

**REGULAR MEETING**  
**MARCH 22, 2011**

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 all members present.

Present: Mayor Jeff Bearden

Commissioners: Jimmy Dennis, Russell Brownlow, Travis Taylor and Phil McCuiston

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

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.

Bob Ferguson stated that he is not against a pool but he is against an Aquatic Center. He asked that the City not buy what we can't afford and asked that the city not issue any new debt. Charles McArthur, who was on the pool committee, stated that he was ready to wrap this up. We need a pool, he is concerned for the kids, and stated that we need to do something now. Sonny Coffee stated that this was a good time not to spend any money. Mayor Bearden Closed Public Comments.

**CONSENT AGENDA**

Commissioner McCuiston moved the following items, under the Consent Agenda are approved:

- A. Minutes from the Regular City Commission Meeting held on Tuesday, February 22, 2011, the Special City Commission Meeting held on Tuesday, March 8, 2011 and the Finance Meeting held on Monday, February 21, 2011.
- B. Declare as surplus property for sale one 1975 Ford/FACT pumper, one 1993 Ford Crown Victoria, and one 2000 Ford Crown Victoria.
- C. Policy regarding Section 125/ Flexible Benefits Plan Document which sets guidelines for the City's practice of deducting insurance premiums from employees pay on a pre-tax basis.
- D. Second and Final Reading of Ordinance #1557 - Amending the 2010-2011 Budget for upgrade of Fire Department Door Openers.
- E. Monthly Investment Report for the period February 1 – February 28, 2011 reflecting investment income in the amount of \$7,337.21 and Vouchers totaling \$740,313.22.

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

## **ANNUAL FIRE / EMS REPORT**

Fire Chief Smead reported that during 2010 the Vernon Fire/EMS Department responded to 2,264 calls for service with EMS accounting for 1,715 and Fire accounting for 549. This is a decrease of 3% from previous years. The department had 99 multiple incident situations.

Accomplishments during 2010 include:

- A 77' Quint fire apparatus was placed into service.
- Seven personnel started EMT-Paramedic training at Vernon College, and four personnel started an EMT-Intermediate Paramedic course taught at Childress Regional Hospital.
- Received grants totaling \$143,998 for:
  - ✓ Homeland Security Grant totaling \$33,730 for mobile radio equipment.
  - ✓ State Department of Health Services (DSHS) Grant totaling \$9,428 to purchase EMS supplies and equipment.
  - ✓ Texas Interstate Fire Mutual Aid System (TIFMAS) grant in the amount of \$840 for four personnel to attend Wildland Firefighter II training.
  - ✓ Texas Interstate Fire Mutual Aid System (TIFMAS) grant for a 2011 Ford F-550 Type VI brush truck worth approximately \$100,000. This vehicle is scheduled to be delivered in April, 2011

Chief Smead also outlined the work of the Fire Marshall's Office and the Public Education Program. He also voiced his appreciation for the support of the Commission and the citizens of Vernon.

## **PUBLIC WORKS PROJECTS REPORT**

Public Works Director Cochran reported that the Odell Tank has been in service one month. Painting on this tank was started this week. The Ion Exchange Plant has all of the vessels rehabilitated, and the manhole covers installed. They will have a pre-startup on the plant when pipeline construction is started on the discharge line. We have an agreement with the W.T. Waggoner Estate for an easement for the discharge line, and we are waiting for signatures.

## **MAIN STREET ACTIVITIES REPORT**

Main Street Director Kelleher updated the City Commission on the activities of the Main Street Advisory Board. Bret McCormick is the Chairman of the Main Street Advisory Board. Joe Rogers is Vice-Chairman. They attended a training session in Gerogetown, TX and Paris, TX. There have been two board meetings, and committees were formed for Organization, Promotion, Design, and Economic Restructuring.

Short-term priority projects established by the board and its committees include a visit from Texas First Lady Anita Perry on April 29, who is coming to welcome Vernon as a Main Street Community. Another project is a Downtown Spring Cleanup scheduled April 23 in preparation of the First Lady visit.

Another short-term priority project is to establish a façade enhancement program, including grant applications to consider.

Long-term strategic plans include a moderated strategic planning workshop during early May with Debra Farst with the Texas Main Street Program. The entire Main Street Resource team will be here in August to make sure that we are following through on the strategic planning that is done in May.

Mr. Kelleher went into further detail concerning the First Lady visit on April 29, including photo opportunities with dignitaries, a formal ceremony, and a reception at the Plaza Theatre with a media event.

### **STREET CLOSURE FOR STATE FIRST LADY VISIT**

Commissioner Brownlow made the motion to approve the closure of Cumberland Street from Pease Street to Wilbarger Street on April 29, 2011 for the State First Lady Visit and Main Street Presentation.

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

### **PAVING PRIORITY FROM PAVING TASK FORCE**

City Manager Grant explained that there is \$37,000 left in the Maiden Street Grant for Paving, \$20,000 budgeted for paving this year, and \$20,000 from postponed seal coating efforts.

The Paving Task Force met and scored streets that were selected by staff as requiring the most maintenance. There were nine streets that were selected for paving, and the ones that scored highest were selected for paving this year:

- Antelope St. from Maiden St to Dean St. (estimated cost \$14,963)
- Lorance St. from Ross St. to Tolbert St. (estimated cost \$21,233)
- Tanglewood St. from Kennedy St to the dead end. (estimated cost \$14,257)

These estimates depend on the bids received for seal coating, which Public Works Director Cochran is concerned about. We have only \$40,000 for use on these streets. Another \$37,000 will conclude the Maiden Street project, paving Gilbert St. from Maiden St. up to Dean St., and Luna St. from Strahan St. over to Bentley St.. The Federal Grant restricts paving to the original grant area.

Following discussion, Commissioner Dennis suggested that we use contingency funds to complete the paving of these three streets.

Commissioner Dennis made the motion to approve the paving priority order considering scoring from the paving task force.

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

## CONTRACT RENEWAL FOR SOLID WASTE SERVICES

City Manager Grant explained that the Transfer Station contract is up for renewal with IESI on April 1, and IESI has requested that the collection contract that expires in 2012 be moved up one year and combined with the transfer station contract. He contacted other major haulers and found that these companies have become territorial, and those other companies are not interested in business in this area. We will have to negotiate with IESI.

The IESI proposal includes changing the size of the dumpsters and the use of frontload dumpsters instead of side-load as we are presently using. IESI representatives stated that the public will not be charged for these cost of these services.

IESI representative Jim Schur told the Commission that technology has changed. The front-end trucks have a larger capacity and fewer moving parts. He has been working with Mr. Grant since December, 2010 to negotiate this contract, and is agreeable to the amendments he has suggested.

Mr. Grant recommended that the Commission approve the contract pending legal review contingent upon IESI agreeing to amendments later on in the contract to allow a \$2 per month fee on residential customers and allow them to dump at the landfill two times per year at no cost, and to allow future amendments for recycling and the costs it will incur. Any fuel surcharge will require 60 days notice before any increase.

IESI wants an April 1 renewal. This is a five (5) year contract, with a six-month notification before end of contract if we decide not to renew.

There was discussion concerning front load dumpsters:

- Alleys with narrow clearance will have dumpsters on rollers.
- These types of dumpsters will be easier to lock, and can be dumped without removing the lock.
- There is more flexibility with 2 yd, 4 yd, and 6 yd dumpsters.
- IESI will make the changes needed for VISD, as well as any other customer.

Any fuel surcharge will require 60 days notice before any increase. Current fuel surcharge will be \$3.79.

Commissioner Taylor made the motion to approve the IESI contract contingent upon legal review and IESI agreement to later contract amendments as recommended by Mr. Grant.

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

**AQUATIC CENTER FUNDING PLAN**

City Manager Grant noted that the swimming pool has been under debate for 5 years. Other cities have built facilities similar to this that have cost more.

Commissioner McCuiston commented that the original plan when the fire station /swimming pool bond was issued, the City had planned to contribute \$800,000, which we have not done. We need to make a decision tonight on building a pool, and the consensus of those who have talked to him are 4-1 in favor of building a pool.

Commissioner Taylor agreed that we need to get something done tonight. Commissioner Brownlow noted that he is working hard with some investors and feels we will get donations from them. He feels that if everyone works together we can raise donations and not have to get a loan. Commissioner Dennis is concerned about the expense.

Mayor Bearden noted that we all worry about expenses, but the kids deserve as good a facility as other cities like us.

Mr. Grant noted that there is a budget contingency of \$65,000 that could be used for the pool. This would require the City to come up with \$288,000 in funding in the form of loans or donations if we deducted all cost cutting alternates (\$417,160) from the base bid of \$1,497,300.

Mr. Grant noted that the City could obtain a letter of credit with an interest rate of 4.8%. Atlantis, the low bidder on the project, has offered to spread the cost of the pool over two years with an estimated 3% interest rate. At the end of two years we could borrow whatever cost had not been covered by donations. We can wait up to three months into construction to add the slide if donations become available to construct it. The bathhouse is factored into the total cost.

Commissioner McCuiston made the motion to build the pool with deductive alternates (both slides, tower, themed play feature and pavilion), accept the two year payout for funding from Atlantis while donations are acquired.

Commissioner Brownlow seconded the motion. The motion passed 3-2 with Commissioner Dennis and Commissioner Taylor voting against.

Commissioner Brownlow amended the motion that we can add those features back in as money is acquired to pay for them.

Commissioner McCuiston seconded this motion. The motion passed 3-2 with Commissioner Dennis and Commissioner Taylor voting against.

**CONSTRUCTION CONTRACT – AQUATIC CENTER**

City Manager Grant explained that the low bid was from Atlantis Pool Company, and the bid that we will be voting on was for all deductive alternates except the additional 900 sq. ft. of pool area. All other deductive alternates will wait until funding is raised, and if needed, will obtain Commission approval before those are added back to the original contract.

Commissioner Brownlow made the motion to approve the award of the construction contract for the Aquatics Center to Atlantis Pool Company.

Commissioner McCuiston seconded the motion. The motion passed 3-2 with Commissioner Dennis and Commissioner Taylor voting against.

**SCHEDULE SPECIAL MEETING**

City Manager Grant explained that the Business Development Corporation had requested a special meeting to request approval of a loan request for a new wind generation company considering locating in Vernon.

Commissioner McCuiston made the motion to schedule a Special Meeting on March 29, 2011 at the request of the BDC.

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

**DESIGNATE NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK**

Police Chief Wilson explained that Congress has designated the second full week of April as National Public Safety Telecommunicators Week and by proclamation is calling upon the people of the United States to observe that week with appropriate ceremonies and activities. He is requesting the City of Vernon follow suit in making the same declaration in support of our telecommunicators / dispatchers.

Commissioner McCuiston made the motion to approve designation of April 11 through April 15, 2011 as 9-1-1 Telecommunicators Week.

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

**RESOLUTION NO. 914**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF VERNON, TEXAS, CANCELING THE MAY 14, 2011 ELECTION FOR CITY OFFICERS AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; ORDERING THE POSTING OF THIS RESOLUTION AT EACH POLLING PLACE ON ELECTION DAY; PROVIDING THAT THIS RESOLUTION SHALL BE CUMULATIVE OF ALL RESOLUTIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

There was no opposition to incumbent candidates.

Commissioner Brownlow made the motion to approve Resolution No. 914 cancelling the May 14, 2011 election and declaring all candidates elected.

Commissioner Dennis seconded the motion, which passed 4-1 with Commissioner Taylor voting against.

**SHADE STRUCTURE AT ORBISON PARK  
FOR REMOTE CONTROL AIRPLANE STRIP**

Commissioner Brownlow explained that the area east of the main park was designated for a remote control air plane landing strip in the Grant application to Texas Parks & Wildlife. He is requesting approval to place a shade structure that will be donated. He hopes to establish a club and be sanctioned by the American Modelers Association. The shade will be paid with private donations, and be city owned.

Commissioner Taylor stated that if it was at Orbison Park it needed to match the other facilities at the park. The proposed shade would look tacky.

Commissioner McCuiston made the motion to accept the donation. Commissioner Brownlow seconded the motion.

There was discussion on the design of the structure, and the need for it to be strong.

Commissioner Taylor made the motion to table action on this item until Commissioner Brownlow can come up with a better design for the structure.

Commissioner Dennis seconded that motion. The motion passed 4-1 with Commissioner Brownlow voting against.

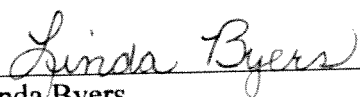
**ADJOURN**

Commissioner Brownlow made the motion to adjourn the meeting at 8:04 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