

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, AUGUST 2, 2005– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on August 2, 2005, at 5:30 p.m., in the Council Chambers at City Hall, 298 West Washington Street, for the purpose of a Regular Business Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

Mayor	:	Rusty Jergins
Mayor Pro-Tem	:	Todd McEvoy
Council members	:	Cyndi Godwin Malcolm L. Cross Nancy Hunter Andrew Johnson Alan Nash Mark Murphy Barry Ratliff
Others Attending	:	Mark A. Kaiser, City Administrator Randy Thomas, City Attorney Cindy L. Stafford, City Secretary

I. CALL TO ORDER

The meeting of the Stephenville City Council was called to order at 5:30 p.m. on Tuesday, August 2, 2005, by Mayor Rusty Jergins, who declared a quorum present.

II. CITIZENS' GENERAL DISCUSSION

Ed Dittfurth, 134 CR 476, Stephenville, TX, said he is speaking as a pastor. He is also involved as chaplain for the Sheriff's Department, STAR Council, Tarleton Wellness Committee, and Cross Timbers Family Services. He asked that the council be more proactive than reactive when it comes to zoning. He suggested that the council charge the city attorney with the task of authoring another zoning classification regarding the serving of alcohol. A zoning classification for eating establishments instead of the general classification of private club zoning.

Mike Stephens, 368 East Long Street, Stephenville, TX, made statements concerning Johnson Park. Stephens has been a letter carrier for ten years and can attest that contrary to prior statements being made to the contrary, there are a substantial number of young people living in the area of Johnson Park. He said that concerning the safety issue, there is minimal traffic in the area; and although there is limited parking, most of the people using the park live within walking distance of the park.

He offered by contrast, City Park has much more traffic and a lot of that traffic exceeds the speed limit. Stephens said that we [supporters of the park] have dropped the ball, and that if there were some amenities added to the park, the number of patrons would increase.

Elizabeth Zickefoose, 970 North McCart, Stephenville, TX, said that she, too, supports the Johnson Park, and that we should respect and honor the sacrifice and efforts made by former Councilman Bill Johnson.

III. RECOGNITION OF TARLETON MEN’S AND WOMEN’S RODEO TEAMS AS NATIONAL CHAMPIONS

Rodeo Coach Bob Doty was recognized by Mayor Rusty Jergins and presented with the following resolution:

WHEREAS, Tarleton State University made history this year by becoming only the fifth school ever to win men’s and women’s national collegiate rodeo championships in the same year; and

WHEREAS, the members of the Tarleton State University rodeo teams are: Cody Horwedel, Clayton Jackson, Sara Scott, Jackie Hobbs, Tessie McMullan, Neeley Riley, Bray Armes, Ryan Watkins, York Gill, and Blake Teixeira; and

WHEREAS, the members of the Tarleton rodeo teams have brought national attention to their school and to the City of Stephenville through their outstanding accomplishments; and

WHEREAS, Bob Doty picked up his second and third national championships as coach of these two rodeo teams; and

WHEREAS, these young people are deserving of this community’s appreciation for their untiring devotion and dedication to their particular skills.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Stephenville, that the Tarleton State University Men’s and Women’s Rodeo Teams along with Coach Bob Doty be recognized for their accomplishments to the rodeo sport and are commended for their achievements. We offer our sincere congratulations and immeasurable gratitude.

IV. PLANNING AND ZONING COMMISSION—PUBLIC HEARINGS

A. Consider Request to Vacate South Fifth Avenue Right of Way

Betty Chew, Director of Community Development, reported that the Planning and Zoning Commission recommends vacating and abandoning this street right of way. It

is unimproved, and adjacent property owners, Roger and Cindy Spears, desire to purchase it. Chew reviewed with council the policy for sale of rights of way.

Mayor Jergins opened a public hearing.

Persons Speaking in Favor: No one.

Persons Speaking In Opposition: No one.

Mayor Jergins closed the public hearing.

B. Consider Ordinance No. 2005-12 Vacating Right of Way

MOTION by Todd McEvoy, second by Alan Nash, to adopt Ordinance No. 2005-12. MOTION CARRIED by unanimous vote.

V. CROSS TIMBERS FINE ARTS COUNCIL ANNUAL REPORT

Keri Wallace, Executive Director of the Cross Timbers Fine Arts Council submitted the budget for 2005-2006, copy of which is attached hereto. Wallace mentioned that membership is up, income has increased, and over 17,000 individuals were reached through the CTFAC programs. Ricky Skaggs was the highlight of last year's program, and the arts council looks forward to another successful year.

MOTION by Andrew Johnson, second by Mark Murphy, to accept the report and approve the budget for next year. MOTION CARRIED by unanimous vote.

VI. WATER PLANNING COMMITTEE REPORT

A. Consider Approval of Final Design for Long-Term Water Supply Project

Committee Chairman, Andrew Johnson, reported that there has been some concern expressed by members of council and citizens as to the procedures that will be in place once the pipeline has been completed. Johnson believes the council should address these concerns, specifically the "flushing" of the transmission line and related infrastructure. He offered the following recommendations for maintaining the pipeline:

1. Back flushing of the system from Lillian Booster Station to Dublin Booster Station.
2. Construction of a booster station in the middle of the transmission line prior to the intersection of the Bowman
3. Implementation of a program where surface water used to maintain the transmission line is used for irrigation or other purposes.
4. Explore the possibility of purchasing excess water from the City of Dublin's

emergency well (will be on line November 2005).

5. Procure land adjacent to or in the vicinity of the Dublin Booster Station for the drilling of a Stephenville Municipal Well. Water from this well would be used to maintain flow in the Dublin Booster/Storage tank and the transmission line.
6. Continue with the plan presented by HDR engineering for maintaining the pipeline and other infrastructure with Upper Leon River Municipal Water District surface water.
7. Construct the pipeline with the intent to keep off line and use surface water strictly on an emergency basis. This plan would require sterilizing and flushing the pipeline prior to use.

Troy St. Tours, engineer with HDR Engineering, Inc., made a presentation on the engineering service proposal as follows:

Mark Graves, engineer with HDR Engineering, Inc., answered questions of council concerning levels of disinfection-by-products (DBPs), such as trihalomethane (TTHM). Discussion continued regarding matters such as breakpoint chlorination, flushing of pipelines, and water quality.

Mayor Jergins allowed the following citizens to speak on this issue:

Russ McDanel, 109 Byron Nelson, Stephenville, TX, said he spoke for a group of people who do not want Lake Proctor water brought to Stephenville. He read from council minutes from February 17, 2004 where council took action to finance water system improvements in the amount of \$7.16 million and additionally a water rate increase of 25%. McDanel noted that Mayor Moser and Council Members Cross and Cude voted against that motion. McDanel said that he considered Moser, Cross and Cude heroes. He criticized previous council members who voted to bring Proctor water to Stephenville after the voters turned it down in the 2000 bond election. He asked the council to use Proctor water for anything except drinking water.

Richard Petronis, 142 Ben Hogan, Stephenville, TX, said that he was elected to council following the bond election. He stated that as a member of the council, he and fellow council members tried to look at this situation objectively and made decisions based on the future of Stephenville. He commended former council member Ed Horton for his dedicated study of the water issue. Petronis said, "The bottom line, folks to me is this--the issue is water, the availability of water." He recalled Brazos River Authority board member Ron Butler emphasizing the importance of water for Stephenville's future. Petronis pointed out that the amount of water Stephenville secured from the Upper Leon River Municipal Water District is equal to nine ground water wells at a fraction of the cost. He stated that Proctor water will make up no more than 20% of the water source at any given time and discredited the reports of "dirty, stinking water". He closed by saying that the plan was thought

through very carefully, and “If this city is to grow, the basic commodity you’ve got to have is water.”

Elizabeth Zickefoose, 970 North McCart, Stephenville, TX, said that securing water from ground sources will become more and more difficult because of the restrictions of the Middle Trinity Groundwater Conservation District.

Michael Stephens asked that the Proctor water not be used for drinking purposes.

Mark Murphy stated that he wanted it to be clear that he is not against building the pipeline, but is concerned about the design for flushing the water.

Alan Nash commended previous councils for working diligently and in good faith to solve the water problem. However, he said he would like to table to project planning until a solution to the flushing problem could be found. “This government needs to have the ability to decide when and whether to use surface water.”

Todd McEvoy asked City Attorney Randy Thomas if the council could accept the report without accepting the flushing procedures. Thomas stated that as he understood that option is possible. Troy St. Tours confirmed that HDR could look at additional flushing options.

Malcolm Cross reminded council that this water was secured for long-term needs; but by delaying the building of the pipeline, the cost of the project will continue to increase.

MOTION by Mark Murphy, second by Malcolm Cross, to table this issue and refer it back to committee and authorize staff to negotiate additional scope of work with HDR for alternatives to the flushing system.

Mark Murphy called for the question. Mayor Jergins announced that the action died for lack of a second.

MOTION CARRIED by the following vote:

Ayes: Council members Godwin, Cross, Hunter, Johnson, Nash, Murphy, and Mayor Jergins.

Noes: Council members McEvoy and Ratliff.

B. Consider Approval of Contract Amendments for Inspection and Contract Administration Services for the Phosphorous Removal Project, Waste Water Treatment Plant and Change Order No. 1

Troy St. Tours outlined the recommended changes to the Phosphorous Removal Project as follows:

Extend construction inspection services by Rice Inspection, Inc. through November 15, 2005 and to increase the total maximum not-to-be-exceeded fee by \$14,410, from \$63,490 to \$77900.

Install equipment and materials for automatic flow pacing control of aluminum feed pumps AP 101 and 102, and polymer feed pump PP-101; change in contract price, \$7,741.65.

Install equipment and materials for timed automatic control of the main waste sludge valve; change in contract price \$2,053.00.

Delay claim due to high plant flows which prevented work for relocating existing utilities. No change in contract price.

Install equipment and materials for automatic flow pacing control of aluminum feed pumps AP-201 and 202; change in contract price, \$12,639.65.

MOTION by Todd McEvoy, second by Mark Murphy, to approve Change Order No. 1 for the Phosphorous Removal Project. MOTION CARRIED by unanimous vote.

C. Consider Approval of Final Design for Storm Water Drainage—Report on Methodist Branch

Terry Foyt and Stephen Veil from Carter & Burgess, Inc. presented the engineering report for the Methodist Branch Storm Drain Improvements, including alternatives for Phase I.

MOTION by Barry Ratliff, second by Alan Nash, to approve the Baxter Street tunneling option for Phase I and proceed with the final design. MOTION CARRIED by unanimous vote.

VII. FINANCE COMMITTEE REPORT

A. Consider Adoption of Ordinance No. 2005-13 Calling for the Denial of Atmos Gas GRIP Rate Increase

MOTION by Alan Nash, second by Andrew Johnson, to adopt Ordinance No. 2005-13. MOTION CARRIED by unanimous vote.

B. Consider Approval of the TXU Delivery Settlement

MOTION by Alan Nash, second by Todd McEvoy, to approve the TXU Delivery Settlement Agreement. MOTION CARRIED by unanimous vote.

C. Consider Approval of Proposal to Conduct the City's Audit

MOTION by Alan Nash, second by Todd McEvoy, to accept the proposal of Pattillo, Brown & Hill to perform the city's audit for the year ending September 30, 2005. MOTION CARRIED by unanimous vote.

D. Consider Approval of Proposal for Bank Services

MOTION by Alan Nash, second by Cyndi Godwin, to accept the proposal from First Financial Bank for banking services for a period of two years beginning October 1, 2005 and continuing through September 30, 2007. MOTION CARRIED by unanimous vote.

VIII. NOMINATIONS COMMITTEE REPORT—Consider Approval of Appointment to the Airport Board

MOTION by Malcolm Cross, second by Todd McEvoy, to appoint Richard Paul Abila, William Chandler, and Jubel Caldwell to the Airport Advisory Board. MOTION CARRIED by unanimous vote.

IX. CONSENT AGENDA--Approval of Minutes of Regular Council Meeting on July 5, 2005

Corrections to minutes were noted by Nancy Hunter. MOTION by Todd McEvoy, second by Nancy Hunter, to approve the Consent Agenda as corrected. MOTION CARRIED by unanimous roll call vote.

X. COMMENTS BY CITY ADMINISTRATOR

Mark Kaiser reminded council members of budget meetings beginning on Monday, August 8, at 5:30 p.m. and continuing each day until completed.

XI. COMMENTS BY COUNCIL MEMBERS

Malcolm Cross announced that applications are being taken for the Citizen Police Academy, which will begin September 8.

Alan Nash reported that he; Andrew Johnson and Barry Ratliff attend a TML Council Orientation Workshop in Abilene where Betty Chew was one of the presenters. He complimented her on the outstanding job she did lecturing on the subject of comprehensive planning, zoning, and subdivision regulations.

XII. ADJOURN

MOTION by Mark Murphy, second by Nancy Hunter, to adjourn the meeting.
MOTION CARRIED by unanimous vote at 8:56 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary