEMBER 30, 2016, 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.

Commissioner Hinojosa made the motion to approve Ordinance No. 1697 amending Fiscal 2015-2016 Budget.

Digital Recording on file.

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

ORDINANCE NO: 1694

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF VERNON, WILBARGER COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

Prosecutor Whitsitt noted that this was a ten year non-exclusive franchise agreement, with the possibility of one ten-year extension unless 180 days written notice is provided prior to the initial term ending December 31, 2026.

Commissioner Ferguson made the motion to approve Ordinance No. 1694 granting a franchise to Atmos Energy Corporation.

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

RESOLUTION NO. 999

AUTHORIZING THE MAYOR OR CITY MANAGER TO SIGN AN AGREEMENT WITH GEXA EXTENDING A RECENT CONTRACT TERM OF 2018-2020 FOR ELECTRIC SERVICE FOR CITY ACCOUNTS ANOTHER TWO YEARS AT OR BELOW THE CONTRACT PRICE COMMITMENT FOR THE 2018-2020 TERM.

Finance Director Garmon explained that the Commission had approved a contract through the Texas Coalition for Affordable Power, Inc. (TCAP) with GEXA for our electrical energy needs over a three-year period through December 31, 2020, which ensured a low market rate. TCAP has facilitated an offer for an additional two year contract at or below the 2018-2020 market prices. Calculated savings over the five year contract would be \$93,866.

Commissioner Ferguson made the motion to approve Resolution No. 999 authorizing extending term of the Gexa Energy, LP electric supply agreement for an additional two years.

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

AMBULANCE SERVICES UNCOMPENSATED CARE COST SETTLEMENT

Finance Director Garmon explained that in 2015 the City entered into a contract with McKesson Corporation to generate additional City ambulance revenues by entering into a State of Texas program utilizing Federal pass-through funds. The City will net successful ambulance recovery efforts of \$89,787.10 after payments to McKesson Corporation.

Commissioner Spears made the motion to approve authorization to pay consultant contingency fee in the amount of \$22,446.77 for ambulance services uncompensated care Cost settlement.

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

PRIOR YEARS' OVERPAYMENT TO CITY OF LOCAL SALES TAXES

Finance Director Garmon explained that the Texas Comptroller of Public Accounts has issued a letter requesting the City refund an overpayment of \$46,246.16 in local sales and use taxes made to the City from May 2010 through December 2013. She also noted that there is a two percent discount for timely payment, and that the Business Development Corporation would refund the City one-third of the payment.

Commissioner Spears made the motion to approve payment of \$45,321.44 to Texas Comptroller of Public Accounts due to prior years' overpayment to City of local sales and use taxes.

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

ORDINANCE NO. 1698

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON, TEXAS, APPROVING THE GRANTING OF AN EASEMENT AND RIGHT-OF-WAY TO TYSON REFRIGERATED PROCESSED MEATS, INC., APPROVING THE PURCHASE PRICE, AND REQUIRING THAT DELIVERY OF THE PROPERTY BE EXECUTED TO THE PERSON NAMED BELOW.

Public Works Director Kennon explained that Tyson Corporation is working on a wastewater plant and this easement is needed to provide utility services to their site. Once Tyson's wastewater plant is operational, it will help the City wastewater plant.

Commissioner Ferguson made the motion to approve Ordinance No. 1698 granting a utility easement across Antelope Street to Tyson Foods, Inc.

Digital Recording on file.

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

HOUSING AUTHORITY BOARD APPOINTMENTS

City Secretary Byers noted that the Housing Authority Executive Director recommended Loyd Bridges be appointed to replace George Pattison, who does not wish to remain on the Board.

Commissioner Spears made the motion to approve appointment of Loyd Bridges to the Housing Authority Board.

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

COMMISSIONER TAYLOR ARRIVED AT 7:15 PM.

COMMITTEE FOR ALL LIVES MATTER

Commissioner Ferguson nominated Gib Baskerville and Maurice Rosalez to the Committee.

Commissioner Spears nominated Allan Hildebrand and Ben Belew.

Commissioner Hinojosa nominated Norris Thomas and Robert Thomas.

Commissioner Taylor nominated Chris Bell and Pam Gosline.

Commissioner Spears made the motion to approve the nominated persons to the Committee for All Lives Matter.

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

EXECUTIVE SESSION – DELIBERATION CONCERNING PERSONNEL – CITY MANAGER

Commissioner Hinojosa made the motion to enter Executive Session – Government Code, Title 5, Chapter 551- Section 551.074 – Deliberation Concerning Personnel – City Manager at 7:25 pm.

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

RESUME REGULAR SESSION

Commissioner Hinojosa made the motion to resume regular session at 7:51 pm.

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

ACTION FOLLOWING EXECUTIVE SESSION

There was no action following executive session.

Digital Recording on file.

EXECUTIVE SESSION – DELIBERATION CONCERNING REAL PROPERTY - WATER

Commissioner Taylor made the motion to enter Executive Session – Government Code, Title 5, Chapter 551- Section 551.072 – Deliberation Concerning Real Property - Water at 7:52 pm.

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

RESUME REGULAR SESSION

Commissioner Hinojosa made the motion to resume regular session at 8:20 pm.

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

ACTION FOLLOWING EXECUTIVE SESSION

Commissioner Spears made the motion to approve contract for engineering services for water transmission line to Kimley-Horn pending legal review.

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

EXECUTIVE SESSION – DELIBERATION WITH ATTORNEY – PENDING LITIGATION

Commissioner Hinojosa made the motion to enter Executive Session – Government Code, Title 5, Chapter 551- Section 551.071 – Deliberation with Attorney – Pending Litigation at 8:22 pm.

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

RESUME REGULAR SESSION

Commissioner Hinojosa made the motion to resume regular session at 8:39 pm.

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

ACTION FOLLOWING EXECUTIVE SESSION

There was no action following executive session.

Digital Recording on file.

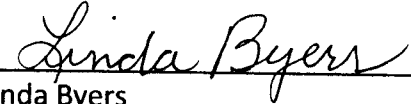
ADJOURN

Commissioner Spears made the motion to adjourn the meeting at 8:40 p.m.



Joe Rogers
Mayor

ATTEST:



Linda Byers
City Secretary