

March 17, 2014

On this the 17th day of March 2014 6:30 P.M., the City Commission of the City of Hereford, Texas, convened in a regular session in the Commission Chamber, in the City Hall, the meeting being open to the public and notice of said meeting having been given as prescribed by Chapter 551 of the Government Code, with the following members being present and in attendance, to-wit:

Robert D. Josserand, Mayor
 Jose A. Garza, Commissioner Place One
 Charlie Kerr, Commissioner Place Three
 Linda Cumpston, Commissioner, Place Four
 Sam Metcalf, Commissioner Place Six
 Rick L. Hanna, City Manager

Absent: Angie Alonzo, Commissioner Place Two
 Cathy Bunch, Commissioner Place Five
 Suzanne Finch, City Secretary
 Slater C. Elza, City Attorney

Lynda Work was in attendance from the Hereford Brand to witness the proceedings. Also in attendance were Assistant City Manager Steve Bartels, Fire Marshal Dean Turney, Ashley Vazquez, Audie Sciumbato (Underwood Law Firm), Don Cumpston, Craig Nieman, Seletta Gholson, Mary Shows, Rocky Favila (Atmos), Roy Urrutia (Atmos), Raul Benavides, and Officer Lut Thonggoen.

Mayor Josserand voiced the invocation and then called upon Commissioner Garza to lead the Pledge of Allegiance to the United States flag. He then called the meeting to order, welcomed those in attendance and introduced each item on the agenda.

REGULAR HEARINGS:

ITEM 1 - Consider approval of minutes for the February 17th, 2014 Regular Meeting.

Commissioner Metcalf made the motion to approve the minutes as presented. Commissioner Garza seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 2 - Consider appointment of City Commissioner, Place Four.

Commissioner Garza made the motion to appoint Linda Cumpston to serve the unexpired term of Linda Stevens, Commissioner, Place Four. Commissioner Kerr seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 3 - Swearing in of City Commissioner, Place Four.

Mayor Josserand swore in Linda Cumpston to serve as City Commissioner, Place Four.

ITEM 4 - Consider approval of Resolution No. 03.17.14 Authorizing the submission of a grant application on behalf of the Hereford Police Department for the Public Safety Improvement Project to the Office of the Governor, Criminal Justice Division and designating the city manager to act as the City's authorized official in all matters pertaining to the City's participation in the Public Safety Improvement Project.

City Manager Hanna explained what the grant would be used for - spike strips, in-car cameras, and on-body cameras for the police department officers.

Mayor Josserand called upon Attorney Sciumbato to read the pertinent parts of Resolution No. 03.17.14.

RESOLUTION NO. 03.17.14

A RESOLUTION OF THE CITY COMMISSION OF HEREFORD, TEXAS, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION ON BEHALF OF THE HEREFORD POLICE DEPARTMENT FOR THE PUBLIC SAFETY IMPROVEMENT PROJECT TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION AND DESIGNATING THE CITY MANAGER TO ACT AS THE CITY'S AUTHORIZED OFFICIAL IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE PUBLIC SAFETY IMPROVEMENT PROJECT.

WHEREAS, the City Commission for the City of Hereford, Texas finds it in the best interest of the citizens of Hereford that the Hereford Police Department Public Safety Improvement Project be operated for the 2014 year; and

WHEREAS, the City Commission for the City of Hereford agrees to provide \$19,500.00 (Nineteen thousand, five hundred dollars and zero cents) for the said project as required by the Criminal Justice Division of the Office of the Governor grant application; and

WHEREAS, the City Commission for the City of Hereford agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City Commission for the City of Hereford assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, the City Commission for the City of Hereford designates City Manager Rick L. Hanna as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HEREFORD, TEXAS:

That the City Commission for the City of Hereford approves submission of the grant application for the Hereford Police Department Public Safety Improvement Project to the Office of the Governor, Criminal Justice Division.

PASSED AND APPROVED this 17th of March, 2014.

/s/ Robert D. Josserand
Robert D. Josserand, Mayor

Attest:

/s/ Suzanne Finch
Suzanne Finch, City Secretary

Commissioner Metcalf made the motion to accept Resolution No. 03.17.14. Commissioner Garza seconded the motion and it passed with the unanimous vote of the Commission.

PUBLIC HEARINGS:

ITEM 5 - Hearing for the annexation of 9.8133 acres of land, more or less situated in the south one-half of Section No. 78, Block K-3, Abstract No. 1490, R. J. Kibbe, Original Grantee, Certificate No. 920 of the A. B. & M.

Surveys, Deaf Smith County, Texas, being a part of the land conveyed by Warranty Deed from Donald C. & Nancy L. Roberson to Donald C. & Nancy L. Roberson, Co-Trustees, and their successors in trust of the Roberson Revocable Trust dated May 16, 1991 as recorded in Volume 380, Page 680 of Deaf Smith County Records (located on W. 15th Street, east of the hospital and west of Wal-Mart.)

Mayor Josserand opened the public hearing at 6:36 p.m. There were no public comments.

ITEM 6 - Consider zoning change request (Ordinance No. 03.17.14) for property located at approximately 233 Catalpa Street. (Requested by Azael Valdez)

ORDINANCE NO. 03.17.14

AN ORDINANCE AMENDING ORDINANCE NO. 1193, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF HEREFORD REZONING CERTAIN DESCRIBED PROPERTY FROM "MF" MULTI-FAMILY DISTRICT TO "MH" MOBILE HOME DISTRICT.

Commissioner Kerr made the motion to approve the rezoning, Ordinance No. 03.17.14. Commissioner Cumpston seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 7 - Consider and approve condemnation proceedings for dangerous building located at 439 Avenue D.

Mayor Josserand called upon Fire Marshal Turney to speak on this item. Fire Marshal Turney explained the history of the property and the dealings with the property owner over the last few years. He stated the house was not livable. He noted in 2008 the property owners were told the property needed to be repaired.

Commissioner Kerr made the motion to authorize the demolition of this property. Commissioner Garza seconded the motion.

Mayor Josserand asked if anyone in attendance would like to speak.

Mary Shows, owner of the property at 439 Avenue D, gave a history of the house stating it was her family home and the only thing left from her parents. She told the Commission they have been trying to make repairs to the property over the last few years. Ms. Shows stated they were planning to demolish the two additions to the original home located on the south and north ends and repair the original part of the house. She explained the person originally hired to do the repairs had gotten hurt and was unable to complete the repairs. Ms. Shows noted they have had building materials stolen from the property. She stated it would not cost a great deal to repair the house because they do have some building materials that could be used.

Mayor Josserand asked the Commission if they would be willing to give the property owner thirty days to make significant improvements to the property.

Commissioner Garza asked who would be liable if someone got hurt on the property during the thirty days. City Manager Hanna explained the property owner would still be liable.

Commissioner Kerr asked what would constitute marked improvements.

City Manager Hanna explained it would be determined by the City staff.

Ms. Shows stated they would work on the house to bring it up to code.

City Manager Hanna explained to the property owners the house is not worth the cost of repairs; they would be better off to demolish the structure because the lot would be worth more than the house.

Mayor Josserand asked the Commission if they would be in favor of allowing a thirty day extension. Commissioner Metcalf said no; Commissioner Garza said no; Commissioner Cumpston said yes; Commissioner Kerr said yes and Mayor Josserand said he would be in favor of it.

Mayor Josserand asked for a motion to amend the original motion to approve a thirty day extension. Commissioner Kerr made the motion, Commissioner Cumpston seconded the motion and it passed with the following vote: Mayor Josserand "aye"; Commissioner Garza "no"; Commissioner Kerr "aye"; Commissioner Cumpston "aye"; and Commissioner Metcalf "abstained".

REGULAR HEARINGS:

ITEM 8 - Consider Ordinance No. 03.17.14A Approving a negotiated settlement agreement between the steering committee of cities served by Atmos West Texas ("Cities") and Atmos Energy Corp., West Texas Division regarding the company's 2013 Statement of Intent to increase rates in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the tariffs attached to the settlement agreement to be just and reasonable; approving a new rate review mechanism; requiring the Company to reimburse Cities' reasonable ratemaking expenses; repealing conflicting resolutions or ordinances; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the Company and the Cities' legal counsel.

Mayor Josserand explained the rate case with Atmos; noting it would raise customers' bills seventy-seven cents per month.

Mayor Josserand called upon Attorney Sciumbato to read the pertinent parts of Ordinance No. 03.17.14A

ORDINANCE NO. 03.17.14A

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF HERFORD, TEXAS, APPROVING A NEGOTIATED SETTLEMENT AGREEMENT BETWEEN THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS ("CITIES") AND ATMOS ENERGY CORP., WEST TEXAS DIVISION REGARDING THE COMPANY'S 2013 STATEMENT OF INTENT TO INCREASE RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE TARIFFS ATTACHED TO THE SETTLEMENT AGREEMENT TO BE JUST AND REASONABLE; APPROVING A NEW RATE REVIEW MECHANISM; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE CITIES' LEGAL COUNSEL.

Commissioner Metcalf made the motion to accept Ordinance No. 03.17.14A. Commissioner Kerr seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 9 - Consider authorizing the city manager to exchange city-owned water rights for water rights on property owned by the Gabel family.

Mayor Josserand briefly explained the water rights exchange with the Gabel family.

Commissioner Kerr made the motion to authorize the city manager to exchange the water rights. Commissioner Cumpston seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 10 - Consider Ordinance No. 03.17.14B declaring unopposed candidates in the May 10, 2014 City Officers' Election, elected to office; canceling the election; providing a severability clause, and providing an effective date. (Considerar la ordenanza numero 03.17.14B que declara a candidatos sin oposicion en el 10 de mayo de 2014 eleccion de oficial de la ciudad, elegido a la oficina; cancelando la eleccion; proporcionando una clausula de divisibilidad, y proporcionar una fecha efectiva.

Mayor Josserand briefly explained the election can be cancelled as there were four seats open and we had four candidates file.

Mayor Josserand then called upon Attorney Sciumbato to read the pertinent parts of Ordinance No. 03.17.14B.

ORDINANCE NO. 03.17.14B

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 10, 2014 CITY OFFICERS' ELECTION, ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE

Commissioner Kerr made the motion to accept proposed Ordinance No. 03.17.14B. Commissioner Metcalf seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 11 - Consider approval of board appointment to the Community Publicity & Promotions Special Committee.

Mayor Josserand explained the request to replace one of the members of the Community Publicity & Promotions Special Committee.

Commissioner Metcalf made the motion to appoint Jerry O'Connor to fill the vacancy on the Community Publicity & Promotions Special Committee. Commissioner Kerr seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 12 - Consider approval of Resolution No. 03.17.14A authorizing the City Manager to execute on behalf of the City of Hereford all contracts and agreements necessary for the implementation of the improvements to the Hereford Municipal Airport.

Mayor Josserand called upon Attorney Sciumbato to read the pertinent parts of Resolution No. 03.17.14A.

RESOLUTION NO. 03.17.14A

WHEREAS, the City of Hereford intends to make certain improvements to the Hereford Municipal Airport; and

WHEREAS, the general description of the project is described as:

Reconstruct 3,570 feet of taxiway with 30,000 SWL PCC
 Reconstruct and extend parking lot aprons with 30,000 SWL PCC
 Reconstruct entrance to road and parking lot asphalt
 Reconstruct and widen hangar access to taxiways with 12,500 SWL
 HMA; and

WHEREAS, the City of Hereford intends to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, total project cost are estimated to be \$5,695,000, and the City of Hereford will be responsible for the total project costs currently estimated to be \$679,500; and

WHEREAS, the City of Hereford names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements.

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Hereford hereby directs Rick L. Hanna, City Manager to execute on behalf of the City of Hereford, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Hereford Municipal Airport.

PASSED this 17th day of March 2014.

/s/ Robert D. Josserand
 Robert D. Josserand, Mayor

Attest:

/s/ Suzanne Finch
 Suzanne Finch, City Secretary

Commissioner Cumpston made the motion to accept this resolution. Commissioner Kerr seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 13 - Consider designating the City Manager as the City of Hereford authorized representative for the 1404HERFD airport project.

Commissioner Metcalf made the motion to designate the city manager as the authorized representative for the airport project. Commissioner Garza seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 14 - Consider approval of Certification of Project Funds for the proposed airport project.

Mayor Josserand explained this means the City has the funds for its share of the project.

Commissioner Metcalf made the motion to approve the Certification of Project Funds for the proposed airport project. Commissioner Garza seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 15 - Consider approval of the Certification of Airport Property Interests certifying the property map and attorney certificate dated March 3, 2003 on file with Texas Department of Transportation Aviation Division remains unchanged for the Hereford Municipal Airport.

Commissioner Kerr made the motion to approve the Certification of Airport Property Interests. Commissioner Metcalf seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 16 - Consider approval of the Designation of Sponsor's Consultant Selection Committee for the 1404HERFD proposed airport project.

Commissioner Cumpton made the motion to approve the Designation of Sponsor's Consultant Selection Committee for the proposed airport project. Commissioner Garza seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 17 - Discuss rate increase for golf fees at the John Pitman Municipal Golf Course.

Mayor Josserand stated no action is to be taken on this item today; the purpose is to discuss raising the fees at the Golf Course.

City Manager Hanna stated the reason for proposing an increase is the current rates at the golf course are lower than other area courses and this would help offset the rising cost of operations. He suggested raising the annual membership fees \$100 per year (excluding junior rates) and increasing daily green fees by \$2 (excluding junior fees). City Manager Hanna said he would put the proposed increases on the next meeting's agenda for consideration by the Commission.

ITEM 18 - Announcements and comments from Mayor and City Commissioners.

Commissioner Kerr welcomed Commissioner Cumpton.

Commissioner Metcalf wanted to make sure it was on record he abstained from the vote of the amended motion to give the property owners of 439 Avenue D an extra 30 days to make improvements to the property.

Commissioner Cumpton stated she thought the improvements to the airport were a good idea.

Mayor Josserand thanked Commissioner Cumpton for her willingness to serve on the Commission.

ITEM 19 - Announcements and comments from City Staff.

City Manager Hanna welcomed Commissioner Cumpton and asked the Commission to try and be at the next meeting because there will be several important items to discuss on the agenda.

ITEM 20 - Public Comments.

There were no public comments.

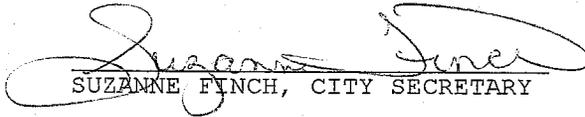
There being no further business before the Commission, the meeting was adjourned at 7:40 p.m.

APPROVED:



ROBERT D. JOSSEERAND, MAYOR
CITY OF HEREFORD, TEXAS

ATTEST:



SUZANNE FINCH, CITY SECRETARY