

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, DECEMBER 6, 2005– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on December 6, 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, December 6, 2005, by Mayor Rusty Jergins who declared a quorum present. Jergins also recognized other staff members present—Betty Chew, Director of Community Development; Drew Wells, Director of Community Services; Don Ives, Director of Finance and Administration; Police Chief, Mark Johnson; and Fire Chief, Jimmy Chew.

Mayor Jergins acknowledged the death of Pam Sparks, Municipal Judge and Precinct No. 1 Justice of the Peace. He recognized Judge Sparks as a public servant who placed first the best interest of the community. On behalf of the council and the citizens of the City of Stephenville, Jergins expressed heartfelt sympathies to her surviving family.

Mayor Jergins next acknowledged the accomplishments of the youth of our community. He noted that Stephenville's young people excel academically, athletically, and through band, choir, theatre, and other UIL events.

He specifically noted Coach Chad Morris and the Yellow Jackets football team for their successful season as Region I Champions. He also acknowledged Coach Fran Campos and the Honeybee Volleyball team.

Mayor Pro-Tem Todd McEvoy acknowledged the birth of a son to Mayor Jergins and wife, Deslys. McEvoy read, then presented the following proclamation:

“WHEREAS, on Thursday, November 10, 2005 at 10:48 a.m., the world was increased by one with the birth of AUSTIN ELLIS JERGINS; and

“WHEREAS, Austin Jergins was born at Harris Southwest Hospital in Fort Worth, Tarrant County, Texas; and at birth weighed eight pounds, nine and one-half ounces; and was 22 inches long; and

“WHEREAS, Rusty Jergins and wife, Deslys; daughter Adyson; and son, Austin, are now at home in Stephenville, Texas; and

“WHEREAS, with the birth of each new infant, there exists an enormous potential for loving, for learning, and making life better for others.

“NOW, THEREFORE, we as City Council Members of the City of Stephenville, extend our best wishes to the Jergins Family upon the birth of AUSTIN ELLIS JERGINS. May this day begin for this new citizen of the City of Stephenville and State of Texas, a life of promise and hope. Let It Be Further Proclaimed that this child is entitled to all the rights and privileges benefiting one of our citizens.”

II. CITIZENS' GENERAL DISCUSSION

No one wished to address the council.

III. PLANNING AND ZONING COMMISSION—Consider Approval of Final Plat of FAI Subdivision being 6.69 acres of the Wm. Motley Survey, Abstract 515, Erath County, Texas

Betty Chew gave the staff report, stating that the Planning and Zoning Commission is recommending approval of this final plat. She mentioned that the preliminary plat as approved by the council provides for four lots along West Washington Street and Lockhart Road, and will be developed with commercial structures.

MOTION by Todd McEvoy, second by Cyndi Godwin, to approve the final plat of FAI Subdivision. MOTION CARRIED by unanimous vote.

IV. NOMINATIONS COMMITTEE REPORT

Committee Chairman Malcolm Cross explained that the rules may be amended only after they have been introduced into the record of a prior council meeting. Therefore, action may be taken on this agenda item at a subsequent meeting.

A. Consider Amending the City Council Rules of Procedure to Include the Pledge of Allegiance

David Bittenbinder spoke as Americanism Chairman of the Turnbow-Higgs American Legion chapter. He reported that members of this chapter have discussed a desire to have the city council include the pledge of allegiance as part of its normal meeting agenda.

Bob Hansen, 282 South Baxter, Stephenville, Texas, represented Post No. 234 of the Disabled American Veterans as its commander. He also urged and implored the council to pass the recommendation for including the pledge of allegiance in the meeting agenda of the city council.

Susan Price also urged the council to begin its meetings with the pledge of allegiance.

John Rogers, Commander of Veterans of Foreign Wars Post No. 9181, said that the VFW post always opens its meetings with a prayer and the pledge of allegiance. He said that he sees no reason why the council shouldn't follow the same order of business.

Cross then addressed the matter of changing the committee name from "Water Planning Committee" to "Public Works Committee". He explained that since the standing committees of the city council are not specified in the Rules of Procedure, there is no need for formal action to change the committee name.

B. Consider Ordinance (No. 2005-27) Amending the Parks and Recreation Advisory Board

MOTION by Malcolm Cross, second by Andrew Johnson, to adopt Ordinance No. 2005-27.
MOTION CARRIED by unanimous vote.

C. Consider Ordinance (No. 2005-28) Amending the Library Advisory Board

MOTION by Malcolm Cross, second by Andrew Johnson, to adopt Ordinance No. 2005-28.
MOTION CARRIED by unanimous vote.

D. Consider Ordinance (No. 2005-29) Amending the Airport Advisory Board

MOTION by Malcolm Cross, second by Nancy Hunter, to adopt Ordinance No. 2005-29.
MOTION CARRIED by unanimous vote.

E. Consider Ordinance (No. 2005-30) Amending the Senior Citizens Advisory Board

MOTION by Malcolm Cross, second by Cyndi Godwin, to adopt Ordinance No. 2005-30.
MOTION CARRIED by unanimous vote.

F. Consider Ordinance (No. 2005-31) Amending the Fourth of July Family Fun Fair Board

MOTION by Malcolm Cross, second by Andrew Johnson, to adopt Ordinance No. 2005-31.
MOTION CARRIED by unanimous vote.

G. Consider Ordinance (No. 2005-32) Amending the Western Heritage Board

MOTION by Malcolm Cross, second by Nancy Hunter, to adopt Ordinance No. 2005-32.
MOTION CARRIED by unanimous vote.

H. Consider Appointments to the Citizen Boards and Commissions

MOTION by Malcolm Cross, second by Todd McEvoy, to make the following appointments:

Planning and Zoning Commission (two-year term)

Place 2	Janet Whitley
Place 4	Caryl Chilton
Place 6	Russell McDanel
Place 8	Deanna Glasgow
Place 10	Elizabeth Bays

Park and Recreation Advisory Board (two-year term)

Place 3	Jerry Land
Place 6	Mike Scott

Senior Citizen Advisory Board (two-year term)

Place 2	Patsy Jones
Place 5	Joe E. Cude

Library Advisory Board (two-year term)

Place 1	Melissa Seabourn
Place 3	Gene Oliver (20 th Century)
Place 5	Margie Derrick
Place 7	Robert Walker

Board of Adjustment (two-year term)

Place 1	Don Mayo (term expires 12-31-06)
Place 2	Harold Walton (term expires 12-31-07)
Place 3	Helen Martin (term expires 12-31-06)
Place 4	Richard Petronis (term expires 12-31-07)
Place 5	Vacant

Building Board (two-year term)

Place 2	Fred Parker
Place 4	James Loudermilk

Electrical Board (two-year term)

Place 2 Kenneth Howell
Place 4 Steve Jenkins

Mechanical Board (two-year terms)

Place 2 Mike Walker
Place 4 Rick Alderfer

Plumbing Board (two-year term)

Place 2 Brent Bledsoe
Place 4 Clarence Young
Place 6 Larry Graham

Water Conservation Board

Place 2 Mark Miller
Place 4 Boyd Collier
Place 5 Vacant

Alan Nash offered a friendly amendment to the above motion to include the appointment of Tom Konz to Place 3 of the Senior Citizens Advisory Board. The amendment was accepted by Malcolm Cross and Todd McEvoy. MOTION CARRIED by unanimous vote.

V. SOLID WASTE MANAGEMENT REPORT—Consider Approval of IESI Request for Annual CPI Rate Adjustment and Fuel Surcharge

MOTION by Mark Murphy, second by Malcolm Cross, to accept the 2.90% CPI rate adjustment and a 0.65% disposal fee adjustment for a total of 3.55%, which represents a 32¢ monthly increase. MOTION CARRIED by unanimous vote.

David Moore, Area Market Manager for IESI, addressed the council to explain their request for provisions addressed in the contract under “unusual changes”. Due to the increasing cost of operations because of rising fuel prices. IESI proposed that the council approve a price matrix where they receive enough revenues in the following month to cover their additional fuel costs of the previous month. They will furnish documents to the city showing the actual fuel costs incurred each month.

MOTION by Mark Murphy, second by Cyndi Godwin, to approve the fuel surcharge effective January 1, 2006. MOTION CARRIED by unanimous vote.

VI. PUBLIC HEALTH AND SAFETY COMMITTEE REPORT

A. Consider Approval of the Application for Taxicab License filed by Sky Cab Taxi

MOTION by Barry Ratliff, second by Nancy Hunter, to approve the application of Sky Cab Taxi for a taxicab license. MOTION CARRIED by unanimous vote.

B. Consider Ordinance (No. 2005-33) Amending Title XI, Chapter 114 Governing Ambulance and Emergency Medical Services

MOTION by Todd McEvoy, second by Barry Ratliff, to adopt Ordinance 2005-33 and to provide for an annual review. MOTION CARRIED by unanimous vote.

C. Consider Approval of the Application for Ambulance Permit filed by Guardian EMS

MOTION by Barry Ratliff, second by Cyndi Godwin, to approve the application of Guardian EMS. MOTION CARRIED by the following vote:

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

Noes: Council member Johnson

D. Consider the Approval of the Application for Ambulance Permit filed by Erath County EMS

MOTION by Barry Ratliff, second by Cyndi Godwin, to approve the application of Erath County EMS. MOTION CARRIED by unanimous vote.

VII. CONSENT AGENDA

Alan Nash requested Item C. to be removed from the Consent Agenda, and Todd McEvoy requested Item B. to be removed from the Consent Agenda.

MOTION by Todd McEvoy, second by Andrew Johnson, to approve Items A, D, and E of the Consent Agenda. MOTION CARRIED by a unanimous roll call vote.

A. Approval of Minutes of Regular Council Meeting on November 1, 2005

B. Rehabilitation of Well Field Water Supply Line

MOTION by Barry Ratliff, second by Mark Murphy, to approve Alternative A for this project, in an amount not to exceed \$71,495.50. MOTION CARRIED by the following roll call vote:

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

Noes: Council member McEvoy.

C. Approval of Contract Award for Vehicles for Police, Street, Water, and Park Departments

Alan Nash had inquiries concerning the engine size of the vehicles being recommended for this bid. Acting Police Chief Mark Johnson explained that due to unsafe conditions existing in the Ford Crown Victoria model, police departments are looking for alternatives to that vehicle. He

stated that Dodge has implemented a police package, which provides for a larger 5.7L engine as well as comparable gas mileage.

MOTION by Alan Nash, second by Barry Ratliff, to approve Item C and authorize the purchase of three police sedans from Columbus Country Ford in the amount of \$73,791.00. MOTION CARRIED by unanimous roll call vote.

D. Approval of Contract Award for Self-Propelled Power Broom

E. Approval of Ordinance (No. 2005-34) Amending the Fee Schedule

VIII. COMMENTS BY CITY ADMINISTRATOR

Mark Kaiser announced the following:

- Improvements to the walking trail in City Park have been completed.
- Improvements to Johnson Park have been completed.
- Christmas in the Park is scheduled for December 8, 6-8 p.m.
- Street sweeping will begin on December 12.
- The council will meet for committee work session on December 13.
- The employee Christmas lunch will be held at the Recreation Hall on December 15, from 11:30 a.m. to 1 p.m.

IX. COMMENTS BY COUNCIL MEMBERS

Todd McEvoy requested a status report on school zone speed limit signs at various locations on Frey Street, Overhill Drive, and Wolfe Nursery Road.

Prior to council going into executive session, Robert G. Price and wife, Susan Price, were given the opportunity to address the council concerning their property, which is Lots 1B and 14A, Block 16, Park Place Addition. Price stated that the house situated on this property has been in his family for over 60 years. He asked that the council be fair in its deliberation of the value, and Susan Price requested the council's mercy in determining a price for the property.

Mark Murphy asked that the following be included in the record of the meeting:

“I wanted to take a minute and say a big Thank You to the Chamber of Commerce, local businesses, and the City of Stephenville for continuing to recognize Christmas as our traditional holiday. Christmas on the Square, Christmas in the Park, Christmas trees and the term ‘Merry Christmas’ will continue to be traditions we should cherish. We need to stop this national trend of diluting Christmas or secularizing it. Attempts by some to cower to the fringe or patronize small minorities in lieu of upholding our tradition should be chastised. I respect any holiday others may want to celebrate, including Hannakuh, Kwanza or Winter Solstice, however as a community and nation we should not abandon our long established tradition of celebrating the birth of Christ and all that the spirit of that tradition represents. Not only is it religious, it is a national holiday set by Congress. ‘ChrismaHannaKwanzike’ and ‘THE Winter Holiday’ are not. Let everyone celebrate whatever they want to, and however they want to, but for the majority which is our Christian community, let's not forget what December 25th is all about. Don't be

pressured into leaving out the Nativity scene at your home or business. Don't forget to go worship in place of partying. And don't forget to wish your Stephenville neighbor a Merry Christmas. Merry Christmas."

- X. EXECUTIVE SESSION. At 7:28 p.m., Mayor Jergins recessed the open portion of the meeting, and council went into executive session in compliance with the provisions of the Texas Open Meetings Law, Subchapter D, Government Code, Vernon's Texas Codes, Annotated, in accordance with, Sec. 551.072 Deliberations about Real Property, and Sec. 551.074 Personnel Matters (a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.**

A. Ollie/Mary Thoroughfare Properties

- 1. Lot 1B and 14A, Block 16, Park Place Addition, Stephenville, Texas**
- 2. Lot 14C, Block 16, Park Place Addition, Stephenville, Texas**
- 3. Lot 10, Block 129, City Addition, Stephenville, Texas**
- 4. Pt. Lot 1, Block 135, City Addition, Stephenville, Texas**

B. Discuss the Director of Public Works' Position

Council reconvened in open session at 8:37 p.m.

- XI. ACTION TAKEN ON MATTERS DISCUSSED IN EXECUTIVE SESSION (if necessary)**

MOTION by Todd McEvoy, second by Barry Ratliff, to authorize staff to negotiate a contract for the purchase of Lots 1B and 14A, Block 16, Park Place Addition; Lot 14C, Block 16, Park Place Addition; Lot 10, Block 129, City Addition; and the sale of the structure situated on Lot 10, Block 129, City Addition.

MOTION by Mark Murphy, second by Cyndi Godwin, to amend the motion to divide and act on each piece of property separately. MOTION to amend FAILED by the following vote:

Ayes: Council members Godwin, Cross, Nash, and Murphy

Noes: Council members Hunter, Johnson, McEvoy, Ratliff, and Mayor Jergins.

MOTION on the original motion CARRIED by the following vote:

Ayes: Council members Cross, Hunter, Johnson, McEvoy, Ratliff, and Mayor Jergins.

Noes: Council members Godwin, Nash, and Murphy.

- XII. ADJOURN**

MOTION by Mark Murphy, second by Cyndi Godwin, to adjourn the meeting.
MOTION CARRIED by unanimous vote at 8:40 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary

