

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

The City Council of the City of Stephenville, Texas, convened on November 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	:	Pat Shelbourne Malcolm L. Cross Nancy Hunter Andrew Johnson (5:48 p.m.) Alan Nash Mark Murphy Barry Ratliff
Others Attending	:	Mark A. Kaiser, City Administrator Randy Thomas, City Attorney Betty L. Chew, Director of Community Development, sitting in for the City Secretary

I. Call to Order

The meeting of the Stephenville City Council was called to order at 5:30 p.m. on Tuesday, November 6, 2007, by Mayor Jergins. Mayor Jergins noted for the record that staff members were present as well as a large crowd.

II. Citizen's General Discussion. No one wished to address the council.

III. PUBLIC HEARING on Request from Genuine Parts Company for a Municipal Setting Designation

Richard Varnell, Professional Geoscientist with Cook-Joyce, Inc., made a presentation concerning this issue. He stated that public notices have been mailed to every resident with a water well [within a five-mile radius of subject property] that is registered with the state or with the Middle Trinity Groundwater Conservation District. He explained that MSD is a new program offered by the Texas Commission on Environmental Quality. The cities of Dallas and Fort Worth led the charge to get the initial MSD law passed in Texas. This occurred as a result of numerous industrial properties lying dormant because of unresolved environmental issues.

MSD typically has increased property values by making a property saleable and allows for a quicker reuse of the property for commercial or industrial use. MSD does that by limiting the groundwater in a certain area and depth as unusable (nonpotable). Water wells that are outside that area, as long as they are properly constructed, aren't really impacted by the MSD. The subject property is the old

Rayloc facility, which operated from 1966 until earlier this year. Genuine Parts, which owns Rayloc, is trying to sell the property; and as part of the sale and shutdown, hired Cook-Joyce, Inc. to take soil and groundwater samples to conduct an environmental assessment of the property. As a result of this study, his company found soil and groundwater contamination in an area near the back of the building, adjacent to and under a vapor degreaser that was used in the facility from approximately 1969 to 1996. The contamination primarily is the result of accidental release of trichloroethene (TCE). Based on their investigation, they concluded that the quickest solution is to clean up the source area and to get an MSD for the facility. Varnell reported that there is no evidence that any water well has been impacted.

Mayor Jergins opened the public hearing.

Speaking in Favor of MSD:

Ed Horton representing the Stephenville Economic Development Corporation stated that STEDCO is in favor of the MSD.

Speaking in Opposition of MSD:

Wendell Hollingsworth, Vice President of Fibergrate, stated that he has some concerns over this issue because of the close proximity to the subject property. He said there are a lot of unknowns, including the marketability of Fibergrate's property. He said that he cannot support MSD without full remediation.

Wes Biglin, POB 243, Dublin, Texas, said that this is an "easy out for businesses to walk away and not be responsible for what they've done and what they've created." He is also concerned that TCE may be a carcinogen.

Mike Collins, 1162 Southhampton Drive, Frisco, Texas, stated that he was speaking on behalf of his parents who live in the affected area. He asked what the health risks are from TCE. He thinks additional water wells should be tested. He asked, "If it [TCE] only goes down 15 or 20 feet, why are they sending out letters to let everybody know who has a registered well in this area?"

Royce Carpenter, 3448 FM 914, Stephenville, Texas. His main concern is contamination.

Carolyn Johnston, 1021 FM 205, Stephenville, Texas. She said that anything that threatens or potentially threatens water wells is a major concern for her. She asked if this is the first of this kind of contamination that Genuine Parts has had experience with or is there a similar circumstance elsewhere in the United States. If so, what is the location and what has been the outcome. She also asked if EPA could also conduct a fact finding mission with regard to the contamination. Also, she asked about the life expectancy of the chemical.

Elaine Smith, 17141 FM 847, Dublin, Texas, stated that her understanding of a situation is that "the company responsible for that contamination is responsible for it from cradle to grave." She is also concerned about TCE migrating into utility lines as well as there being a chemical reaction with a substance at Fibergrate Corporation nearby.

Joe Cooper, General Manager of Middle Trinity Groundwater Conservation District, 150 North Harbin, Suite 434, Stephenville, Texas. He said the aim of the district is to preserve, reserve, and protect the quality of our groundwater. He said that the district has not taken a position of being for or against the MSD. He and his office has fielded many calls. He said the district realizes that there are some places where MSD is warranted. "This may be one of those cases," he added. He said, "We are concerned. We're hearing that the plume is confined. I don't know what's confining it; what's going to keep it from moving laterally. I also know that the chemical is able to permeate concrete, so we're concerned about other geological structures and what would keep those from being permeated by this chemical." He said that this is a chance for the city to let companies know that they are going to have to "be clean or if not, you're gonna clean it up."

David Dickerson, 124 Blue Jay, Stephenville, Texas, said that he has adjoining property next to this location. He said he's all for economic development. He said at this point, he's against it.

Mayor Jergins closed the public hearing and allowed answers to be given to the following questions:

Question: Does contamination cross property lines?

Answer: Based on our initial results, No.

Question: You have been hired by Genuine Parts to prepare this study. Under any circumstance, isn't the TCEQ the oversight authority and professional that will render any decision on this whether it be with or without an MSD?

Answer: Yes.

Question: So, therefore, we have the technical expertise and advice of the State of Texas and related parties that make the decision whether you're telling us the truth or lying. Is that correct?

Answer: It is correct.

Question: Do you know what the side effects or any possible effects that TCE may have on a human being?

Answer: It's a suspected carcinogen.

Question: Would you define that a little bit further? What's going to happen to me if I drink it?

Answer: There's a potential it could cause cancer.

Question: Any other side effects that you are aware of?

Answer: Not off hand. I can provide you with more health information on TCE. There's quite a bit of information on the internet about TCE.

Question: Can TCE penetrate concrete or would it penetrate through a crack in the concrete?

Answer: It can. It takes quite a while, but it can get through concrete.

Question: If it can go through concrete, how long would it take to penetrate the layer of shale?

Answer: The layers of shale, limestone, and clay stone is relatively impermeable; probably less permeable than concrete is. Another thing to note is that the concrete at the facility is probably six inches thick. This shale is over twenty feet thick.

Question: Have you or have you not found any TCE contaminant in that shale layer at twenty feet.

Answer: No, we have not.

Question: You found it at the sixteen foot level.

Answer: Yes, we did.

Question: Are you aware of a similar type remediation plan that you are proposing that has been implemented somewhere in the State of Texas or the United States that has remediated the way you are proposing to do?

Answer: I think the question was asked if Genuine Parts Company has a site anywhere else in the country where we have similar contamination issue and how was that addressed. There was a site in Indianapolis that we actually ended up having to clean up. We never owned or operated as a company. We bought the liability when we merged with another company. That particular property had been sold off ten years previously. The cleanup did take eight years to get to what the State of Indiana considers to be sufficiently clean and cost about \$4 million to do so.

Question: From an engineering prospective, has this been proven to be an effective way to remediate this type of situation and has it had a successful result in the engineering world to the EPA world or the TCEQ world that we know about.

Answer: As far as an MSD paired with remediation, yes, I believe so. There have been several examples of that.

Question: Can someone else drill a water well on a piece of property other than this piece of property after it's been designated as an MSD? Are we going to be infringing upon someone's rights within the five-mile radius of this being able to drill a water well? Are we restricting them in any way of drilling a water well on their property outside of this piece of property?

Answer: Not for the state law, no. The only water that's being restricted is Rayloc's.

IV. Datamax Annual Report, Judy Baltz

Judy Baltz gave this report and introduced Justin Huffiker, also from Datamax. They represent the technology servicing partner for the City of Stephenville and included the following in their report:

Projects completed in 2007:

- Power over Ethernet network switches with a gigabit backbone and 100mb to desktop.
- Implemented a separate network for TLETS communication.
- Implemented a new Windows 2003 R2 / SQL 2005 database server to provide services for police department applications.
- Implemented a new Windows 2003 R2 server to provide application services for the police department.

Project Recommendations for 2008:

- Technology Audit.
- Limited Requirements Definitions Project (LRDP) for Internet Service Provider (Change)
- Disaster Recovery Plan (DRP)

- Requirements Definitions Project for Document Management (RDP)
- Server Upgrade—GIS
- Printer and Backup Systems Move

MOTION by Nancy Hunter, second by Mark Murphy, to accept the report. MOTION CARRIED by unanimous vote.

V. Consider Approval of 2008 Street Reconstruction Project

The project area is as follows:

- Charlotte Street from FM 988 Loop to Frey Street.
- Magnolia from FM 988 Loop to Oaklawn.
- Azalea from Overhill Drive to Mimosa.
- Lydia from FM 988 Loop to Frey Street.
- Mimosa from Frey Street to Harbin Drive.
- Overhill Drive from Dale Street to Harbin Drive.
- Oaklawn from Charlotte to Lydia.

The method of construction will consist of the rebuild method—existing base material and surface material are mixed up, treated and stabilized with cement to create a new base, then topped with 1 ½ inch hot mix asphalt. The probable cost estimate for these streets is \$500,000.

MOTION by Todd McEvoy, second by Barry Ratliff, to approve the 2008 street reconstruction project. MOTION CARRIED by unanimous vote.

VI. Consider Approval of 2007-2008 Utility Line Improvements Project

The recommended project is the replacement of ¾-inch water mains in North Barton, Walnut, Columbia, and Pecan streets with 6-inch water lines; the replacement of existing 2- and 4-inch water lines with 6-inch water lines on Shirley Street and West Jones Street, respectively, as well as a 6-inch sewer line with an 8-inch line from Second to First Avenue. The estimated total project cost is \$500,000.

MOTION by Mark Murphy, second by Pat Shelbourne, to approve the 2007-2008 utility line improvement project. MOTION CARRIED by unanimous vote.

VII. Consider Approval of 2007 Annexed Services Project Area

A proposed utility service plan for the North Dale Area was presented by Sanford LaHue, P.E. of Schrickel, Rollins & Associates. This property is part of the 2007 annexation, and construction costs are estimated at \$580,000.

MOTION by Todd McEvoy, second by Nancy Hunter, to proceed with final design of plans and specifications for installation of utilities in this area. MOTION CARRIED by unanimous vote.

VIII. Consider Authorizing Contractor to Proceed with Development of Floor Plan and Rendering for Public Library

MOTION BY Pat Shelbourne, second by Mark Murphy, to authorize staff to instruct Hidell & Associates to proceed with development of a floor plan for a new library and consider Optimist/Jaycee Park as a possible site. MOTION CARRIED by unanimous vote.

IX. CONSENT AGENDA

Barry Ratliff requested Item B.3. be removed. Todd McEvoy requested Item B.2. be removed.

MOTION by Todd McEvoy, second by Pat Shelbourne, to approve Consent Agenda Items A., B.1., C., and D. MOTION CARRIED by unanimous roll call vote.

A. Approval of Minutes

1. **Regular Council Meeting on October 2, 2007**
2. **Special Council Meeting on October 23, 2007**

B. Bid Award

1. **Annual Street Materials**
2. **Slurry Seal Project**

Todd McEvoy asked for clarification of the scope of the project. MOTION by Barry Ratliff, second by Todd McEvoy, to approve Item B.2. MOTION CARRIED by unanimous roll call vote.

3. Vehicles

MOTION by Barry Ratliff, second by Todd McEvoy, to approve Item B.3. and to authorize the purchase of a vehicle for the Criminal Investigation Division of the Police Department, with the purchase price not to exceed \$17,911; and to accept the award on the other vehicles as identified in the bid. MOTION CARRIED by unanimous roll call vote.

C. Authorization to Sell City Property at Auction

D. Resolution No. 2007-13 Accepting 2007 Water Line Improvements

X. Comments by City Administrator

- As a result of the recent floods, FEMA has designated Erath County under the Emergency Management System. The city was eligible for some damages, including \$2,500 for erosion adjacent to Century Park and \$2,500 to clean out the river at the low water crossing where there was an accumulation of 6-7 feet of silt.
- Construction of the commercial hangar at Clark Field has been completed.
- The pipeline to Dublin has been completed.
- The storm water drainage project Phase II will go out for bid in January 2008. The tunneling project has reached 1,000 feet with approximately 500 feet to go.

XII. Comments by Council Members

MOTION by Barry Ratliff, second by Todd McEvoy, to adjourn the meeting. MOTION CARRIED by unanimous vote at 7:44 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary