

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

The City Council of the City of Stephenville, Texas, convened on June 5, 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	:	Pat Shelbourne Malcolm L. Cross Nancy Hunter Andrew Johnson (5:43pm) Alan Nash (6:04pm) 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, June 5, 2007, by Mayor Jergins who declared a quorum present and recognized the Police Chief, Fire Chief, Director of Community Service, Director of Community Development, and Director of Public Works.

**II. Citizen's General Discussion**

No one wished to address the council.

**III. Citizen's Budget Requests for Fiscal Year 2007-2008**

Dustin Meiron, 102 Kimberly Drive, Stephenville, Texas, spoke to the council requesting that the council take into consideration the matter of establishing a small playground to be built in or near the Village Trailer Park. He said the trailer park is located adjacent to where West South Loop (Us 377/67) merges with US 377 Business. Because of "the multiple lanes and multiple speeds of traffic . . . it is unthinkable for a child to cross this highway." Meiron said, "The children in the area are isolated in this little community from both the city parks due to danger this section of the highway 377 presents."

Mayor Pro-Tem McEvoy noted that this area is privately owned. He said the city would either have to purchase property for a park or have the property donated to the city for this purpose.

Mayor Jergins stated that this item will be considered during council budget work sessions.

**IV. Annual Report from Specialized Billing and Collections System of Texas, Karen Laake**

Bruce Glover with Specialized Billing reported that the city's call volume has remained about the same over the past three to four years. Revenue collected to date this year is \$278,000. He reported no problems and that records are coming in a timely manner. Mayor Jergins confirmed with Mr. Glover that the fees and charges are consistent with other cities.

MOTION by Nancy Hunter, second by Todd McEvoy, to accept the annual report from Specialized Billing and Collections System of Texas. MOTION CARRIED by unanimous vote.

MOTION by Todd McEvoy, second by Nancy Hunter, to authorize the Mayor to execute the contract with Specialized Billing and Collections System of Texas. MOTION CARRIED by unanimous vote.

**V. Consider Approval of Airport Terminal Conceptual Design**

Community Services Director, Drew Wells, introduced Chuck Willis and Mason Guillamun with GRW & Associates to present the conceptual design for the airport terminal. Willis explained that Texas Department of Transportation Aviation Division will fund 50% of this project.

MOTION by Barry Ratliff, second by Mark Murphy, to accept the preliminary conceptual design as presented and attached hereto and to partner with GRW & Associates and proceed with the next phase. MOTION CARRIED by unanimous vote.

**VI. PLANNING AND ZONING COMMISSION**

**A. Consider Approval of Final Plat of First Presbyterian Church Subdivision, being 3.42 acres, John Blair Survey, A-32, Erath County, Texas**

Community Development Director Betty Chew reported that this is the final plat of this property located in the 1300 block of North Harbin Drive. The owner proposes to plat this property into one lot, and the existing church facility will be expanded in the future.

MOTION by Mark Murphy, second by Pat Shelbourne, to approve the final plat of First Presbyterian Church Subdivision. MOTION CARRIED by unanimous vote.

**B. Consider Approval of Final Plat of Ferguson Acres Subdivision, being 37.27 acres, William Sims Survey, A-683, Erath County, Texas**

Betty Chew reported that this property is located in the city's extraterritorial jurisdiction between US 377 Business and US 377 Loop. The owner proposes to plat the property into three lots—Lot 1 is developed with an existing single-family dwelling and accessory buildings, Lot 2 is a larger 26.44 acre tract which is undeveloped at this time, and Lot 3 is a 6 acre undeveloped tract proposed for commercial development in the near future.

MOTION by Nancy Hunter, second by Alan Nash, to approve the final plat of Ferguson Acres Subdivision. MOTION CARRIED by unanimous vote.

**C. Consider Approval of Final Plat of Elk Ridge Estates, Phase I, being 26.21 acres, J. B. Dupuy Survey, A-196, Erath County, Texas**

Betty Chew reported that this is the first phase of Elk Ridge Estates, which is a 92 acre subdivision located on FM 914. This is the final plat for the first 76 single-family residential lots in the subdivision.

MOTION by Todd McEvoy, second by Andrew Johnson, to approve the final plat of Elk Ridge Estates Phase I. MOTION CARRIED by unanimous vote.

**VII. Consider Approval of Ordinance No. 2007-11 Adopting the National Incident Management System**

MOTION by Nancy Hunter, second by Andrew Johnson, to approve Ordinance No. 2007-11. MOTION CARRIED by unanimous vote.

**VIII. Consider Approval of Council Committee Appointments and Appointments of Council Liaison to Citizen Advisory Boards**

Mayor Jergins read his recommendations for council committee assignments and council liaison to citizen advisory committees.

Finance Committee

Alan Nash, Chairperson  
Pat Shelbourne  
Barry Ratliff  
Nancy Hunter

Nominations Committee

Malcolm Cross, Chairperson  
Andrew Johnson  
Todd McEvoy  
Alan Nash

Personnel Committee

Nancy Hunter, Chairperson

Todd McEvoy

Pat Shelbourne

Alan Nash

Planning & Development Committee

Todd McEvoy, Chairperson

Andrew Johnson

Nancy Hunter

Barry Ratliff

Public Health & Safety Committee

Barry Ratliff, Chairperson

Pat Shelbourne

Malcolm Cross

Mark Murphy

Solid Waste Management Committee

Mark Murphy, Chairperson

Malcolm Cross

Nancy Hunter

Pat Shelbourne

Public Works Committee

Andrew Johnson, Chairperson

Barry Ratliff

Todd McEvoy

Mark Murphy

Mayor Jergins continued. "The next item is a new initiative that I propose this evening. I had some discussion with the city administrator about this early last year after the election in the spring. I don't know why we didn't do it. We just didn't do it, but I've had some discussions about appointing some board and committee liaisons. Tonight on page 32 you see that I am proposing that the council members serve as a liaison to the various citizen boards and commissions. This is, I would say, a work in progress. What I mean by that is while this is not written down—the guidelines and standards established—my intent is to appoint a council member to serve as liaison as a person that may have some interest in these areas, maybe through some past experience or indicated interest that they would be able to provide the council with some clarification, some input, having participated in these various boards and commissions. When I say participate, that is really going to the meetings and being the eyes and the ears and hearing the discussion. That is not to go to the boards and commissions and say, 'This is what the council is directing you to do.' It is not for you to speak on behalf of the council but merely to bring the issues and concerns that are being voiced by the various boards and commissions back to the council to the various committees for recommendation or discussion. I think you can look at our most recent work session of the Planning and Zoning Commission as an example of where there were issues, concerns, and discussions that took place that would have warranted some conversation possibly in front of one of the council's various committees that deal with those issues and the like. It's not a voting position. It's merely a liaison." Mayor Jergins read his recommendations for these positions as follows:

**Andrew Johnson** liaison to Planning and Zoning Commission.

**Alan Nash** liaison to Board of Adjustment, Building Board, and Mechanical Board.

**Nancy Hunter** liaison to Electrical Board, Plumbing Board, Dangerous Building Abatement Board, and Western Heritage Board.

**Barry Ratliff** liaison to Airport Advisory Board.

**Todd McEvoy** liaison to Park and Recreational Advisory Board.

**Pat Shelbourne** liaison to Senior Citizens Advisory Board.

**Malcolm Cross** liaison to Library Advisory Board.

**Mark Murphy** liaison to Water Conservation Committee.

Discussion continued as follows:

McEvoy: “Am I under the understanding then that it’s just a liaison position and not there to dictate what goes on. Are we going to submit a report after these meetings of these boards that we sit on?”

Jergins: “I would think that that would be appropriate. There may be a need for the liaison person to visit with staff to see if there are issues or concerns that the council may need to look at and have a conversation with these folks. Yes, I would think it would be appropriate if there’s something worth reporting and the committee’s met, then you can come back and report it.”

Hunter: “So we’re being asked to attend these boards and commissions. Are we there to observe, take notes. Are we there to add any kind of input. Particularly in the past, council members weren’t present at these meetings. So I’m not sure if we’re just an observer who reports back to council or if we should have some input. Also, as far as submitting report, is that not the same thing as the board chairs would do?”

Jergins: “Board chairs give an annual report, so they don’t necessarily come and present on every meeting. I’m not proposing that a report be given after every meeting. It’s not necessary. My thought would be that you could participate in the conversation. I think there’s a fine line. I think you need to walk the line carefully because as one person, we are not representing the council. However, I think, there tends to be some questions or concerns sometimes when the staff presents issues. I think you can respond to some of the positions that the staff are presenting and that you are able to, if asked, respond appropriately to the point that, ‘the council hadn’t talked about that’. If you feel strongly as the liaison that it’s an issue that needs to be brought before the council, then I would think you would be able to bring that to the council and to express that having attended the meeting, these were the issues that were being discussed and that you would like to see it put on the agenda for the council to discuss it. No, you wouldn’t go in and vote, but you would at least—I’m not expecting, you know we’re all busy and we’ve got enough to do—but I would say if you could attend the

meeting, the expectation would be that if you could, be there, but if you couldn't, then visiting with the chair or other members of the group or visiting with the staff member, you could present the report based on that. Does that answer your question? It's a work in progress."

Hunter: "It's that fine line that I worry about. I don't want to have any uncomfortableness between the boards and having a council member present. These are all citizen volunteers. They are not elected positions. I'm definitely willing to give it a try. I just want to make sure that we're all playing by the same rules."

Murphy: "I generally like the idea. I have some of the same concerns Ms. Hunter pointed out, so I won't repeat those. I want to make sure that the board or commission understands that this liaison is not the sole avenue or access to the council; that they will go through their normal process. I like the idea in general because I've often wondered why a board decided what they did or what they were thinking and we don't have access to the minutes. We don't get the minutes from the commissions and boards. This may be a good thing, but I do have some of the same concerns."

Jergins: "In my expectation, the boards and commissions still work through the designated staff member. We're not changing that and we're not recommending that we change that and not proposing that the council interfere with the work of the board. I just think it's a way of improving communication and enhancing communication and would like to recommend that they be appointed at this time."

Shelbourne: "Being new on the council, what is the purpose of these advisory committees. You say they work with the staff members. Do staff members attend the meetings?"

Jergins: "Yes, they do. Ms. Chew works with the Planning and Zoning Commission. Mr. Wells works with the airport and the park and the seniors and the library. Mr. Williams works with the Water Conservation. Mr. Wells also works with Western Heritage. Ms. Chew with the various boards of adjustment."

Shelbourne: "Mr. Wells, for instance, they present concerns to him, does he then present it to Mr. Kaiser and then it goes from there."

Jergins: "That's generally the way it does occur. I think that the staff, much like the council, has an idea of the issues and concerns that need to be addressed and assist with the agenda and conducting the meeting."

- Shelbourne: "I'd just hate to get in crossed purposes with the staff. Me coming up separately with something to the council on an issue that staff is already working on with Mr. Kaiser. That would be my concern."
- Jergins: "Like I said, I think there is a need to walk that fine line. I trust that each of us is professional and understands what our responsibilities are and that if we see and we trust Mr. Kaiser to be the staff's liaison to say, 'This is a problem and that we should consider discontinuing it.' If it becomes a problem where folks overstep their bounds. I see it as a way of enhancing communications and having a perspective that we haven't had."
- Cross: "Have the various boards and commissions given feedback about this idea?"
- Jergins: "No, they haven't. It's just been a mayoral perspective and privilege that I propose. I don't do that too often, but I did in this case."
- Cross: "Fair enough. My comment is that I personally think this idea is excellent. Any means by which we improve communications is an outstanding idea."
- McEvoy: "I think the idea is excellent as well. I think there are some concerns that might be addressed if maybe at some point the council came up with a list of items that each of these committees should be working on as opposed to more of an input or output of information, the liaison could communicate where we are on certain projects. I know since I've been on council, 'Where's P&Z on the Comprehensive Plan? Where's P&Z on this? Where's P&Z on that?' If we give direction to each of these boards and know what we're working on. Obviously things come up from time to time, and you have to adjust to that. If we advise the parks board to start looking into building a new baseball field or whatever it is and then all of a sudden we decide, hey, the parks board's off working on a new swing set somewhere. Well, why aren't we working on a new ballfield. I know that's happened with P&Z in the past. We've given direction on a couple of things and the next thing you know, we're talking about something completely different because for whatever reason. I think a liaison could help in that matter, but the council would have to come up with the direction. I believe in the advisory boards. I think that we don't give enough guidance on where we want to go and so, then when it comes back with a decision, we're not 'Where'd this come from?' I'll give a perfect example of what did work was the skatepark. We gave direction on a skatepark and they worked it out and brought us back a proposal that we could support, and we moved on. There was communication there and direction."

- Jergins: "I feel comfortable that it is something that we need to have some open communication about. I hope the staff feels confident as well as the other board chairs and members of the boards to express that. Mr. Kaiser and I have had considerable amount of conversation. He has not expressed reservations to me publicly or privately and so I trust that he has given due diligence and if he had a concern, he would express it before hand."
- Cross: "As I indicated before, I think this is an outstanding idea. One issue that I think should be made implicit might be the fact that we are injecting ourselves a bit more into the policy making process than is normally customary among city councils, and I think that any future evaluations of the city administrator or anyone else should take into consideration the fact that this idea does change to a limited extent our position within the city and that all evaluations of personnel should be made in light of this change."
- McEvoy: "How would a council liaison affect Mark Kaiser's review?"
- Cross: "Basically, in the model city manager plan, members of the council are not supposed to interject themselves into any sort of supervisory capacity with respect to a particular commission or board or anything like that. That has been part of the culture, so to speak, of the council/manager profession, part of the ideology of International City Management Association. The fact that the International City Management Association and the council/manager system say that council members should not interject themselves as much into a supervisory capacity as we're trying to do here doesn't mean that we shouldn't go ahead and do it. I'm simply saying that whenever we evaluate any personnel, we take into consideration the conditions that we create in terms of evaluating personnel."
- Murphy: "I just think we need to keep a watch on this liaison plan to monitor it closely and see how it goes. I don't think it should be a supervisory role, and I don't feel that it would be. In the future, you may get a council member on here that will want to play that type of role, and we'll just have to figure out some kind of mechanism to keep that from happening."
- Jergins: "I agree, and I am going to trust that the staff and the boards and commissions communicate the inappropriateness of the council, and I will ask the city secretary to make sure that all of these comments are on the record so that when we go to a council member and say, 'You've overstepped your boundaries,' then you will see what the discussion was. I trust that we all agree and we understand what our role is and if not, you will accept the constructive criticism should it be directed your way."

MOTION by Barry Ratliff, second by Andrew Johnson, to accept these committee assignments and liaisons to the advisory boards. MOTION CARRIED by unanimous vote.

**IX. Elect Mayor Pro-Tem**

MOTION by Andrew Johnson to nominate Todd McEvoy as Mayor Pro-Tem.

MOTION by Mark Murphy to nominate Alan Nash as Mayor Pro-Tem. Alan Nash thanked Mark Murphy for his nomination but he respectfully declined the nomination.

MOTION by Mark Murphy that nominations cease. MOTION that nominations cease carried by unanimous vote. Mayor Jergins asked that those in favor of Todd McEvoy serving as Mayor Pro-Tem for 2007-2008 signify by saying aye. The vote was all ayes and no nays.

**X. CONSENT AGENDA**

Todd McEvoy requested that Item C. be removed. Mark Murphy requested that Item A.2. be removed.

MOTION by Andrew Johnson, second by Barry Ratliff, to approve Items A.1., B.1., B.2., and B.3. of the Consent Agenda be approved. MOTION CARRIED by unanimous roll call vote.

MOTION by Mark Murphy, second by Pat Shelbourne, to amend Item A.2. by replacing for Mark Murphy's name with Barry Ratliff's name as the person who made the second to the motion for Item IV in the May 15, 2007 minutes. MOTION CARRIED by unanimous roll call vote.

MOTION by Todd McEvoy, second by Barry Ratliff, to approve Consent Agenda Item C. MOTION CARRIED by unanimous roll call vote.

**A. Approval of Council Minutes**

1. Regular Council Meeting on May 1, 2007
2. Regular Council Meeting on May 15, 2007

**B. Approval of Bid Award**

1. Waste Water Treatment Plant Tractor
2. 2007 Street Reconstruction
3. Self-Contained Breathing Apparatus

**C. Approval of Repairs for Landfill Compactor**

## **XI. Comments by City Administrator**

Mark Kaiser announced that the landfill will be closed for approximately two weeks in order to make repairs on the landfill compactor.

Kaiser thanked State Representative Sid Miller who sponsored House Bill 462 concerning removing the exemption of state universities from storm water drainage fees in towns with a population less than 25,000. This bill is on Governor Perry's desk, and he is expected to sign it.

Movie in the Park, sponsored by Embarq, will feature "Night at the Museum" on June 8 at 9:00 p.m.

Town Hall meeting on June 14 at 6:00 p.m. at the Senior Citizens Center to discuss a library facility.

Contractors on the storm water drainage project have begun the tunneling and so far have dug over 100 feet. Baxter Street at Washington will be closed for several weeks in order to begin tunneling from that location.

Fourth of July events include a parade at 9:30 a.m., lawn mower races and car show during the day, music concert 5:30 p.m., Marty Stuart will perform at 8:00 p.m. and fireworks at 10:00 a.m.

## **XII. Comments by Council Members**

Nancy Hunter requested that an ordinance providing for regulation of sex offender residency be placed on the Public Health and Safety Committee agenda.

Todd McEvoy commended Mark Kaiser for his efforts encouraging citizens to keep their property clean. However, McEvoy asked that the Public Works Committee review the free landfill pass to determine if one pass a year is adequate.

Mark Murphy thanked the library staff and the library volunteers for doing a good job. He said they are always very courteous.

Mayor Jergins recognized Public Works Director, Nick Williams upon marrying Katie Brungardt on May 5, 2007.

Mayor Jergins also recognized Todd McEvoy who celebrated his birthday yesterday, June 4.

**XIII. Adjourn**

MOTION by Barry Ratliff, second by Nancy Hunter, to adjourn the meeting. MOTION CARRIED by unanimous vote at 7:32 p.m.

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Russell E. Jergins, Mayor

ATTEST:

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Cindy L. Stafford, City Secretary