

**MINUTES OF REGULAR BUSINESS MEETING**

City of Stephenville - City Council

**TUESDAY, DECEMBER 4, 2007– 5:30 P.M.**

The City Council of the City of Stephenville, Texas, convened on December 4, 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, December 4, 2007, by Mayor Jergins. Mayor Jergins wished everyone "Happy Holidays".

The following members of the 2008 Leadership Stephenville class were present:

Tyler Chaplin, currently the Assistant Principal at Stephenville Junior High School and will assume the position of Principal at Gilbert Intermediate in January.

Paul Ganther, pastor of First Christian Church, Stephenville.

Chase Kincannon, State Farm Insurance agent.

Steve Patterson, Patterson Insurance Agency.

Cheryl Floyd, Superintendent of Huckabay ISD.

Lauren Hartsfeld, mortgage loan officer at Texas Bank.

Lori Hereford, AgTexas Farm Credit Services.

Sara Vanden Berge, Managing Editor, *Stephenville Empire-Tribune*.

Diane Rodriguez, works in the president's office at Tarleton State University.

Karen Lindner, Town and Country Bank

## II. Citizen's General Discussion.

**Darrell Floyd**, Superintendent for the Stephenville Independent School District, addressed the council concerning new municipal facilities. He said he does not think anyone disagrees with the fact that "a town our size needs some improved facilities; those being a swimming pool, rec hall, community center, library, and senior citizens center". He encouraged council members to consider one of two options which he proposed:

### Option I:

1. Pay cash for a new swimming pool (in the same location) now.
2. Issue bonds for a new Rec. Hall/Community Center/Sr. Citizens' Center (I believe that the City Council can issue up to \$6 million in bonds now, without raising taxes. That would be a prudent, conservative thing to do in meeting the needs of several different factions of the community.)
3. Conduct a capital campaign to raise \$1 million dollars for a new library. When that money is raised; then match those funds with \$1 million from city funds to build the facility.

Option II: Put the whole thing to a vote of the public. I believe that all of the above issues (new swimming pool, new Rec. Hall, new library, and new Senior Citizens' Center) are all important enough to this community that, given the chance, voters would pass.

**Marcy Tanter**, asked for an update on any grant that the city may be applying for in order to build sidewalks adjacent to Frey Street to improve the safety of the children walking to and from school.

## III. Request from Genuine Parts Company for a Municipal Setting Designation

### A. PUBLIC HEARING on request for a Municipal Setting Designation

Mayor Jergins opened a public hearing.

### Speaking in Favor of the Municipal Setting Designation:

**Bob Lewis**, Corporate Environmental Manager for Genuine Products Company, and former Environmental and Safety Manager for Rayloc. The Stephenville plant was one of the operations he was responsible for. Lewis stated that he wanted to clear up some of the questions and misunderstandings that have surfaced since last month's public hearing. He explained that the contamination from the Rayloc plant was caused by an accidental release of chemicals from the cleaning process. "The contamination was not caused by any kind of dumping or mishandling of chemicals at the site. The Stephenville operation was always very responsible when it came to their environmental obligations. The Rayloc operation did not know about the release of chemicals. It was discovered when testing was done after the plant was closed. We did the testing because we wanted to make sure we weren't going to be passing along any environmental problems to a new owner. That's when we discovered the contamination. The Municipal Setting Designation, or MSD, does not in any way absolve GPC from doing the clean up of the site. It's still going to be cleaned up to a level that's determined by the TCEQ. The TCEQ will be the agency that will be overseeing the entire cleanup process, whether there's an MSD or not. The MSD process is a TCEQ program. They are the ones who

devised this idea, not GPC. We did not, as someone intimated, lobby for changes to the MSD that allowed for cities with a population of less than 20,000 for the rules to apply. In fact, we weren't even aware of the rules until our consultant, Cook Joyce, pointed out the rules to us. If the city council does approve the MSD—this is only step one of the whole MSD process—TCEQ will then review all the information that has been put together on the site, and possibly request additional testing and additional research before they will even approve the MSD. From that point on, TCEQ will oversee the entire cleanup process, and the work will be complete only when TCEQ says the job is finished. Even if something unexpected shows up after the cleanup is done, TCEQ will hold GPC responsible for addressing it and dealing with the leftover contamination.

“Based on discussions that we've had with several people in town and the questions and the feedback that we've received, it's evident that the greatest concern is the possibility of migration of contamination off of the Rayloc site that might possibly impact other wells. To ensure that this is not the case, we are willing to do monitoring of wells off of our site, which, I guess, is a process that's already in place for deep injection wells that you have in the area.

“Even with an MSD, we're going to have to remove or eliminate the source of contamination, and that is the contaminated soils beneath the building where the chemicals were released. The only difference with having an MSD in place is that the groundwater will not have to be cleaned up to drinking water purity. The reason why TCEQ, who is the state's environmental watchdog agency, permits this is because the contaminants won't come into contact with any drinking water sources. Some people are concerned about how GPC contacted well owners that live in a five-mile radius of the plant, and they thought that this was an indication of how big the problem was or how big an area would be impacted by the contamination. That's not the case at all. The MSD rules set up by the state require notification of well owners within a five-mile radius of the site regardless of the size of the area of contamination—whether it's a small area of contamination or one that covers the entire county—you have to notify everyone within a five-mile radius. In this particular case, the contamination is restricted to the Rayloc site.

“Whether or not the city council approves the MSD, this is just the beginning of a long road. There's a lot of work that has to be done on the Rayloc site. The GPC is going to clean up the site. I want you to understand that foremost, that we are going to clean the site up. TCEQ will be overseeing it to make sure we do the job properly. Having the MSD will shorten the timeframe that the cleanup will take and hopefully will speed up the timeframe for getting a new owner and new employer at that site. I think the MSD, with the oversight of the state, provides protection for the water quality in this area. I think the MSD makes economic sense for the city, I ask that the city council approve the MSD.”

**Darrell Floyd** said that he wanted to encourage the city council that if there is a legal, viable and safe way to ensure that it will only take 18 to 24 months to get another business in that location as opposed to five to six years, then we ought to take that option. In a written letter which he presented to the council, he added, “This helps the entire community's business, employment, and tax bases.” I would encourage the city council to approve the MSD.

**David Dickerson**, 124 Blue Jay, Stephenville, Texas, stated that he has adjoining property to the Rayloc site and a commercial site that just sold situated within one-half mile of the site. He said he is for this [MSD] based on previous environmental issues he has seen.

Speaking in Opposition to the Municipal Setting Designation:

**Joe Cooper**, General Manager of the Middle Trinity Groundwater Conservation District, explained that Chapter 36 of the Texas Water Code charges groundwater conservation districts with preservation, conservation, and protection of groundwater resources. Cooper said, "The district is generally opposed to the concept of Municipal Settings Designation (MSD). It is believed that MSD's place a higher value on the short-term financial gain and economic development than on the value of a reliable source of clean potable water. This misprioritization of money over water is ill-advised and does not exhibit good stewardship of the finite water resources that we enjoy today. Without potable water, economic development can occur. As to the Genuine Parts MSD, although the contaminant appears to be confined to the site, no one can guarantee that it will not leech past these boundaries or into the soil. Additionally, although the groundwater was shallow at that site and was never potable to start with, it did not contain contaminants that are hazardous to human health and commonly referred to as carcinogens. The Middle Trinity Groundwater Conservation District asks the City of Stephenville City Council to take a long-term view, recognizing that the future value of quality water is greater than the short-term financial impacts of MSD's. The MTGCD does not believe approval of this or any other MSD to be in the public's interest."

**Janet Gilbreath**, 7835 US 377 N, Stephenville, Texas, stated that she lives 3.5 miles from the subject site and has lived in the area for 20 years. She stated that she opposes the granting of MSD to Genuine Parts. She stated that "Our community has spoken loud and clear. It will not tolerate contamination of our water source. We took the dairy industry to task and placed public health and welfare over the almighty dollar resulting in cleaner water and unpolluted land. The same directive has been issued for the current gas drilling industry. If the MSD as proposed is granted to Genuine Parts with only partial cleanup requirements then other contaminated facilities will expect the same treatment. She concluded by saying, "It is my opinion that the presentation presented to the public does not prove due diligence. We tell our children to do it right the first time. This is your chance to do it right and not put a band aid on the environment."

**Elaine Smith**, 17141 FM 847, Dublin, Texas, said that she continues to be worried about water and said that her questions have not been answered. She said that Genuine Parts cannot guarantee that the contamination will not migrate or that it will not spread beyond the Rayloc property.

**Sharla Shaffer**, 1206 Mockingbird Street, Stephenville, Texas, said she has spent countless hours researching this matter on the internet and that she cannot find proof that it wouldn't affect our groundwater in the future.

**Rob Shaffer**, 1206 Mockingbird Street, Stephenville, Texas, said that he is proud of his wife in bringing public awareness to this issue. He also voiced opposition to the granting of an MSD as it would set a dangerous precedent for the City of Stephenville and its future generations.

**Elizabeth Zickefoose**, 970 North McCart, Stephenville, Texas, pleaded with the council to protect our water source for our children.

**Wesley Biglin**, POB 243, Dublin, Texas, said he knows of no other issue more important than water. He stated that he also spent much time researching this matter on the internet. He expressed concern that this contaminant has been linked to liver cancer, impaired pregnancies, nervous system damage, and on and on. He urged the council to deny this.

**Melinda Martin**, 5094 FM 205, Stephenville, Texas, said that she feels like her whole world turned

upside down and is very concerned about the quality of her water. She said she's against the MSD, she wants them to clean up their own property, and she wants it done right.

**Marcy Tanter**, 811 North Lydia, Stephenville, Texas, reminded the council that they have already gone on record as a council in support of protecting the water in Erath County when they helped to fight the oil industry denouncing injection wells and calling for protection of our waters from the hazardous effects of waste disposal. She asked the council to again show the community how important our water source is to them.

Mayor Jergins closed the public hearing.

MOTION by Alan Nash, second by Nancy Hunter, to deny the request for a MSD. MOTION CARRIED with Todd McEvoy abstaining.

**B. Consider Ordinance No. 2007-21 "Municipal Setting Designation Ordinance"**

**IV. NOMINATIONS COMMITTEE REPORT**

Mayor Jergins continued with this committee report as Council member Cross had to leave the meeting early.

**A. Consider Recommendations to Board and Commission Appointments**

MOTION by Malcolm Cross, second by Mark Murphy, to confirm the following appointments:

**Planning and Zoning Commission**

Place 2 Janet Whitley  
Place 4 Caryl Chilton  
Place 6 Russell McDanel  
Place 8 Deanna Glasgow  
Place 10 **VACANT**

**Plumbing Board**

Place 2 Brent Bledsoe  
Place 4 Clarence Young  
Place 6 Larry Graham

**Board of Adjustment**

Place 2 Harold Walton  
Place 4 Richard Petronis

**Airport Advisory Board**

Place 2 Dana Brinkley  
Place 4 Rick Tennyson  
Place 6 Hardy Hampton

**Senior Citizens Advisory Board**

Place 2 Pat Jones  
Place 4 **VACANT**

**Dangerous Buildings Abatement Board**

Place 2 Vacant  
Place 3 Vacant  
Place 4 Vacant

**Building Board**

Place 2 Fred Parker  
Place 4 Jim Loudermilk

**Parks and Recreation Advisory Board**

Place 2 Joe Altebaumer  
Place 4 Jason LaTouche  
Place 6 **VACANT**

**Mechanical Board**

Place 2 Mike Walker  
Place 3 Vacant  
Place 4 Rick Alderfer  
Place 5 Vacant

**Electrical Board**

Place 2 Kenneth Howell  
Place 4 David Picha

**Water Conservation Committee**

Place 2 Mark Miller  
Place 4 Dr. Boyd Collier

**Library Advisory Board**

Place 4  
Place 2 Eloise Horak  
Place 3 Shirley Bittenbinder (20<sup>th</sup> CenturyClub)  
Bette Kline  
Place 6 Janis Petronis

MOTION by Malcolm Cross, second by Andrew Johnson, to recommend the appointment of Pat Maxey to the Erath County Appraisal District Review Board. MOTION CARRIED by unanimous vote.

MOTION by Malcolm Cross, second by Andrew Johnson, to confirm the appointment of Nancy Allen to the Western Heritage Committee. MOTION CARRIED by unanimous vote.

**B. Consider Appointment to the following:**

**1. Planning and Zoning Commission, Place 10**

MOTION by Malcolm Cross, second by Mark Murphy, to hold an election to determine the appointment of either Tawnya Doggett or Cleve Cole to the Planning and Zoning Commission. MOTION CARRIED.

MOTION by Andrew Johnson, second by Nancy Hunter, to appoint Tawnya Doggett to Place 10 of the Planning and Zoning Commission. MOTION CARRIED.

**2. Park and Recreational Advisory Board, Place 6**

MOTION by Alan Nash, second by Andrew Johnson, to appoint Dale Dorothy to Place 6, Park and Recreational Advisory Board. MOTION CARRIED by unanimous vote.

**3. Senior Citizen Advisory Board, Place 4**

MOTION by Malcolm Cross, second by Nancy Hunter, to appoint Barbara Terrell to Place 4, Senior Citizen Advisory Board. MOTION CARRIED by unanimous vote.

**4. Erath County Appraisal District Board of Directors**

MOTION by Malcolm Cross, second by Mark Murphy, to appoint Bill Bailey to the Erath County Appraisal District Board of Directors. MOTION CARRIED by roll call vote as follows:

Ayes: Council members Cross, Nash, McEvoy, and Murphy.

Nays: Council members Hunter, Johnson, and Ratliff.

Abstaining: Council member Shelbourne.

**V. PLANNING AND ZONING COMMISSION**

**A. PUBLIC HEARING to consider request to rezone from B-2 "Retail and Commercial Business District" to R-3 "Multiple Family Residential District" Lots 1A, 1B, 2A, 2B; Block 127; City Addition located in the 700 and 800 Block of West Tarleton Street**

Betty Chew gave the staff report stating that the commission recommends this zoning change. She stated that there are existing single family dwellings located on subject property. The applicants' request is based on the neighborhood being developed primarily with residential uses. As this is a request by the neighborhood to bring their property into compliance with Zoning Ordinance regulations, they are requesting the filing fee for this zoning change request be waived.

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning: No One.

Speaking in Opposition of Rezoning: No One.

Mayor Jergins closed the public hearing.

**B. Consider Ordinance No. 2007-22 rezoning from B-2 "Retail and Commercial Business District" to R-3 "Multiple Family Residential District" Lots 1A, 1B, 2A, 2B; Block 127; City Addition located in the 700 and 800 Block of West Tarleton Street.**

MOTION by Nancy Hunter, second by Todd McEvoy, to approve Ordinance No. 2007-21.  
MOTION CARRIED.

**C. PUBLIC HEARING to consider request to rezone from "Exempt" to R-3 "Multiple Family Residential District" 6.82 acres of Lot 1, Block 19; South Side Addition located on the southeast corner of South Harbin Drive and West Swan Street**

Betty Chew stated that the commission recommends approval of this rezoning.

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning: No one.

Speaking in Opposition of Rezoning: No one.

Mayor Jergins closed the public hearing.

**D. Consider Ordinance No. 2007-23 rezoning from "Exempt" to R-3 "Multiple Family Residential District" 6.82 acres of Lot 1, Block 19; South Side Addition located on the southeast corner of South Harbin Drive and West Swan Street**

MOTION by Mark Murphy, second by Andrew Johnson, to approve Ordinance No. 2007-22.

Upon advice of the city attorney, this matter was referred to executive session for further discussion

as this matter is part of the negotiation for the settlement of a lawsuit.

**VI. House Bill 621/Exemption of Goods in Transit**

**A. PUBLIC HEARING on House Bill 621**

Mayor Jergins opened a public hearing.

Speaking in Favor of House Bill 621: No one.

Speaking in Opposition of House Bill 621: No one.

Mayor Jergins closed the public hearing.

**B. Consider Ordinance No. 2007-24 Relating to Approval of Taxation of Goods in Transit**

MOTION by Alan Nash, second by Pat Shelbourne, to adopt Ordinance No. 2007-23. MOTION CARRIED by the following vote:

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

Nays: Council member Murphy.

Abstaining: Council member Ratliff.

**VII. FINANCE COMMITTEE REPORT**

**A. Report on Energy Efficiency Assessment Project with Direct Energy**

Committee Chairman Nash reported that the committee had been presented with the findings of a free energy assessment conducted by Direct Energy. No action was taken by the committee; therefore, none taken by council.

**B. Consider Hotel Occupancy Tax Contract with Chamber of Commerce**

Nash reported that the committee discussed adjusting the chamber's allocation of the hotel occupancy tax from four to three cents. He reported that revenues have increased because of the addition of new hotels. He reviewed the five outlets for use of the hotel occupancy tax—promote tourism, support the arts, maintain historical museums, promotion of historical district, and promotion, construction, renovation of a civic center. Nash stated that in the most recent budget session, it was observed that the increase in hotel tax revenue to the city had risen dramatically and warranted an evaluation of the assessments to the various entities. Nash explained that equivalent revenue would be generated even with the adjustment from four to three cents.

MOTION by Alan Nash, second by Barry Ratliff, to enter into a contract for fiscal year 2007-2008 with the Chamber of Commerce which would assess three cents of the hotel occupancy tax.

Darrell Floyd stated that he has served on the Chamber of Commerce Board of Directors for a number of years and has seen the Chamber work diligently to advertise, promote, attract, and retain events in our community using the hotel/motel/tourism funds. Although I will rotate off of the Chambers Board

effective January 1, 2008, I have no reason to believe that the Stephenville Chamber of Commerce will not continue to be a good steward of these public trust monies. Just because there is more money coming in due to additional hotels, there is no reason to reduce the Chamber's portion from four cents to three cents until there is a plan in place.

"If, however, the City Council devises a well-thought-out, strategic plan for a convention center . . . then I believe that the Chamber of Commerce would be more than willing to give up 1 penny (or even 2 pennies) to work toward that effort. But, in the absence of a clearly worked out plan . . . I believe there should be no adjustment at this time."

**Joe Sawyer**, 323 Timberbrook, Stephenville, Texas, stated that he has been a member of this community for 24 years, and he has seen the chamber grow slowly over those years. Sawyer said that to cut the funds to the chamber without a plan is not a good idea. He said the tourism budget is "the driving force for more motels, more money, more business, it drives the sales tax (If you don't drive the sales tax, you go backward.). To cut the budget for an entity that drives your business is foolish."

**Paul Sullivan**, 4696 North US 377, Stephenville, Texas, has owned and operated the Lone Star Arena for the past six years. Through the years he has been able to pull national events into the area. Based on his studies, his business is responsible for approximately \$40 million in economic impact. He said that he enjoys a healthy working relationship with the chamber. He asked the council not to set their goals too low.

**July Danley**, President of the Chamber of Commerce, addressed the council saying that it is an exciting time for tourism in Stephenville. She said that the outlook for 2008 is very bright. She said the chamber is hard at work utilizing these funds to help bring events, people and ultimately more dollars to Stephenville. "The Chamber receives calls every day from visitors looking to stay in Stephenville for everything from business and education to sports, family reunions and special events. In fact, we've mailed or handed out literally thousands of visitor information packets. On weekends when multiple events are happening, hotel rooms are hard to come by, so we're certainly thrilled to have more hotels investing in Stephenville. This addition of more hotel rooms will allow us the opportunity to recruit bigger and better events than ever before. Regardless of whether the contract is three cents or four cents, we will continue to use the funds to promote tourism by devoting our staff time, our energy, and our resources for servicing the needs and requests of visitors, assisting current events in improving their success and their impact on the community, actively recruiting new events, and communicating with local businesses and hotels to ensure that the visitors have a pleasant experience here in the Cowboy Capital of the World.

"If the contract remains the same at the four cents and the Chamber is able to benefit from the increase of the other entities that receive funding benefits, we'll be able to provide a higher level of service, have the opportunity to solicit larger events, and increase our marketing campaign to other potential visitors. The Chamber is very interested in cooperating with the city and planning for a convention center. Stephenville would have the opportunity to host numerous events if we had the facility to accommodate large numbers of people with meeting rooms, banquet capabilities and a convention hall all under one roof. If the council members do choose to reduce our portion and keep the one cent for the city, the Chamber encourages the city to actively start planning to use those funds to establish and maintain a convention center. The Chamber would be more than willing to assist with that process in building community support for such a facility. We greatly appreciate the work that the council members do in taking very seriously your responsibility to allocate tax revenues

in a manner that is beneficial to the entire community. As you are considering the Chamber's portion of the occupancy tax revenue contract, we encourage you to keep in mind that the tourism funding allows us to efficiently provide information to our visitors and contribute our staff energy and resources to ensure that our events are successful. As more people and events come to Stephenville, the Chamber needs to have increasing funds available to continue providing this level of service to the growing tourism industry in our great community. On behalf of our board of directors and our 600 members, we want you to know how much we appreciate the positive relationship which we have in the city, and we look forward to working together in the tourism growth that we will experience in the years to come."

MOTION CARRIED by the following vote:

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

Nays: Council members Shelbourne and Hunter.

**C. Consider Approval of the Financial Policy Statements and Financial Management Policy**

MOTION by Alan Nash, second by Todd McEvoy, to approve the Financial Policy Statements and Financial Management Policy. MOTION CARRIED by unanimous vote.

**D. Consider Resolution No. 2007-13 Approving Investment Policy, Broker/Dealers, and Investment Strategies**

MOTION by Alan Nash, second by Mark Murphy, to adopt Resolution No. 2007-13 with a notation that we review this in the future to add other banks or brokers as necessary. MOTION CARRIED.

**VIII. SOLID WASTE MANAGEMENT COMMITTEE REPORT—Consider Approving Contract Proposal for Engineering Services for the Stephenville Landfill**

MOTION by Mark Murphy, second by Pat Shelbourne, to approve the contract with Bucher, Willis & Ratliff Corporation for Landfill Expansion Recommendation (Phase I, Landfill Assessment) and the Final Design, Procurement and Construction Administration for the Landfill Expansion as well as an Operational Efficiency and Recommendations Report, Rate Study, Funding Source Recommendations and a Final Presentation (Phase II, Design, Bid and Operational Efficiency). MOTION CARRIED.

**IX. PLANNING AND DEVELOPMENT COMMITTEE REPORT—Consider Approving Ordinance No. 2007-25 Amending the Zoning Ordinance of the City of Stephenville**

MOTION by Todd McEvoy, second by Nancy Hunter, to approve Ordinance No. 2007-24. MOTION CARRIED.

**X. Consider Approving Contract for Insurance Consulting Services**

MOTION by Pat Shelbourne, second by Mark Murphy, to approve contract with City-County Benefits Services. MOTION CARRIED.

## **XI. CONSENT AGENDA**

MOTION by Todd McEvoy, second by Andrew Johnson, to approve the Consent Agenda.

MOTION by Mark Murphy, second by Alan Nash, to amend the motion by removing Item A from consideration.

MOTION CARRIED by unanimous roll call vote.

Mark Murphy stated that he would like to amend III. Public Hearing on Request from Genuine Parts Company for a Municipal Setting Designation, first paragraph, second sentence as follows: "He stated that public notices have been mailed to every resident with a water well that is registered with the state . . ." Murphy said, "I would like to amend that because it wasn't every water well that is registered with the state, it is within five miles of the affected site, so I would like to change those words to include 'within five miles of the affected site'."

After discussion, the city secretary was directed to check the audio tape to determine what in fact was stated. [NOTE: The quote by Richard Varnell was correctly cited in the November 6, 2007 minutes, but his intention was noted as being "within a five-mile radius of subject property".]

Murphy also pointed out a typographical error. MOTION by Mark Murphy, second by Alan Nash, to approve the correction to the minutes and approve Consent Agenda Item A. MOTION CARRIED by unanimous roll call vote.

Ayes: Council members Shelbourne, Hunter, Nash, McEvoy, Murphy, and Ratliff.

Nays: Council member Johnson.

**A. Approve Minutes—Regular Council Meeting on November 6, 2007**

**B. Change date of January Regular Council Meeting to January 8, 2008**

**C. Bid Award for Street Sweeping**

**D. Fire Prevention Grant**

## **XII. Comments by City Administrator**

Methodist Branch Storm Water Drainage, Phase I: Thirty-seven feet remain to be dug on the Baxter tunnel, and 189 feet on the Clinton Street tunnel. Kaiser also reported that an employee of one of the subcontractors on this project was injured earlier today.

Christmas Holiday in the Park is scheduled for December 6. City Council and Parks and Recreational Advisory Board meet in joint session on December 11. The Employee Christmas Dinner will be held on December 17.

**XIII. Comments by Council Members**

**XIV. EXECUTIVE SESSION. At 8:05 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. 551.071 Consultation with Attorney and Sec. 551.072 Deliberations about Real Property**

- A. Lot 1, Block 1 and Lot 5, Block 1, Buck Addition, City of Stephenville**
- B. Kathy Collum v. City of Stephenville**

The council reconvened in open session at 9:13 p.m.

**XV. Action Taken on Matters Discussed in Executive Session**

MOTION by Mark Murphy, second by Andrew Johnson, to adopt Ordinance No. 2007-22. MOTION CARRIED by a 6-2 vote.

MOTION by Todd McEvoy, second by Mark Murphy, to authorize staff to enter into contract to sell Lot 1, Block 1 and Lot 5, Block 1 Buck Addition. MOTION CARRIED by unanimous vote.

MOTION by Todd McEvoy, second by Nancy Hunter, to reconsider the vote on the appointment to the Board of Directors of the Erath County Appraisal District. MOTION CARRIED by a 5-2 vote.

MOTION by Alan Nash, second by Mark Murphy, to table the matter of the appointment to the Erath County Appraisal District Board of Directors to the January 8, 2008 council meeting. MOTION CARRIED by a 5-2 vote.

**XVI. Adjourn**

MOTION by Barry Ratliff, second by Mark Murphy, to adjourn the meeting. MOTION CARRIED by unanimous vote at 9:26 p.m.

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Russell E. Jergins, Mayor

ATTEST:

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Cindy L. Stafford, City Secretary