

REGULAR MEETING
OCTOBER 26, 2010

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 all members present.

Present: Mayor Jeff Bearden

Commissioners: Jimmy Dennis, Russell Brownlow, Travis Taylor and Phil McCuiston

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

PUBLIC COMMENT

Mayor Bearden opened the meeting to Public Comment from those who had submitted Requests to Speak during Public Comment Forms.

There were no public comments.

CONSENT AGENDA

Commissioner McCuiston moved the following items, under the Consent Agenda are approved:

- A. Minutes of the Regular City Commission Meeting held on Tuesday, September 28, 2010 and the Finance Meeting held on Monday, September 27, 2010.
- B. An agreement between the City of Vernon and Wolff Chiropractic Wellness Center for drug testing and physicals.
- C. Second Reading of Ordinance No. 1552 regarding Atmos Rate Review Mechanism.
- D. Second Reading of Ordinance No. 1553 Prohibiting parking on the East side of Stadium Drive between Paradise Street and Yamparika Street.
- E. Financial Investment Report for September 1, 2010 through September 30, 2010 reflecting interest earned in the amount of \$20,271.46, and Vouchers for the same period totaling \$1,402,082.45.

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

BUSINESS DEVELOPMENT CORPORATION REPORT

Sean Stockard, President / CEO of the Business Development Corporation reported the success of the past year with Tangerie Corporation, and also told the Commission that there was no

decision on Agriboard making Vernon their permanent home. The Community has offered a very competitive package.

Mr. Stockard offered office space for the Main Street Program in the BDC building when they relocate to new offices at 1719 Pease St. He also noted that the Third Leadership Vernon class is in progress with 15 participants.

QUARTERLY TOURISM REPORT

Chamber of Commerce Director Carrie Hawkins reported that the Hotel/Motel Funds Budget totaled \$235,000 with \$65,000 set aside for events. She reported progress on updating the Chamber website, marketing campaign and brochures, and sports brochures to market the sports venues in Vernon.

GROUNDWATER STORAGE TANK UPDATE

Public Works Director Bob Cochran reported that the Strayhan Street Storage Tank was placed online on September 24, 2010, with only a minor punch list left to be completed. The old Odell tank has been destroyed, and the new tank pad is in progress, with construction of the new tank to begin in the next few weeks.

REPORT ON "K-2" ISSUES

Police Chief Tom Wilson told the Commission of problems found locally and in Vernon High School in the use of the synthetic cannabinoid products by teen and young adults as these products are widely and easily available. These products have been called a legal alternative to marijuana. When smoked it imitates hallucinogenic effects of marijuana. The use of these products have adverse effects such as panic attacks, agitation, increased heart rate, elevated blood pressure, anxiety, paleness, numbness, vomiting, hallucinations, tremors and seizures. The reports are that the effects last from thirty minutes to two hours.

Chief Wilson reported that this substance is being sold locally. Several other cities in the area have passed similar ordinances prohibiting this substance. More information can be found at www.k2drugfacts.com.

These substances deprive a person of judgment, coordination and the ability to conduct themselves in a safe and appropriate manner. It is believed that the risk posed by these substances creates a danger to the public health and safety of the citizen's of Vernon.

PUBLIC HEARING ON "K-2" ISSUES

Mayor Bearden opened the public hearing for comments.

Charles McArthur voiced the need to stop all drug use and encouraged the Commission to help stop this.

ORDINANCE NO. 1554

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 36, BY ADDING ARTICLE III, ILLEGAL SMOKING PRODUCTS, TO PROHIBIT THE USE, PURCHASE, POSSESSION, AND SALE OF THE SYNTHETIC CANNABINOID KNOWN OR SOLD UNDER SUCH NAMES AS "SPICE", "GENIE", "DASCENTS", "ZOHAI", "SAGE", "K-2", AND "KO-KNOCK-OUT 2", FOR PUBLIC HEALTH PURPOSES: PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; DECLARING AN EMERGENCY; AND MAKING AN OPEN MEETING FINDING.

Commissioner Dennis made the motion to approve Ordinance No. 1554 regarding "K-2" pending approval by the attorney as to form and clarification of the penalty and declaring an emergency.

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

RESOLUTION # 909

A RESOLUTION REQUESTING THE SHERIFF TO RESELL PROPERTY ACQUIRED BY THE CITY OF VERNON AT DELINQUENT TAX SALES AND HELD IN TRUST FOR ITSELF AND OTHER TAX UNITS

Harold Lerew from our Delinquent Tax Attorney Perdue, Brandon, Fielder, Collins and Mott, LLP explained to the Commission that some properties that were included in the October 5, 2010 Sheriff Sale did not sell because the minimum bid must recover certain legal fees, back taxes, and court costs among other fees.

There are several options to resell these properties, but Mr. Lerew recommended that the Commission pass Resolution No. 909 requesting the Sheriff to resell the properties at 2227 Wanderer St. and 812 Pease St. The property can then sell for less than the minimum required bid, and be placed back on the tax roll.

Commissioner Taylor made the motion to approve Resolution No. 909.

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

AQUATIC CENTER FUNDING PLAN

City Manager Grant outlined the available resources for the aquatic center funding as follows:

\$ 85,507.48	Utility bill donations
\$308,484.01	Remaining Bond Funds
\$125,000.00	Corporate Donations
\$215,650.33	Electric Trust Expense Cash on Hand
<u>\$734,641.82</u>	Total Available Resources

If the City receives the \$450,000 grant from Texas Parks and Wildlife, we will have \$1,184,641.82 available for construction, with the remaining amount being financed or funded through donations. Approximately \$250,000 would be financed, which would be repaid through the monthly swimming pool donations, with the remainder financed through donations.

Mr. Grant also presented an operational budget, with proposed daily attendance cost of \$3.00. Total proposed revenue totaled \$86,475 and expenditures of \$84,492.

Commissioner Brownlow made the motion to approve funding plans for the new aquatic center anticipating total funding of \$1.7 million. Commissioner McCuiston seconded the motion.

Commissioner Dennis noted that if we approve basic funding and plans, will the Commission be able to reconsider these options after notification of the grant award. Mr. Grant responded that the Commission would have input on each phase of the process.

The motion passed by unanimous vote.

AQUATIC CENTER ENGINEERING CONTRACT

This item was tabled at the September 28, 2010 meeting. Commissioner Taylor made the motion to remove this item from the table.

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

Following a short discussion, Commissioner Taylor made the motion to approve the engineering contract for the Aquatic Center with Kimley Horn & Associates for a total of \$170,000.

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

AQUATIC CENTER FUND RAISER

Commissioner Brownlow explained that the swimming pool committee decided that the best way to make contributions to the aquatic center known to the public was to create a wall or walkway of engraved bricks, with different bricks for different levels of donations (\$100, \$500, \$1000, etc.) He is requesting Commission approval for the swimming pool committee to come up with a plan and implement that plan.

Commissioner Brownlow made the motion that the swimming pool committee develops a donation program that includes the donation of bricks.

Commissioner Taylor seconded the motion, which passed by unanimous vote. City Manager Grant noted that local vendors will be given the opportunity to supply bricks for this project.

ADJOURN

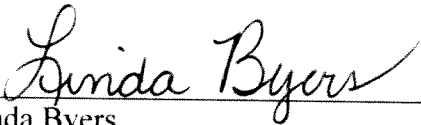
Commissioner McCuiston made the motion to adjourn the meeting at 7:42 p.m.

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



Jeff Bearden
Mayor

ATTEST:



Linda Byers
City Secretary