

REGULAR MEETING
MAY 22, 2012

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 Jimmy Dennis absent.

Present: Mayor Jeff Bearden

Commissioners: Russell Brownlow, Travis Taylor and Phil McCuiston

Staff Present: City Manager Mitch Grant, City Attorney Trish Byars, Police Chief Tom Wilson, Fire Chief Kent Smead, Public Works Director Bob Cochran, Finance Director Anne Garmon, 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.

Doyle Close spoke against Ordinance No. 1591 (Gaming Fees), stating that the Commission was pointing a finger at a particular business. They should think before passing an ordinance against certain businesses.

Mayor Bearden closed public comment.

CONSENT AGENDA

Commissioner Taylor moved the following items under the Consent Agenda are approved. This motion dies for lack of a second.

Commissioner Brownlow moved to consider Item D separately and approve all other items on the consent agenda:

- A. Minutes of the Regular City Commission Meeting held on Tuesday, April 17, 2012, and minutes of the Finance Committee Meeting held on Monday, April 16, 2012.
- B. Sale of surplus property as listed.
- C. Second Reading of Ordinance No. 1590 – “Consider all matters incident and related to the issuance of City of Vernon, Texas, General Obligation Refunding Bonds, Series 2012; including the adoption of an ordinance establishing parameters for the redemption of certain outstanding obligations of the City, authorizing the issuance of the bonds, establishing procedures for the sale and delivery of the bonds; levying an annual ad valorem tax rate for the payment of said bonds, and enacting other provisions relating to the subject.”

- D. Considered separately.
- E. Application to Walmart for a Community Grant for Camera Equipment.
- F. Personnel Policy changes regarding Interns, Social Media, and FMLA.
- G. Financial Investment Report for the month of April, 2012 with interest earned totaling \$5,937.85 and vouchers from April 1, 2012 – April 30, 2012 in the amount of \$915,717.14.

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

CONSENT AGENDA – ITEM D

City Manager Grant noted that the City of Vernon's ability to license goes back to the beginning of our Charter, and Mr. Coleman would gladly pay the fee, stating that he felt it would legitimize his business. City Attorney Byars noted that the definitions in the Ordinance follow the Penal Code.

Following a short discussion, Commissioner Taylor made the motion to approve second reading of Ordinance No. 1591 establishing permitting and business fees for amusement and gaming devices.

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

RECOGNITION OF ADAM SCOTT

Fire Chief Smead recognized Adam Scott for receiving the North Texas Regional Advisory Council Trauma Advocate of the Year Award, noting that he had worked hard to set up our Paramedic program.

REPORT – AQUATIC CENTER CONSTRUCTION

City Manager reported that City employees did a lot of the work to cut down on costs. There should be water in the pool tomorrow, and opening possible early next week and Grand Opening possibly by next Friday. The Bath House will be ready by the end of the week. Engineers and Architects will be there tomorrow for inspection.

PUBLIC HEARING – CONDEMNATION OF PROPERTY

Community Services Director Monica Wilkinson outlined the buildings to be considered for condemnation through a power point presentation. Those properties are:

- 1608 Houston St. owned by James Ellis.
- 3325 Luna St owned by Hughell & Ruth Holt,
- 1216 Ross St. owned by Merlin Smith,
- 1700 Texas St. owned by Charles & Gwenda Cook,
- 909 Wanderer St. owned by Robert Thomas

Digital Recording on file

Mayor Bearden opened the Public Hearing for condemnation of property as noted above.

Charles Cook, owner of the property at 1700 Texas told the Commission that the taxes were current on his building and it was not a danger to anyone. It is not open, and he is in the process of getting it cleaned out. He said it should not be condemned.

Gwenda Cook and Norman Brints both spoke in favor of giving additional time to get the building cleaned out.

With no other public comment Mayor Bearden closed the Public Hearing.

RESOLUTION NO. 937

A RESOLUTION DECLARING THAT CERTAIN IMPROVEMENTS DESCRIBED HEREIN ARE PUBLIC NUISANCES, AND REQUIRING THE TAKING DOWN AND REMOVAL OF SUCH IMPROVEMENTS.

Monica Wilkinson noted that the roof leaks on the property at 1700 Texas Street and they have some concerns for the stability of the structure roof.

There was discussion on the structural integrity of the building, and options to condemning the property.

Following these discussions, Commissioner McCuiston made a motion to approve Resolution No. 937 with amended language to provide for an extension until October 30 for the property at 1700 Texas Street.

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

PUBLIC HEARING - ZONING CHANGE FOR 401 & 403 WICHITA STREET

Community Development Director Wilkinson explained the location of the zoning change, which will be from General Residential (GR) District to Light Industrial (IL) District so that Don Jones can expand his machine shop, which has been in place for over fifty years. There has been no opposition from the public.

Mayor Bearden opened the Public Hearing.

There were no comments from the Public. Mayor Bearden closed the Public Hearing.

ORDINANCE NO. 1592

AN ORDINANCE CHANGING THE BOUNDARIES OF THE GENERAL RESIDENTIAL & LIGHT INDUSTRIAL DISTRICTS, DEFINING THE LOCATION OF THE NEW BOUNDARIES, AND PROVIDING FOR CONFLICT, VALIDATION, RECORDING AN EFFECTIVE DATE.

Digital Recording on file

Commissioner Brownlow made the motion to approve the zoning change from Residential to Light Industrial for Jones Machine Shop at 401 and 403 Wichita Street.

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

RESOLUTION NO. 936

**A RESOLUTION OF THE CITY OF VERNON
AUTHORIZING FOR THE PLACEMENT OF A STOP SIGN
AT THE INTERSECTING ROADWAY OF SAND ROAD
AND CANNON STREET, AND PROVIDING FOR AN
EFFECTIVE DATE.**

City Manager Grant explained that the City is planning to tee-up and pave Cannon Street at its intersection with Sand Road, and close the curve from Cannon Street to Sand Road, as well as place a stop sign at the intersection of Cannon Street and Sand Road, and possibly along Sand Road at either Cannon Street or Ball Park Road.

There was discussion concerning the locations of entry to parking at the ball park, whether the curve would be torn out, and opposition to placing stop signs along Sand Road.

Commissioner McCuiston made the motion to approve Resolution No. 936 without Stop Signs on Sand Road.

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

STEP & GRADE PAY PLAN EXTENSION

City Manager Grant explained that the Step & Grade Pay Plan that was approved at budget time, but we have employees who have reached step 12 and are prevented from getting merit increases. Mr. Grant proposes extending the plan one more year to number 13, and look at it again at budget time this year.

Commissioner McCuiston made the motion to approve extension of the Step and Grade Pay Plan.

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

CONTRACT – SEAL COAT FIRST TIME PAVING

Public Works Director Cochran explained that the proposed contract from Freeman Construction would enable the City to either single-course or double-course all of the unpaved streets identified as priorities by the Paving Committee with the exception of Maiden Street. This contract will include paving the portion of Cannon at Sand Road and the area around the Aquatic Center, and the road from the Aquatic Center back to Ball Park Road. We will then have a paved road throughout Orbison Park.

Digital Recording on file

All of the money originally used for Seal Coating will be used for first time paving this year, suspending the seal coat plan for at least one year.

Bid amounts of \$2.85 per square yard for single-coarse surface and \$6.00 per square yard for two-coarse surface treatment on Lorange Street. Base material is priced at \$13.00 per square yard. Total amount of Base bid is \$177,797.25 with two additive alternates for the Pool House Parking and Orbison Park Paving totaling \$183,797.25.

Commissioner Taylor made the motion to approve the contract for annual seal coat first time paving work.

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

BRINE DISCHARGE LINE - CHANGE ORDER #1

Public Works Director Cochran explained that the City's permit with the Texas Commission on Environmental Quality (TCEQ) required the City to add sixty feet to make a 100 foot catchment zone to the outfall structure before discharge into the Pease River. Cost is \$10,000, which is still within the original budget for this project.

Commissioner McCuiston made the motion to approve Change Order #1 regarding construction of the Brine Discharge Line.

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

RESOLUTION NO. 935

**RESOLUTION OF THE CITY OF VERNON DENYING
ATMOS ENERGY CORP., MID-TEX DIVISION'S
("ATMOS MID-TEX") REQUESTED RATE CHANGE;
REQUIRING THE COMPANY TO REIMBURSE THE
CITY'S REASONABLE RATEMAKING EXPENSES;
FINDING THAT THE MEETING AT WHICH THIS
RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS
REQUIRED BY LAW; REQUIRING NOTICE OF THIS
RESOLUTION TO THE COMPANY AND ACSC'S LEGAL
COUNSEL**

City Manager Grant noted that it is standard procedure to deny Atmos rate request increases, and recommends approval.

Commissioner Taylor made the motion to approve Resolution No. 935 denying rate increase request from Atmos.

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

RESOLUTION NO. 938

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 the City has joined the Atmos Cities Steering Committee for several years, and this funds the cost of lawyers to fight rate increases to cities.

Commissioner Taylor made the motion to approve Resolution No. 938 approving participation in Atmos Cities Steering Committee.

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

PHYSICAL IMPROVEMENT DEFERRED MATCHING LOAN PROGRAM CHANGES

Main Street Director Kelleher explained that this change in the rules would encourage use of local contractors and suppliers.

Commissioner Brownlow made the motion to approve changes to the Physical Improvement Deferred Matching Loan Program.

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

CONTRACT - COMMUNICATION EQUIPMENT UNDER PUBLIC SAFETY GRANT

Police Chief Wilson explained that the lowest qualified bid was from Price Communications in the amount of \$51,325. The lower bid received did not meet specifications as outlined in the sealed bids. This purchase will be reimbursed with a Public Safety Grant.

Commissioner McCuiston made the motion to approve the contract with Price Communications for purchase of communication equipment under the public safety grant program.

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

DISPOSAL OPTION FOR EXCAVATED FILL DIRT

City Manager Grant explained that Don Jones needs dirt for his development, and the City needs to move the dirt excavated from the Aquatic Center project. State law allows the City to sell the dirt for fair market price to Don Jones to aid in his development and to others as needed. Fair market price would be approximately \$15 per square yard.

Digital Recording on file

Commissioner Taylor made the motion to approve disposal of the excavated fill dirt and to make the most reasonable deal.

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

MAYOR PRO-TEM

Commissioner Taylor nominated Russell Brownlow as Mayor Pro-Tem.

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

ADJOURN

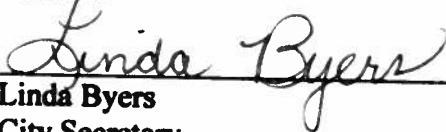
Commissioner McCuiston made the motion to adjourn the meeting at 8:00 p.m.

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



Jeff Bearden
Mayor

ATTEST:



Linda Byers
City Secretary