

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, AUGUST 7, 2007– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on August 7, 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 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, August 7, 2007, by Mayor Jergins who declared a quorum present and recognized the newly hired Director of Finance and Administration, Walter Wood. He also recognized the Police Chief, Fire Chief, Director of Community Service, Director of Community Development, and Director of Public Works.

II. Citizen's General Discussion

Mayor Jergins introduced Boy Scout Chris Starnes from Troop 39. Scout Starnes explained that for his Eagle Scout project, he is painting the restroom facility at the Optimist Jaycee Park. Starnes said that he has been in scouting since Tiger Cubs and has learned many skills as well as developing leadership qualities.

Jack Anderson reminded the council that he has been an advocate for the restoration of Stephenville's brick streets. He congratulated Mark Kaiser, Drew Wells, and the council for the success of the latest project whereby repairs are made on the brick streets in the downtown area using Thurber brick. Anderson said that out of the 66 blocks of brick streets in Stephenville, 16 have been restored to the condition they were in when installed 80 years ago.

III. Consider Request from Dr. Ken Dorris and Jerl D. Stone to Make Storm Water Drainage Improvements

Dr. Dorris and Mr. Stone came to the council asking for some assistance with the drainage situation in the area where their property is located in McAlister Second Addition near Isla Street and Lingleville Highway. They claim that residential development in the area and the widening of Lingleville Highway has resulted in increased storm water runoff into the tank located on the Dorris property. Stone said this situation causes flooding of his home at 216 Moonlight Trail. They both requested that the city council correct this problem by installing underground storm water pipe.

MOTION by Todd McEvoy, second by Mark Murphy, to refer this matter to the Public Works Committee for future consideration. MOTION CARRIED by unanimous vote.

IV. Cross Timbers Fine Arts Council Annual Report and Presentation of Budget—Stacy D. Smith, Executive Director

Stacy Smith reported a very successful summer, including the first-ever theatre camp in Stephenville. There were 79 participants in the ARTsploration Youth Art & Creativity Camp. Several activities are planned throughout the month of October, which are National Arts and Humanities Month. Two Arts in Education programs are being planned at the public schools. Smith added that CTFAC offers monetary support and marketing support to Tarleton Strings, Messiah, Fort Worth Symphony Orchestra concert, summer concert series, and the Rio Brazos Arts and Exhibition to name a few. He closed by saying that the support given by the city council is very much needed and appreciated.

MOTION by Nancy Hunter, second by Todd McEvoy, to approve the budget and annual report. MOTION CARRIED by unanimous vote.

V. PLANNING AND ZONING COMMISSION

A. PUBLIC HEARING to consider:

Permanent zoning of RE “Single Family Residential District” 116.2 acres, W. Motley Survey, A-515, known as 1400, 1403, 1407, 1412, 1413, 1418, 1424, 1425, 1430, 1431, 1435, 1436, 1457, 1472, 1473, 1478, 1479, 1484, 1485, 1491, 1496, 1497 Highland View Drive; 1124, 1264 Forest Lane; 1428, 1432, 1437, 1438, 1442, 1445, 1446, 1449, 1450, 1510, 1550 Pecan Hill Drive; 2749 Summit; 401, 428, 430, 432, 440 Tanglewood Trail; and 2774, 2780, 2786, 2798, 2799 Thornhill.

Permanent zoning of R-1 “Single Family Residential District” 48.9 acres, J. Menefee Survey, A-520; 208.3 acres, H. C. Hudson Survey, A-342; and 32.5 acres, J. B. Dupuy Survey, A-196; known as 1487, 1491, 1799, 1939, 1997, 2063 CR 256; 1546, 1607, 1668, 1830, 1860, 1894, 1938, 1978, 2012, 2044, 2080, 2097, 2112, 2162, 2309, 2326 North Dale Avenue; 1504, 1576, 1658, 1760, 1798, 1920, 2392 FM 914; 155, 289 405, 675 Hillcrest Drive; 161, 223, 274, 285 Idella; 626, 647, 863 PR 1424.

Permanent zoning of B-1 “Neighborhood Business District” 29.8 acres, J. Menefee Survey, A-520, known as 3051 and 3299 West FM 8.

Permanent zoning of B-2 "Retail and Commercial Business District" 5.2 acres, M. R. Williams Survey, A-804; 1.2 acres, W. Sims Survey, A-683; and 36.5 acres, J. B. Dupuy Survey, A-196, known as 932, 978, 1000, 1062, 1146 CR 436; 1592 East FM 8; 1120 Glen Rose Road; 140, 162, 184 PR 1419; and 1491 South SH 108.

Betty Chew, Director of Community Development, gave the staff report stating that the Planning and Zoning Commission unanimously recommends adoption of these permanent zoning classifications.

Following council discussion and questions of staff, Mayor Jergins opened the public hearing.

Speaking in Favor of Zoning Classifications: No one.

Speaking in Opposition of the Zoning Classifications: No one.

Mayor Jergins closed the public hearing.

B. Consider Ordinance No. 2007-12 Establishing Permanent Zoning

MOTION by Nancy Hunter, second by Pat Shelbourne, to adopt Ordinance No. 2007-12.
MOTION CARRIED by the following vote:

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

Nays: Council member Ratliff

C. PUBLIC HEARING to consider request to rezone from R-1 "Single Family Residential District" and B-1 "Neighborhood Business District" to B-2 "Retail and Commercial District" Lots 3 and 20, Block 64, City Addition, known as 630 and 652 North Graham Street; and 655 North Belknap Street

Betty Chew reported that this request was filed by Harris Methodist Erath County Hospital. HMEC plans to use this property for future facility expansion. The Planning and Zoning Commission recommends approval of this zoning change.

Mayor Jergins recognized Marcy Derrick and Becky Norris, who were present on behalf of Harris Methodist Erath County Hospital.

Mayor Jergins opened a public hearing.

Speaking in Favor of Re-Zoning: No one.

Speaking in Opposition of the Re-Zoning: No one.

D. Consider Ordinance No. 2007-13 Rezoning from R-1 "Single Family Residential District" and B-1 "Neighborhood Business District" to B-2 "Retail and

Commercial District” Lots 3 and 20, Block 64, City Addition, known as 630 and 652 North Graham Street, and 655 North Belknap Street

MOTION by Mark Murphy, second by Alan Nash, to adopt Ordinance No. 2007-13. MOTION CARRIED by unanimous vote.

VI. PLANNING AND DEVELOPMENT COMMITTEE REPORT

Todd McEvoy, Chairman, gave the committee report.

A. Consider Location of Restroom in City Park

McEvoy reported that Fred B. Parker, Architect, met with the committee and expressed concerns about the facility design and proposed location due to flood plain requirements.

MOTION by Todd McEvoy, second by Nancy Hunter, to authorize staff to proceed with relocating the restroom facility and meet with Parker and Associates on the design for this facility. MOTION CARRIED by unanimous vote.

B. Aquatics Complex

McEvoy reported that the committee members reviewed the city’s 2003 Texas Parks and Wildlife grant application that included an aquatic facility.

C. Consider Approval of the Airport Project Participation Agreement with Texas Department of Transportation for Contract No. 5XXAV019

McEvoy reported that Jay Mills Contracting submitted the low bid for construction of a commercial hangar. Total project cost is \$371,974 with \$227,497 in grant proceeds available and \$144,477 being the city’s match for this project.

MOTION by Todd McEvoy, second by Barry Ratliff, to approve the project and amend the Airport Project Participation Agreement. MOTION CARRIED by unanimous vote.

VII. PUBLIC HEALTH AND SAFETY COMMITTEE

Barry Ratliff, Chairman, reported on the committee meeting. He noted that the committee reviewed the Police Department’s “Use of Force Policy”, which included procedures for use of Tasers. Further discussion and action on the Animal Control Ordinance and Registered Sex Offender Ordinance, as well as discussing parking in yards, were tabled to the next committee meeting.

- A. Taser Use Policy**
- B. Animal Control Ordinance**
- C. Registered Sex Offender Ordinance**
- D. Parking in Yards**

VIII. PUBLIC WORKS COMMITTEE REPORT

Andrew Johnson, Chairman, gave this committee report. An update of the storm water drainage project was given by Josh Hollon with Carter Burgess, Inc.

- A. Storm Water Drainage—Phase II, Methodist Branch**
- B. Consider Approval of Bid Award for Pump Station**

MOTION by Andrew Johnson, second by Todd McEvoy, to award the bid for the Long-Term Water Supply Project—Phase II Pumping Facilities and Distribution System Improvements to Purcell Contracting, Inc. in the amount of \$1,882,500. MOTION CARRIED by an 8-1 vote, with Mark Murphy casting the dissenting vote.

- C. Status Report on New Wells**

Johnson reported that HDR Engineering, Inc. will submit a preliminary report of the Well Capacity Expansion Project by September 30, 2007.

D. Carl Phillips Memorial Highway—Plans are still being formulated by Mike Hannah from Harris Methodist Erath County Hospital.

IX. FINANCE COMMITTEE REPORT

- A. Consider Approval of Child Safety Fund Requests**
 - 1. Stephenville Independent School District**
 - 2. STAR Council of Substance Abuse**

MOTION by Alan Nash, second by Nancy Hunter to approve the following requests for Child Safety Funds—Stephenville Independent School District, security cameras for Hook Elementary, in the amount of \$1,918.80 and STAR Council for matching grant funds of \$2,000. MOTION CARRIED by unanimous vote.

- B. Fee Schedule**

MOTION by Alan Nash, second by Mark Murphy, to approve the fee schedule as presented by staff. MOTION CARRIED by unanimous vote.

X. SOLID WASTE MANAGEMENT COMMITTEE REPORT—Landfill Cell No. 3

Mark Murphy, Chairman, reported that the committee discussed landfill rates and ways for citizens to save money, specifically by using the free landfill pass.

MOTION by Mark Murphy, second by Pat Shelbourne, to authorize staff to negotiate a contract for an expansion plan for the landfill. MOTION CARRIED by unanimous vote.

XI. NOMINATIONS COMMITTEE REPORT

Malcolm Cross, Chairman, reported on this committee's action.

A. Records Retention—The committee discussed and concluded that the city's record retention schedules were in compliance with state statute.

B. Consider Approval of Appointments to Western Heritage Committee

MOTION by Malcolm Cross, second by Todd McEvoy, to appoint Gary Sult and Darla Doty as the city's representatives to the Western Heritage Committee. MOTION CARRIED by unanimous vote.

C. Council Committee Structure—No recommendation by the committee was made and no action taken by council.

XII. Consider Adopting Resolution No. 2007-09 Accepting the 2003 Annexed Services Improvements

Mark Kaiser reported that all construction has been completed in the area that was annexed in 2003. The pro rata assessments have been calculated as \$34.91 per linear foot for water line and \$43.72 per linear foot for sewer line.

MOTION by Mark Murphy, second by Pat Shelbourne, to approve Resolution No. 2007-09. MOTION CARRIED by unanimous vote.

XIII. CONSENT AGENDA

MOTION by Nancy Hunter, second by Andrew Johnson, to approve the Consent Agenda as follows:

A. Approval of Minutes of Regular Council Meeting on July 3, 2007

B. Consider Approving Contract for Inspection Services

- i. **Carter & Burgess, Inc. for Alexander Ridge/Elk Ridge Estates Subdivisions**
- ii. **Kleinfelder, Inc. for Pump Facility and Distribution System Improvements**

C. Sale of Seized Property

MOTION CARRIED by unanimous roll call vote.

XIV. Comments by City Administrator

Mark Kaiser highlighted several construction projects ongoing in town:

- Replacing water lines on Jones and Shirley Streets near Hook Elementary.
- Street reconstruction begins on Cleveland, Crestridge, Overhill, Tarleton, Lydia, Phelps, and Linda streets.

Summer Concert Series at Birdsong Amphitheatre:

- Robert Earl Keene on August 16
- Marty Stuart on August 24
- Ricky Skaggs and The White Family on September 6

Household Hazardous Waste collection on August 25 at the Municipal Service Center.

City Council budget work sessions begin Monday, August 13, at 5:30 p.m.

XV. Comments by Council Members

MOTION by Todd McEvoy, second by Andrew Johnson, to include the following language from the Public Works Committee Report in the minutes of this meeting:

“Agenda Item B: Pump Station Bid Award

“The bids for the Long-Term Water Supply Project – Phase II Pumping Facilities and Distribution System Improvements were presented to the committee. The committee requested the itemized bid tabs be included in the upcoming council meeting agenda packet. The committee voted unanimously to recommend to council to award the contract to Purcell Contracting, Inc. in the amount of \$1,882,500.”

MOTION CARRIED by the following vote:

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

Nays: Council members Nash and Murphy.

Abstentions: Council member Shelbourne.

XVI. EXECUTIVE SESSION. At 7:11 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.

A. Lot 12, Block 5, Shapard and Collins Addition, City of Stephenville, Erath County, Texas

B. Lots 1, 2, Block 58, and Lot 1, Block 71, City Addition, Stephenville, Erath County, Texas

The council reconvened in open session at 7:32 p.m.

XVII. Action Taken on Matters Discussed in Executive Session (if necessary)

MOTION by Mark Murphy, second by Alan Nash, to approve the sale of Lot 12, Block 5, Shapard and Collins Addition and approve the purchase of Lots 1, 2, Block 58 and Lot 1, Block 71, City Addition.

MOTION CARRIED by unanimous vote.

XVIII. Adjourn

MOTION by Nancy Hunter, second by Alan Nash, to adjourn the meeting. MOTION CARRIED by

unanimous vote at 7:33 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary