

**REGULAR MEETING**  
**FEBRUARY 22, 2011**

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 McCuistion

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.

Commissioner Brownlow 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 Brownlow moved the following items, under the Consent Agenda, with the exception of Item E, are approved:

- A. Minutes of the Regular City Commission Meeting held on Tuesday, January 25, 2011 and the Finance Committee Meeting held on Monday January 24, 2011.
  - B. Fire Department Grants for Advanced Level Training.
  - C. Application for Edward Byrne Memorial Justice Assistance Grant – Texas through the Governor's Office Criminal Justice Division to support local criminal justice programs.
  - D. Professional Service bill from King, Moore, Truelove & Pharis CPA in the amount of \$17,250 for services rendered in connection with the 2009-2010 Financial Audit.
  - E. Removed for separate approval.
  - F. Second Reading of Ordinance No. 1556 – Amending Tourism Budget.
  - G. Disposal of surplus vehicle –1993 Ford Crown Victoria from the Police Department.
  - H. Financial Investment Report reflecting interest earnings in the amount of \$7,930.03, and Vouchers totaling \$925,065.84 for the period January 1, 2011 through January 31, 2011.
- Commissioner McCuistion seconded the motion, which passed by unanimous vote.

**CONSENT AGENDA ITEM E**  
**SECOND READING OF ORDINANCE NO. 1555**

City Manager Grant explained that when this ordinance was adopted on first reading, it was with the understanding that the final formulas in Section 2 would be modified. After the agenda packet was prepared, it was discovered that there was some typographical errors in the definition of the surcharges. (The corrected ordinance is included in the official agenda packet.)

City Attorney Byars agreed that the ordinance could be adopted on second reading with the changes and corrections as noted by Mr. Grant.

Commissioner McCuistion made the motion to approve Ordinance 1555 on second reading.

Commissioner Brownlow seconded that motion. Commissioner Dennis abstained from voting. The motion was approved.

**BUSINESS DEVELOPMENT CORPORATION REPORT**

Sean Stockard, President and CEO of the Business Development Corporation reported that the last 24 – 36 months have been the most aggressive, active and resourceful period in the last five years.

The \$1.3 million Wilbarger County Events Center, \$1,135,000 with Tangerie Alternative Power for the creation of 100+ jobs, and an incentive package offered to Project Plenty in the amount of \$1.5 million combine for \$3,935,000 and job creation of over 200 employees. There have been small local projects with George's Aircraft, Southwest Fab, Rogers Lodging, Cool Creations and Bryant RV Park.

Commissioner Dennis applauded the BDC efforts to keep Agriboard in Vernon and Mayor Bearden agreed while commending their business retention efforts.

**ANNUAL AUDIT PRESENTATION**

Mike Edgin with Edgin, Parkman, Fleming & Fleming reported that the annual financial report for the year ended September 30, 2010 received an unqualified "clean" opinion.

The City's Management Discussion and Analysis reports net assets increased in the General fund by \$543,207 and decreased in the Enterprise Fund in the amount of \$142,697. Fund balance at year-end:

- General Fund \$1,019,478
- Electric Trust Principal \$2,819,676
- Other Governmental Funds \$1,185,973

Total fund balance equaled \$5,025,127, which is an increase from the prior year totaling \$389,387. A complete copy of the financial report and accompanying letters are included in the agenda packet.

Mr. Edgin noted improvements in operations in cash management and grant administration.

## REPORT ON CONSTRUCTION PROJECTS

Public Works Director Bob Cochran reported that the Odell Water Tank is complete except for exterior painting, which will be done when temperatures remain above 50 degrees for an extended period.

The Ion Exchange Plant will have a walk-through on Friday morning with the contractor and the engineering firm. The vessels have been resurfaced on the inside, the manholes installed, and the painting completed.

The Nitrate Discharge line is waiting on easement agreements which should be completed within the next few weeks.

## PERSONNEL POLICY CHANGE

City Manager Grant explained that this will establish policy regarding staffing during inclement weather days when City offices are closed. Non-emergency staff that is required to work will get vacation hours for those hours worked. Non-emergency staff that is not required to work will be counted as "at-work". Emergency staff will be required to work.

Commissioner McCuiston made the motion to approve the personnel policy change regarding staffing during hazardous weather conditions.

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

## AQUATICS CENTER FUNDING AND CONSTRUCTION OPTIONS

City Manager Grant told the Commission that bids for construction of the Aquatics Center would be opened on March 8. Actual costs will not be determined until then. It was designed with all the options we want, with cost cutting deductions that can be used to reduce the final cost.

Funding options presented by Mr. Grant include:

- Remaining Bond Funds                    \$229,479
- Donation from Utility bills            \$130,000
- Corporate Donations                    \$150,000
- Electric Trust Interest                  \$221,726
- Brick Fund Raising                      \$ 40,000
- A combinations of
  - 94 SRF Funds                            \$230,000
  - Additional loan proceeds            \$250,000 - \$400,000
  - Additional Local grants              \$250,000 – \$450,000

We currently have \$928,747 available funds. Loan proceeds would be serviced with the utility bill donations.

Cost Cutting deductions totaling \$400,000:

- Second Slide \$57,000
- 900 sq. ft. pool area \$50,000
- Themed feature \$125,000
- Slide & Tower \$143,000
- Cover \$25,000

There was discussion about use of the 94 SRF bond funds and electric trust principal.

Commissioner McCuiston and Taylor noted that we can't proceed until we know the total cost. Mr. Grant said that there was no need for a decision at this time, but wanted the Commission to have the information. The bids will be good for 60 days after March 8, but we can't accept bids until a funding plan is decided upon.

There was extensive discussion on building options, funding options and pool revenue.

Commissioner McCuiston made the motion to table action until a Special Meeting is set after the bid opening.

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

#### **SCHEDULE SPECIAL MEETING**

Commissioner Dennis made the motion to set a Special Meeting on March 8, 2011 at 5:30 pm.

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

#### **ENGINEERING CONTRACT – SEAL COAT**

Public Works Director Cochran informed the Commission that proposals were received from four firms. The RFP committee scored the proposals and AMD Engineering scored highest with 256 points. The committee recommended AMD Engineering, LLC be approved for this project. Funds in the amount of \$15,750 were budgeted for this project.

Seal Coat areas to be included in this project are north and south of East Wilbarger from Bowie St. East to the City Limits. More blocks will be added to Maiden St, with grant and budgeted funds. They will be the eight blocks that require the most maintenance. The seal coat and paving project will total \$250,000.

Commissioner Taylor made the motion to approve AMD Engineering for engineering work on the 2011 seal coat and paving project.

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

### **MOBILE RADIO EQUIPMENT PURCHASE**

Fire Chief Kent Smead explained that these radios would be purchased with a Homeland Security Grant, and no local funds would be used. The proposal will purchase 20 radios for the Police Department and 10 radios for the Fire Department. Narrow Band mobile radios are required by 01-01-2013, including replacement of our repeater.

Only one bid was received from Price Communications totaling \$101,190.

Commissioner Dennis made the motion to approve the radio bid from Price Communications.

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

### **DISPOSAL OF CITY RIGHT OF WAY PROPERTY**

The City Commission voted to vacate the southernmost 40 x 100 ft. portion of Powell Street in the summer of 2008. Randall Bagley instigated the vacation of the property and would now like to purchase the property that is adjacent to his residence. A land market analysis done in 2008 valued the property at \$1,200.

Due to a north-south running waterline on the easternmost portion of the property, Mr. Bagley has agreed to grant the city a 20 foot utility and access agreement for \$600 therefore bringing the cost of the property to \$600. Neither of the two adjacent property owners are interested in purchasing the property.

Community Development Director Monica Wilkinson noted that Mr. Bagley has requested that this property be deeded to Randall L. Bagley and Pam Bagley Revocable Living Trust.

Commissioner McCuiston made the motion to sell the property to Randall Bagley. The motion died for lack of a second.

Commissioner Dennis made the motion to sell the property to the Randall L. Bagley and Pam Bagley Revocable Living Trust.

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

### **RELEASE OF MOWING AND DEMOLITION LIENS**

Lee Wood has purchased 2029 Eastland from Wilbarger County and has requested that the city release the city liens on the property in exchange for his past maintenance of the lot. Currently there is \$1,341.66 demolition liens and \$348 in mowing liens. Staff suggests that the liens be released in exchange for past maintenance and in order to get the property back on the tax rolls.

Commissioner Taylor made the motion to approve release of the mowing and demolition liens.

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

**ORDINANCE NO. 1557**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON TEXAS, AUTHORIZING BUDGET AMENDMENT NUMBER 2 TO THE 2010-2011 OPERATING BUDGET DUE TO UNFORSEEN SITUATIONS.**

The Fire Department is having continuing problems with the over head bay doors between the Admin and living quarters at the Fire Station. The door opener motors that were installed were not designed to operate in the constant opening and closing cycles that we have. We have spent almost \$2,000 since Feb 2009 repairing door opener motors and accessory equipment. Overhead Door Co. will replace and install six (6) heavy duty door opener motors for \$5,986.66. This budget amendment will move funds from contingency to Fire Department Building Maintenance for this purchase.

The old motors will be retained for spare parts for the motors on the bay doors on the south end of the building.

Commissioner McCuistion made the motion to approve Ordinance 1557 on First Reading.

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

**ADJOURN**

Commissioner McCuistion made the motion to adjourn the meeting at 7:55 p.m.

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

  
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Jeff Bearden  
Mayor

ATTEST:

  
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Linda Byers  
City Secretary