

**MINUTES OF REGULAR BUSINESS MEETING**

City of Stephenville - City Council

**TUESDAY, JANUARY 9, 2007– 5:30 P.M.**

The City Council of the City of Stephenville, Texas, convened on January 9, 2007, 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 (arrived 6:10pm)         |
|                  |   | 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, January 9, 2007, 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 wished to address the council.

Mayor Jergins recognized Sam Elliott, a member of Boy Scout Troop 39, who is working on his Eagle Scout rank. Elliott addressed the council and described his Eagle Scout project, which includes planting 12 to 15 trees at City Park. He thanked the members of the city council and Community Services Director Drew Wells for their cooperation and assistance with this project. He also acknowledged Miller Nursery who donated the trees. Elliott also introduced his sister, Ann, and his mother, Gail.

**III. OMI ANNUAL REPORT—Johnny Davis, Waste Water Treatment Plant Superintendent**

Johnny Davis, told the council that he appreciates the opportunity to operate the waste water treatment plant, and that this is his tenth year with OMI in Stephenville. Davis reported that the phosphorous removal system was completed in January 2006, which was five months ahead of the deadline. CH2M Hill OMI uses a computerized maintenance management system. During this

contract year, operations personnel completed more than 8,400 preventive maintenance tasks. Regular safety meetings are held at this site. In the ten-year history of OMI's operation of this plant, there has been only one safety incident, which was a bee sting. There are three employees at the plant—one project manager and two operators—with 65 combined years of experience in waste water treatment plant operations and maintenance. This staff is dedicated to the task of operating the waste water treatment plant in the most cost-effective manner possible without jeopardizing the integrity and life of the plant equipment and structures and maintaining the highest quality plant effluent.

Davis also reported that in December, OMI rebated to the city a check for \$19,299.44 on the biological removal of phosphorous.

MOTION by Todd McEvoy, second by Nancy Hunter, to accept the OMI annual report. MOTION CARRIED by unanimous vote.

#### **IV. PLANNING AND ZONING COMMISSION—Report Concerning Future Land Use Map**

Betty Chew reported that revisions have been made to the map as requested by council, and the Future Land Use Map will be adopted as part of the 2030 Comprehensive Plan.

#### **V. Consider an Ordinance (No. 2007-01) Setting a Date, Time, and Place for the First Public Hearing on Proposed Annexation**

MOTION by Todd McEvoy, second by Andrew Johnson, to adopt Ordinance No. 2007-01, setting the first public hearing on proposed annexation for February 20, 2007 at 5:30 p.m. in the Stephenville City Council Chamber. MOTION CARRIED by unanimous vote.

#### **VI. Consider Approval of Resolution (No. 2007-01) Seeking Increased Funding for the Texas Recreation & Parks Account Local Park Grant Program and the Texas State Park System**

Director of Community Services, Drew Wells, reported that in 1979, the Texas Legislature established the Local Park Fund (LPF) to provide matching grants to local governments for parks and recreation lands and facilities. The LPF was initially funded with cigarette sales tax revenue. In 1993, the Legislature revamped the program and created the Texas Recreation and Parks Account (TRPA). The TRPA statutory revenue source is a portion of the sales tax collected on sporting goods. The Legislature is authorized to appropriate up to \$15.5 million per year for TRPA, and to date, TRPA has supported 1,029 local grant projects totaling over \$623 million in assistance. Although TRPA legislation authorizes the appropriation of \$15.5 million per year recent appropriations have fallen far short of that level. For FY04-05, only \$13.5 million was appropriated, and for FY06-07, only \$5.6 million was appropriated. This resolution would support funding for the operations and maintenance of the existing state parks system and provide acquisition and development funds for the future needs of Texas.

MOTION by Mark Murphy, second by Malcolm Cross, to adopt Resolution No. 2007-01. MOTION CARRIED by unanimous vote.

Mayor Jergins asked to hear the Public Works Committee Report next in order to accommodate out-of-town presenters.

## **VII. PUBLIC WORKS COMMITTEE REPORT**

### **A. Consider Bid Award for Water Transmission Line**

Troy St. Tours, P.E. with HDR Engineering, Inc. gave some background on the bids. Eight bid proposals were received for a 16- and a 20-inch water line using either PVC or ductile iron pipe materials. The low bidder for both pipe materials is Bowles Construction Company of Wichita Falls, Texas. Bowles' base bids were \$3,128,937.50 for PVC pipe and \$3,404,062.50 for ductile iron pipe.

MOTION by Barry Ratliff, second by Todd McEvoy, to accept Bowles Construction Company's bid in the amount of \$3,128,937.50 for a 16-inch water transmission line using PVC pipe. MOTION CARRIED by an 8-1 vote, with Cyndi Godwin casting the only dissenting vote.

### **B. Consider Approval of Oil and Gas Lease—Wetlands**

MOTION by Andrew Johnson, second by Todd McEvoy, to approve the letter of engagement with Proven Concepts, Inc. to negotiate oil and gas lease(s) on the Wetlands property. MOTION CARRIED by an 8-1 vote, with Mark Murphy casting the only dissenting vote.

### **C. Resolution Calling for Protection of the Aquifer**

MOTION by Andrew Johnson, second by Mark Murphy, to adopt Resolution No. 2007-02. MOTION CARRIED by unanimous vote.

Mark Murphy read the following statement into the record of the meeting: "The blanket resolution to stop hazardous waste injection through our aquifer recharge zone is a good step for us to take in trying to protect our groundwater resources. The Railroad Commission rules state that each disposal well permit can be protested for only 15 days after the application is received or notice is publicly given. Only letters from affected persons and local governments are accepted by the RRC in requesting denial of permits for drilling these wells. We must therefore be sure to request permit denial of each and every one of these waste disposal sites in a timely manner. In accordance with these RRC rules, I would further like to see us direct the staff to do so for each permit application that comes up. I don't know if we need to set a policy for such action or just have an agreement with the City Administrator in order to get this done, but we need to be watchful and diligent in this procedure.

## **VIII. FINANCE COMMITTEE REPORT**

### **A. Consider Approval of Resolution Approving Investment Policy, Broker/Dealers, and Investment Strategies**

MOTION by Alan Nash, second by Andrew Johnson, to approve Resolution No. 2007-03. MOTION CARRIED by unanimous vote.

**B. Consider Adopting Resolution for Application for Participation with TexSTAR**

MOTION by Alan Nash, second by Cyndi Godwin, to approve Resolution No. 2007-04. MOTION CARRIED by unanimous vote.

**C. Consider Approval of the BuyBoard Interlocal Participation Agreement**

MOTION by Alan Nash, second by Todd McEvoy, to approve Interlocal Participation Agreement and Board Resolution. MOTION CARRIED by unanimous vote.

**D. EMS Local Projects Grant**

MOTION by Alan Nash, second by Todd McEvoy, to accept this grant for a 12-lead cardiac monitor. MOTION CARRIED by unanimous vote.

**E. Consider Approval of Contract with Erath County for Municipal Court Services**

MOTION by Alan Nash, second by Mark Murphy, to approve the attached contract with Erath County for Municipal Court Services. MOTION CARRIED by unanimous vote.

**IX. CONSENT AGENDA**

MOTION by Todd McEvoy, second by Andrew Johnson, to approve the Consent Agenda. MOTION CARRIED by unanimous roll call vote.

**A. Approve Minutes of December 5, 2006**

**B. Approve Texas Department of Transportation Airport Project Participation Agreement Amendment No. 04 for Design and Construction Services for Apron and Hangars at Clark Field Municipal Airport**

**C. Approve Application for Homeland Security Fire Prevention and Safety Grant**

**X. COMMENTS BY CITY ADMINISTRATOR**

- Shade covers over the larger playground equipment by the Little League baseball field will be completed this week.
- A new scoreboard will be installed this week in the Rec Hall gymnasium in memory of Rafael Campos by his friends.
- Representative Miller has filed HB 469 concerning storm water drainage as per resolution adopted by the council.
- Director of Public Works, Nick Williams, is now a Professional Engineer, having received word that he has passed his engineer's exam.

**XI. COMMENTS BY COUNCIL MEMBERS**

**XII. EXECUTIVE SESSION.** At 7:19 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. Quarles Property—Part of Lots 1, 2, 3, Block 47, City Addition**

**B. Director of Finance**

**XIII. ACTION TAKEN ON MATTERS DISCUSSED IN EXECUTIVE SESSION**

No action was taken on matters discussed in executive session.

**XIV. ADJOURN**

MOTION by Barry Ratliff, second by Andrew Johnson, to adjourn the meeting. MOTION CARRIED by unanimous vote at 8:19 p.m.

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Russell E. Jergins, Mayor

ATTEST:

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Cindy L. Stafford, City Secretary