

**VERNON CITY COMMISSION  
REGULAR MEETING  
APRIL 28, 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: Danny McMahan, Ruben Hinojosa, Travis Taylor, and Pat Bryant.

Staff Present: Interim City Manager Kade Long, City Prosecutor Jonathan Whitsitt, Police Chief Tom Wilson, Fire Chief Kent Smead, Finance Director Anne Garmon, Public Works Director Darell Kennon, Community Development Director Monica Wilkinson, and City Secretary Linda Byers.

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

**PUBLIC COMMENT**

Ralph Parker addressed concerns about hardships on City employees and additional hardships from proposed TMRS changes.

Mike Owen told the Commission that they needed to maintain the benefits and improve the workforce in order to maintain a good workforce and keep Vernon strong.

Molly Baldwin noted that we needed fiscal responsibility from everyone.

**CONSENT AGENDA**

Commissioner Hinojosa made the motion to approve the consent agenda.

- A. Minutes: Attached are copies of the Regular City Commission Meeting held on Tuesday, March 24, 2015; the Special City Commission Meeting held on Tuesday, March 31, 2015; the Special City Commission Meeting held on Wednesday, April 15, 2015; the Special City Commission Meeting held on Monday, April 20, 2015 and Minutes of the Finance Meeting held on Monday, February 23, 2015 and Minutes of the Finance Meeting held on Monday, March 23, 2015.
- B. Ordinance No. 1659 Adopting a Collection Policy and Amending EMS Fees.
- C. Financial Investment Report, Vouchers, and Payroll & Benefit Expense. March 1, 2015 – March 30, 2015.

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

## TMRS REPRESENTATIVE

Texas Municipal Retirement System Regional Manager Anthony Mills explained updated service credits (USC) and cost of living (COLA) increases. Mr. Mills noted that the plan changes and rates as presented are based on last year's data. Current years valuation reports will not be adopted until May, 2015. Exact effect of any changes to our plan and our rates will be available after that time. He noted that lower payrolls will result in higher rates. Future Commissions would be able to reinstate the USC or COLA decreases, but it would be hard for future commissions to recover from a change in the matching ratio. Any savings realized from proposed changes will not take effect until January 1, 2016.

Questions raised during discussion noted that

- The base annuity will stay where it is. Updated Service credits are prospective and take four years to be fully realized.
- The City of Vernon compares favorably with cities our size. If retirement plans are not favorable, staff becomes a revolving door.
- Most cities our size has 100% USC and makes changes to the COLA.
- Employees can call TMRS and see how these changes would effect them.
- A 2-1 Ratio match began in 1982 from a 1-1 match. Employees were paying 5%.
- Five year vesting cannot change. All employees who work more than 1000 hours must be under the TMRS plan.
- Twenty year vesting would have an upward pressure on rates, but employees will get a smaller benefit. One the vesting is lowered to 20 years, it cannot be changed.
- Change in the employees deposit rate of 7% would require a 2/3 vote of the employees.

## ORDINANCE NO. 1652

### **TEXAS MUNICIPAL RETIREMENT SYSTEM**

**AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM ON AN ANNUAL BASIS FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO AT THE EFFECTIVE DATE OF THE ALLOWANCE ARE MEMBERS OF THE CITY OF VERNON; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.**

Mayor Rogers stated that he wanted to discuss this now so that we could end discussions and do what is right and fair for the whole community. Each Commissioner voiced their views with the consensus being that we must cut expenses.

Commissioner Hinojosa made the motion to approve Ordinance No. 1652 providing for plan changes with Texas Municipal Retirement System.

Commissioner Taylor seconded the motion which was approved by a vote of 4-1, with Commissioner McMahan voting against.

### TOURISM REPORT

Community Development Director Wilkinson reported about the open house event at the Wilbarger Historical Museum, and the Tourism Board helping with the Orbison Birthday event. The Tourism Board is working on the billboard campaign and preparing applications for HOT Funds hearings in June. The Board is also working on their budget. Director Wilkinson also reminded the Commission about the City-Wide cleanup scheduled for May 9.

### SPECIAL MEETING TO CANVASS ELECTION RESULTS

Following a short discussion about the best dates for a Special Meeting, Commissioner Taylor made a motion to hold a Special Meeting at noon on May 12 to canvass the May 9<sup>th</sup> General Election results.

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

### STREET CLOSURE

Community Development Director Wilkinson explained that Richard McLaughlin is requesting the closure of Pease Street between Mesquite and Cumberland Streets on May 16<sup>th</sup> for the grand reopening of Leaps & Bounds Gymnastics following historical restorations using the Main Street Façade Improvement Grants.

Commissioner Hinojosa made the motion to approve closure of Pease Street between Mesquite & Cumberland Streets on May 16<sup>th</sup> for the Grand Reopening of Leaps & Bounds Gymnastics.

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

### ORDINANCE NO. #1660

**AN ORDINANCE AMENDING SECTION 26-35 AND SECTION 26-36(a) OF ARTICLE II, COLLECTION AND REMOVAL SERVICES OF CHAPTER 26 – GARBAGE AND TRASH; AMENDING SECTION 54-152 OF ARTICLE V – WATER 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.**

Commissioner Bryant stated again that he wants to instill sunset restrictions on the water rate increase. City Attorney Whitsitt noted that it is documented that the City Commission plans to review rates during the budget cycle, and suggests passing the ordinance as is.

Commissioner McMahan made the motion to approve Second Reading of Ordinance No. 1660 amending utility rates including water, sewer and sanitation.

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

### **ORDINANCE NO. 1661**

**AN ORDINANCE CORRECTING THE TERM OF THE FRANCHISE GRANTED TO AEP TEXAS NORTH COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE LINES AND APPURTENANCES AND APPLIANCES FOR CONDUCTING ELECTRICITY IN, OVER, UNDER AND THROUGH THE STREETS, AVENUES, ALLEYS AND PUBLIC RIGHTS-OF-WAY OF THE CITY OF VERNON, TEXAS.**

City Attorney Whitsitt explained that this ordinance amending the Franchise Agreement with AEP Texas North simply corrects the ending dates.

Commissioner Hinojosa made the motion to Approve Ordinance No. 1661 correcting the dates on the AEP Franchise Agreement Ordinance No. 1653 Approved in December, 2014.

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

### **PUBLIC HEARING – SPECIFIC USE REQUEST**

Mayor Rogers opened the Public Hearing on a Specific Use Request from Little Lantern Care, Inc. for a medical facility on College Drive.

Larry Gillespie stated that there is a contract for sale of this property contingent upon rezoning of the property. He wants to change back to the zoning that was in place before the apartments were built. He also stated that the Hospital has known about this since March, but made no protest in the Planning and Zoning Hearings.

Jonathan Voekle stated that the intention was to expand medical coverage for the community, not build a hospital.

Lynn Tyra noted that the Waggoner Bank owns this property and would like to be able to get a closing date and avoid delays.

Mayor Rogers noted that the Hospital Board wanted to come and address the Commission but was not able to be here.

Doctor Lucos informed the Commission that he lost his job with the Hospital because of advertising in the newspaper. He wants to have a physician's office where he can see patients in the community, and requests approval so that he will have a place to work.

Community Development Director Wilkinson noted that the application was for a Specific Use Request. The zoning for this property is General Residential, and these uses are allowed in the zoning rules. The recommendation from the Planning & Zoning Commission was that if approved it would be for a medical facility as requested. The Ordinance could change the wording to be even more specific about uses to be only ambulatory surgical center of clinical offices.

Roger Edmonds told the Commission to not let others speak for the hospital.

Charles McArthur supports bringing in tax revenue and jobs. They should let him build his office.

With no other public comment, Mayor Rogers closed the Public Hearing.

#### **ORDINANCE NO. 1662**

**AN ORDINANCE GRANTING A SPECIFIC USE; DEFINING THE SPECIFIC USE; PROVIDING FOR CONFLICT, VALIDATION, RECORDING AND AN EFFECTIVE DATE.**

Commissioner Taylor made the motion to approve Ordinance No. 1662 – Specific Use Request for a Medical Facility on College Drive with changes to the third “Whereas” to be defined as either ambulatory surgical centers or offices for non-profit and clinical uses.

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

#### **ORDINANCE NO. 1663**

**AN ORDINANCE AMENDING SECTION 40-26 (b) AND SECTION 40-26 (d) ARTICLE II - ROY ORBISON PARK, PAVILLION & AQUATICS CENTER IN CHAPTER 40, PARKS & RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF VERNON, TEXAS; PROVIDING FOR REPEALING, A SAVINGS CLAUSE, RECORDING AND AN EFFECTIVE DATE.**

City Secretary Byers explained that during the meetings concerning budget reductions, an increase in admission prices at the Aquatics Center had been discussed. Rather than addressing changes each year by ordinance, the replacement wording in this ordinance will allow the rates to be determined annually by the City Manager, Finance Director and Public Works Director based upon operating costs.

Commissioner Hinojosa made the motion to Approve Ordinance No. 1663 – Amending the Setting of Aquatic Center Rates with amended wording of a sentence to be added at the end of section b) 1) to require that the City Commission be notified before any changes are implemented.

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

#### **ORDINANCE NO. 1664**

**AN ORDINANCE AMENDING CHAPTER 22– FIRE PROTECTION AND PREVENTION, ARTICLE II. FIRE MARSHALL, SECTION 22.39 OF THE CODE OF ORDINANCES OF THE CITY OF VERNON; CHANGING THE OFFICE OF FIRE MARSHALL; PROVIDING FOR A REPEALING SECTION; A SAVINGS SECTION; A RECORDING SECTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Interim City Manager Long noted that this change to the ordinance would reflect current practices.

Commissioner Hinojosa made the motion to Approve Ordinance No. 1664 – Amending Fire Marshall Ordinance.

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

#### **MUNICIPAL COURT DELINQUENT COLLECTIONS**

City Secretary Byers explained that the City currently contracts with Perdue, Brandon, Fielder, Collins & Mott to collect Municipal Court delinquent fines and fees. An alternative firm of Warrant Roundup has been soliciting the City’s business and their process for finding defendants and collecting fines appears to expand beyond the scope currently used by Perdue. Both the current contract with Perdue and the proposed contract with Warrant Roundup have a 30-day cancellation policy.

Commissioner McMahan made the motion to approve Municipal Court Delinquent Collections Agreement with Warrant Roundup.

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

**PUBLIC HEARING CONCERNING GRANTING OF  
ADDITIONAL RIGHTS WITH TMRS**

Mayor Rogers opened the Public Hearing.

J.J. Oznick told the Commission that this was a good opportunity for the City to give back to the employees. Even if they did not take advantage of the twenty year option, this would make for happier employees.

Roger Duckworth noted that it was difficult for them to do their jobs for people who don't appreciate them.

With no further comments, Mayor Rogers closed the Public Hearing.

**ORDINANCE NO. 1665**

**TEXAS MUNICIPAL RETIREMENT SYSTEM**

**AN ORDINANCE AFFECTING PARTICIPATION OF CITY OF  
VERNON EMPLOYEES IN THE TEXAS MUNICIPAL  
RETIREMENT SYSTEM GRANTING THE ADDITIONAL RIGHTS  
AUTHORIZED BY SECTION 854.202(g) OF TITLE 8, TEXAS  
GOVERNMENT CODE, AS AMENDED, AND PRESCRIBING THE  
EFFECTIVE DATE FOR THE ORDINANCE.**

Commissioner Hinojosa stated that employees are not unappreciated, and made the motion to and approve Ordinance No. 1665 - Changing Eligible Retirement from Twenty-Five to Twenty Years of Credited Service.

Commissioner Taylor seconded the motion. Following Commissioner Bryant's statement that TMRS was a union for municipal employees, the motion was approved by a vote of 4-1, with Commissioner Bryant voting against.

**EXECUTIVE SESSION**

Commissioner Taylor made the motion to enter Executive Session at 8:36 p.m. under Government Code Section 551.072 – Deliberation concerning Real Property – Proposed sale of certain buildings and Real Property.

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

**RESUME REGULAR SESSION**

Commissioner Hinojosa made the motion to resume regular session at 9:00 p.m.

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


**ACTION FOLLOWING EXECUTIVE SESSION**

There was no action following Executive Session.

**ADJOURN**

Commissioner Hinojosa made the motion to adjourn the meeting at 9:01 p.m.

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



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Joe Rogers  
Mayor

ATTEST:



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Linda Byers  
City Secretary