

**REGULAR MEETING**  
**MAY 26, 2009**

Mayor Jeff Bearden called the Regular Meeting of the City Commission to order at 6:30 p.m. in the Commission Chambers, and a quorum was declared present, with Commissioner Jimmy Dennis being absent.

Present: Mayor Jeff Bearden

Commissioners: Russell Brownlow, and Phil McCuiston

Staff Present: City Manager Mitch Grant, City Attorney Trish Byars, Police Chief Tom Wilson, Fire Chief Kent Smead, Public Works Director Bob Cochran, Finance Director Anne Garmon, Community Development Director Monica Wilkinson, and City Secretary Linda Byers.

Commissioner McCuiston led the group in the Pledge of Allegiance to the U.S. and Texas flags, followed by the invocation.

**ADMINISTER OATH OF OFFICE**

The oath of office was administered to reelected Commissioner M.P. (Phil) McCuiston and newly elected Commissioner Travis Taylor by City Secretary Linda Byers.

**ELECTION – MAYOR PRO TEMPORE**

City Charter requires an annual election of the Mayor Pro Tempore. Commissioner McCuiston nominated Russell Brownlow.

There being no other nominations, Commissioner Brownlow was elected by acclamation.

**CONSENT AGENDA**

Commissioner Brownlow moved the following items under the Consent Agenda be approved:

- A. The minutes of the Regular City Commission Meeting held on Tuesday, April 28, 2009 and the Special Meeting held on Tuesday, May 19, 2009, for approval.
- B. Vouchers – April 1, 2009 through April 31, 2009, for approval.
- C. Approve changes to the Personnel Policy regarding the new step-and-grade program and employee evaluations.
- D. Approve change order #1 – 2009 Seal Coat Contract.
- E. Approve declaration from Fire Chief Kent Smead of a 1985 Chevrolet Van as surplus property.
- F. Approve Resolution #881 approving Parks Plan.

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

**ORDINANCE NO. 1517**

AN ORDINANCE TO REQUIRE A PERMIT FOR COMMERCIAL  
FILMING IN THE CITY OF VERNON.

At the request of the City Manager, the City Commission gave unanimous consent to consider Agenda Item No 13 Ordinance No 1517.

Carol Pirie, Deputy Director of the Texas Film Commission and Program Manager, Film Friendly Texas, spoke to the commission and encouraged them to certify Vernon as a film friendly city. In so doing the City of Vernon would be documented in the records of the Texas Film Commission so that there are pictures of our locations on their website.

Commission McCuiston made the motion to approve first reading of Ordinance No. 1517.

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

**RESOLUTION NO. 880**

RESOLUTION OF THE CITY OF VERNON AUTHORIZING INTERVENTION IN AEP TEXAS CENTRAL COMPANY'S AND AEP TEXAS NORTH COMPANY'S REQUEST FOR APPROVAL OF AN ADVANCED METERING SYSTEM (AMS) DEPLOYMENT PLAN AND REQUEST FOR AMS SURCHARGES FILED AT THE PUBLIC UTILITY COMMISSION OF TEXAS; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY AEP TEXAS CENTRAL COMPANY AND STEERING COMMITTEE OF CITIES SERVED BY TEXAS NORTH COMPANY TO REVIEW THE APPLICATION, HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO LEGAL COUNSEL.

Commissioner Brownlow made the motion to approve Resolution No. 880.

Commission McCuiston seconded the motion, which passed by unanimous vote.

**REPORT – BURNED BUILDING AT 3701 PARADISE**

City Manager Grant reported that the State Fire Marshall has closed the investigation into the fire today. Since the City has already gone through the condemnation proceedings, the City can go forward with demolition and disposal. The approximate cost of

demolition will be \$20,000, which could be less if we haul the debris to various sites ourselves. There is \$40,000 left in the budget.

Commissioner McCuiston asked if there were any safety factors. Mr. Grant responded that yes, there are safety concerns, but there is no way to actually secure the building, but there is no imminent danger.

Commissioner Taylor questioned if there was anything of value left in the building. Mr. Grant said that possibly the brick and maybe the steel, but it was too difficult to separate.

Commissioner Taylor questioned if the building could be pushed into the basement and covered up. Mr. Grant responded that there was too much material that was not inert.

Commissioner Brownlow asked who owns the property. Phillip Windsor still owns the property.

Commissioner Taylor asked if the owner had any insurance. There was not any insurance. He also asked if farmers could use the materials to fill washes. Public Works Director Bob Cochran responded yes, but we have to haul it, and labor to separate materials increases costs.

City Manager Grant requested permission to proceed with demolition with a budget of not more than \$20,000.

#### **ACTION REGARDING 3701 PARADISE**

Commissioner McCuiston made the motion to authorize to proceed with demolition with a budget not to exceed \$20,000.

Community Development Director Wilkinson noted that an Emergency Demolition Order would be required because of possible asbestos contamination. Mr. Grant noted that it would take approximately a week to demolish and haul off the debris.

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

#### **REQUEST TO PURCHASE A SEWER CAMERA**

Public Works Director Bob Cochran outlined the need to purchase a sewer camera for troubleshooting and correcting problems in wastewater collection mains around the city. The camera would allow staff to look for problems that might prevent sewers from backing up into private homes. Funding for this purchase would come from funds originally allocated for mapping and the remaining amount from the maintenance budget.

Commissioner Brownlow made the motion to approve the purchase of the sewer camera, and Commissioner McCuiston seconded the motion.

Commissioner McCuiston noted that he would like us to purchase locally. Mr. Cochran noted that the local bid was 5.8% higher than the lowest bid.

Commissioner Taylor stated that if the local vendor could meet the low bid, we should purchase locally.

After this discussion, the motion passed by unanimous vote.

**ORDINANCE NO. 1516**

AN ORDINANCE ADOPTING A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN FOR THE CITY OF VERNON TO PROMOTE RESPONSIBLE USE OF WATER AND TO ESTABLISH CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES INCLUDING RESTRICTIONS AND PROVIDING FOR PENALTIES AND/OR SEVERABILITY AND AN EFFECTIVE DATE.

Public Works Director Cochran explained the need to pass an ordinance to adopt and validate the plan that was approved at the April 2009 Regular City Commission Meeting.

Commissioner McCuiston made the motion to approve Ordinance No. 1516.

Commission Brownlow seconded the motion, which passed by unanimous vote.

**PUBLIC COMMENTS**

Mayor Bearden opened the meeting to public comment with a limit of 5 minutes per person.

Vonda Johnson stated that the position of Police Chief should be an elected position and someone who knows the penal code. And the City needs to create things for the kids to do.

Dan Richardson represents the North Vernon community who comes to him with problems with the Police Department. The former Police Chief had a Weed & Seed Program, but that has lapsed. He said citizens are considering a petition against the police department for ticketing citizens for minor infractions.

Joe Richie requested the city address the issue of trees at Eastview Cemetery and the gopher problems there. He would like to make Vernon a bird watching center and use Camp Cheromanche for that and also use it for a wildlife watching and feeding area.

Carl Zipperle questioned the city's decision to cave in the old swimming pool and cover it up. He thinks we should crush the rock and recycle it for roads, and the city should not bury the brick from the burned church building because of future problems. The sign at

the South Main St. Allsup's blocks the view of oncoming traffic. The new parricides at Kid League Park are causing problems and the "No Parking" signs should be placed at an angle. Parker Dr. has a standing water problem and the City should do something to move the water. Stadium Dr. has a parking problem during ballgames.

Carolyn Mason also voiced concerns about the parking bottlenecks in the new parking areas at Kid League Ballpark.

Mayor Bearden stated that the City wants a Police Department that the community can be proud of, and wants it to be one who aggressively enforces all of the laws and in doing so works to root out the drug problems that are here. The City is proud of the job that Chief Wilson is doing and when you look at the crime statistics, they are down from previous years.

Mayor Bearden recommends that Mr. Richardson and Mrs. Johnson meet with the City Manager and he to get more specific details about the problems that they want addressed. The city needs solid information instead of hearsay about their concerns.

As to Mr. Richie's concerns, the gopher problem will be addressed with the new equipment that has been purchased, and he suggests that he talk with Community Development Director Monica Wilkinson about our comprehensive Park Plan that might address his problems.

Parking along Ballpark was done in response to safety concerns, and is not a permanent solution. It was done until we could finish our park development plan, but most of the feedback received has been positive.

The Parker Drive water problem is planned, and budgeted in this budget cycle.

**ADJOURN**

The meeting was declared adjourned at 7:30 p.m.

  
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Jeff Bearden  
Mayor

ATTEST:

  
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Linda Byers  
City Secretary