

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, DECEMBER 5, 2006– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on December 5, 2006, 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 5, 2006, by Mayor Rusty Jergins who declared a quorum present. The mayor also recognized the Police Chief, Director of Public Works, Fire Chief, Director of Community Services and Director of Community Development.

II. CITIZEN'S GENERAL DISCUSSION

No one addressed the council.

III. COMMENTS FROM STATE REPRESENTATIVE DISTRICT 59 SID MILLER

Representative Miller greeted the mayor, council and audience. The State Legislature will be convening on January 9, 2006. Miller said he has good feelings and anticipates a return of bipartisanship. He mentioned that some of the "hot button" issues the legislature has tackled are school reform, banning of same-sex marriage in Texas, and the criminal notification bill. This legislature also begins with a \$10 billion surplus, with \$3 billion being returned to the taxpayers of Texas in the form of property tax relief. Miller said that he is having drafted 20 different bills.

He highlighted some of the issues on his legislative agenda, which are:

- HB 191, which will provide free license plates to active duty military personnel.
- A bill to enhance the penalties for child predators on school grounds.
- HB 318, which will restore dedicated funds--\$100 million—to state parks.
- Appraisal reform—increasing the number of directors on the board to include two county commissioners.
- National Animal Identification Program in response to bioterrorism.
- A bill to expand the notification process for salt water disposal wells.
- A bill requiring seatbelts on school buses.
- A bill removing the exemption of state universities from storm water drainage fees for cities with a population of 25,000 or less.
- A bill to protect deceased persons names from identity theft.
- A bill addressing ad valorem taxes for railroads.

Mayor Jergins thanked Representative Miller for taking time to address the council and for his service to the state.

IV. OMI ANNUAL REPORT—Johnny Davis, Waste Water Treatment Plant Superintendent (Separate Document)

Mayor Jergins announced that Johnny Davis had a family emergency that prevents his from delivering this report. This item is, therefore, postponed until the next council meeting.

V. PLANNING AND ZONING COMMISSION

A. Consider Vacating Shirley Street from Lillian to Rome; Garfield Avenue from Shirley to Jones; and Jones Street from Lillian to Rome

Director of Community Development Betty Chew gave the staff report. She reported that the Planning and Zoning Commission recommends vacating and abandoning the above-referenced street rights of way as requested by Tarleton State University. All of the rights of way are improved streets and Tarleton owns the property adjacent to these rights of way. If council approves this matter, the university will have the rights of way surveyed, and an ordinance and deed will be executed to vacate these rights of way and convey them to Tarleton State University.

MOTION by Nancy Hunter, second by Cyndi Godwin, to vacate and abandon the following street rights of way: Shirley Street from Lillian to Rome, Garfield Avenue from Shirley to Jones, and Jones Street from Lillian to Rome. MOTION CARRIED by the following vote:

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

Noes: None

Abstentions: Council member Murphy

B. Consider Approval of Final Plat of Lot 29, Block 160, City Addition, being 14.15 acres of the William Sims Survey, Abstract 683, Erath County, Texas

Betty Chew explained that this plat is being presented under the short-form platting process. The owner proposes to plat this property into one lot. At present, there are eight commercial storage buildings, a warehouse, and a commercial office building located on this property, and the owner plans to develop the eastern half with additional storage units.

MOTION by Nancy Hunter, second by Todd McEvoy, to approve the Final Plat of Lots 29, Block 160, City Addition, being 14.15 acres of the Williams Sims Survey, A-683, Erath County, Texas. MOTION CARRIED by unanimous vote.

VI. NOMINATIONS COMMITTEE REPORT

A. Consider Approval of Board and Commission Appointments

MOTION by Malcolm Cross, second by Nancy Hunter, to approve the following committee appointments. Cross noted that Joe E. Cude and Helen Martin are former city council members.

Planning and Zoning Commission

Place 1	Don Douglas
Place 3	Rendell Burdick
Place 5	Matt Harpole
Place 7	Jerry Warren

Park and Recreation Advisory Board

Place 1	Cary Strohmeyer
Place 3	Jerry Land
Place 5	Darrell Brown
Place 7	Marcy Tanter

Airport Advisory Board

Place 1	Bill Chandler
Place 3	Frank Burke
Place 5	Robert Couch
Place 7	Jubel Caldwell

Senior Citizen Advisory Board (two-year term)

Place 1	Nicki Jones
Place 3	Jana Saucedo
Place 5	Joe E. Cude

Library Advisory Board (two-year term)

Place 1 Melissa Seabourn
Place 5 Margie Derrick
Place 7 Robert Walker

Board of Adjustment (two-year term)

Place 1 Don Mayo (term expires 12-31-06)
Place 3 Helen Martin (term expires 12-31-06)

Building Board (two-year term)

Place 1 David Jaquess
Place 3 Danny Phillips
Place 5 Steve Bowman

Electrical Board (two-year term)

Place 1 Johnny Davis
Place 4 David Picha (TXU representative)
Place 5 Jon Bragg

Mechanical Board (two-year term)

Place 1 Bobby Mangrum
Place 3 Matt Harper
Place 5 George Frazor

Plumbing Board (two-year term)

Place 1 Steve Forbus
Place 3 J. D. Walker
Place 5 Bobby Mangrum
Place 7 Dan Rivers

Water Conservation Board

Place 1 Davis Waggoner
Place 3 Carol Thompson
Place 5 Hennen Cummings

Erath County Appraisal District Board of Directors:

Bill Bailey

Erath County Appraisal District Review Board:

David Cullins

MOTION by Mark Murphy to separate the Planning and Zoning Commission from consideration. The motion died for the lack of a second.

MOTION by Todd McEvoy, second by Barry Ratliff, to separate the Planning and Zoning Commission from consideration. MOTION CARRIED by the following vote:

Ayes: Council members Godwin, Nash, McEvoy, Murphy, and Ratliff

Noes: Council members Cross, Hunter, and Johnson

Mayor Jergins stated for the record that Darrell Brown and Bill Bailey are also former city council members. MOTION CARRIED by unanimous vote to approve the following committee appointments:

Park and Recreation Advisory Board

Place 1	Cary Strohmeyer
Place 3	Jerry Land
Place 5	Darrell Brown
Place 7	Marcy Tanter

Airport Advisory Board

Place 1	Bill Chandler
Place 3	Frank Burke
Place 5	Robert Couch
Place 7	Jubel Caldwell

Senior Citizen Advisory Board (two-year term)

Place 1	Nicki Jones
Place 3	Jana Saucedo
Place 5	Joe E. Cude

Library Advisory Board (two-year term)

Place 1	Melissa Seabourn
Place 5	Margie Derrick
Place 7	Robert Walker

Board of Adjustment (two-year term)

Place 1	Don Mayo (term expires 12-31-06)
Place 3	Helen Martin (term expires 12-31-06)

Building Board (two-year term)

Place 1	David Jaquess
Place 3	Danny Phillips
Place 5	Steve Bowman

Electrical Board (two-year term)

Place 1	Johnny Davis
Place 4	David Picha (TXU representative)
Place 5	Jon Bragg

Mechanical Board (two-year term)

Place 1	Bobby Mangrum
Place 3	Matt Harper
Place 5	George Frazor

Plumbing Board (two-year term)

Place 1	Steve Forbus
Place 3	J. D. Walker
Place 5	Bobby Mangrum
Place 7	Dan Rivers

Water Conservation Board

Place 1	Davis Waggoner
Place 3	Carol Thompson
Place 5	Hennen Cummings

Erath County Appraisal District Board of Directors:

Bill Bailey

Erath County Appraisal District Review Board:

David Cullins

MOTION by Malcolm Cross, second by Nancy Hunter, to appoint to Planning and Zoning Commission the following persons:

Place 1	Don Douglas
Place 3	Rendell Burdick
Place 5	Matt Harpole
Place 7	Jerry Warren

MOTION by Barry Ratliff to amend the motion to include appointment of Michael Ryden to Place 3, Planning and Zoning Commission. Motion died for lack of a second.

MOTION by Mark Murphy, second by Todd McEvoy, to separate Places 1, 3, 5, and 7 on the Planning and Zoning Commission. MOTION CARRIED by the following vote:

Ayes: Council members Godwin, Nash, McEvoy, Murphy, and Ratliff.

Noes: Council members Cross, Hunter, and Johnson.

MOTION by Mark Murphy to appoint Pat Shelbourne to Place 9 of the Planning and Zoning Commission. It was deemed that this motion is out of order.

MOTION by Malcolm Cross, second by Andrew Johnson, to appoint Don Douglas to Place 1, Planning and Zoning Commission. MOTION CARRIED.

MOTION by Malcolm Cross, second by Todd McEvoy, to appoint Rendell Burdick to Place 3, Planning and Zoning Commission.

MOTION by Barry Ratliff, second by Cyndi Godwin, to appoint Michael Ryden to Place 3, Planning and Zoning Commission.

Mayor Jergins asked for a show-of-hands vote for each nominee. Rendell Burdick received four votes, and Michael Ryden received three votes. Mayor Jergins announced election of Rendell Burdick to Place 3, Planning and Zoning Commission.

MOTION by Malcolm Cross, second by Mark Murphy, to nominate Matt Harpole to Place 5, Planning and Zoning Commission.

MOTION by Cyndi Godwin, second by Barry Ratliff, to nominate Michael Ryden to Place 5, Planning and Zoning Commission.

Matt Harpole received six votes, and Michael Ryden received two votes. Mayor Jergins announced election of Matt Harpole to Place 5, Planning and Zoning Commission.

MOTION by Malcolm Cross, second by Mark Murphy, to nominate Jerry Warren to Place 7, Planning and Zoning Commission.

MOTION by Cyndi Godwin to nominate Michael Ryden to Place 7, Planning and Zoning Commission. Motion died for lack of a second.

MOTION CARRIED to nominate Jerry Warren to Place 7, Planning and Zoning Commission.

MOTION by Alan Nash, second by Mark Murphy, to nominate Pat Shelbourne to Place 9, Planning and Zoning Commission.

MOTION by Todd McEvoy, second by Cyndi Godwin, to nominate Julie Tennyson to Place 9, Planning and Zoning Commission.

Pat Shelbourne received four votes, and Julie Tennyson received four votes. Mayor Jergins voted for Tennyson to break the tie. Mayor Jergins announced election of Julie Tennyson to Place 9, Planning and Zoning Commission.

Todd McEvoy announced that he abstained from the vote on Place 3, Planning and Zoning Commission. Cyndi Godwin announced that she abstained from the vote on Place 7, Planning and Zoning Commission.

MOTION by Mark Murphy, second by Cyndi Godwin, to nominate Deborah Paganelli to Place 4, Parks and Recreation Advisory Board.

MOTION by Malcolm Cross, second by Barry Ratliff, to nominate Jason LaTouche, to Place 4, Parks and Recreation Advisory Board.

Deborah Paganelli received three votes, and Jason LaTouche received five votes. Mayor Jergins announced election of Jason LaTouche to the Parks and Recreation Advisory Board.

MOTION by Malcolm Cross, second by Andrew Johnson, to appoint James Walker to Place 3 of the Electrical Board. MOTION CARRIED by unanimous vote.

B. Legislative Issues

No action was taken on this agenda item.

VII. SOLID WASTE MANAGEMENT COMMITTEE REPORT—Consider Approval of Rate Increase for IESI TX Corporation Garbage Rates

Committee Chairperson, Cyndi Godwin, reported that IESI is requesting a rate increase of 6%, with 3.8% being a Consumer Price Index increase and 2.2% attributed to environmental regulation. She introduced Jim Schur with IESI.

MOTION by Cyndi Godwin, second by Todd McEvoy, to approve the rate increase proposed by IESI. MOTION CARRIED by unanimous vote.

VIII. PLANNING AND DEVELOPMENT COMMITTEE REPORT

Committee Chairman Todd McEvoy, gave the following report.

A. Erath Street Historical Gates

Marla Bush with Patrons of the Pillars addressed the committee about maintaining the pillars on Erath Street and applying for a state historical marker. The city staff has acknowledged that the pillars belong to the city. No action is required. City Administrator Mark Kaiser clarified that the survey indicates that the pillars are in the street. The pillars are in the street right of way and not in the paved portion of the street. The property owners on the east side and the west side of Erath Street continue to maintain the property to the curb.

B. Park Restroom

The committee discussed adding a restroom at the city park. No action is required.

C. Swimming Pool

MOTION by Todd McEvoy, second by Andrew Johnson, to reaffirm the City Administrator's recommendation to close the city pool immediately due to the rising cost of operations and the cost to repair the pool to state standards. MOTION CARRIED by unanimous vote.

D. 2007 Annexation

The committee reviewed the schedule for a 2007 annexation program. No action was taken.

IX. CONSIDER CHANGING DATE OF JANUARY COUNCIL MEETING TO JANUARY 9, 2007

MOTION by Nancy Hunter, second by Andrew Johnson, to change the council meeting dated from January 2, 2007 to January 9, 2007. MOTION CARRIED by unanimous vote.

X. CONSENT AGENDA

Mayor Jergins requested Item C be removed from the Consent Agenda, and Council Member Nash requested that Item A.1. be removed.

MOTION by Todd McEvoy, second by Andrew Johnson, to approve Items A.2. and B. MOTION CARRIED by unanimous roll call vote.

MOTION by Alan Nash, second by Barry Ratliff, to approve the minutes of the November 7, 2006 minutes, as amended, indicating that Alan Nash and Barry Ratliff voted not to approve the Master Annexation Plan. MOTION CARRIED by unanimous roll call vote.

City Administrator Mark Kaiser explained that action is required to engage Carter & Burgess to perform full time on-site construction representation during Phase I of the Storm Water Drainage Project.

MOTION by Andrew Johnson, second by Todd McEvoy, to approve the Scope of Services, Methodist Branch Storm Drain Phase I Construction Representation.

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

A. Approval of Minutes

- 1. Regular Council Meeting on November 7, 2006**
- 2. Regular Council Meeting on November 14, 2006**

B. Approval of Library Loan Star Grant

C. Approval of Storm Water Drainage Project Construction Representation

XI. COMMENTS BY CITY ADMINISTRATOR

- The city received a little over \$3,000 from items auctioned off in recent sale. Vehicles will be sold through an on-line auction.
- Christmas in the Park is December 7
- Employee Christmas lunch is December 14 at the Rec Hall
- Street sweeping will begin on December 18
- Christmas Tree Recycling on January 6

XII. COMMENTS BY COUNCIL MEMBERS

Mark Murphy requested the following statement to be entered into the record of the meeting. "There are a few small groups of people in the city and around the county who are trying to stop construction of waste disposal injection wells in our area. The Middle Trinity Groundwater Conservation District has also joined in some cases in protesting to the Texas Railroad Commission in getting these stopped, and it has worked. I would like to see our city adopt a policy of joining in the fight to protect our groundwater resources by adopting resolutions against these types of wells any time the applications are filed with the State. This may be something that the Public Works Committee needs to take up, but this trend needs to be acted on fairly quickly. I hope my fellow councilpersons feel the same way about this matter."

Malcolm Cross stated that he had been approached by several citizens interested in having sidewalks installed on streets near the public schools.

Todd McEvoy publicly commended Police Chief Roy Halsell and the entire Police Department for their enforcement of the Noise Ordinance. McEvoy said that the policies are working.

XIII. ADJOURN

MOTION by Nancy Hunter, second by Cyndi Godwin, to adjourn the meeting.
MOTION CARRIED by unanimous vote at 7:10 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary