

REGULAR MEETING
NOVEMBER 25, 2008

The Regular Meeting of the City Commission was called to order at 6:30 p.m. in the Commission Chambers by Mayor Jeff Bearden, and a quorum was declared present.

Present: Mayor Jeff Bearden

Commissioners: Jimmy Dennis, Russell Brownlow, 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, Special Services Director Monica Wilkinson 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.

CONSENT AGENDA

Commissioner McCuiston moved the following items under the Consent Agenda be approved:

- A. Removed for separate consideration.
- B. Vouchers – September 1, 2008 through September 30, 2008 for approval.
- C. A request from the Police Chief to purchase three (3) new patrol cars at a cost of \$22,482.92 each for a total of \$67,448.76, for approval. These vehicles will be lease purchased.
- D. A request from the Finance Director to utilize the Herring Bank for the 2009 lease purchase financing at a rate of 4.25% for five year leases and 4.5% for seven year leases, for approval.
- E. A request from the City Secretary to approve the City Uniform bid to Ameripride for the next two years at a cost of \$5.00 per employee/per week, for a total yearly cost of \$9,474.00, for approval.
- F. A request from the Fire Chief to purchase 1000 ft of 5 ft. hose from Ferrara Fire at a cost of \$5,490.00, for approval.
- G. A request from the Fire Chief to purchase eight (8) sets of protective clothing (Bunker Gear) from Ferrara Fire at a cost of \$1,590.00 per set for a total cost of \$12,720.00, for approval.
- H. A request from the Public Works Director to sell four (4) pickups that are no longer in use through govdeals.com, for approval.
- I. Approve a proposed City Commission Calendar for 2009.

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

APPROVE MINUTES

Copies of the minutes of the regular City Commission meeting held on Tuesday, October 21, 2008.

Mayor Bearden requested a correction to the minutes as written on page 4 (Action Regarding Economic and Community Development Initiatives) as follows:

Mayor Bearden outlined the City of Vernon Action Plan for the Economic Development Initiative with focus on

1. Water Quality/Perception,
2. Downtown/Main Street Revitalization Program,
3. Local Government and Community Interaction,
4. Capitalize on Western Heritage Tourism, and
5. Water Resource Development.
6. Request the Hotel / Motel Tax Committee to formally develop a comprehensive tourism development strategy.
7. Continue to use the economic development allies group as a clearing house to provide a general forum for communication.

Commissioner McCuiston made the motion to approve the minutes as amended.

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

**PUBLIC HEARING FOR PLACEMENT OF SKATE PARK
AT D.L. GREEN PARK**

Darla Mitchell, as a representative of the Kiwanis Club, made a presentation in support of the location of the skate park at D.L. Green Park. She noted that D. L. Green Park has bathrooms, shade, picnic tables, water and lights, which are things needed by the people who would use the skate park. Currently the park is not heavily used, there is easy access for everyone, it won't disturb any residential areas, but there might be a parking problem.

City Manager Grant voiced support for the skate park, but made note of the things that needed to be taken into consideration in order to make the skate park a success:

- The area is prone to ponding and the skate park should be elevated to help prevent rusting of metal parts.
- The play surface should have a minimum slope whether asphalt or concrete.
- The City could possibly need additional workers for maintenance and to clean the area if the patrons are messier than usual park users.
- The City's insurance will go up approximately \$1,500 per year for liability. There are requirements and signage before TML will provide coverage.

- Skating Clubs will need to coordinate events with large, planned rodeos so that there will not be a parking conflict.

Mayor Bearden declared the public hearing open.

Pat Byrant supported the proposal and noted that the kids were really behind the skate park.

Commissioner McCuistion asked if events will be booked at a central location.

Ms. Mitchell responded that there will not be very many events that will need to be scheduled.

Commissioner Brownlow asked if the Kiwanis were going to advertise for donations.

Ms. Mitchell responded that they had already prepared a flyer to be distributed.

Mr. Bryant noted that the Middle School had made an organized effort, with competitions between the classes to see who could raise the most donations.

Mayor Bearden asked if anyone would set up rules of conduct

The City would need to post the rules (helmets, pads, etc.) to prevent liability claims.

Chief Wilson noted that as long as the signs are posted there would be no liability for the City.

Sean Stockard said that skateboarding was considered an extreme sport which exempts liability.

City Manager Grant said that TML requires certain signs, fencing, etc., but recommended that the City not provide for staff or oversight.

Commissioner Dennis noted that the curfew ordinance would set the hours of operation, but questioned if the lighting would be sufficient.

City Manager Grant said that the current lighting should be enough, but one light would need to be moved.

Mayor Bearden asked if there were any reservations on the project by the Police Department.

Chief Wilson said that the curfew regulations should be posted, but had no reservations with the project.

With no further public comments, the Public Hearing was closed.

CONSIDER AND APPROVE PLACING SKATE PARK AT D.L. GREEN PARK

Commissioner Brownlow made the motion to approve placing the skate park at D.L. Green Park.

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

**PUBLIC HEARING REGARDING THE ADOPTION OF REGULATION
PERTAINING TO OPERATION OF PEDDLERS, ITINERANT VENDORS AND
STREET MERCHANTS**

City Manager Grant outlined the Ordinance. The highlights are as follows:

- Door to door peddlers fee of \$50 per person/per year
- Street Merchants-Vendors fee of \$100 for up to 3 days (maximum of 3 times per year)
- Measures to prevent undesirable employees
- All vendors during city-wide events would be exempt
- No charges for charitable or religious events but would have to register
- No peddlers in the roadway except for municipal agencies

Mayor Bearden declared the Public Hearing opened.

Pat Bryant appreciates the City addressing the problem.

With no further public comment the public hearing was declared closed.

ORDINANCE NO 1508

AN ORDINANCE REGULATING THE OPERATION OF PEDDLERS, ITINERANT MERCHANTS OR STREET VENDORS SELLING THEIR GOODS, WARES AND MERCHANDISE ALONGSIDE OR ADJACENT TO THE STREETS AND ALLEYWAYS, INCLUDING THE LOCATION OF SMALL MOVE-IN STANDS, HUTS, BOOTHS, MOBILE TRAILERS, ETC.; REPEALING ORDINANCE NOS. 380, 516, 1039 AND 1138; PROVIDING A PENALTY CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Dennis made the motion to approve Ordinance No. 1508.

Commissioner McCuistion seconded the motion, and questioned if the City would issue a permit and if it would be visible.

City Manager Grant responded that the peddler or merchant would be required to have the permit visible.

Commissioner McCuistion asked if the Schwann's salesmen would be exempt. Mr. Grant responded that yes, he would be exempt.

Commissioner Dennis thanked the staff for their efforts and noted that passing this ordinance will help the community.

With no further discussion, the motion passed by unanimous vote.

SEWER LINE PROJECT UPDATE

Public Works Director Bob Cochran updated progress and informed the City Commission that the contractor lack only 2500 feet of pipe being finished. The project is about 89% complete, and the contractor is indicating a completion of mid-December, 2008.

Commissioner Dennis questioned how far section C-3 was from the property line. Mr. Cochran responded that the line was adjacent to the property line, even though the homes there were about 300' from the sewer line.

Commissioner McCuiston asked when the system would be available for hook-up. Mr. Cochran said there would be a thirty day wait after all pipe is in the ground before testing could be done on the line, so it would be late January or early February, 2009 before the system would be available for citizens to connect to.

APPROVE CHANGE ORDER NO. 2 – SOUTHWEST SEWER LINE PROJECT

Change Order No. 2 for the Southwest Sewer Line Project is necessary to move the pipe over several feet along a 1,500 foot section of Kennedy St., in order to miss the natural gas lines that arbitrarily run along the west side of this road supplying service to the residences along the road. The cost of this change is estimated at \$5,335.30.

Commissioner McCuiston made the motion to approve the change order.

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

CONSIDER AND APPROVE PAYMENT TO BRANDT ENGINEERING

A request from the Public Works Director to approve a Brandt Engineering invoice for engineering services rendered for the period June 29, 2007 through September 26, 2008 for a discharge permit application to the Texas Commission on Environmental Quality.

Commissioner McCuiston made the motion to approve the payment.

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

REPORT ON PLANNING & ZONING EFFORTS

The City Commission issued a directive to the Planning and Zoning Commission to regulate the thoroughfares along with creation of a Central Business District to further regulate thoroughfares in the central downtown. This project is to head off undesirable future development and help clean up all major thoroughfares.

Special Services Director Monica Wilkinson presented an informative Powerpoint presentation that outlined the problems and the possible solutions for a Central Business

Tape #829

District and for Overlay Districts. A printout of that presentation is included in the agenda packet filed for permanent record.

ORDINANCE NO. 1514

Ordinance approving an electric power contract with Cities Aggregation Power Project, Inc. (CAPP) for electric capacity and energy for a 24-year contract.

City Manager Grant recommended that the City NOT participate in the Long term Power Purchase option as developed by CAPP, citing that the length of the contract is too long, and the City received a very favorable final rate for the five year agreement that was passed last month.

City Attorney Trish Byars recommended that the Commission table the ordinance.

Commissioner McCuiston made the motion to table Ordinance No. 1514.

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

CONSIDER PAY INCREASE FOR RESERVE FIREFIGHTERS

A request from Fire Chief Kent Smead to increase the reserve firefighter hourly rate from \$6.55 to \$8.50.

Commissioner Dennis made the motion to increase the hourly rate.

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

PUBLIC COMMENT

Pat Bryant voiced support for the Merchants Ordinance and appreciates the City addressing the problem. He feels good to be a part of Vernon.

EXECUTIVE SESSION

Commissioner McCuiston moved the Commission go into Executive Session at 7:42 p.m. as prescribed in the Public Notice under Government Code, Title 5, Chapter 551, Section 551.072 – Deliberations on Real Property. The City Commission will deliberate possible purchase of real estate.

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

REGULAR SESSION RESUMED

Executive Session was ended at 8:22 p.m. No action was taken following Executive Session.

ADJOURN

Commissioner Cardwell moved the meeting adjourn at 8:23 p.m.

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



Jeff Bearden
Mayor

ATTEST:



Linda Byers
City Secretary