

**REGULAR MEETING**  
**JUNE 23, 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, Travis Taylor 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, Municipal Judge Delores Flores and City Secretary Linda Byers.

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

**CONSENT AGENDA**

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

- A. Minutes of the Regular City Commission Meeting held on Tuesday, May 26, 2009, for approval.
- B. Auditor engagement letter with Edgin, Parkman, Fleming & Fleming, PC and King, Moore, Truelove & Pharis, CPA's for the 2009-2010 Audit-Year, for approval.
- C. Approve second reading of Ordinance #1516 adopting new water conservation and drought contingency plans
- D. Approve second reading of Ordinance #1517 regarding the Texas Film Institute.
- E. Approve confirmation of acceptance of Quit Claim Deed for part of 3701 Paradise St. property, for clean-up project and continue cleanup (Old Calvary Baptist Church property).
- F. Approve confirmation of settlement with Texas Railroad Commission.
- G. Approve – Vouchers – May 1, 2009 to May 31, 2009.
- H. Approve plan to continue work on Code of Ordinances updates.

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

**REPORT**  
**REVITALIZATION TASK FORCE PLAN**

City Manager Grant reported the task force has been forming committees; one of which was the design committee, which was working on designing pocket parks in the downtown area.

The task force wanted to make sure that the City Commission was aware that they endorsed the Downtown Revitalization Grant

**REPORT**  
**FIREWORKS FOR THE 4<sup>TH</sup> OF JULY**

Fire Chief Smead reported that the City's Fireworks display will be observed on Friday night, July 3, at Lion Stadium.

**REPORT**  
**BUSINESS DEVELOPMENT ACTIVITIES**

Sean Stockard, President and CEO of the Business Development Corporation of Vernon reported that Agriboard Industries has begun fabrication operations in the old Nocona Boot Factory Building. The BDC continues to work with the owners to get the press and milling operations located to Vernon. Agriboard has brought 29 new jobs to Vernon and will expand to 65 new jobs if press and milling operations are brought to Vernon.

The BDC will have a strategic planning session July 24 – 25, and will vote at the July meeting on their 2010 budget, which will then be forwarded to the City for approval.

A new Leadership Vernon class is beginning to be formed, and would be accepting applications in the near future.

**REPORT**  
**CHAMBER OF COMMERCE ACTIVITIES**

Chamber of Commerce President Robert Webb was unavailable for this meeting, but asked the Mayor to inform the Commission that restructuring was in progress and that he would report at the next City Commission Meeting.

**REPORT**  
**TEXAS WATER DEVELOPMENT LOAN APPROVAL**

Texas Commission on Environmental Quality has required the City to upgrade our ground water storage tanks and to repair our nitrate removal system. The Texas Water Development Board has approved the City's loan for 3.17 million to complete these projects.

The City is looking at all of the different funding mechanisms available to obtain the most favorable terms. There is a possibility of the City becoming part of the Drinking Water Revolving Loan Fund, which would be more advantageous financing.

Adoption of the City's intended use plan and the fact that we are under mandate to complete these projects might get us more favorable standing for federal dollars. State funding could be returned if Federal funds become available.

We do not have the luxury of waiting very long and may have to proceed with the current funding options, but will continue to try to get the very best deal for the City. Construction must begin by December 2009, but TCEQ will normally not enforce this date if the City is actively seeking funding and are committed to the projects.

With the help of our bonding council, First Southwest Co, and our engineer Dwight Brandt, we have met with the TWDB and feel that the City is in as good a position as is possible for funding right now.

**REPORT**  
**COMMUNITY DEVELOPMENT GRANT FOR PAVING MAIDEN STREET**

City Manager Grant reported that the City applied for a paving grant and was awarded funding for FY2010 for a three-block project. The City will try to expand this to ten to fifteen blocks of strip paving without curb and gutter.

Mr. Grant asked the City to consider appointing a committee at the July meeting to determine which streets get paved. It was suggested that committee members should be citizens who live on unpaved streets.

**POLICY REGARDING PUBLIC COMMENT AGENDA ITEMS**

City Manager Grant suggested that the Commission adopt basic guidelines for citizens who wish to speak during the public comment. Most cities that have adopted guidelines require the citizens to register before the start of the city commission meeting, and possibly moving the public comments to the beginning of the meeting to allow citizens to comment on an agenda item before it is acted upon. Some cities also allow public comments on a specific item at the time that item is considered.

Commissioner Taylor questioned the proposal, and after a response from Mr. Grant that the proposal would move the public comment section to the beginning of the agenda. Commissioner Taylor made the motion to approve the policy. Commissioner McCuiston seconded the motion.

Mayor Bearden informed the commission that City Attorney Byars had consulted with the Texas Municipal League, and the City should give citizens opportunity to address the commission but should not limit the subject matter. He suggested that Trish should research the policy further.

Tape #837

Commissioner Brownlow stated that there are two issues. One is to move the public comment section to the beginning of the meeting, and two is the issue to limit citizens from discussing personnel issues without proper notification.

Mayor Bearden again suggested further research on the subject.

Commissioner Taylor withdrew his motion.

Commissioner Brownlow made the motion to table the issue until the next meeting.

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

**CONTRACT FOR SALE OF WATER TO HARROLD WATER SUPPLY CORP.**

City Manager Grant informed the commission that representatives from the Harrold Water Supply Corporation had approached him about the possibility of the City supplying them their bulk water.

They have 67 accounts and average purchasing 500,000 gallons of water per month., and he and Public Works Director Bob Cochran do not see any apparent drawbacks to this request. They would be responsible for extending their lines to the City transmission lines in Oklaunion, and for all costs to the water there.

He is requesting permission from the Commission to negotiate a contract with the Harrold Water Supply Corporation.

Craig Templeton, representing the Harrold Water Supply Corp. informed the commission that the Corporation is eligible for a \$350,000 Step Grant. Materials would cost approximately \$265,000 to run a line to Vernon, and they are also talking with Oklaunion about updating their lines, and sharing expenses. Mr. Templeton noted that with the completion of the current project, all lines in their entire system would be less than 10 years old.

Commissioner McCuistion stated that the City would like to help Harrold, but without cost to our citizens.

Commissioner Taylor made the motion to approve the City Manager to negotiate a long-term contract for the sale of water to the Harrold Water Supply Corporation, subject to city commission approval.

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

**AWARD OF CONTRACT FOR ENGINEERING FOR  
TEXAS CAPITAL FUND PROGRAM (WESTERN TRAIL DR.)**

Community Development Director Monica Wilkinson informed the Commission that there was one proposal received in response to the RFP from Brandt Engineers. A review committee consisting of Public Works Director Bob Cochran, City Manager Mitch Grant and herself recommended hiring Brandt Engineers for the project

Commissioner McCuiston made the motion to approve the award of the contract to Brandt Engineers.

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

**AWARD OF CONTRACT FOR MANAGEMENT CONSULTING FOR  
TEXAS CAPITAL FUND PROGRAM (WESTERN TRAIL DR.)**

Community Development Director Monica Wilkinson informed the Commission that there was two applications received in response to the RFP. A review committee consisting of Public Works Director Bob Cochran, City Manager Mitch Grant and herself scored the proposals, and recommended hiring Municipal Development Services for management of the project.

Commissioner McCuiston made the motion to approve the award of the contract to Municipal Development Services..

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

**ACTION PLAN FOR OCCUPATION OF NEW POLICE STATION.**

City Manager Grant explained that Police Chief Wilson had prepared estimates for a two-stage approach to preparing the building for occupation. Current expenses are about \$20,000 above the federal grant received to help with a new roof.. Another \$26,600 more will be needed to occupy the building.

The police department has been very frugal and expenses are currently under budget, so funds are there to complete Stage I. The Prison System (Roach Unit) can supply the labor in about 45 days, and new ceiling tile and sheetrock have been donated by Austin Wright.

Chief Wilson informed the commission that the free labor from the prison system would only require that the City provide transportation and meals for the inmates. Wilbarger County has agreed to let us use their van for transportation. The City will do any demolition to remove old carpet, ceiling tile and sheetrock, and have the building ready for the prison laborers.

Commissioner Taylor asked if the downstairs was ready. Chief Wilson responded that there is no air conditioning, the carpet needs to be cleaned, ceiling tile needs to be replaced, and the phone system and security doors will need to be installed. The 9-1-1 System will pay for moving the dispatch radios. Chief Wilson informed the commission that this building would meet the needs of the City for the next 10-15 years.

Commissioner Taylor made the motion to approve the proposed action plan for occupation of the new police station.

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

**RESOLUTION NO. 884**  
**RESCINDING CONDEMNATION ORDER**

Community Development Director Wilkinson explained that Mr. & Mrs. Terry White, who have already demolished the one-story structure and are currently remodeling the two-story structure, are purchasing the property at 2120 Wilbarger. Ms. Wilkinson recommends that the commission rescind the condemnation order at 2120 Wilbarger St.

Commissioner Brownlow made the motion to approve Resolution No. 884.

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

**RESOLUTION NO. 882**  
**APPLICATION FOR GRANT FOR DOWNTOWN REVITALIZATION**  
**PROGRAM**

City Manager Grant explained that this grant is for funding for sidewalks, parking islands, and landscaping to improve downtown areas. Wilbarger County has agreed to help with the matching funds of from \$15,000 to \$45,000 for the total project of \$150,000.

This project would work in tandem with the TxDOT plans to put in ADA ramps along Main St. and Wilbarger St. for several blocks, and to resurface the street. The City would add paving stones and landscaping.

Carolyn Grimes, on behalf of the Downtown Revitalization Task Force, noted that this project falls into the types of projects that they are recommending for downtown, both with design, economic development and promotion. She encourages approval of the application.

Commissioner McCuiston made the motion to approve Resolution No. 882.

Commissioner Taylor seconded the motion,

After discussion about the level of matching funds from the County, the motion passed by unanimous vote.

**MUTUAL AID AGREEMENT FOR FIRE PROTECTION WITH ALTUS, OK.**

Fire Chief Smead informed the commission that he visited with the Fire Chief from Altus, Ok and the current mutual aid agreement with them is over 20 years old. The mutual aid agreement is on the Altus, Ok. City Council agenda for approval. The Fire Chief is also updating the agreement with Frederick, Ok. All Texas cities are covered under the regional aid agreement.

Commissioner Taylor made the motion to approve the agreement.

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

**RESOLUTION NO. 883**  
**APPLICATION TO TX. DEPT. OF AGRICULTURE FOR STARS PROGRAM**

Community Development Director Wilkinson stated that this was an application for a grant for the Pole Banner Project. The matching funds would come from the Hotel/Motel Tax Funds, and would not cost the city. The plan is to initially purchase fifty banners.

Mayor Bearden noted that there were plans to purchase future banners to promote specific events.

Commissioner Brownlow made the motion to approve the application.

Commissioner Taylor seconded the motion.

Commissioner McCuiston asked if the brackets would be a permanent fixture. Ms. Wilkinson noted that the plan was to have some kind of banners up permanently, but the initial banners would be to promote Summers Last Blast.

After further discussion, the motion passed by unanimous vote.

**ORDINANCE 1518**

AN ORDINANCE AMENDING SECTION 18 ½ - 6, REFUSAL OF PERMIT, IN CHAPTER 18 ½, OIL AND GAS WELLS, OF THE CODE OF ORDINANCES OF THE CITY OF VERNON, TEXAS; PROVIDING FOR REPEALING, A SAVINGS CLAUSE, RECORDING AND AN EFFECTIVE DATE.

City Manager Grant informed the commission that this ordinance change is a requirement before applying for the Texas Parks & Wildlife Grant for the aquatic center.

Commissioner Brownlow made the motion to approve the Ordinance to prohibit drilling of oil or gas wells in any City Parks.

Commissioner McCuiston seconded the motion.  
After some discussion, the motion passed by unanimous vote.

**RESOLUTION NO 885**  
**APPLICATION FOR GRANT FOR AQUATIC CENTER AND OTHER PARK**  
**IMPROVEMENTS**

City Manager Grant explained that this resolution authorizes the City of Vernon to apply for a \$500,000 Outdoor Recreation Grant through the Texas Parks & Wildlife Department for the construction of a new citywide aquatic center. In order to get the maximum points in the application process city staff recommends that the city plan to update existing playground equipment and construct a walking trail at Orbison Part as part of the proposal in the application. The top three needs identified in the Master Park Plan were 1.) Aquatic Center, 2.) Updates to existing parks, and 3.) Walking Trail system. Commissioner Brownlow will be doing the drawings for the grant.

Budget for the grant:	\$904,000 pool, spray pool and playground equip.
	\$ 93,500 engineering fees
	<u>\$ 2,500</u> grant writing
	\$1,000,000 Total Grant Budget

Total available match:	\$31,737 Monthly Donations
	\$269,895 Remaining Bonds Funds
	<u>\$100,000</u> Donations & Grants
	\$401,632 Total Available Match

Commissioner McCuiston made the motion to approve Resolution No. 885, making application to the Texas Parks & Wildlife Department for funding for the new aquatic center and other improvements.

Commissioner Taylor seconded the motion, which passed by unanimous vote

**CONTRACT WITH MEG HEATLY**

City Manager Grant explained that Meg Heatly had already been working on the grant application, and the contract as presented should be amended so that Ms. Heatly be paid the contract amount regardless of whether or not we receive the grant.

Commissioner Taylor made the motion to approve the contract with the suggested amendment.

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



**INTERLOCAL AGREEMENT WITH NORTEX**  
**PAVING ASSISTANCE RECOVERY FUNDING APPLICATION**

City Manager Grant explained that there is a minimum of \$22 million in recovery money available through Nortex Regional Planning Commission for this region for paving projects. This agreement would allow Nortex to prepare the grant application to pave the city's unpaved streets.

Commissioner Brownlow made the motion to approve the interlocal agreement with Nortex.

Commissioner Taylor seconded the motion, which passed by unanimous vote

**MEMORANDUM OF UNDERSTANDING**  
**TEXAS DEPARTMENT OF STATE HEALTH SERVICES**  
**AMBULANCE ASSISTANCE**

Fire Chief Smead explained that this memorandum of understanding with DSHS is for the use of an ambulance during a major catastrophe such as a hurricane or tornado that would be out of our region of the state. The use of such ambulance would be subject to our needs first and we could turn down the DSHS request if the use of our ambulance would put our ability to serve our community in jeopardy.

Commissioner Taylor made the motion to approve the memorandum of understanding.

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

**CONTRACT WITH SUDDENLINK**  
**ACCEPT TOWER AT 3015 HOUSTON ST.**

City Manager explained the terms of this contract:

- 20 year lease in return for limited maintenance on lights and painting
- Daily monitoring and replacement of lights (worth about \$500 per year)
- Suddenlink will perform around \$4,000 in initial maintenance to tension guy wires.
- We can lease space on the tower to potential additional users
- We continue to use the antennas for the Fire Department

Contract also includes a suggested \$50 monthly rent. Additional cost of liability insurance will be approximately \$100 per year. He is requesting approval contingent upon review by himself and the City Attorney.

Commissioner McCuiston made the motion to approve the contract and accept the tower from Andrews Tower contingent upon review by the City Attorney and City Manager.

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

### PLANS FOR FIRE/EMS SERVICE VEHICLE

Fire Chief Smead informed the Commission about plans to use the chassis from the ambulance that was wrecked in January 2009. He would like to purchase a utility body for the chassis to use as a response/rescue vehicle.

An EMS RAC Grant will cover \$6,800 of the cost of the utility body. Sale of surplus vehicles will cover the additional cost. Lowest bid received is from Knapheide Truck Equipment for \$7,911.

Commissioner Taylor made the motion to approve the purchase and plans for the response/rescue truck.

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

### BUDGET GOALS

Mayor Bearden noted that the city has done a good job of being stewards of funds and obtaining grants to help meet goals. The City should be as aggressive as possible to obtain any grants available. The City should prepare a budget that the citizens can live with but help us pursue our goals. Goals for the coming year are:

- Water storage and Nitrate Removal projects need to be completed
- Continue shared projects with other entities for community development
- Aquatic Center – start sometime this year
- Develop the entire parks program.
- Code Red is a mission accomplished. Paving Program is started and should be continued if we can obtain the funds without a significant tax burden.
- Sell old Municipal Building and Fire Department Sub Station.
- Joint Task Force for Police Department.

Commissioner McCuiston' goals:

- A parallel water line to Odell Water Fields
- Revitalization of downtown
- Continue upgrades on parks
- Water Storage and Nitrate Plant projects
- Upgrade for water wells in the Odell Field.
- Aquatic Center
- Develop a plan to attract new business
- Street Paving.

Commissioner Taylors' goals:

- Ask that the Division Directors' keep the economy in mind as they prepare their budgets.
- See Orbison Park look as good as Allingham Park
- Aquatic Center
- Work together

Commissioner Brownlows' goals:

- A lot has been accomplished in the past year.

Commissioner Dennis was absent but emailed his goals for consideration:

- Continue to put proper dollars/time toward the parking situation at the Kid League Park.
- Add additional playground equipment at Lyday Park and Sunshine Park.
- Securing additional water rights
- Get Water Storage Tank and Nitrate Removal System operational
- Create a central communications center
- Update City Charter
- Continued and possibly increased efforts of demolition of condemned houses
- Repair fencing around Eastview Cemetery
- Cost of living raise for employees
- Find funding for paving projects
- Begin aquatic center
- Replace undersized water lines
- Set a tax rate at a value that will cover our needs yet minimize the crunch it will cause on our citizens due to increased property valuations.

### PUBLIC COMMENT

Carolyn Grimes, Chairman of the Downtown Revitalization Task Force, addressed the Commission and updated them on their progress. Glenna Bryant, Sally Curtis, Mark Farr-Nash, Nancy Seville, Gene Tyra and Don Wilson are members of this task force.

The task force has made good progress in a short period of time. The task force has decided to follow the best practices of the Main Street Program, but is not considering that program for Vernon.

They are divided up into four committees: one to focus on design, one to focus on economic restructuring, one to focus on promotions and an organizational committee. They are currently recruiting people for these committees.

Responsibilities for each committee are:

Design- to get downtown in top physical shape, capitalize on the best assets (historic buildings, walking the streets) create an atmosphere through window displays, good lighting, sidewalks, sign, landscaping, convey a quality visual message reflecting what downtown has to offer.

Promotions- will set the image and promise of downtown, market the districts unique characteristics to shoppers, investors, new businesses, and visitors, promote a positive image through advertising, retail promotions, special events and marketing campaigns.

Economic Restructuring – to find new purposes for downtown, convert unused space into productive properties, expand existing businesses, recruit new ones, sharpen the competitiveness of business owners to better respond to the market.


The task force hopes to expand and get a lot of people involved. They have made a good start on the design goals and have made some great progress for downtown.

Tape #837

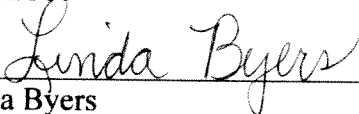
Jose Cardenas had a list of questions and comments about the water system and the discharge of the Nitrate Removal Plant. He encouraged drilling new water wells in the recently purchased water rights. He is against the City discharging waste from the Nitrate Plant into the Pease River.

**ADJOURN**

The meeting was declared adjourned at 8:25 p.m.

  
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Jeff Bearden  
Mayor

ATTEST:

  
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Linda Byers  
City Secretary