

July 21, 2014

On this the 21st day of July 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
Charlie Kerr, Commissioner Place Three
Linda Cumpston, Commissioner, Place Four
Cathy Bunch, Commissioner Place Five
Sam Metcalf, Commissioner Place Six
Rick L. Hanna, City Manager
Suzanne Finch, City Secretary

Absent: Jose A. Garza, Commissioner Place One
Angie Alonzo, Commissioner Place Two
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, Audie Sciumbato (Attorney Underwood Law Firm), HEDC Executive Director Michael Kitten, Ted Ray Coleman, Captain Kirsten Williams, Dennis Detten, Robert Chavez, and Seletta Gholson.

Mayor Josserand voiced the invocation and then called upon Commissioner Cumpston 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 June 16th, 2014 Regular Meeting.

Commissioner Kerr made the motion for approval of the regular meeting minutes as presented. Commissioner Cumpston seconded the motion and it passed with the unanimous vote of the City Commission.

ITEM 2 - Consider approval of minutes for the June 16th, 2014 Special Meeting.

Commissioner Metcalf made the motion for approval of the special meeting minutes as presented. Commissioner Kerr seconded the motion and it passed with the unanimous vote of the City Commission.

ITEM 3 - Hear report from Hereford Economic Development Corporation.

Executive Director Michael Kitten reported on the following:

- Tejas
- United Amigos
- Wind Energy
- Blattner
- Liquid waste digester
- Welcome packets (200 packets sent out)
- Leadership Program

Mayor Josserand thanked Executive Director Kitten for his effort.

PUBLIC HEARING:

ITEM 4 - Consider and approve condemnation proceedings for dangerous buildings (house & out buildings) located at 343 W. 2nd Street.

Mayor Josserand stated the building has sold; so, we are taking this item off the agenda for tonight.

REGULAR HEARINGS:

ITEM 5 - Consider second reading of franchise agreement with Southwestern Public Service (d/b/a Xcel Energy).

Mayor Josserand called upon Attorney Audie Sciumbato to read the pertinent parts of Ordinance No. 08.04.14 noting this is the second of the three required readings.

ORDINANCE NO. 08.04.14**FRANCHISE AGREEMENT**

AN ORDINANCE GRANTING TO SOUTHWESTERN PUBLIC SERVICE COMPANY ("SPS") D/B/A XCEL ENERGY THE RIGHT, PRIVILEGE AND FRANCHISE TO CONDUCT WITHIN THE CITY OF HEREFORD, TEXAS, AN ELECTRICAL LIGHTING AND POWER BUSINESS AND TO ENTER UPON, ERECT, CONSTRUCT, MAINTAIN, EXTEND, REPAIR, REPLACE AND REMOVE IN, UNDER UPON, WITHIN, OVER, ABOVE, ACROSS AND ALONG ANY AND ALL OF THE PRESENT AND FUTURE PUBLIC ROADS, HIGHWAYS, STREETS, LANES, AND ALLEYS OF THE CITY OF HEREFORD, A SYSTEM OF POLES, POLE LINES, TOWERS, DISTRIBUTION LINES, TRANSMISSION LINES, WIRES, GUYS, CABLES, CONDUITS, TRANSFORMERS, AND OTHER DISTRIBUTION AND TRANSMISSION EQUIPMENT, FACILITIES AND APPURTENANCES NECESSARY OR PROPER FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY INTO, IN, WITHIN, FROM, ACROSS, AND THROUGH THE CITY OF HEREFORD AS NOW EXISTING, OR AS SAID CITY LIMITS MAY HEREAFTER BE EXTENDED; AND GRANTING SPS, ITS SUCCESSORS AND ASSIGNS, THE AUTHORITY TO USE SUCH FOR THE PURPOSE OF TRANSMISSION, DISTRIBUTION, DELIVERY AND SALE OF ELECTRICITY TO THE CITY, AND TO THE INHABITANTS OF THE CITY, OR ANY OTHER PERSON OR PERSONS, FIRMS OR CORPORATIONS, WHEREVER LOCATED WITHIN OR WITHOUT THE CITY LIMITS OF HEREFORD, FOR USE BY SUCH PURCHASER OR PURCHASERS FOR ANY PURPOSE AUTHORIZED BY LAW FOR WHICH ELECTRICITY MAY BE USED OR FOR ANY OTHER PURPOSE OR USE WHICH IS OR MAY BECOME NORMAL OR CUSTOMARY IN THE RETAIL ELECTRIC INDUSTRY IN TEXAS; PROVIDING THAT THIS FRANCHISE SHALL BE EFFECTIVE FOR A PERIOD OF TEN (10) YEARS COMMENCING AUGUST 1ST, 2014; PROVIDING FOR THE TEMPORARY REMOVAL, RAISING OR LOWERING BY SPS OF ITS WIRES AND OTHER APPURTENANCES; PROVIDING FOR THE RIGHT TO, AND CONDITION OF, THE OPENING OF PAVEMENTS AND SIDEWALKS BY SPS; RETAINING ALL RIGHTS OF CITY TO REGULATE THE LOCATION OF SPS'S FACILITIES IN, UPON, ALONG, UNDER AND OVER THE STREETS, ALLEYS AND OTHER PUBLIC PLACES OF CITY, AS WELL AS TO REQUIRE THE RELOCATION OF SAME; PROVIDING FOR EFFICIENT ELECTRICAL SERVICE AND THE MAINTAINING OF SPS'S FACILITIES; PROVIDING FOR THE USE BY CITY FOR THE PURPOSES SPECIFIED OF POLES AND CONDUITS OF SPS; PROVIDING COMPENSATION, AND METHOD OF PAYMENT OF SUCH, TO THE CITY FOR THE USE BY SPS OF THE STREETS,

ALLEYS AND PUBLIC WAYS OF THE CITY; PROVIDING FOR THE MAINTAINING OF RECORDS BY SPS WITH RIGHT OF INSPECTION BY CITY RESERVING TO CITY ALL POWERS OF REGULATION; PROHIBITING ASSIGNMENT EXCEPT BY CONSENT BY CITY EXCEPT IN CERTAIN CASES; GIVING CITY'S CONSENT TO THE CUTTING AND TRIMMING BY SPS OF CONFLICTING TREES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT THIS FRANCHISE SHALL NOT BE EXCLUSIVE; MAKING MISCELLANEOUS PROVISIONS RELATIVE TO THIS GRANT OF FRANCHISE; REPEALING ALL PREVIOUS ELECTRICAL LIGHTING AND POWER FRANCHISE ORDINANCES; PROVIDING FOR THE ACCEPTANCE OF THIS FRANCHISE ORDINANCE BY SPS

Mayor Josserand asked for any comments on the reading; there were none.

Commissioner Bunch made the motion to approve the second reading of the franchise agreement. Commissioner Cumpston seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 6 - Consider Ordinance No. 07.21.14 providing that the Code of Ordinances be amended by adding Section 2.03.010 Tethering dogs and other animals, under Article 2.03 Unrestrained Animals and Nuisance Animals, Division 1 Generally, in Chapter 2 Animal Control, of said code and setting standards and conditions under which dogs, cats, and other animals may be kept and regulated in the city, providing a penalty for violating this ordinance, and an effective date.

Mayor Josserand called upon Attorney Audie Sciumbato to read the pertinent parts of Ordinance No. 07.21.14.

ORDINANCE NO. 07.21.14

AN ORDINANCE OF THE CITY OF HEREFORD, TEXAS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF HEREFORD, TEXAS BE AMENDED BY ADDING SECTION 2.03.010 TETHERING DOGS AND OTHER ANIMALS, UNDER ARTICLE 2.03 UNRESTRAINED ANIMALS AND NUISANCE ANIMALS, DIVISION 1 GENERALLY, IN CHAPTER 2 ANIMAL CONTROL, OF SAID CODE AND SETTING STANDARDS AND CONDITIONS UNDER WHICH DOGS, CATS, AND OTHER ANIMALS MAY BE KEPT AND REGULATED IN THE CITY, PROVIDING A PENALTY FOR VIOLATING THIS ORDINANCE, AND AN EFFECTIVE DATE

Mayor Josserand asked if there was any discussion on this item; there was none.

Commissioner Metcalf made the motion to accept Ordinance No. 07.21.14. Commissioner Bunch seconded the motion and it passed with the unanimous vote of the Commission.

ITEM 7 - Commission discussion on proposed water rights acquisition.

Mayor Josserand started the discussion by stating that with the Commission's permission on the 18th day of August he would ask for a motion and approval to place the acquisition of water on the Grotegut land on the ballot. He noted although some people feel the City Commission should take action on this item, he made a promise during the public hearings to take the issue to the ballot. He stated prior to the bond election, the City would do an extensive educational campaign during the latter part of September and all of October to make sure the facts are presented to counteract the misinformation going around the community.

Commissioner Metcalf stated the Commission was to look at all the options and he does not feel like the Commission has done so. He noted he has been talking with a group about two of the major problems - price and financing - and thinks there are ways to get around both but he does not want to overstep his bounds with the Commission. Commissioner Metcalf stated the parcel he is speaking about is not 11,000 acres; but he believes it could still double the water to one hundred years at half the price. He stated he would like the Commission to take off the "blindners" and not just look at the one Grotegut proposal.

Mayor Josserand stated this Commission should look at every option; he asked Commissioner Metcalf to encourage the group to put together a proposal and he would be very happy to take a look at it.

Commissioner Kerr stated he agrees with Commissioner Metcalf and would like to see it opened up.

Mayor Josserand noted it has been open since we started and we would love to take a look at other proposals.

ITEM 8 - Announcements and comments from Mayor and City Commissioners.

Commissioner Kerr thanked the Commission for changing the dog tethering rules as there are a lot of folks that are thrilled with the changes.

Mayor Josserand stated the city manager was the one responsible for the changes.

Commissioner Cumpston stated it was a very productive day both here and at the Joint Entities meeting earlier today.

Mayor Josserand stated we are going to begin seal coating some of the streets soon. He noted we are also working with TxDot Aviation to redo the taxiways and parking areas; \$6 - \$7 million dollar project with most of the funding coming from the federal government. He stated we will also put out bids to redo 15th Street. Mayor Josserand noted we are trying to spiffy up our town by getting owners to chop down their weeds and have sent out approximately 970 letters asking people to take care of their properties. Also, he stated the new Sportsplex will be a big boost to our community.

ITEM 9 - Announcements and comments from City Staff.

There were no comments from City Staff.

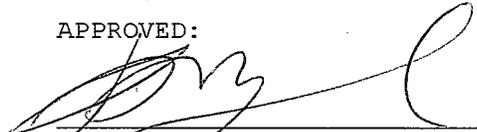
ITEM 10 - Public Comments.

Dennis Detten, a local business owner, urged the City Commission to act on the water issue themselves rather than putting the issue to a vote.

Mayor Josserand thanked him for his comments.

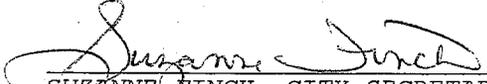
There being no further business before the Commission, the meeting was adjourned at 7:05 p.m.

APPROVED:



ROBERT D. JOSSERAND, MAYOR
CITY OF HEREFORD, TEXAS

ATTEST:



SUZANNE FINCH, CITY SECRETARY