

REGULAR MEETING
APRIL 28, 2009

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 being absent.

Present: Mayor Jeff Bearden

Commissioners: Russell Brownlow, Tra Cardwell and Phil McCuistion

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, Code Enforcement Officer David Pilcher 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 Brownlow moved the following items under the Consent Agenda be approved:

- A. The minutes of the Regular City Commission Meeting held on Tuesday, March 24, 2009 and the Special Meeting held on Monday, April 6, 2009, for approval.
- B. Vouchers – March 1, 2009 through March 31, 2009, for approval.
- C. Reappointment of Glen Barham as representative to the Wichita-Wilbarger 9-1-1 District Board of Managers, for approval.
- D. Approve changes to the Personnel Rules Manual, Section 703.4 – Sick Leave Policy.
- E. Approve calling a Special Meeting for May 19, 2009 @ 1:00 p.m. in order to canvass the May 9, 2009 General Election results.
- F. Approve application for additional Justice Assistance Grant Funding for Law Enforcement (Federal Recovery Act).

RESOLUTION #875 – CONDEMNATION OF STRUCTURES

Mayor Bearden announced that this should have been posted as a Public Hearing, but was not. To enable all citizens present to be able to address the condemnation proceedings, he suggested that this resolution be tabled until after the Public Comments portion of the agenda.

Commissioner Cardwell so moved.

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

PARKS MASTER PLAN

Community Development Director Wilkinson thanked the Commission for the opportunity to conduct the plan. The research enabled a lot of positive input from the community. She noted that 80% of the recommendations were demand base from community grass roots input, 10% of the recommendations were standards base and 10% were resource based.

Commissioner Cardwell questioned if the plan was approved as written would the swimming pool site be set.

Mayor Bearden noted that once approved, this plan would be the guiding document for how the City proceeds over the next 10 years with parks development. It is comprehensive in scope. The plan recommends that the City look at the plan again in 5 years. This plan would be binding on the Commission & the staff.

City Manager Grant pointed out that the plan would be implemented according to budget constraints. The main thrust of this plan is to make application to the Parks & Wildlife Department for grant funding to build a swimming pool. In the plan is a recommendation to build the pool at Orbison Park. If the plan is approved the staff will develop a site plan and recommendations. But a change order could be adopted if circumstances changed.

Mayor Bearden said that the assumption is that if the plan is adopted, the recommendations within the plan are adopted also, but it doesn't prevent changes to the plan in the future. This plan gives the staff something to work from.

Mayor Bearden commended Monica Wilkinson and the 81 people who participated in the Focus Groups for the magnificent job that they did for the City. The fact that this project was done with staff instead of hiring of a consultant saved the City a lot of money.

Mayor Bearden voiced hope that the plan would be published for the public to see the plan.

Director Wilkinson said that the plan was to post the Park Plan on the City website, prepare some posters in conjunction with Texas A&M Extension to be posted around town, and also prepare some printed copies.

Commissioner Brownlow made the motion to accept the Park Plan.

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

TAX ABATEMENT – AGRIBOARD

City Manager Grant outlined the proposed tax abatement plan that would give Agriboard Industries incentives over a 6-year period to permanently locate their business in Vernon.

He requested permission to proceed with negotiations pursuant to a contract for later approval.

Commissioner McCuiston made the motion to approve the tax abatements.

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

WATER CONSERVATION PLAN & DROUGHT CONTINGENCY PLAN

Public Works Director Bob Cochran outlined the Water Conservation Plan & Drought Contingency Plan as mandated by the State of Texas. The Parts of the plan include:

1. Introduction & Objectives
2. Utility Profile
3. Specification of Water Conservation Goals
4. Accuracy of Metering Devices
5. Public Education
6. Current Water Rate Structure
7. Enforcement of Water Conservation Plan
8. Drought Contingency Plan
9. Appendices

Mayor Bearden questioned if the public education section of the plan was something that we needed to get started with. Mr. Cochran responded that he has an individual in place that would get started with this process beginning with public brochures from the Texas Water Development Board and other organizations and an education system in the public schools.

Commissioner Cardwell pointed out that the Drought Contingency Plan in Section 8 was the plan that the City already had in place, and it had been implemented when there was a break in the main water line north of the city.

Mr. Cochran pointed out that engineers in the water industry have set guidelines when designing water systems that are based on population and how much water each person uses on a daily basis, which is called gallons per capita/per day and should be 125 gallons per person/per day. When industrial numbers were extracted from the city water usage last year, our citizens used 124 gallons per person/per day. The City's five year and ten year goals were based on these numbers.

Commissioner Cardwell made the motion to approve the plan.

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

ROOF REPAIR FOR POLICE STATION

City Manager Grant recommended upper roof replacement for a cost of \$11,730 and repair of the lower roof at a cost of up to an additional \$8,270 by Bradley Roofing of Burkburnett. Cost of up to \$20,000 will be paid from grant funds, and from contingency funds if the commission chooses to replace both the lower and upper roofs.

Commissioner McCuiston questioned whether the entire roof was leaking. Mr. Grant responded that yes it was.

Commissioner Cardwell recommended that the whole roof be replaced and start fresh in the new building. Funding should be available due to lower than expected fuel and utility costs.

Commissioner Cardwell made the motion to replace the entire roof.

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

RESOLUTION NO. 876 – IDENTITY THEFT POLICY

A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY IN ACCORDANCE WITH AN AMENDMENT TO THE FAIR AND ACCURATE CREDIT TRANSACTION ACT OF 2003; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE.

City Manager Grant informed the Commission that this policy was adopted internally in November 2008, but federal rules require adoption by resolution.

Commissioner McCuiston made the motion to approve the resolution.

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

NEW STREET NAME

The City Commission needs to name the new street that is to be constructed with grant money for the new Hampton Inn between Hillcrest Drive and Hwy. 287 Frontage Road. The tenants that will adjoin the road have suggested "Western Trail".

Commissioner Cardwell made the motion to name the street "Western Trail."
Commissioner McCuiston amended the motion to name the street "Western Trail Drive".

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

RESOLUTION NO. 877 – YIELD SIGN

A RESOLUTION OF THE CITY OF VERNON AUTHORIZING FOR THE PLACEMENT OF A YIELD SIGN AT THE INTERSECTING ROADWAY OF INDIAN STREET AND 14TH STREET AND PROVIDING FOR AN EFFECTIVE DATE.

Public Works Director Cochran told the Commission that the intersection needed to be controlled, but traffic counts did not indicate a stop sign.

Commissioner McCuistion made the motion to approve the resolution.

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

ACCEPTANCE OF RADIO TOWER

City Manager Grant informed the Commission that Andrews Tower Rentals built the radio tower on City property, near the Houston Street water tower, in the 1950's. Mr. Andrews abandoned the tower in 2008 and wanted to donate the tower to the city. Suddenlink has offered to maintain the tower with lights, painting and inspection in exchange for placing an antenna on the tower.

There will be no restriction on the City leasing space to others besides Suddenlink. Insurance liability will be about \$90 per year.

Commissioner Brownlow noted that this would be a great location for a weather transmitter, but asked about documentation from the FCC and FAA.

Mr. Grant stated that Suddenlink will bring the tower into compliance, will not maintain it structurally, but would provide the inspection.

Mr. Grant requested that the commission consider acceptance of this antenna contingent upon successful negotiation of a maintenance agreement with Suddenlink, feasibility and legal review.

Commissioner Cardwell made the motion to accept the tower, contingent upon successful negotiation with Suddenlink.

Commissioner Brownlow seconded the motion, which passed by unanimous vote

PUBLIC COMMENT

Mayor Bearden opened the meeting for any comments other than condemnation of buildings, with a limit of five minutes.

Andy Brumley had questions on the letter he received concerning his property condemnation. He asked who in the City is qualified to determine if a building is

unsound. He stated that his building was not unsound, but had been vandalized. He also stated that the buildings around him should be held to the same standards. He wants the City to be a proactive not a reactive government. He stated that he is not opposed to the BDC bringing new businesses into Vernon, but the City must take care of the businesses that are already here.

The Mayor opened the public comment to issues pertaining to condemnation of structures.

Doug Nail stated that his building was boarded up and used for storage. He stated that his property looks better than it has in the past, and if something needs to be done, he will try to do it. He does not want his building torn down, and is willing to work with the staff. He did not receive the condemnation letter.

David Pilcher recommended putting the property on hold until further inspection.

Glendale Farrar stated that she knows that her property is in bad shape, and would like to donate the building and property and see if it could be sold. The current tenant will not remove the contents of the building.

City Manager Grant explained the condemnation process, stating that after condemnation the property is torn down. A lien is placed on the property. If the property is sold, the buyer must satisfy the lien. The City does not accept donation of condemned property.

Phillip Windsor is trying to sell his property. He knows that the west wing probably needs to come down, but the rest of the building could be rehabbed. Would like to work out the problems.

David Pilcher explained that the roof of this building is falling in and the building is unsafe and needs to come down. Fire Chief Smead stated that it is a fire hazard.

Mr. Pilcher also stated that the property owned by Andy Brumley has brought in a plan for rehabbing his property that would be acceptable and should be considered by the City. This building should be removed from the list.

Mayor Bearden expressed that the City needs to tread lightly and respect citizen property rights, but there is an overwhelming input from citizens to improve the appearance of our City.

Andy Brumley expressed that there is a possibility of problem situations. If a person improves their property, liability should not extend to their neighbors property. There should be something enforceable to make a property owner pick up their trash and maintain their property.

Mayor Bearden agreed that owners should make a good faith effort to pick up their own debris.

David Pilcher noted that there was not a step between “clean this up” and “we’re coming to tear it down”.

Mayor Bearden noted that the Planning and Zoning Commission should work on new rules for appearance of buildings.

Commissioner Cardwell made the motion to look at structures individually, and made the motion to approve condemnation of the property at 4981 Cottonwood Lane.

Commissioner Brownlow seconded the motion, which passed by unanimous vote

Commissioner Cardwell made the motion to give 90 days to clean up the property at 1430 Fannin St.

Commissioner McCuiston seconded the motion, which passed by unanimous vote

Commissioner McCuiston made the motion to condemn the property at 2200 Maiden St.

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

Commissioner Cardwell made the motion to remove the property at 930 Main St. from the condemnation list.

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

Commissioner McCuiston made the motion to give 90 days to clean up the property at 3110 Main St.

Commissioner Cardwell seconded the motion, which passed by unanimous vote

Commissioner McCuiston made the motion to give 30 days to secure the property at 3701 Paradise St., and allow 180 days to clean up the property.

Commissioner McCuiston seconded the motion, which passed by unanimous vote

Commissioner Cardwell made the motion to approve Resolution No. 875 with the stipulations to remove the property at 930 Main St., allow 90 days to make improvements to 3110 Main St. and 1430 Fannin St., and allow 30 days to secure and 180 day for improvements to 3701 Paradise.

Commissioner Brownlow seconded the motion, which passed by unanimous vote

ADJOURN

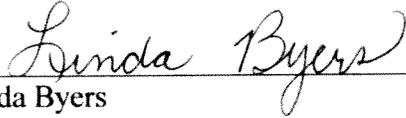
Commissioner McCuiston made the motion to adjourn the meeting at 8:25 p.m.

Commissioner Cardwell seconded the motion, which passed by unanimous vote



Jeff Bearden
Mayor

ATTEST:



Linda Byers
City Secretary