

**REGULAR MEETING**  
**JUNE 28, 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, Fire Chief Kent Smead, Police Chief Tom Wilson, Public Works Director Bob Cochran, Community Development Director Monica Wilkinson, and Main Street Director Dan Kelleher.

Commissioner McCuiston 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.

Charles McArthur thanked Tony Dehoyas and Bob Cochran for purchasing paint for citizens to paint and improve the facilities at Lyday Park.

**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, May 24, 2011 and the Finance Meeting held on Monday, May 23, 2011.
- B. Amend the KABOOM Grant Application to apply for funding at Lyday Park instead of Orbison Park.
- C. Postponement of Fireworks Display until a future date due to the county-wide ban on fireworks during the burn-ban.
- D. Setting the date of July 11, 2011 at 10:00 am for the Aquatic Center Groundbreaking ceremony.
- E. Declare Unit #207, a 2000 Ford Crown Victoria as surplus property to be sold at auction.
- F. Second Reading of Ordinance #1561 – Budget Amendment to replace damaged police cruiser.
- G. Second Reading of Ordinance #1562 – Amending Peddlers and Solicitors Ordinance.
- H. Financial Investment Report for the month of May, 2011 with interest earned totaling \$7,721.78 and vouchers from May 1, 2011 – May 31, 2011 in the amount of \$665,842.33.

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

## **REPORT FROM BUSINESS DEVELOPMENT CORPORATION**

Sean Stockard, President and CEO of the Business Development Corporation informed the Commission that the new BDC at 1724 Pease Street has been remodeled and they plan to move in before the end of July. The building is owned by BDC instead of renting as they have done in the past, so they will be able to save at least \$12,000 per year. Mr. Stockard referenced an article in the Vernon Daily Record that explains the planning behind purchasing the building, why it was purchased and the changes that will be implemented once the move is made.

They are working closely with Dan Kelleher on the Main Street Program. He is working on the 2012 Budget for Commission consideration. They are working on wording for a November Election to allow changes to the way the BDC operates.

Mr. Stockard reported on staffing and activity at Abundant Energy and Tangerie.

### **BDC BUDGET AMENDMENT**

Sean Stockard requests a budget amendment to the current years operations budget to reflect the actual fund balance as reported in the most recent year's audit report.

Commissioner Dennis made the motion to approve the budget amendment for the Business Development Corporation.

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

### **WATER LEVEL REPORT**

Public Works Director Bob Cochran reported on water level data from the past seven years in the Winston & Odell Well Field, the monthly average, the current depth of water, and historical averages, and explained the graph that he presented. He explained that even though the surrounding cities are in drought situations, we are not in bad shape, being 1 ½ feet below normal, but staff will keep an eye on the water levels. They plan to measure one week early this month to see if the downward trend continues, and proceed accordingly.

City Manager Grant also noted that our drought contingency plan relates only to our ability to pump water. Mr. Cochran noted that the trigger for Stage 1 water restrictions is pumping capacity of 7,225,000 gallons. We have 7.5 million gallons at this time.

There was continued discussion concerning water levels and possible options for water conservation.

**TIFMAS FIRE FIGHTING EQUIPMENT REPORT**

Fire Chief Kent Smead reported on the new grass fire truck received through a \$99, 938 TIFMAS grant. It will be used locally, but will be available for mutual aid calls in surrounding counties without endangering the department's ability to protect Vernon and Wilbarger County citizens. If we use the truck for mutual aid calls, we can be reimbursed for our expenses from TIFMAS.

The Commission recessed to view the new truck, and shortly resumed the scheduled meeting.

**SPECIAL USE PERMIT – OFF PREMISE ADVERTISING REPORT**

Community Development Director Monica Wilkinson reported that the State National Bank had made a request for an off-premise monument sign at the southwest intersection of Hwy 287 Frontage Road and Western Trail Drive. According to City Ordinance, a specific use permit is required for signs not expressly permitted by ordinance.

The Planning & Zoning Commission approved the request, contingent upon approval from TXDOT, but staff had some reservations about setting precedents for other off-premise advertising. The sign proposed was an attractive sign, and the Planning & Zoning Commission did not want to stop that kind of progress.

The Commission will need to hold a Public Hearing on the proposal and vote on the first reading of Ordinance #1565.

**PUBLIC HEARING – SPECIAL USE PERMIT FOR STATE NATIONAL BANK**

Mayor Bearden opened the public hearing for comments.

William Bachman, Senior Vice-President of State National Bank, explained more about the proposed sign. The sign will be of the same material as their sign on Hillcrest Drive, and will complement the landscaping at the Hampton Inn.

There being no other comments, Mayor Bearden closed the public hearing.

**ORDINANCE NO. 1565**

**AN ORDINANCE GRANTING A SPECIFIC USE:  
DEFINING THE SPECIFIC USE; FOR CONFLICT,  
VALIDATION RECORDING AND AN EFFECTIVE DATE.**

Commissioner Brownlow made the motion to approve Ordinance #1565 if and when it is approved by TXDOT and receives final legal review from the City Attorney.

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

**NOMINATION TO REGION B WATER PLANNING BOARD**

Mayor Bearden explained that Ed Garnett had resigned, and the City needs a replacement. Mr. Grant and Mr. Cochran have both agreed to serve on this board that is involved in regional water planning.

Commissioner Dennis moved to appoint Mitch Grant as the regional representative to the Region B Water Planning Board.

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

**BILLING & COLLECTION CONTRACT FOR EMS SERVICES**

Fire Chief Smead explained that the City received three RFP proposals for EMS Billing & Collections. A committee of Chief Smead, Anne Garmon, Monica Chapman and Adam Scott recommend the City enter into an agreement with Intermedix to provide four laptops, Patient Care Report Software, and billing and collections services at a rate of 10.90% of collections.

Commissioner Taylor made the motion to approve the agreement with Intermedix.

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

**ORDINANCE NO. 1564**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON TEXAS, AUTHORIZING BUDGET AMENDMENT NUMBER 4 TO THE 2010-2011 OPERATING BUDGET DUE TO UNFORESEEN SITUATIONS.**

City Manager Grant explained that when we applied for the grant for the Maiden Street Paving, the Circle of Sisters pledged \$12,500 toward that grant project. We would not have gotten the grant without the match pledge.

The Circle of Sisters has been dissolved, but the New Visions Economic Development organization has agreed to help. They have agreed to use \$8,500 of their annual funding from the City to make up part of the match. This budget amendment will move \$4,000 from the contingency line item to the New Visions line item to use for the remainder of the match. This is in line with earlier proposals to use some of the contingency to help with the overall paving effort.

Commissioner McCuiston made the motion to approve Ordinance No. 1564.

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

**2011-2012 ANNUAL BUDGET SCHEDULE**

City Manager Grant explained the proposed schedule for adopting the budget and setting the tax rate for the 2011-2012 Fiscal Year.

Commissioner Taylor made the motion to approve the proposed schedule.

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

**PLANNING & ZONING COMMISSION APPOINTMENT**

Buddie Rivers has resigned from the Planning & Zoning Commission, and it is necessary to appoint a replacement to fill his unexpired term.

Commissioner Taylor made a motion to appoint Tisha Garrard to the Planning & Zoning Commission.

Commissioner Dennis seconded the motion.

Commissioner McCuiston made the motion to appoint William Bachman. The motion died for lack of a second.

The motion to appoint Tisha Garrard passed by unanimous vote.

**ORDINANCE NO. #1563**

**AN ORDINANCE AMENDING SECTION 26-35(b) AND SECTION 26-36(e) 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 Manager Grant explained that IESI, Inc. included a fuel surcharge in their most recent contract, but they had to request the surcharge sixty days prior to including it on the bills. The base for this surcharge is a diesel price of \$3.79.

The request on the May billing was \$697, which would relate to a 0.8% increase to all customers – or about 11 cents for the average customer. Mr. Grant recommends that with all of the problems relating to the new type dumpsters, that the city absorb the surcharge in hopes the price of diesel continues to fall.

Following discussion, Mayor Bearden called for a motion on Ordinance No. 1563. No action was taken.

**EXECUTIVE SESSION**

Commissioner McCuiston made the motion to enter executive session under Government Code, Section 551-071, for consultation with attorney regarding contemplated litigation at 7:48 pm.

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

**RESUME REGULAR SESSION**

Commissioner McCuiston made the motion to resume the regular meeting at 8:56 pm.


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

No action was taken following executive session.


**ADJOURN**

Commissioner McCuiston made the motion to adjourn the meeting at 8:58 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