

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, FEBRUARY 6, 2007– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on February 6, 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
		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, February 6, 2007, by Mayor Rusty Jergins who declared a quorum present. The mayor also recognized the Police Chief, Fire Chief, Director of Public Works, Director of Community Services and Director of Community Development.

II. CITIZEN'S GENERAL DISCUSSION

No one wished to address the council.

III. Comprehensive Annual Financial Report, Paula Spiegelhauer with Pattillo, Brown, and Hill, L.L.P.

Paula Spiegelhauer reported that her company has audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Stephenville. She reported that the financial statements are materially correct, which is also known as an unqualified opinion or a clean opinion. This opinion will be submitted to the Government Financial Officers Association. The GFOA awarded a Certificate of Achievement in Financial Reporting to the City of Stephenville for its Comprehensive Annual Financial Report for the fiscal year ended September 30, 2005, which was the 23rd consecutive year that the city received this award.

Spiegelhauer stated that she anticipates that the city will again be recognized in this way for the 2006 audit.

MOTION by Alan Nash, second by Todd McEvoy, to accept the audit report and forward it to the Finance Committee. MOTION CARRIED by unanimous vote.

IV. Chamber of Commerce Report and Presentation of Tourism Budget —July Danley, President, Stephenville Chamber of Commerce

July Danley reported that it is an exciting time for tourism in Stephenville. She reported that there has been a steady increase in tourism over the last four years. She stated that the forecast for 2007 is looking bright with the opening of two new hotels—Hampton Inn and La Quinta. In 2006, the chamber has mailed out over 250 new location and visitor's guides, requested by people from 60 Texas counties and 30 states. She cited the chamber's tourism goal for 2007 is improved and effective communication.

MOTION by Nancy Hunter, second by Cyndi Godwin, to accept the report (attached) and approve the tourism budget for 2007. MOTION CARRIED by unanimous vote.

V. Consider Adopting Ordinance No. 2007-02 with Respect to IESI TX Corporation and IESI TX Landfill LP Project Approving the Issuance of Revenue Bonds by the Mission Economic Development Corporation, Designating a Public Hearing Officer and Authorizing the City Mayor to Execute Certificates Approving the Ordinance and Public Hearing—Lee McCormick, President of Community Development Associates, LLC, Tax-Exempt Financing Consultants

Jean Gard with Community Development Associates, L.L.P. and Jim Schur with IESI were present to introduce this agenda item. Gard advised council that IESI TX Corporation and IESI TX Landfill LP is seeking tax-exempt bond financing for certain infrastructure and capital improvements to its solid waste collection and disposal operations in 24 Texas jurisdictions, including the City of Stephenville. The project consists of financing existing collection (hauling facilities), including acquisition of solid waste disposal trucks, support vehicles, disposal containers, and sorting and processing equipment.

MOTION by Mark Murphy, second by Cyndi Godwin, to adopt Ordinance No. 2007-02. MOTION CARRIED by an 8-1 vote with Andrew Johnson casting the dissenting vote.

VI. PUBLIC WORKS COMMITTEE REPORT

A. Consider Approval of 2007 Street Reconstruction Program

MOTION by Andrew Johnson, second by Todd McEvoy, to approve the 2007 Street Reconstruction Program as follows:

Overhill Drive—North Harbin Drive to Garfield Avenue.
Crestridge Drive—Mimosa Drive to Cleveland Street.
Woodland Drive—Mimosa Drive to Crestridge Drive.
Wildwood Drive—Overhill Drive to Ash Street.
West Park Avenue—Garfield Street to Lillian.
Phelps and Tarleton Streets—North Dale Street to North Harbin Drive.
Linda Lane—Phelps Street to Tarleton Street.
Charlotte and Lydia Streets—Frey Street to Tarleton Street.

MOTION CARRIED by unanimous vote.

B. Consider Approval of 2007 Utility Line Replacement Program

MOTION by Andrew Johnson, second by Nancy Hunter, to approve the 2007 Utility Line Replacement Program as follows:

Jones Street—Ollie Street to Clinton Street.
Neblett Street—Jones Street to Vanderbilt Street.

MOTION CARRIED by unanimous vote.

C. Long-Term Water Project

Andrew Johnson reported that the committee was briefed on the budget status for each major component of the Long-Term Water Project and directed staff to develop a contract with HDR Engineering, Inc. to evaluate possible future well sites on existing city-owned property. This contract will be brought to a future Public Works Committee meeting.

Mayor Jergins respectfully requested that action be taken by council rather than by committee to direct staff to negotiate with HDR Engineering, Inc. for a contract. MOTION by Todd McEvoy, second by Andrew Johnson, that council request staff to develop a contract with HDR Engineering, Inc. to evaluate possible future well sites on existing city-owned property. MOTION CARRIED by unanimous vote.

D. Consider Approval of Pro-Rata Payment Program for Annexed Areas

MOTION by Andrew Johnson, second by Mark Murphy, to adopt a program for residents of 2003 annexed areas who choose to tie onto city services within one year. The pro-rata charge for these residents will be interest free and payable over a three-year period. MOTION CARRIED by unanimous vote.

VII. PUBLIC HEALTH AND SAFETY COMMITTEE REPORT

A. Public Safety Software

Barry Ratliff reported that the committee reviewed information submitted by Tyler Technologies concerning software. The committee will review the contract with Tyler Technologies at its next meeting; therefore, no action is sought at this time by council.

B. Consider Approval of Ordinance No 2007-02 Amending the Parking Ordinance to Restrict Parking on Tarleton Street from Harbin Drive to Dale Street

MOTION by Barry Ratliff, second by Nancy Hunter, to adopted Ordinance No. 2007-03 restricting parking on the north side of Tarleton Street from Harbin Drive to Dale Street from 8am to 5pm Monday through Friday.

MOTION by Mark Murphy, second by Alan Nash, to amend the motion to provide restricted parking on the north side of Tarleton Street from Harbin Drive to Charlotte Street. MOTION TO AMEND FAILED by the following roll call vote:

Ayes: Council members Nash, McEvoy, Murphy.

Nays: Council members Godwin, Cross, Hunter, Johnson, Ratliff.

ORIGINAL MOTION CARRIED by the following roll call vote:

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

C. Consider Approval of Lease Agreement with Rick Hale for Additional Office Space

MOTION by Barry Ratliff, second by Andrew Johnson, to forward this matter to the Finance Committee. MOTION CARRIED by unanimous vote.

D. Consider Approval of Asset Forfeiture Funds

MOTION by Barry Ratliff, second by Mark Murphy, to approve expenditures from the Asset Forfeiture Funds and authorize the purchase of a fax machine/copier/printer (\$3,400) and night vision goggles (\$5,000). MOTION CARRIED by unanimous vote.

Gene Sherwin attended the committee meeting when this was discussed. Sherwin stated that as a graduate of the Citizen's Police Academy, he realizes the advantages of having tasers and supports them as an alternative to deadly force.

Capt. Mark Johnson, on behalf the officers of the Stephenville Police Department, stated that he is speaking in support of the equipment requested to be purchased with drug forfeiture funds. Johnson stated that the police department's number one job is to protect the citizens to the best of their ability. To do this, Johnson said the department continually needs to upgrade its equipment and tactics. He assured council members that extensive research has been conducted on each item requested, and those items will greatly enhance their abilities to better serve the citizens, protect their officers, and continue their goal to be tactically prepared for any given situation.

MOTION by Todd McEvoy, second by Mark Murphy, to purchase AR-15 rifles (\$3,960), Simunition rifles (\$1,400), Surefire lights (\$6,500). MOTION CARRIED by unanimous vote.

MOTION by Todd McEvoy, second by Barry Ratliff, to deny the request for an administrative vehicle. MOTION CARRIED by the following vote:

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

Nays: Council members Cross and Murphy.

MOTION by Mark Murphy, second by Malcolm Cross, to approve the purchase of 15 tasers with drug forfeiture funds.

MOTION by Barry Ratliff to amend the motion to provide for the purchase of 10 tasers. MOTION DIED for lack of a second.

MOTION by Todd McEvoy, second by Barry Ratliff, to amend the motion to provide for the purchase of 10 tasers. MOTION FAILED by the following vote:

Ayes: Council members Johnson, McEvoy, Ratliff

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

ORIGINAL MOTION CARRIED by the following vote:

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

Nays: Council member Godwin

Barry Ratliff requested that statistical information concerning taser usage be included in the monthly status report issued by the police department.

VIII. PLANNING AND DEVELOPMENT COMMITTEE REPORT

A. Cost Estimates for Annexed Services

Todd McEvoy reported that the area to be annexed is 510 acres—300 acres undeveloped and 210 acres developed. The total estimated cost is \$2.8 million. The first public hearing will be held on February 20.

B. Restrooms at City Park

MOTION by Todd McEvoy, second by Nancy Hunter, to authorize and request that staff move forward in retaining Fred B. Parker and Associates to design and bid a four-unit restroom with an alternate bid for a two-unit restroom to be constructed at City Park. MOTION CARRIED by unanimous vote.

IX. CONSENT AGENDA

Items A.1., B. and C. were requested removed from the Consent Agenda. MOTION by Todd McEvoy, second by Andrew Johnson, to approve Item A.1. MOTION CARRIED by unanimous roll call vote.

A. Consider Approval Minutes

- 1. Regular Council Meeting on January 9, 2007**
- 2. Special Council Meeting on January 23, 2007**

MOTION by Andrew Johnson, second by Mark Murphy, to approve Item A.2. as amended. MOTION CARRIED by unanimous roll call vote.

B. Consider Awarding Vehicle Bids

1. Police Department patrol vehicles

MOTION by Barry Ratliff, second by Cyndi Godwin, to refer Item B.1. to the Public Health and Safety Committee. MOTION CARRIED by the following vote:

Ayes: Council members Godwin, Cross, Johnson, McEvoy, Ratliff.

Nays: Council members Hunter, Nash, Murphy, and Mayor Jergins.

2. Community Services Department and Utility Department pickups

MOTION by Todd McEvoy, second by Nancy Hunter, to approve Item B.2. MOTION CARRIED by unanimous roll call vote.

C. Consider Approving Change Order Nos. 1, 2, 3 for 2003 Services to Annexed Area

MOTION by Nancy Hunter, second by Andrew Johnson, to approve Item C. MOTION CARRIED by unanimous roll call vote.

X. Comments by City Administrator

Mark Kaiser thanked and recognized the Street Department for their efforts during the recent ice storm.

Kaiser noted that filing for city council election begins on Saturday, February 10. The city secretary will be at city hall from 10am to 12pm to accommodate those persons who wish to file.

Kaiser reported that the city has been fined by the Environmental Protection Agency for failing to file the risk management plan in the proper form for the waste water treatment plant. The operator of the plant, OMI, Inc., has been fined \$800. Kaiser explained that this plan was filed in paper form and electronically. The electronically-filed plan was in the wrong format. The city was unsuccessful in the appeals process, and OMI has paid this find.

XI. Comments by Council Members

Mayor Jergins reported that he and Mark Kaiser have made "State of the City" presentations to various civic clubs. One of the main topics is discussion of city facilities. A survey form has been developed to gauge the importance of certain facilities among citizens. Survey forms are available at city hall, library, recreation hall, and senior citizens center.

XII. 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.

A. Tarleton Property Shirley and Jones Streets from Lillian to Rome; Garfield Street from Shirley to Jones

B. Upper Leon River Municipal Water District/City of Dublin/City of Stephenville Contract

XIII. ACTION TAKEN ON MATTERS DISCUSSED IN EXECUTIVE SESSION (if necessary)

MOTION by Barry Ratliff, second by Cyndi Godwin, to authorize execution of the contract with Tarleton State University. MOTION CARRIED by the following vote:

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

Nays: None.

Abstentions: Mark Murphy abstained, having first executed an affidavit of conflict of interest.

XIV. ADJOURN

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

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary