

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, February 5, 2008– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on February 5, 2008, 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, February 5, 2008.

Mayor Jergins thanked Boy Scout Steven Gibbons, who led the council in the Pledge of Allegiance. Scout Gibbons, member of BSA Troop 18, also addressed the council to present a proposal for his Eagle Scout project. After visiting with staff of the Park and Rec Department, the project he selected is to refurbish and paint all of the trash receptacles in City Park and Optimist/Jaycee Park. Mayor Jergins thanked him for his interest in helping the community and offered the support of the city council in this project.

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

III. Comprehensive Annual Financial Report, Todd Pruitt with Pattillo, Brown, and Hill, L.L.P. (separate cover)

Todd Pruitt thanked the council for the opportunity to perform the audit and made special thanks to Finance Director Walter Wood and the city staff for their help during the process. Pruitt explained that the city has received an unqualified opinion (clean opinion) and is the highest form of opinion that they can issue. This means that the financial statements included in the report have been audited by his firm and, in their opinion, are free of any material misstatements and are presented fairly in accordance with Generally Accepted Accounting Principles. The audit was performed in accordance with Government Auditing Standards, which require them to gain an understanding of the city's internal control necessary to plan the audit. Pruitt reported that there were no significant

deficiencies or material weaknesses reported this year. He said the city is to be commended for the results of the audit.

The final part of his report dealt with compliance. Pruitt explained that Government Auditing Standards require certain tests of compliance with grants, laws, regulations; and the City of Stephenville had no incidents of non-compliance.

He briefly summarized the "Management Letter" stating that the comment from last year has been addressed, and there are no comments in this year's letter.

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

IV. Annual Uniform Crime Report and Report on Racial Profiling—Chief Roy Halsell

Chief Halsell gave this report and presented the attached statistical information.

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

V. PLANNING AND ZONING COMMISSION

Betty Chew gave the staff report stating that the Planning and Zoning Commission recommends approval of this rezoning request.

Applicant, Dr. Kelly Doggett, 115 Byron Nelson, Stephenville, Texas, addressed the council stating that he and his wife purchased this property and property at 1391 Race Street. He proposes to sell the property to BG Capital who will then construct multi-family residences at both locations. Doggett said he believes that this will remove blight from the area, increase tax revenue for the city and increase property values for nearby property owners.

A. PUBLIC HEARING to consider request to rezone from I "Industrial District" to R-3 "Multiple Family Residential District" property located in the 300 block of West Oak Street

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning:

Mayor Jergins asked that Dr. Doggett's comments be reported as being in favor of rezoning.

Russell Fairchild, 3504 North US Highway 281, Stephenville, Texas, is with Fairchild Real Estate and represents BG Capital on multiple projects in Stephenville, Texas. He said that BG's first project is for the construction of ten quadplex units. Construction is currently underway at 852 West Vanderbilt.

Speaking in Opposition of Rezoning: No one.

Mayor Jergins closed the public hearing.

B. Consider Ordinance No. 2008-01 rezoning from I “Industrial District” to R-3 “Multiple Family Residential District” property located in the 300 block of West Oak Street

MOTION by Nancy Hunter, second by Todd McEvoy, to adopt Ordinance No. 2008-01. MOTION CARRIED by unanimous vote.

VI. PUBLIC WORKS COMMITTEE REPORT

A. Consider Ordinance No. 2008-02 Amending the Drought Contingency Ordinance and Water Conservation Plan

Committee Chairman Johnson reported that the committee spent much time discussing this ordinance, and the most notable objection was Section 51.43, which proposes to (1) regulate residential irrigation during the heat of the day from 10:00 a.m. to 6:00 p.m. on a year-round basis; (2) require a positive shut-off nozzle when washing a vehicle; and (3) require a licensed professional to design irrigation systems.

Johnson stated that after giving this more thought, he believes that these provisions are good additions to the city’s plan. He said we need to be responsible for conserving our water resources.

MOTION by Andrew Johnson, second by Mark Murphy, to adopt Ordinance No. 2008-02 as presented.

MOTION by Alan Nash, second by Barry Ratliff, to amend the motion by adopting the Drought Contingency Ordinance, excluding Section 51.43(A) and (B) and the second sentence of Section 51.53 (B), which reads, “Implementation of the plan, excluding the Statute described in section 51.43, shall be on a voluntary basis, supported by the public information and education program.” and moving items (1), (2), and (3) in §51.43(A) to §51.44(A)(b) to appear as Nos. 5, 6, and 7.

Dr. Carol Thompson, Chairperson of the Water Conservation Committee, spoke to the council, saying that the ordinance which is before the council is modeled after statutes passed by many cities in the state. “It is true,” she said, “that we are not trying to make criminals out of everyone.” She explained that once a mandate is enacted, people start to think about things a little more. She stated that studies show that voluntary effects do not achieve the same level of conservation as mandatory efforts. She encouraged the council to approve the ordinance as presented.

MOTION by Todd McEvoy to table this matter. Motion died for lack of a second.

MOTION by Barry Ratliff, second by Nancy Hunter, to call the question. MOTION CARRIED.

MOTION TO AMEND CARRIED by the following vote:

Ayes: Council members Cross, Nash, McEvoy, and Ratliff.
Nays: Council members Hunter, Johnson, and Murphy.
Abstentions: Council member Shelbourne

MOTION as AMENDED CARRIED by the following vote:

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

Nays: Council member Johnson.

Abstentions: Council member Shelbourne

B. Stormwater Project

- 1. Update on Phase I**—Andrew Johnson reported that expected completion date for this project is May 5, 2008.
- 2. Schedule for Phase II**—Bids for this project will be awarded in March with an expected construction period of eighteen months.
- 3. Consider Approving Change Order No. 1 on Methodist Branch Phase I**

MOTION by Andrew Johnson, second by Mark Murphy, to approve Change Order No. 1 in the amount of \$566,175.00 for Phase 1 of the Methodist Branch Stormwater Project to incorporate portions of Phase II into Phase I. MOTION CARRIED by unanimous vote.

C. Long-Term Water Project

- 1. Update on Pump Stations**
- 2. Consider Approval for Test Drilling Operations**

MOTION by Andrew Johnson, second by Nancy Hunter, to authorize staff to proceed with the test drilling operation at the Dublin pump station and to contract with HDR Engineering, Inc.

MOTION by Barry Ratliff, second by Nancy Hunter, to call the question. MOTION CARRIED. MOTION CARRIED by unanimous vote.

Mark Murphy recalled the history of the Dublin Pump Station and mentioned the following events:

- August 2005—Andrew Johnson came up with the idea for this well and to procure the land for the pump station in Dublin. Maintain this pipeline with clean water, and set provisions for flushing the pipeline.
- October 2005—Feasibility study of maintenance operation alternatives for pump station and transmission line, including drilling of a well.
- April 2006—Continue to explore and investigate the implementation of groundwater use for periodic flushing.
- April 2007—Amended contract with HDR Engineering for the redesign of flushing water options.

Murphy stated that, based on Middle Trinity Groundwater Conservation District rules, we will be allowed to pump six acre feet of water per year, which is equivalent to 11 gallons per minute.

VII. FINANCE COMMITTEE REPORT—Consider Adopting Resolution No. 2008-01 Directing Publication of Notice of the City’s Intent to Issue Combination Tax and Revenue Certificates of Obligation for Stormwater Drainage Improvements and Street Improvements

George Williford with First Southwest Company, the city’s financial adviser, was present to explain the procedures involved in this issuance of certificates of obligation.

MOTION by Alan Nash, second by Pat Shelbourne, to adopt Resolution No. 2008-01 directing publication of notice of intent to issue certificates of obligation in an amount not to exceed \$5,455,000 for stormwater drainage improvements and street improvements.
MOTION CARRIED

VIII. Consider Ordinance No. 2008-03 Approving a Settlement Agreement Regarding ATMOS Mid Tex Statement of Intent to Change Gas Rates (full copy available for review from city secretary)

MOTION by Barry Ratliff, second by Pat Shelbourne, to adopt Ordinance No. 2008-03.
MOTION CARRIED by the following roll call vote:

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

Nays: Council members Nash, McEvoy, and Murphy.

IX. CONSENT AGENDA

MOTION by Andrew Johnson, second by Pat Shelbourne, to approve the consent agenda.
MOTION CARRIED by unanimous roll call vote.

A. Approve Minutes

1. Regular Council Meeting on January 8, 2008
2. Special Council Meeting on January 22, 2008

B. Change Order No. 1, Long-Term Water Supply Project, Phase 2—Pumping Facilities and Distribution System

C. Bid Award on Restroom/Concession Stand

D. Approval of the Airport Project Participation Agreement for Pavement Rehabilitation Project and Terminal Area Plan Update

E. Authorization to Sell City Property

X. Comments by City Administrator

City Administrator Mark Kaiser announced that filing for the city general election will begin on Saturday, February 9, and that the city secretary will be in her office from 10:00 a.m. to 12:00 p.m. to accommodate those persons who wish to file on the first day.

XI. Comments by Council Members

XII. EXECUTIVE SESSION. At 7:37 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

Larry Walker v. City of Stephenville

Council reconvened in open session at 7:56 p.m.

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

No action was taken by the council.

XIV. Adjourn

MOTION by Barry Ratliff, second by Pat Shelbourne, to adjourn the meeting. MOTION CARRIED by unanimous vote at 7:57 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary