

**REGULAR MEETING**  
**MAY 24, 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.

Present: Mayor Jeff Bearden

Commissioners: Jimmy Dennis, Travis Taylor, Russell Brownlow 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, Main Street Director Dan Kelleher and City Secretary Linda Byers.

Commissioner Taylor 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 are approved:

- A. Minutes of the Special City Commission Meeting held on Tuesday, March 29, 2011, Minutes of the Regular City Commission Meeting held on Tuesday, April 26, 2011, and the Minutes of the Finance Committee Meeting held on Monday, April 25, 2011.
- B. A \$15,000 KaBOOM Grant application for playground equipment, with a \$9,000 local match.
- C. Application for the USDOJ COPS Grant for the salary of one additional officer for three years.
- D. Second Reading of Ordinance No. 1558 amending commercial garbage rates.
- E. Second Reading of Ordinance No. 1559 – renewal of the curfew ordinance.
- F. Second Reading of Ordinance No. 1560 – Tax Abatement for Abundant Energy.
- G. Approve a contract with Western Enterprises for the fireworks display on July 4, 2011.
- H. Monthly Investment report for April, 2011 reflecting total interest earned in the amount of \$7,053.62. and Vouchers totaling \$739,140.46 for the period April 1, 2011 – April 30, 2011.

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

### ELECT MAYOR PRO-TEM

Commissioner Dennis made the motion to nominate Travis Taylor as Mayor Pro-tem.

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

### THANK YOU TO GENE TRYA

Mayor Bearden presented Gene Tyra a plaque in appreciation of his twenty-seven years of service on the Planning and Zoning Board. The Mayor praised Mr. Tyra for continuing to be a leader in all things Vernon.

### MONTHLY CONSTRUCTION PROGRESS REPORT

Public Works Director Bob Cochran reported that the Pease River Discharge Line is in preliminary design, with 40% complete, with bids projected for late June or early July. We are awaiting an access permit from the railroad.

### ISO CONSULTANT PRELIMINARY REPORT

Fire Chief Smead reported that the ISO Consultant Mike Pietsch had completed their inspection and report. Our ISO PPC Rating is (4) at this time, and could be raised to a (3) with our current grading of 77.81. This would result in a decrease in commercial insurance rates of approximately 9% and residential rates would decrease 2%. If the changes recommended by the consultant can be implemented, that rating could be lowered to (2), which could decrease insurance rates 11% for commercial customers, and possibly 10% for residential customers.

Suggestions for a plan of action include:

- Properly pre-plan all commercial structures within the city limits and update them semi-annually. (1.67 points added)
- Enter into a sharing agreement with another city for a reserve ladder truck if needed. (1.40 points added)
- Increase and document multi-company drills for both paid and volunteer firemen. (1.86 points added)
- Document monthly fire exit drills that are performed at all schools. (.45 points added)

Implementing these suggestions could possibly raise our ISO grading to 83.19, which is above the 80.00 threshold to obtain a ISO PPC rating of (2).

The largest deficiencies found in the report were:

- A complete training facility with a 4-story drill tower.
- Install a supervised alarm circuit between the Police Department Dispatch and the Fire Department.
- Increase staffing for dispatchers to 4 plus a supervisor on each shift.
- Increase staffing for firefighters to 16 on each shift.

Mr. Smead noted that the water supply was very good and the number of hydrants sufficient to deliver the needed fire flows throughout the community. Grants may possibly be available to assist in the cost of a supervised alarm circuit between the police and fire departments.

ISO has graded 48,304 communities across the nation. Vernon is in the top 15% of the nation. Only 7% of the cities have an ISO PPC rating of (3), and only 2% obtain an ISO PPC of (2). In Texas they graded 2,434 communities, and only about 300 communities rated (3) or higher. A lower ISO PPC rating will be an economic boon for the community and a great economic development tool.

### **TECHNOLOGY AND SOCIAL NETWORKING POLICY**

City Manager Grant explained that this change in our current personnel policy manual will enable us to have policies in place before any problems arise. This policy is patterned after the one already in place for the Police Department General Orders.

Commissioner Taylor made the motion to approve the technology and social networking policy for the City Employee Policy Manual.

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

### **ORDINANCE NO. 1561**

#### **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON TEXAS, AUTHORIZING BUDGET AMENDMENT NUMBER 3 TO THE 2010-2011 OPERATING BUDGET DUE TO UNFORESEEN SITUATIONS.**

This is a budget amendment that will enable replacement of the wrecked police cruiser.

Commissioner McCuiston made the motion to approve Ordinance No. 1561.

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

### **MEMORANDUM OF UNDERSTANDING – OLD JAIL**

City Manager Grant explained that for some time the community has discussed the possibility of creating a museum housing the Preston Cary collection of local memorabilia. This memorandum of understanding would enable the County to give the property to the City, and the City would immediately transfer the property to the non-profit Wilbarger County Historical Museum Association. The County cannot give something away except to another government. The City will act as a conduit for the transfer of the property.

Commissioner Dennis made the motion to approve the Memorandum of Understanding regarding transfer of "Old Jail" at 1830 Cumberland to the Wilbarger County Historical Museum Association.

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

**ORDINANCE NO 1562**

**AN ORDINANCE OF THE CITY OF VERNON, TEXAS, AMENDING CHAPTER 42, PEDDLERS, SOLICITORS AND BEGGARS OF THE CODE OF ORDINANCES OF THE CITY OF VERNON, TEXAS; PROVIDING FOR A PENALTY CLAUSE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

This ordinance will improve the ordinance passed in 2008. It will:

- Improve definitions
- Residents can now prohibit solicitors by posting signs
- Application fee to offset costs
- All permits expire December 31
- List causes for revocation or denial of permit
- Require a copy of any state license required.

Commissioner McCuiston made the motion to approve Ordinance No. 1562 amending the Code of Ordinances regarding Peddlers and Vendors.

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

**AQUATIC CENTER LINE OF CREDIT FROM WAGGONER NATIONAL BANK**

City Manager Grant informed the Commission that additional donations had been received from United (\$50,000) and IESI (\$5,000).

This authorization will clarify the action of the Commission at the March, 2011 meeting. The Commission is authorized a two-year line of credit in the amount of \$500,000 from the Waggoner National Bank for the Aquatic Center with a fixed rate of 3.75%.

Commissioner Brownlow made the motion to approve an agreement for a two year Letter of Credit of up to \$500,000 with the Waggoner National Bank for the Aquatic Center with a fixed rate of 3.75%.

Commissioner McCuiston seconded the motion. Commissioner Dennis questioned the \$500,000 amount if it was not needed. Mr. Grant explained that the City would only use what is needed. The original contract cannot be changed without a change order from the City Commission.

After short discussion the motion was approved by a vote of 3-2, with Commissioner Dennis and Commissioner Taylor voting against.

**APPROVE REQUEST FOR WATER SERVICE IN COUNTY**

Public Works Director Cochran explained that Bud Freeman is requesting water service from the City at his home constructed on FM 433. There is an eight (8) inch water main located at the intersection of FM 433 and CR 99 South. Mr. Freeman would be required to tie into the city's existing 8-inch water main, with a minimum of 6-inch piping, and running it along and north of FM 433 for a distance of about 2,500 feet to his property.

Staff recommends that the Commission approve the request under the following terms/conditions:

- Mr. Freeman would be required to pay the standard tapping and boring fees.
- Mr. Freeman would be required to pay current water rates as per ordinance for all class users receiving treated water outside the City corporate limits.
- He would be required to provide a backflow prevention device as required by Ordinance.
- He would be required to install minimum 6-inch water piping, that meet all standards for drinking water piping specifications and installation.
- He must install a fire hydrant at the termination of the new water main.
- He would be responsible for obtaining and paying for any and all right-of-way acquisitions that are necessary.
- He would be required to sign a document agreeing to be annexed at any time requested by the City, or after any date stated in the agreement as being the minimum amount of time prior to annexation as required in City Ordinances.

Commissioner Dennis made the motion to approve the extension of the City water service outside the City Limits for Bud Freeman, subject to the stipulations as noted above.

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

### BUDGET GOALS FOR 2011-2012

City Manager Grant is requesting the Commission to outline goals so that he can begin preparation for the 2011-2012 Budget.

Mayor Bearden reviewed the priorities from prior years, and the ongoing projects need to continue:

- The Main Street Program needs to be supported
- Paving priorities have been established as funds are available.
- Stay on the course we are on but increase operational efficiency
- Finance as much of the pool project and parks project as possible
- Reevaluate the feasibility of a Drug Task Force
- Be conservative
- Work the plans that we have started.

Commissioner Dennis would like to continue our plan for hazardous housing demolition, replace undersized water lines, and tighten our belt and be efficient in our operations.

Commissioner Taylor is worried about appraisals. He would like to look out for citizens and the economy, but continue to move forward.

Commissioner McCuistion would like to broaden our step in the downtown area. This is the key to drawing business which is the key to survival. Mayor Bearden noted that we will need cooperation of the Chamber and the BDC.

Commissioner Brownlow would like to step up events in order to bring added sales tax.

Mr. Grant and staff understand the direction that the Commission wants to go, and will take these comments and work them into the budget document as a goals page.

Commissioner Dennis made the motion that the City Commission develop a letter of formal goals to be included in the Budget document.

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

### EXECUTIVE SESSION

Commissioner Taylor made the motion to enter Executive Session under Government Code Section 551-071 for consultation with Attorney regarding contemplated litigation at 7:46 pm.

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

**REGULAR SESSION RESUMED**

Commissioner McCuiston made the motion to resume executive session at 8:42 pm.

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

**DIRECTIVE REGARDING CONTEMPLATED LITIGATION**

Commissioner Taylor made the motion to authorize the City Attorney to seek consultation for an amount not to exceed \$2,500.

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

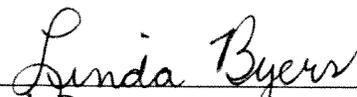
**ADJOURN**

Commissioner McCuiston made the motion to adjourn the meeting at 8:43 p.m.

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

  
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Jeff Bearden  
Mayor

ATTEST:

  
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Linda Byers  
City Secretary