

**VERNON CITY COMMISSION  
REGULAR MEETING  
MARCH 29, 2016**

Mayor Joe Rogers called the Regular Meeting of the Vernon City Commission to order at 6:30 p.m. in City Hall, and a quorum was declared present.

Present: Mayor Joe Rogers

Commissioners: Ruben Hinojosa, Travis Taylor and Britt Ferguson.

Staff Present: City Manager Joseph Jarosek, City Prosecutor Jonathan Whitsitt, Police Chief Tom Wilson, Fire Chief J.J. Oznick, Public Works Director Darell Kennon, Finance Director Anne Garmon, Community Development Director Monica Wilkinson, Tourism and Main Street Director Brandy McIntyre, Municipal Judge Lori O. Adams and City Secretary Linda Byers.

Commissioner Hinojosa led the group in the Invocation and the Pledge of Allegiance to the U.S. and Texas flags.

**PUBLIC COMMENT**

Molly Baldwin voiced concerns about issues as depicted in the newspapers, commenting that Vernon has come too far to be tripped up by innuendo and rumors.

Wayne Stewart read a statement representing the Fire Department employees concerning allegations in the newspapers on March 6.

Donna Pate asked for assistance with a neighbor who discharged a firearm within city limits, stating that her complaints had been ignored by the Police Department for six months.

Charles McArthur requested the opportunity to comment during the agenda item for New Hope Baptist Church.

**CONSENT AGENDA**

Commissioner Taylor made the motion to approve the consent agenda.

- A. Minutes of the Regular City Commission Meeting held on Tuesday, February 23, 2016; Minutes of a Special City Commission Meeting held on Monday, February 29, 2016; and Minutes of the Finance Meeting held on Monday, February 22, 2016.
- B. Financial Investment Report, Vouchers, and Payroll & Benefit Expense. February 1, 2016 – February 29, 2016.

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

### **FIRE DEPARTMENT ANNUAL REPORT**

Fire Chief J.J. Oznick reported that during 2015, the Fire/EMS Department responded to 2,281 calls for service, with EMS accounting for 1,894 and Fire accounting for 387. This is an increase of 8% from the previous year. The department had 579 overlapping incidents, which is where there are two or more incidents at the same time. These overlapping incidents leave only one or two persons in the station which results in off-duty personnel being called in to staff the station.

In 2015, the department received \$21,332 in in grant funding to purchase EMS supplies and equipment and for firefighter training.

Following the Fire Chiefs Report, City Manager Jarosek read a prepared statement relating to the negotiations concerning the Wilbarger General Hospital Ground Transportation Agreement and departure of former Fire Chief Marcus Smith.

### **ORDINANCE NO. #1681**

**AN ORDINANCE ACCEPTING THE EXCLUSIVE FRANCHISE AGREEMENT FOR THE COLLECTION, HAULING, RECYCLING AND DISPOSAL OF MUNICIPAL SOLID WASTE, RECYCLABLE MATERIALS, AND CONSTRUCTION AND DEMOLITION WASTE; AND AMENDING SECTION 26-28; SECTION 26-34; AND ADDING SECTION 26-36(e) 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 Jarosek noted that the current contract expires March 31, 2016 and if the second reading of this ordinance is not approved the City would revert back to the 2011 agreement. The ordinance remains unchanged from the first reading.

There was discussion about other companies who come here for construction and other large debris who do not pay franchise fees. Progressive Waste Solutions will have an exclusive franchise agreement.

Commissioner Taylor made the motion to approve Franchise Agreement with Progressive Waste Solutions and approve Second Reading of Ordinance No. 1681 accepting franchise agreement and amending residential trash collection and disposal user fees.

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

Digital Recording on file.

**ORDER OF CANCELLATION OF THE MAY 7, 2016 GENERAL ELECTION.**

City Secretary Byers presented the Certification of Unopposed Candidates. City Manager Jarosek noted that this certification and order were requirements in the Election Code.

Commissioner Taylor made the motion to accept Certification of Unopposed Candidates and Adopt the Order of Cancellation of the May 7, 2016 General Election.

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

**MEMORANDUM OF UNDERSTANDING**  
**AMERICAN ELECTRIC POWER FOR ENERGY ASSESSMENT PROGRAM**

Greg Blair with American Electric Power (AEP) Texas explained that AEP must meet energy efficiency goals set by the Public Utility Commission. ClearResults will assess all City facilities and report to the City on energy efficiency measures and incentives that go along with those measures. There is no charge to the City and it will be up to the City whether or not they implement the recommendations.

Commissioner Hinojosa made the motion to approve Memorandum of Understanding with American Electric Power for Energy Assessment Program.

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

**REQUEST FROM NEW HOPE BAPTIST CHURCH**

Charles McArthur spoke to the Commission concerning the mowing liens on properties at 1110 and 1112 Lamar Street. New Hope Baptist Church was deeded these properties in August, 2009, but was unaware of that fact until August, 2015. The properties are not located near their church and they wish to gift these lots to an adjacent landowner who has agreed to maintain the property, however; mowing liens were assessed against the property both before and after they were deed to the church which are in excess of the value of the property. The church is requesting that these mowing liens be forgiven so that the property can be given to the adjacent landowner.

Community Development Director Wilkinson verified that the amount owed is all for mowing or demolition liens. There was discussion about setting a precedent of forgiving liens.

Commissioner Taylor made the motion to approve request from New Hope Baptist Church concerning property at 1110 and 1112 Lamar Street.

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

Digital Recording on file.

**REPLACE HVAC SYSTEMS AT THE POLICE DEPARTMENT**

City Manager Jarosek explained that there are two separate HVAC systems that need to be replaced at the Police Department – one for Municipal Court and one for Dispatch. There is \$6,000 in the FY 2015-2016 Budget for HVAC replacement. The Municipal Court unit is proposed to be replaced in this budget cycle, and the Dispatch unit will be budget next year.

There were two bids received, and the bid from Fancher Electric for \$6,032 was the lowest bid to replace the Municipal Court Unit.

Commissioner Hinojosa made the motion to approve bid from Fancher Electric for \$6,032 to Replace HVAC Systems at the Police Department.

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

**WICHITA-WILBARGER 9-1-1 DISTRICT BOARD OF MANAGERS**

City Manager Jarosek explained that Dana Ross is a current member of the Wichita-Wilbarger 9-1-1 Board representing the municipal sector and has expressed an interest in serving another term.

Commissioner Hinojosa made the motion to approve reappointment of Dana Ross to the Wichita-Wilbarger 9-1-1 District Board of Managers.

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

**PLAYGROUND EQUIPMENT - ORBISON PARK IMPROVEMENT PROJECT**

City Manager Jarosek explained that the City received a Small Community Park Grant from the Texas Parks and Wildlife Department (TPWD) in 2015 for improvements to Orbison Park. The \$60,000 project is funded by TPWD (\$30,000), AEP (\$25,000) and the City of Vernon in-kind labor (\$5,000), and will be a community-build project anticipated for May/June 2016.

Staff continues to negotiate prices for playground equipment and requests approval for an amount not to exceed \$45,000.

Commissioner Taylor made the motion to approve purchase of playground equipment for the Orbison Park Improvement Project as funded by the Texas Parks and Wildlife Small Community Grant in an amount not to exceed \$45,000.

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

Digital Recording on file.

**EXECUTIVE SESSION**  
**DELIBERATION CONCERNING REAL PROPERTY - WATER.**

Commissioner Hinojosa made the motion to enter Executive Session – Government Code, Title 5, Chapter 551- Section 551.072 – Deliberation Concerning Real Property – Water at 7:38 pm.

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

**RESUME REGULAR SESSION**

Commissioner Taylor made the motion to resume regular session at 8:18 pm.

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

**ACTION REGARDING REAL PROPERTY**

There was no action following Executive Session.

**EXECUTIVE SESSION**  
**DELIBERATION CONCERNING PERSONNEL - CITY MANAGER EVALUATION**

Commissioner Hinojosa made the motion to enter Executive Session – Deliberation Concerning Personnel - Government Code, Title 5, Chapter 551 – Section 551.074 – City Manager Evaluation at 8:21 pm.

Commissioner Taylor seconded that motion.

**RESUME REGULAR SESSION**

City Manager Jarosek elected to move the Executive Session into Open Meeting and requested that Mayor Rogers repeat his statements from Executive Session.

Mayor Rogers stated that he had no confidence or trust in the City Managers decision making, that the City Manager had an adversarial relationship with the Mayor and the Hospital District and that the City Manager was incompetent, makes bad decisions, has poor communications skills and does not consult the Commission on hiring and firing decisions.

Commissioner Taylor noted that the decisions made were “growing pains”, and if he had a questions or problems he would go to the source for the answers and not to the press. He thinks the City Manager is doing a good job.

Digital Recording on file.

Commissioner Hinojosa stated that his biggest problem was a lack of communication that he felt we could work on. He did not agree with the signs for gun control. He felt that the City Manager was doing the best that he could and would continue to do so, but communication needs to get better.

City Manager Jarosek read a prepared statement noting the City has a City Manager form of government, and outlining his steps in the hiring and departure of the former Fire Chief, his hiring of the Tourism Director, the contract with the Hospital for Ground Transportation, and the information concerning the tax rate adopted in the FY2015-2016 Budget. His prepared statement is included in the agenda packet.

Commissioner Ferguson stated that most of the issues were growing pains.

Commissioner Hinojosa stated that it appears to be a micromanaging situation by the Mayor and other Commission members. Mr. Jarosek did what he thought was right and he is not going to persecute him for that, but communications have to improve.

Commissioner Taylor noted that the City has come a long way and both the Mayor and City Manager are a large part of that.

Mr. Jarosek stated again that he has not withheld any information from the Commission, and did not present half-baked information to the Commission on the Hospital contract. He resents the statement that he is incompetent. He does not relish an adversarial relationship with the Mayor or any Commission members.

Mayor Rogers stated that he has got one.

**ADJOURN**

Commissioner Taylor made the motion to adjourn the meeting at 9:08 p.m.

Commissioner Ferguson seconded the motion which passed by unanimous vote.



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Joe Rogers  
Mayor

ATTEST:



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Linda Byers  
City Secretary