

REGULAR MEETING
SEPTEMBER 27, 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, Russell Brownlow, Travis Taylor and Phil McCuistion

Staff Present: City Manager Mitch Grant, City Attorney Trish Byars, Police Chief Tom Wilson, Public Works Director Bob Cochran, Finance Director Anne Garmon, Community Development Director Monica Wilkinson, Main Street Director Dan Kelleher, City Secretary Linda Byers, Fire Marshall Danny Rozzell, and Parks Supervisor Tony Dehoyas.

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.

Dr. J.C. Parmer suggested to the Commission that they name the new Aquatics Center the Bill Heatly Memorial Aquatics Center. He also offered praise for the Fire Departments speedy response to a fire near his property North of town. Mayor Bearden noted that a name for the Aquatics Center would be turned over to the Advisory Board.

CONSENT AGENDA

Commissioner McCuistion moved the following items under the Consent Agenda are approved:

- A. Minutes of the Regular City Commission Meeting held on Tuesday, August 23, 2011 and minutes of the Finance Committee Meeting held on Monday, August 22, 2011.
- B. Second Reading of Ordinance NO. 1568 regarding an Increase in Water and Sewer Rates.
- C. Second Reading of Ordinance No. 1569 regarding the final budget amendment to the Fiscal 2010-2011 Budget.
- D. A two year contract for Chlorine and Chemicals for the Water and Wastewater Departments with J-Systems of Wichita Falls, Texas in the amount of \$14,850 annually.
- E. Financial Investment Report for the month of August, 2011 with interest earned totaling \$8,144.01 and vouchers from August 1, 2011 – August 31, 2011 in the amount of \$935,580.82.

**RECOGNITION OF LINDA BYERS – TEXAS MUNICIPAL CLERKS
CERTIFICATION PROGRAM**

Mayor Bearden and City Manager Grant recognized City Secretary Linda Byers for completing the Texas Municipal Clerks Certification Program.

BRINE DISCHARGE LINE REPORT

Public Works Director Bob Cochran reported that the design phase is 99% complete. We are waiting on the bid package from Kimley-Horn and Associates and the permit from the railroad.

AQUATIC CENTER CONSTRUCTION REPORT

Parks and Cemetery Supervisor Tony Dehoyas reported that the contractor had finished excavation this week, and estimates that construction will be 20% complete by the end of the week. There have been no major issues, and a lot of citizen observation. Commissioner McCuiston suggested that the construction fence be moved further to the North to allow access to the West door of the Clubhouse.

RESOLUTION NO. 921

**A RESOLUTION OF THE CITY OF VERNON, TEXAS,
APPROVING A CONTRACT FOR TAX ABATEMENT WITH
RHODIA NORTH AMERICA, INC, A MEMBER OF SOLVAY
(RHODIA) AND ALLOWING FOR REQUIRED NOTICES
TO OTHER ENTITIES.**

Sean Stockard, President/CEO of the Business Development Corporation explained that “Project Big Sky” was an expansion project for Rhodia and introduced Brian Corde with Atlas Insight, who has been working with Rhodia to put a proposal together for a Tax Abatement offer.

Mr. Corde explained the Rhodia expansion project. Atlas Insight is advising Rhodia on this expansion project and noted that a final sight had not been determined but was narrowed down to the Vernon site or a site in India. Mr. Corde extended his appreciation for our prompt consideration.

Jim Trafton, Rhodia Plant Manager, explained that their industry has seen a 50% growth in five years. He emphasized that this project in Vernon is not a “done deal” but a very competitive project, and they were working to convince management that Vernon holds the best position to manufacture the products.

Commissioner Dennis made the motion to approve Resolution No. 921 – Tax Abatement for Project Big Sky.

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

RESOLUTION NO. 922

This Resolution nominates Rhodia and Project Big Sky for participation in partial Sales Tax refunding of state sales tax back to Rhodia. This is another incentive to entice this development to take place. Commissioner Dennis noted that Tyson benefitted from this program.

Commissioner McCuiston made the motion to approve Resolution No. 922.

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

RESOLUTION NO. 923

A RESOLUTION APPROVING AN APPLICATION FOR FUNDING THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE/OFFICE OF RURAL COMMUNITY AFFAIRS TEXAS CAPITAL FUND INFRASTRUCTURE GRANT PROGRAM

Mayor Bearden clarified the wording of this agenda item. This resolution approves the application to the Texas Capital Fund Infrastructure Grant Program, not the loan agreement.

Commissioner Taylor made the motion to approve Resolution No. 923.

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

LYDAY PARK PLAYGROUND EQUIPMENT

Community Development Director Wilkinson explained that the Christine Lyday Park Improvement Project committee recommends the City purchase a Playworld play structure from the PlayWell Group out of Dallas, Texas at a cost of \$24,291.52. The KABOOM grant will pay \$15,000 and the City will be responsible for the balance, which will be provided from the funds budgeted for the New Visions Corporation. AEP has agreed to donate an undisclosed amount to help pay for replacement of existing fall material under the equipment.

Charles McArthur, Chairman of the Christine Lyday Park Improvement Project committee, thanked Ms. Wilkinson for her work on this project, and asks for approval of this purchase.

City Manager Grant noted that this was a part of our Park Plan.

Commissioner Taylor made the motion to approve purchase of the new park equipment.

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

ORDINANCE NO. 1572

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 staff had a directive from the City Commission to promote Main Street planning. This Ordinance is a vehicle for retail and smaller type building improvements to obtain tax abatements. The State recommended changing our criteria, while offering the same criteria to everyone. In collaboration with other local entities, the schedule for tax abatements is lowered to \$5,000.

Commissioner Brownlow made the motion to approve Ordinance No. 1572 regarding amendment to Tax Abate Reinvestment Zone Criteria.

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

AQUATIC CENTER FUNDING

City Manager Grant presented the following options so that the Commission could have options when deciding whether or not to add features to the Aquatic Center. The timing is critical if additional features are going to be added. Any of these note options could be easily serviced over a ten year period with the utility bill donations, which has held steady at around \$3,100 per month.

- Under the current plan we can build the project without a slide or the infrastructure for a slide with \$185,000 in additional funding.
- Option A – Add infrastructure for the two slide structure. Total amount of the note would be \$210,000.
- Option B - A single slide with a mushroom play feature in the zero entry beach. The note would be \$280,000.
- Option C – Adding the original slide (2nd slide could be added) plus a mushroom play feature. The amount of the note would be \$365,000.

Commissioner Brownlow noted that we needed a slide to draw more people. Mr. Grant noted that he had talked with Brownwood and their pool operated with a \$150,000 profit the first year. There was discussion about the different options.

Commissioner McCuiston made the motion to accept Option C.

Commissioner Brownlow seconded that motion, which passed by a vote of 4 – 1 with Commissioner Dennis voting against.

ORDINANCE NO. 1573

AN ORDINANCE AMENDING ARTICLE II. NUISANCES OF CHAPTER 28 - HEALTH AND SANITATION OF THE CODE OF ORDINANCES OF THE CITY OF VERNON; PROVIDING FOR A REPEALING SECTION; A SAVINGS SECTION; A RECORDING SECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Grant explained that the Municipal Judge felt we needed to clarify our Nuisance Ordinance. This will add definitions and also add an administrative fee to help recoup some of the costs associated with administration of Code Enforcement.

Commissioner Brownlow made the motion to approve Ordinance No. 1573 amending our junk and debris rules.

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

ORGANIZATION & HIRING PROCESS FOR COURT CLERK/ASSOCIATE JUDGE POSITION

City Manager Grant outlined how he would propose organizing the hiring and supervision of the new position of Municipal Court Clerk / Associate Judge. He proposes to place this court clerk under supervision of the City Secretary for employment issues and the Municipal Judge for clerk/judicial issues.

This position will be appointed by the City Commission in the same manner as the Municipal Judge is appointed. We will need to make allowances for that by having an endorsement or joint hiring plan where the current judge has some say in the hiring before the ultimate appointment by the City Commission. Following discussion of the job duties and supervision;

Commissioner McCuiston made the motion to approve the organization and hiring process for the new Court Clerk/ Associate Judge position.

Commissioner Brownlow seconded the motion. Mr. Grant asked how many appointees the Commission would like to consider. Following discussion, Commissioner McCuiston made the motion to amend the original motion to recommend a single candidate.

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

The amended motion to approve the organization and hiring process for the new Court Clerk/Associate Judge, and to bring a single candidate for appointment passed by unanimous vote.

EXECUTIVE SESSION

Commissioner McCuiston made the motion to enter executive session under Government Code 551-074 – Personnel – City Manager Annual Review at 7:25 pm.

Commissioner Taylor seconded the motion, which was approved by unanimous vote.

RESUME REGULAR SESSION

Commissioner MaCuiston made the motion to resume regular session at 7:48 pm.

Commissioner Brownlow seconded the motion, which was approved by unanimous vote.

There was no action following executive session.

EXECUTIVE SESSION

Commissioner Taylor made the motion to enter executive session under Government Code 551-072 for consultation with attorney regarding contemplated litigation at 7:49 pm.

Commissioner Brownlow seconded the motion, which was approved by unanimous vote.

RESUME REGULAR SESSION

Commissioner Taylor made the motion to resume regular session at 8:06 pm.

Commissioner Brownlow seconded the motion, which was approved by unanimous vote.

ACTION FOLLOWING EXECUTIVE SESSION

Commissioner McCuiston made the motion to approve the action recommended by the attorney.

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

EXECUTIVE SESSION

Commissioner McCuiston made the motion to enter executive session under Government Code 551-072 for consultation with attorney regarding contemplated litigation at 8:07 pm.

Commissioner Taylor seconded the motion, which was approved by unanimous vote.

RESUME REGULAR SESSION

Commissioner McCuiston made the motion to resume regular session at 8:36 pm.

Commissioner Taylor seconded the motion, which was approved by unanimous vote.

ACTION FOLLOWING EXECUTIVE SESSION

Commissioner McCuiston made the motion to approve the action recommended by the attorney.

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

ADJOURN

Commissioner McCuiston made the motion to adjourn the meeting at 7:37 p.m.

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



Jeff Bearden
Mayor

ATTEST:



Linda Byers
City Secretary