

**REGULAR MEETING
AUGUST 28, 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 Phil McCuiston absent.

Present: Mayor Jeff Bearden

Commissioners: Jimmy Dennis, Russell Brownlow and Travis Taylor

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, City Secretary Linda Byers, EMS Coordinator Adam Scott and Water Distribution Supervisor David Templeton..

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.

Carl Dann spoke to the Commission concerning the need for a Ramp Park, He asked for support and direction and help from the City Planner. Their group is working on non-profit status, but does not have any civic group support.

Mayor Bearden directed Mr. Dann to contact Monica Wilkinson, Community Development Director, and suggested that the ramp park be included in future park planning.

Carl Zipperle was concerned about the threat of West Nile Virus, parking around Ball Park Road, and water standing on Parker Drive.

Mayor Bearden closed public comment.

CONSENT AGENDA

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

- A. Minutes of the Regular City Commission Meeting held on Tuesday, July 24, 2012, and minutes of the Finance Committee Meeting held on Monday, July 23, 2012, minutes of Special Meetings held on Tuesday, August 7, 2012, Thursday, August 16, 2012 and Monday, August 20, 2012,
- B. Ratification of approval for additional water line crossings for Blue Summit Wind Farm.

Digital Recording on file

- C. Budgeted purchase of sixteen (16) Kenwood portable radios from Price Communication in the amount of \$24,450 to meet P25 Communications mandate.
- D. Amendment of the Interlocal Agreement with Texas Department of Public Safety Failure to Appear Program.
- E. Financial Investment Report for the month of July, 2012 with interest earned totaling \$5,410.89 and vouchers from July 1, 2012 – July 31, 2012 in the amount of \$1,018,311.29.

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

DEPOSITORY CONTRACT

City Manager Grant recommended that the City award a two year depository contract to the Waggoner National Bank as recommended by the Finance Director. Interest will be paid at the Fed Funds target rate plus 40 basis points.

Commissioner Dennis made the motion to approve the depository contract with the Waggoner National Bank.

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

BDC BUDGET

Sean Stockard, President/CEO of the Business Development Corporation and Board Member Bobby Crews were present. Mr. Stockard noted that he would answer any questions concerning the budget adopted by his board.

Commissioner Taylor and Commissioner Dennis both had concerns about the available detail concerning expenditures on the BDC Budget. Commissioner Taylor requested that the City have a meeting with the BDC Board to answer questions.

Commissioner Taylor made the motion to postpone approval of the budget until after a meeting with the BDC Board of Directors.

Commissioner Dennis seconded the motion. Following discussion about how best to handle a joint meeting to get questions answered, the motion was approved by unanimous vote.

APPRAISAL DISTRICT BUDGET

Commissioner Dennis President of the Appraisal District Board explained that the Appraisal District is governed by the MAPS (Method and Assistance Program). The MAPS noted that the Appraisal District was borderline on staffing. This budget allows for an additional staff member, which will allow the District to do their own appraisals in house next year when the contract with Pritchard & Abbot expires. Chief Appraiser Sandy Burkett has met with other entities and they are in approval.

Digital Recording on file

City Manager Grant noted that this would be an increase in the current City Budget.

Commissioner Taylor made the motion to approve the Appraisal District Budget.

Commissioner Dennis seconded the motion, and following a short discussion, the motion was approved by unanimous vote.

ORDINANCE NO. 1593

AMENDING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2011, AND THROUGH SEPTEMBER 30, 2012, FOR THE CITY OF VERNON; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGETS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Grant noted that this ordinance would adopt the 12-month Estimated Expenditures amount of the 2012-2013 Budget as the Final Amended Budget for the 2011-2012 Fiscal Year. Total expenditures would be \$12,373,557.

Commissioner Dennis made the motion to approve Ordinance No. 1593, approving final budget amendments for Fiscal 2012.

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

2012-2013 BUDGET DISCUSSION

City Manager Grant explained that this budget includes the items discussed at the August 7, 2012 Special Meeting. Changes include:

- Moving expenses for the Police Department Receptionist to the Municipal Court as a Court Clerk.
- Mower for the Cemetery to be paid from Perpetual Care Fund.
- Mosquito Sprayer for Parks to be financed for three years.
- Includes a 4.5% increase in Water & Sewer Rates.

PUBLIC HEARING FOR 2012-2013 BUDGET

Mayor Bearden opened the Public Hearing on the 2012-2013 Budget.

There being no public comments, Mayor Bearden closed the Public Hearing.

ORDINANCE NO. 1595

AN ORDINANCE ADOPTING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2012, AND THROUGH SEPTEMBER 30, 2013, FOR THE CITY OF VERNON; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGETS; ESTABLISHING AND ADOPTING AN OFFICIAL CLASSIFICATION PLAN FOR ALL POSITIONS AND ABOLISHING ALL POSITIONS NOT LISTED IN SAID BUDGETS; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT; DECLARING AN EMERGENCY AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Grant noted that adoption of this ordinance to approve the 2012-2013 Budget would also approve the list of Budgeted Employment Positions, the Step & Grade Plan, and the Capital Improvement Plan for 2012-2013.

Commissioner Taylor made the motion to approve Ordinance No. 1595 adopting the 2012-2013 Fiscal Year Budget and all related documents.

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

ORDINANCE NO. 1596

AN ORDINANCE APPROVING THE 2012 TAX ROLL; LEVYING AD VALOREM TAXES ON ALL TAXABLE PROPERTY IN THE CITY OF VERNON, TEXAS, FOR THE YEAR 2012; PROVIDING FOR THE MAILING OF TAX STATEMENTS; FIXING THE DUE DATE AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE COLLECTION OF TAXES, A SAVINGS CLAUSE, A REPEALING CLAUSE, RECORDING, DECLARING AN EMERGENCY, AND EFFECTIVE DATE.

City Manager Grant noted that the proposed tax rate of \$0.360778 is the same rate as last year.

Commissioner Dennis made the motion to adopt Ordinance No 1596 adopting the rate of \$0.360778 per \$100 valuation.

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

ORDINANCE NO. #1597

AN ORDINANCE AMENDING SECTION 54-152 OF ARTICLE V – WATER OF CHAPTER 54 AND SECTION 54-62 OF ARTICLE III – SEWERS OF CHAPTER 54 – UTILITIES, 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 noted that this is for a 4.5% increase in all rates, and is the rate needed to support the budget. All contract users were invited to comment, and would have a second opportunity at the second reading in September.

Commissioner Brownlow made the motion to approve Ordinance No. 1597 setting water and sewer rates.

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

AMEND PAVING CONTRACT WITH FREEMAN CONSTRUCTION

City Manager Grant explained that we were not going to be able to complete the entire paving project before September 30. With the City's aggressive first time paving effort, they did not realize the time involved in prep work for the streets to be paved. There have been delays in the delivery of road mix needed to prepare the base and discovery of manholes that were covered over in the dirt streets.

Mr. Grant suggested moving the paving of Wichita Street (from Oak to Violet) and Bismarck Street (from Sherman to Eagle) about \$30,000 to the 2013 Budget. Mr. Grant asked for authorization to amend the 2012 paving contract to extend the time for completion to next year.

Commissioner Dennis made the motion to authorize City Manager Grant to amend the paving contract with Freeman Construction.

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

ORDINANCE NO. 1598

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON, TEXAS, APPROVING THE SALE OF THE PROPERTY AT 2210 FANNIN STREET, APPROVING THE SALES PRICE, AND REQUIRING THAT DELIVERY OF THE PROPERTY BE EXECUTED TO THE PERSON NAMED BELOW.

Digital Recording on file

City Manager Grant explained that this was property that did not sell at the recent Sheriff's Sale, and approval for the sale will be required by Vernon ISD, Wilbarger County, Vernon College and Wilbarger General Hospital.

Commissioner Brownlow made the motion to approve Ordinance No. 1598 approving sale of property at 2210 Fannin Street to Robert Goodrum.

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

ORDINANCE NO. 1599

AN ORDINANCE ADDING CHAPTER 52- TRAFFIC, ARTICLE VI. SPEED REGULATIONS, SECTION 52.262 (B) OF THE CODE OF ORDINANCES OF THE CITY OF VERNON; ALLOWING TEMPORARY CHANGE IN SPEED LIMITS IN CONSTRUCTION ZONES AND PROVIDING A PENALTY; PROVIDING FOR A REPEALING SECTION; A SAVINGS SECTION; A RECORDING SECTION; DECLARING AN EMERGENCY AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Grant explained that TXDOT requested a change for the speed limits in construction zones on Center Drive. This ordinance will allow the City Manager, upon recommendation of the Police Chief to reduce the speed limits in construction zones for up to 90 days.

Commissioner Brownlow made the motion to approve Ordinance No. 1599 allowing temporary reduction in speed limits for construction zones.

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

**LETTER OF CREDIT FOR CONSTRUCTION OF BENTLEY STREET
PURSUANT TO TDA GRANT PROCEDURES**

City Manager Grant explained that this is a new TDA requirement for the grant that was approved for the City to rebuild Bentley Street, that benefits Rhodia truck traffic. The City must provide a performance bond or letter of credit to guarantee that the number of committed jobs are actually created as a payback for the grant dollars.

Mr. Grant noted some concerns that jobs created before the state can fund the program would not be counted toward the grant. The original commitment from Rhodia was 14 jobs, and they have exceeded that commitment and 4 to 6 more are projected. After we receive the contract, we may decide not to carry through if we see that not enough jobs are yet to be created.

Mr. Grant recommended approval to acquire the Letter of Credit for \$200,000 at a cost of \$5,000 in order to keep the door open for grant dollars. The City would not incur the cost until the contract is actually signed.

Digital Recording on file

Following a short discussion, Commissioner Taylor made the motion to approve the letter of credit for construction of Bentley Street pursuant to TDA Grant Procedures.

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

HOUSING AUTHORITY BOARD APPOINTMENTS

Commissioner Dennis made the motion to reappoint James Foerster, Linda Kennedy and George Pattison to another two year appointment.

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

RESOLUTION NO. 940

**A RESOLUTION OF THE CITY COMMISSION OF VERNON, TEXAS,
AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE
TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY
DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR TO ACT
AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED
REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S
PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM.**

City Manager Grant explained that this was for application for first time paving in the area of East Maiden Street, which meets the low to mid level poverty requirements. Application may take a year or more. AMD Engineering will put together the costs.

Commissioner Brownlow made the motion to approve Resolution No. 940 making application for first time paving grant through the Community Development Block Grant.

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

RESIGNATION OF MUNICIPAL JUDGE GENE HEATLY

Mayor Bearden noted that Judge Heatly did a great job in modernizing the Court processes.

Commissioner Taylor made the motion to accept the resignation of Gene Heatly as Municipal Judge.

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

APPOINTMENT OF MUNICIPAL JUDGE, ASSOCIATE JUDGE AND COURT CLERK

City Manager Grant recommended that Lori Adams be appointed Municipal Judge at a salary of \$30,646 per year, Gene Heatly be appointed Associate Municipal Judge at a salary of \$16.61 per hour, and Valorie Handley be appointed Municipal Court Clerk at a salary of \$21,839 for a period of two years beginning September 1, 2012. Mr. Grant also recommended the designation of City Secretary Linda Byers as Administrative Supervisor over day to day operations of the municipal court.

Commissioner Dennis made the motion to approve these appointments as recommended by the City Manager.

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

CHANGES TO ORGANIZATIONAL CHART

City Manager Grant presented a revised organizational chart that reflects the changes approved to the Municipal Court in the previous action item.

Commissioner Taylor made the motion to approve amendments to the organizational chart regarding courts.

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

APPROVE VOTES FOR TML TISK POOL BOARD

City Manager Grant explained that the City is asked to cast votes for the TML Intergovernmental Risk Pool Board of Directors. TML currently provides property and liability coverage for the City. Mr. Grant recommends votes be cast for:

- Place 11 – Greg Ingram, Plainview City Manager
- Place 12 – Larry Gilley, Abilene City Manager
- Place 13 – Byron Black, incumbent Board Chairman
- Place 14 – Pat Norris – former Burkburnett Mayor and Nortex Board member.

Commissioner Dennis made the motion to approve these recommendations.

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

NTSH EMERGENCY MEDICAL SERVICES CONTRACT

The North Texas State Hospital has a contract with the City for Emergency Medical Services dated September 1, 2009. It contains an option to extend the agreement for three additional years. This agreement will extend the contract for the second of three one-year periods, and does not change the terms of the contract.

Digital Recording on file

Commissioner Brownlow made the motion to approve the ambulance service contract renewal with North Texas State Hospital.

Commissioner Taylor seconded the motion, which passed by unanimous vote, with Mayor Bearden abstaining from voting.

ADJOURN

Commissioner Brownlow made the motion to adjourn the meeting at 7:55 p.m.

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



Jeff Bearden
Mayor

ATTEST:



Linda Byers
City Secretary