

REGULAR MEETING
APRIL 26, 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 Commissioner Travis Taylor absent.

Present: Mayor Jeff Bearden

Commissioners: Jimmy Dennis, Russell Brownlow and Phil McCuiston
Commissioner Taylor was absent

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, Main Street Director Dan Kelleher 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 A, are approved:

- A. Pulled for separate consideration.
- B. Reappoint Glen Barham as the municipal representative on the Wichita-Wilbarger 9-1-1 District Board of Managers.
- C. Grant application to State Homeland Security Program (SHSP) for communication equipment for the Police Department in the amount of \$107,000.
- D. Grant application to State Homeland Security Program (SHSP) for communication equipment for the Fire Department in the amount of \$36,000.
- E. Grant application to State Homeland Security Program (SHSP) for an emergency generator for the Water & Sewer System in the amount of \$68,000.
- F. Financial Investment Report for March, 2011 indicating investment earnings totaling \$7,820.47 and Vouchers from March 1 to March 31, 2011 in the amount of \$1,567,831.95.

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

CONSENT AGENDA ITEM A

The correct dates of the Minutes being approved are the Regular City Commission Meeting held on Tuesday, March 22, 2011 and the Finance Meeting held on Monday, March 21, 2011.

Commissioner McCuiston made the motion to approve Consent Agenda Item A as corrected.

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

TOURISM COMMITTEE REPORT

Joe Rogers, Chairman of the Tourism Committee reported about the marketing campaign using the stylized "V", and gave the commission members rack cards that will be distributed into travel centers and visitor bureaus to market Vernon. Billboards will also be used with the same marketing slogans.

They are also working on a simple map to guide visitors to attractions and restaurants.

Event funding hearings will be held June 29. Last day to apply will be May 27. Mr. Rogers invited events to apply for funding. Applications are at the Chamber of Commerce Office.

PUBLIC WORKS CONSTRUCTION PROGRESS REPORT

Public Works Director Bob Cochran reported that both Ground Storage Tanks were 100% complete, the Ion Exchange Plant Vessel Rehabilitation is complete and the Pease River Discharge pipeline survey is in progress.

ORDINANCE NO. #1558

AN ORDINANCE AMENDING SECTION 26-36(a) OF ARTICLE II, COLLECTION AND REMOVAL SERVICES OF CHAPTER 26 – GARBAGE AND TRASH, OF THE CODE OF ORDINANCES OF THE CITY OF VERNON; AND PROVIDING FOR A REPEALING SECTION, A SAVINGS SECTION, A RECORDING SECTION AND FOR AN EFFECTIVE DATE.

City Commissioner Grant explained that this ordinance would only affect commercial garbage rates, and will not change residential rates. There will be no more side-load containers. Front load containers will now be available, and businesses will have an option of size of container and frequency of pick-up.

Mike Gaver, the commercial and industrial sales representative from IESI, will be visiting all of the commercial customers in the city to discuss the changes.

Commissioner McCuiston made the motion to approve Ordinance No. 1558 changing commercial garbage rates.

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

ORDINANCE NO. 1559

AN ORDINANCE EXTENDING SECTION 36-11 "CURFEW HOURS FOR MINORS" OF THE CODE OF ORDINANCES OF THE CITY OF VERNON, TEXAS, TO ESTABLISH A CURFEW FOR CHILDREN DURING NOCTURNAL HOURS, TO PROVIDE CERTAIN REGULATIONS CONCERNING THE USE OF STREETS DURING NOCTURNAL HOURS, AND TO PROVIDE FOR RELATED MATTERS SUCH AS EXCEPTIONS AND PARENTAL RESPONSIBILITIES, PROVIDING FOR A PENALTY, PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

City Manager Grant explained that this is not a change from our current curfew rules, but is required to be approved every three years.

Commissioner Dennis made the motion to approve Ordinance No. 1559 for curfew renewal.

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

ORDINANCE NO. 1560

AN ORDINANCE TO AMEND THE CITY OF VERNON, TEXAS CODE OF ORDINANCES CHAPTER 50 - TAXATION AND LICENSES, ARTICLE I. IN GENERAL, SECTION 50-2. TAX ABATEMENT POLICY, GUIDELINES AND CRITERIA; PROVIDING SEVERANCE AND RECORDING CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

City Manager Grant explained that this ordinance ratifies the actions taken at the Special City Commission Meeting held on March 29, 2011. State law requires that city's re-adopt guidelines every two (2) years for tax abatement. This ordinance re-adopts existing guidelines plus adds in some policies that were approved at the Special City Commission Meeting, such as objectives and qualifications, and adds a schedule of tax abatement offers that the city can offer in a reinvestment zone.

Tape # 881

Sean Stockard offered favorable comments concerning the policies and guidelines.

Commissioner McCuiston made the motion to approve Ordinance No. 1560 adopting a tax abatement policy, guidelines, criteria and schedule.

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

RESOLUTION NO. 918

A RESOLUTION OF THE CITY OF VERNON, TEXAS, APPROVING A CONTRACT FOR TAX ABATEMENT WITH ABUNDANT ENERGY, LLC.

City Manager Grant explained that this resolution documents the tax abatement for Abundant Energy LLC that was agreed to at the Special Meeting on March 29.

Commissioner Dennis made the motion to approve Resolution No. 918 approving the tax abatement with Abundant Energy LLC.

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

REPLACEMENT OF UV DISINFECTION CONTROLLER EQUIPMENT

Public Works Director Cochran explained that the controller for the UV disinfection system stopped functioning during June, 2010, making it necessary to manually control the system since that time. The controller is a specialized piece of equipment and is manufactured only by Infilco Degremont. This system was installed during the October 1999 upgrade of the Wastewater Treatment Plant and the original control system for this specific model has been obsolete for several years, and we can no longer get parts to make necessary repairs.

Infilco Degremont has proposed replacing the controller with their updated version for a quoted price of \$43,377. Staff is also requesting an additional 15% contingency in the event of unforeseen or hidden issues during the installation process. Total budget for this process will be \$54,483.55 which can be paid from the 2009 GST Bond Proceeds.

Mayor Bearden asked how long it would be until this controller was obsolete. Mr. Cochran responded that it would be until the technology is obsolete.

Commissioner Brownlow made the motion to approve the replacement of the UV disinfection controller equipment.

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

RESOLUTION NUMBER 916

City Manager Grant explained that TDRA found a mistake on Resolution No. 888. The Finance Director instead of the City Secretary should have been named as signatories authorized on this grant. They asked that a new resolution be passed.

Commissioner McCuistion made the motion to approve Resolution No. 916.

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

RESOLUTION NO. 917

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.

City Manager Grant explained that this resolution continues our participation. This steering committee represents the city in rate cases before the Public Utilities Commission.

Commissioner Dennis made the motion to approve Resolution No. 917.

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

CONTRACT FOR ANNUAL SEAL COAT

City Manager Grant explained that Freeman Construction submitted the only bid for our annual seal coat project at a cost of \$1.50 per sq. yd for seal coat and \$6.00 for two course surface.. He is requesting direction regarding how much double course and base work we need to do. The number two street recommended by the paving committee will require considerable preparatory work that would eat up too much of our budget for new streets.

Mr. Grant presented two options to spend the \$57,264 available for new paving. His recommendation was to approve Option 1

Option 1 - \$39,386

Double course Antelope and Tanglewood Streets and double course the short road to Orbison Club House. Use the remainder for engineering, leveling, and base work on Lawrence. Lawrence has the potential to carry a lot of traffic so we should not rush into it considering Mr. Freemans analysis of the amount of base work that will be required.

Option 2 - \$41,298

Double course Antelope and the short road to Orbison Club House, and complete base work on Lawrence. Hold off on Tanglewood until 2012.

There was discussion about the paving committee recommendations, the options for paving and the available funding.

Commissioner Dennis made the motion to approve the contract with Freeman Construction for Sealcoat and utilizing Option 1 for additional paving.

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

CONTRACT FOR COMPLETION OF MAIDEN STREET PAVING

City Manager Grant explained that this will enable us to finish up the Maiden Street Paving Grant. Streets to be double coursed will be:

Peck Street – from Maiden to Olive Street,
Olive Street – from Peck to Turner Streets,
Gilbert Street – from Maiden to Bacon Street,
Luna Street – from Bentley to Strahan Street.

Total budget for this project will be \$37,586.45 as bid by Freeman Construction.

Commissioner McCuiston made the motion to approve the contract with Freeman Construction for completion of the Maiden Street Paving Project.

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

REPLACED DAMAGED POLICE CRUISER

City Manager Grant explained that a 2004 police cruiser was totaled in a wreck where the other driver was at fault. Their insurance will pay around \$13,000. A replacement vehicle will cost \$25,277 on the State contract including all police equipment installed. Mr. Grant recommends that the city accept the insurance settlement and finance the replacement vehicle from part of the proceeds, and purchase one less vehicle in next year's budget.

Commissioner Dennis made the motion to replace the damaged police cruiser.

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

CONTRACT FOR CONSULTANT TO REDUCE ISO RATING

Fire Chief Smead explained that this item is included in the 2010-2011 budget. Mr. Mike Pietsch has submitted a proposal of \$7,750. The contract will include his initial visit and a detailed report on the improvements to obtain a lower ISO classification. A lower ISO classification results in lower insurance premiums for all our citizens and commercial businesses. He is scheduled to be here for the inspection on April 28, 2011.

Commissioner McCuistion made the motion to approve the contract with Mike Pietsch to assist in reduction of the city's Insurance Service Organization Rating.

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

TEMPORARY CLOSURE OF 2200 BLOCK OF ROBERTS STREET

Holy Family Catholic Church has requested the temporary closure of the 2200 Block of Roberts Street on May 1st from 1:00 pm to 5:00 pm for their Cinco De Mayo celebration.

Commissioner Dennis made the motion to approve the street closure.

Commissioner Brownlow seconded the motion. Following discussion about inconvenience to the neighbors the motion passed by unanimous vote.

SHADE STRUCTURE AT ORBISON PARK

Commissioner Brownlow explained that the proposed structure for the remote control air field would match existing structures and be paid for from donations.

Commissioner Brownlow made the motion to approve the plans for a shade structure at Orbison Park.

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

EMPLOYEE POLICY CHANGE – ADMINISTRATIVE LEAVE WITH PAY

City Manager Grant explained that this change will allow him to grant administrative leave with pay for situations where needed, such as during an investigation.

Commissioner Dennis made the motion to approve the employee policy change with the correction of "ten (10) working days" in the last sentence of the policy.

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

EMPLOYEE POLICY CHANGE – EXTREME WEATHER EVENTS

City Manager Grant explained that we established a policy in February, 2011 to compensate non-emergency employees that worked on days where non-emergency services were closed. Compensation was in the form of vacation day, which saved the city a large amount of overtime costs.

A state law requires that police and fire employees should be compensated "days in lieu of vacation days" the same as other employees. Mr. Grant recommends that we grant comparable vacation days to emergency personnel for the 18 hours that we were closed, and recommends approval of this policy change.

This change would require employees to use vacation or other comparable leave if they cannot get to work in the event of extreme weather conditions.

Commissioner Brownlow made the motion to approve this personnel policy change regarding extreme weather events.

Commissioner Dennis seconded the motion, and after a short discussion concerning how to administer the policy, the motion passed by unanimous vote.

PLANNING & ZONING BOARD APPOINTMENTS

City Manager Grant told the Commission that Gene Tyra, Chairman of the Planning and Zoning Commission, has decided to step aside for some new leadership. He presented four names that have all agreed to serve on the Planning and Zoning Commission. Bob Beazley, Jim Gunn and Gib Baskerville have also agreed to be reappointed to another two year term.

Commissioner Brownlow made the motion to reappoint Bob Beazley, Jim Gunn and Gib Baskerville to a new two year term.

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

Commissioner Dennis made the motion to appoint Matt Maurer to the Planning & Zoning Commission.

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

BOARD OF ADJUSTMENT APPOINTMENTS

Commissioner McCuiston made the motion to re-appoint Gary McWilliams, Charles McArthur, and Bobby Burrus, alternate to another two year term on the Board of Adjustment.

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

USE OF PERPETUAL CEMETERY FUNDS

Public Works Director Cochran explained that staff would like to install a new sliding door on the west side of the shop building and construct 195 feet of privacy fence with a 20 foot wide double gate to enclose the west side of the shop that will be used for equipment storage. This will get the cemetery operations out of view of the public. Estimated cost will be less than \$10,000, and Mr. Cochran is requesting use of the perpetual care cemetery funds.

There was discussion of the type of fencing and location of operations.

Tape # 881

Commissioner McCuiston made the motion to approve use of perpetual cemetery funds for placement of a screening fence and relocation of overhead doors at Eastview Cemetery.

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

ADJOURN

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

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



Jeff Bearden
Mayor

ATTEST:



Linda Byers
City Secretary