

**VERNON CITY COMMISSION  
REGULAR MEETING  
FEBRUARY 26, 2013**

Mayor Jeff Bearden called the Regular Meeting of the Vernon City Commission to order at 6:30 p.m. in the Commission Chambers, and a quorum was declared present, with Commissioner Jimmy Dennis and Commissioner Travis Taylor absent.

Present: Mayor Jeff Bearden

Commissioners: Russell Brownlow and Phil McCuiston.

Staff Present: City Manager Mitch Grant, City Attorney Trish C. Byars, Police Chief Tom Wilson, Fire Chief Kent Smead, Public Works Director Bob Cochran, Community Development Director Monica Wilkinson, Finance Director Anne Garmon, Main Street Director Dan Kelleher and City Secretary Linda Byers.

Commissioner McCuiston led the group in the Pledge of Allegiance to the U.S. and Texas flags, followed by the invocation.

**PUBLIC COMMENT**

There was no public comment.

**CONSENT AGENDA**

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

- A. Minutes of the Regular City Commission Meeting held on Tuesday, January 22, 2013, and minutes of the Finance Committee Meeting held on Tuesday, January 22, 2013.
- B. Financial Investment Report for the month of January, 2013 with interest earned totaling \$3,212.32 and vouchers from January 1, 2013 - January 31, 2013 in the amount of \$879,517.57.

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

**BUSINESS DEVELOPMENT CORPORATION REPORT**

Jan Bonner, Executive Secretary for the BDC reported that they are working on 2 local and one non-local projects through the Small Business Development Center. They are planning for Legislative Days in Austin scheduled for March 5-7, and the BDC Board has appointed an ad-hoc committee to look at policy and procedure recommendations for the BDC.

**RESOLUTION NO. 948**

City Manager Grant explained that this resolution is in response to a request by Santa Rosa Communications to encourage the 83<sup>rd</sup> Texas Legislature to enact legislation that would ensure all Texas businesses and families continue to have access to an affordable, well-maintained telecommunications network.

Commissioner McCuiston made the motion to approve Resolution No. 948.

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

**APPOINT MUNICIPAL COURT CLERK**

Commissioner McCuiston made the motion to appoint Mamie McArthur as Municipal Court Clerk for a period of two years effective March 1, 2013.

Salary will be set at Step & Grade C-4.

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

**RESOLUTION NO. 949**

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

City Manager Grant explained that this resolution would set a public hearing to condemn properties at 930 Gordon, 2930 Mesquite, 2610 Maiden, 2719 Maiden, 3617 Marshall, 1900 Oak (2 mobile homes), 1010 Pease (rear), 2211 Pease, 2320 Wanderer, 2514 Wanderer, and 830 Wilbarger. Public hearing would be set for the March 26 Regular Meeting. Community Development Director Wilkinson noted that we have already received releases on some properties.

Commissioner Brownlow made the motion to approve Resolution No. 949.

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

**RESOLUTION NO. 947**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF VERNON TEXAS, AUTHORIZING SUBMISSION OF A GRANT APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM (JAG).**

Digital Recording on file

Police Chief Wilson explained that this resolution would enable the Police Department to split the proposed equipment purchases into two different grants, one of which was approved at the January Regular Meeting.

Commissioner Brownlow made the motion to approve Resolution No. 947.

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

Commissioner Travis Taylor arrived at the meeting at 6:47 pm.

#### **EMERGENCY PURCHASE OF DUMP BED FOR WWTP**

Public Works Director Cochran explained that the 17 year old dump bed on the truck used to haul sludge has become very corroded. Staff has received three written price quotes:

- The quote from Warren Truck & Trailer of Talco, TX in the amount of \$7,300 would require extensive down time of 7 to 10 days for the truck.
- The quote from Southwest Fab in the amount of \$9,500 for the same dump bed would require no downtime and Southwest Fab would guarantee the frame to be 50% stronger.

Mr. Cochran requests permission to purchase the dump bed from Southwest Fab in order to prevent any downtime in sludge operations.

Mr. Grant noted that proceeds for this purchase would come from insurance claims for hail damage and from the 2009 GST Construction Bond.

Commissioner McCuiston made the motion to approve the purchase. Commissioner Brownlow seconded the motion.

Commissioner McCuiston amended his motion to approve the purchase from local vendor Southwest Fab as recommended.

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

#### **ORDINANCE NO. 1608**

**AN ORDINANCE AMENDING SECTION 40-26 ARTICLE II - ROY ORBISON PARK, PAVILLION & AQUATICS CENTER IN CHAPTER 40, PARKS & RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF VERNON, TEXAS; PROVIDING FOR REPEALING, A SAVINGS CLAUSE, RECORDING AND AN EFFECTIVE DATE.**

City Manager Grant told the Commission that the changes as requested during the first reading of this Ordinance in January had been made. It was not put on the consent agenda because of those changes.

Commissioner Taylor made the motion to approve second reading of Ordinance No. 1608.

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

**ORDINANCE NO. #1606**

**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 explained that the increased cost of unfunded mandates (including nitrate reduction (increase in salt costs), phosphorus discharge limits, and groundwater rules), pipeline leaks along with the drought which has impacted our revenue stream it has become necessary to increase water rates to avoid revenue shortfalls by year end. He is recommending a \$2 increase in the water minimum and a \$1 increase in the sewer minimum. This should bring in an additional \$75,000 for the year ending September 30, 2013 and \$150,000 annually. This along with cost reduction measures as directed by the Commission at the January Regular Meeting will help to fix our low fund balance.

Following a lengthy discussion, Commissioner Brownlow made the motion to approve Ordinance No. 1606.

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

**ORDINANCE NO. #1607**

**AN ORDINANCE AMENDING SECTION 26-35 AND SECTION 26-36 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 noted that this \$1 increase in sanitation rates was an additional option to generate approximately \$25,000 in income for the rest of this fiscal year and \$50,000 on an annual basis.

Following discussion, Commissioner Taylor made the motion to table this Ordinance until further options are considered.

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

**ORDINANCE NO. 1609**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF VERNON, TEXAS, APPROVING THE SALE OF THE PROPERTY AT 3512 CUMBERLAND STREET, APPROVING THE SALES PRICE, AND REQUIRING THAT DELIVERY OF THE PROPERTY BE EXECUTED TO THE PERSON NAMED BELOW**

City Manager Grant noted that this ordinance approves the sale of 3512 Cumberland to Mr. Ed Becker for \$5,000. Commission approval is needed before this property can be brought before the other entities for approval and sale.

Commissioner McCuiston made the motion to approve Ordinance No. 1609 with spelling correction of Mr. Becker's name.

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

**ORDINANCE NO. #1610**

**AN ORDINANCE AMENDING SECTION 54-24(a) OF ARTICLE II – LIQUID WASTE DISPOSAL 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.**

Public Works Director Cochran informed the Commission that staff did a survey of area cities to determine charges for disposal of liquid waste at their wastewater plant. Only Wichita Falls and Seymour accept liquid waste. It was also determined that our price per load does not approach the cost of accepting these loads, and this cost has not increased since October, 2000.

Staff is recommending an increase from \$10 per 500 gallon load to \$35 per 500 gallon load with a minimum fee of \$0.50 per 100 gallons over 500 gallons.

There was discussion of a surcharge for loads for out of county residents, and our cost of handling these liquid waste discharges.

Commissioner McCuiston made the motion to approve Ordinance No. 1610.

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

**ORDINANCE NO. #1611**

**AN ORDINANCE AMENDING SECTION 48-2(b) OF ARTICLE I – IN GENERAL OF CHAPTER 48 – STREETS AND SIDEWALKS, 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.**

Public Works Director Cochran explained that staff has reviewed the amount of fees being charged for repairing street cuts and replacing asphalt that was displaced when the street cuts are made by someone other than a city crew.

The current fee of \$100 per cut, plus \$0.45 per square foot of cold patch asphalt was adopted in 2001. The price of asphalt has increased 3 ½ times more than it was even a year ago from \$20 per ton to the current price of \$70 per ton.

Staff recommends a standard fee of \$250 per cut plus \$1.58 per square foot of asphalt to repair the city streets.

Commissioner Taylor made the motion to approve Ordinance No. 1611.

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

**AQUATIC CENTER FINANCE OPTIONS**

City Manager Grant explained that the options to finance the \$500,000 letter of credit used to construct the aquatic center would take advantage of low interest rates (3.75%). Monthly payments for a twenty-year note would be \$2,964 for at least two years compared to \$5,003 for a ten-year note. There will be an interest rate adjustment at the end of two years. The twenty-year payment amount is close to our monthly donations on the water bills. Staff recommends the twenty-year note.

Commissioner Brownlow made the motion to approve the terms of the pool note to finance the letter of credit.

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

**PLANNING & ZONING COMMISSION  
AND BOARD OF ADJUSTMENT APPOINTMENTS**

Planning and Zoning Commission reappointments for a two year term ending March 31, 2015:

Jim Gunn	Bob Beazley
Gib Baskerville	Tisha Garrard

Board of Adjustment re-appointments for a two year term ending March 31, 2015:

Gary McWilliams	Charles McArthur
Bobby Burrus, Alternate	

Commissioner McCuistion made the motion to approve the appointments as noted.

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

**CITY FACEBOOK AND TWITTER PRESENCE**

City Manager Grant and Main Street Director Kelleher made a presentation of the Farmers Market Facebook page and explained the new City site, and how the exchange of information would work. Mr. Grant noted that a City Facebook presence would enable the City to answer questions and allow us to disseminate information more effectively.

There was a lengthy exchange of information and discussion.

Commissioner Brownlow made the motion to approve the City Facebook and Twitter presence.

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

**EXECUTIVE SESSION**

Commissioner McCuistion made the motion to enter Executive Session at 7:51 p.m. under Government Code Section 551.072 – Consultation with attorney regarding real property.

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

**RESUME REGULAR SESSION**

Commissioner McCuistion made the motion to resume regular session at 8:08 p.m.

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

**ACTION FOLLOWING EXECUTIVE SESSION**

Commissioner Taylor made the motion to authorize the City Attorney and designee to enter into negotiations that are favorable to the City as appropriate.

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

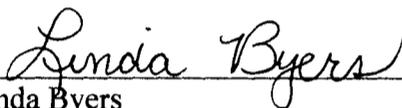
**ADJOURN**

Commissioner McCuiston made the motion to adjourn the meeting at 8:10 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