

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
Tuesday, September 2, 2008, 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on September 2, 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	:	Nancy Hunter
Mayor Pro-Tem	:	Malcolm Cross
Council members	:	Pat Shelbourne Russ McDanel Alan Nash Alan Nix Mark Murphy Scott Evans
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, September 2, 2008. Mayor Hunter noted that the Police Chief, Fire Chief, and staff directors were all present.

II. Citizen's General Discussion.

Bob Koonce, 1405 Prairie Wind, Stephenville, addressed the council asking for a solution to a parking problem at his residence. He explained that his next-door neighbor consistently parks her vehicle on Prairie Wind adjacent to his property rather than in the street adjacent to her property. He asked the council to amend the parking ordinance to prohibit this type of action. Mayor Hunter explained that the council could not take action at this meeting but referred it to committee for discussion.

III. Annual Report from the Erath County Appraisal District—Jerry Lee, Chief Appraiser

Jerry Lee reported that this year fewer appraisal reports have been sent out than ever before in his 22-year history with the district. He said this was due primarily to the current economic conditions—real estate not selling as rapidly and prices are too high. Lee said that in his estimation, high real estate prices are a result of the recent oil and gas activity in our region. Some of the statistics that he highlighted are as follows:

Erath County Appraisal District Comparisons for the City of Stephenville			
	2007	2008	Increase/Decrease
Total Market Value	1,099,272,630	1,187,480,580	88,207,950
Total Taxable Value	815,724,144	890,768,449	75,044,305
Agricultural Land	13,227,280	14,495,910	1,268,630
New Homesite	6,569,380	8,629,490	
New Personal Property	10,174,930	5,468,490	
Total Personal Property	234,712,400	242,531,120	7,818,720
Total Improved Market	656,276,090	720,840,750	64,564,660
Total Land Market	195,056,860	209,612,800	14,555,940
Abatements	1,488,099	883,369	(604,730)
Freeport	43,046,332	46,370,938	3,324,606
Pollution Control	259,825	200,304	(59,521)

MOTION by Alan Nash, second by Alan Nix, to accept the report from the Erath County Appraisal District. Motion carried.

IV. First Public Hearing on the Tax Rate for 2008

Mayor Hunter opened a public hearing for comments on the proposed tax rate of \$.4350. No one spoke, and Mayor Hunter closed the public hearing.

V. Consider Ordinance No. 2008-18 Adopting the Annual Budget for the Fiscal Year Beginning October 1, 2008 and Ending September 30, 2009

Mayor Hunter made the following comments:

“We have a \$26.83 million budget that includes continued operations, debt services, capital improvement projects and equipment. The budget process is a lengthy one where decisions on how best to allocate the taxpayers’ money are not made quickly or lightly. Since June, we have met nine times to discuss budget. In June, we received 25 budget requests from our citizens. The total requests for projects and services from citizens and staff total approximately \$40 million dollars. Also in June, we heard presentations from our department heads, including the Fire Chief and Chief of Police. The council then entered into a series of budget work sessions where these requested items were carefully deliberated until we reached a unanimous consensus on the proposed 2008-2009 budget that is before us tonight for consideration.

“This council is proud of the fact that we are able to continue funding capital improvement projects like our \$10 million storm water drainage project and \$500 thousand a year to street improvements without going into debt or raising taxes.

“Two weeks ago on August 19, we held a publicized public hearing to allow any citizens an opportunity to address the council with their requests. We heard a presentation from James Gresham expressing his concerns on behalf of the SPD. I believe public safety is one of the highest responsibilities of the government. I am pleased that in this year’s proposed budget we have allocated funding for three additional firefighter/paramedics, two additional police officers, a full-time property/records clerk and funding to begin the design and bid for the relocation of fire station #2. The need for additional personnel was expressed by both Chiefs and acted upon by this council. Previous public safety requests that have been fulfilled include last year’s addition of a narcotics officer, a dozen tasers, five new police vehicles and a new ambulance.

“An additional fire inspector, three new police officers, a training officer, four new police vehicles, \$200 thousand of upgraded technology and a separate Criminal Investigation Division building for the police department were included in the 06-07 budget. Fifty percent of our general fund goes to public safety, with 35% of our operating budget appropriated to SPD. This council is dedicated to providing everything necessary to help the brave men and women of our police and fire departments in their day-to-day commitment of protecting our citizens. I agree with Chief Halsell in his June presentation to council that we have an excellent group of employees who are dedicated, honest and hard working. The council thanks you for your service to our great community.

“The City of Stephenville employs over 130 full time people. Despite these tough economic times, this year’s budget reflects \$262 thousand allocated for salary adjustments. We understand the salary concerns in all of our departments and recognize that the pay plan needs attention. This need was discussed during our budget deliberations, and this council is united in its desire to design and implement a new pay plan as soon as possible. Our Personnel Committee is scheduled to meet on October 21 with the pay plan as its only agenda item.

“Those here and our viewing audience at home may be wondering why I have spent so much time reviewing the budget as it pertains to our public safety departments. Imagine my surprise on Sunday morning when I was home sharing a pot of coffee with my husband, reading the Sunday paper, and I see this full page ad inviting our citizens to join the police department at tonight’s meeting for an *‘informative look at public safety.’* Not only is this item not on tonight’s agenda, it was **never** requested to be and I was **never** contacted regarding the department’s intentions. It is illegal to discuss an item not properly posted, and I will not put myself or these council members in jeopardy of conducting an illegal meeting.

“If anyone’s desire tonight is to address the council with additional budget requests, I will call upon you to do so. I remind you that these comments must pertain specifically to the agenda item and not a public safety briefing as was advertised and would constitute an illegal meeting. Had proper channels been used and I had been notified of the desire to hold a public safety briefing, we might have had this as an agenda item. However, that was not the case and we cannot participate in illegal dialogue. I look forward to the opportunity of working together on these vital issues of public safety and pay plans.”

Mayor Hunter acknowledged members in the audience, especially police officers, who wished to speak on behalf of the Stephenville Police Officers' Association.

Marty Golightly, 2893 CR 456, Stephenville, is a member of the Stephenville Police Department (SPD) and a lifelong resident of Stephenville. He expressed his concerns about the salaries for the SPD. He noted that the department is not sufficiently staffed and unable to recruit quality officers because of the low salaries.

Jason Shipper, 4845 South US 281, Stephenville, is a member of the SPD. He stated that he worked for the SPD from 1990 to 2000 when he took a job with the federal government, then moved back to Stephenville in 2006. He was again hired by the SPD but added that he took a substantial pay cut. He said that he loves this city and the department and did not apply elsewhere for employment. He said as the crime rate increases, the pay does not, and almost every shift is understaffed. He also cited that the department is unable to recruit quality applicants because of the low pay.

Robbie Rudder, member of the SPD, said that this is a great city to live in, and the people are great. He said the only thing that will "keep that great is by having a good foundation with infrastructure in the city". He said that in order to keep the city great and the crime rate low, is by having good quality public safety employees.

Amanda Miller said that she came to Tarleton in 2000, graduated, went to the police academy and became a member of the SPD. She said that the citizens are great, the facilities are "awesome", and her co-workers are great to work with. Miller said that the department "does not need to lower its standards—the city deserves better".

Shawna Newton, 1340 Lydia, Stephenville, said that she is former juvenile probation officer and has worked closely with many of the Stephenville Police Officers, and they were "the most professional law enforcement people I have met." She is now a criminal justice teacher at Stephenville High School and encouraged many of her students to attend tonight's meeting. She said that the salary difference in Stephenville and metroplex cities is a "lifestyle change difference". She said her brother-in-law is presently in Iraq training their local police officers. She said that the SPD is even losing officers to another country. She asked the council to keep our town protected.

Jodee Lucero, 2439 S US281, Stephenville, works at Cross Timbers Family Services and deals with victims of violent crimes on a daily basis and, therefore, works with members of local law enforcement. She said it is important for law enforcement officials to be vested in the community. She has noticed the turnover in personnel at the SPD and is aware of the amount of training involved for new members to the force. Lucero said that she supports an increase in financial resources for the Stephenville Police Department.

Jennifer Gelski, 218 Sharp Drive, Stephenville, said that she personally does not mind paying more in taxes to ensure an increase in pay for police officers.

Virginia Abel, 108 Linda Lane, Stephenville, said that she is “100% in support of the police department”.

Elizabeth Zickefoose, 970 North McCart, Stephenville, said that she “would like to see them [officers] have an increase”. She said that police officers could do a better job enforcing laws if they were fully staffed.

Alan Williamson, Detective Sergeant with SPD, said he has worked for the city for almost ten years. He said that the town is growing and the police department needs to grow along with it. He said that he appreciates everyone in attendance who turned out in support of the police department.

MOTION by Malcolm Cross, second by Alan Nix, to adopt Ordinance No. 2008-18 adopting the budget.

Mark Murphy made the following comments, which he requested be included in the minutes:

“We have a bit of a dilemma with this budget. Overall it is good and Mr. Kaiser and the staff have done a great job in preparing it. We’ve discussed it a couple of times and are preparing to finalize it tonight. However the budget has a problem that has come to light in recent weeks. We are faced with a real crisis in our law enforcement area. Sure we’ve heard from the police association and officers saying there is a problem, but we also heard from the Police Chief a week or two back who said he is having trouble filling positions because the pay is so much lower than departments in other comparable cities.

“Though we have not been told of such problems with our other departments, I do agree that many of our city employees may be underpaid, while others may not be. All that will be determined when we begin a comprehensive review of the pay plan. Yes, all city staff are valuable to us but lawn mowers, water plant operators and most others are not putting their lives on the line every day, and they aren’t expected to make life and death decisions involving the public.

“We need to do something right now, tonight, to begin to fix the police salaries, and we do have the money.

“For a long time we’ve been carrying forward millions of dollars in reserve general funds from year to year. They have been labeled ‘restricted’, and I, mistakenly, have thought they were restricted by law. The major portion of these millions is only restricted by the council wishes. We apparently have so much money that we could, in theory, set the property tax rate to Zero for the next two years and still have money left over. I’m not advocating we do this, and this money has not been mishandled or undisclosed. It’s been right there in the budget for years, allocated to different potential projects that might come up. Fiscally we’ve been very tight and have saved up the money to pay cash for things as they may come along, even, if it isn’t used. In addition to this large reserve, we have sufficient sustainable income to make an immediate pay adjustment to police without harm to any planned projects or services.

“My point tonight is that we can well afford to start fixing our pay problem right now before we get into real trouble, and not 6 months or a year from now. Out of the \$8-\$10 million in

reserve, we can readily and easily allocate \$135K more to this situation. I therefore move [to amend the motion] that we take \$135,000 from the general fund reserve and apply it to police department salaries to make an across-the-board pay raise for each position, low to high. Counting the 4% we already agree on, this comes out to around 10-11%. This amount doesn't quite do it, but does get us closer to what we need to do to help ensure the future of public safety in Stephenville." Russ McDanel seconded the amendment to the motion. After discussion, vote on the amendment failed by the following roll call vote:

Ayes: Councilmembers McDanel, Nash, and Murphy.

Nays: Councilmembers Shelbourne, Cross, Nix, Evans, and Mayor Hunter.

Motion by Alan Nix, second by Scott Evans, to call the question. Motion failed by the following roll call vote:

Ayes: Councilmembers Shelbourne, Nix, and Evans.

Nays: Councilmembers Cross, McDanel, Nash, and Murphy.

MOTION by Mark Murphy, second by Russ McDanel, to amend the motion by including \$5,000.00 from excess reserve for meals on wheels program. Motion failed by the following roll call vote:

Ayes: Councilmembers McDanel and Murphy.

Nays: Councilmembers Shelbourne, Cross, Nash, Nix, Evans, and Mayor Hunter.

Vote on the motion to adopt Ordinance No. 2008-18 carried by the following roll call vote:

Ayes: Councilmembers Shelbourne, Cross, Nash, Nix, Evans, and Mayor Hunter.

Nays: Councilmembers McDanel and Murphy.

VI. Nominations Committee Report

A. Consider Filling the Vacancy of Place 6 on the Planning and Zoning Commission

MOTION by Malcolm Cross, second by Mark Murphy, to appoint Cleve Cole to Place 6 on the Planning and Zoning Commission, which term will expire December 31, 2009. Motion carried by a 5-2 vote.

B. Consider Filling the Vacancy of Place 1 on the Library Advisory Board Vacancy

MOTION by Malcolm Cross, second by Mark Murphy, to appoint Emily McLemore to Place 1 on the Library Advisory Board, which term will expire December 31, 2008. Motion carried.

C. Legislative Issues

Malcolm Cross reported that if any councilmember has an issue to be considered by the legislature, to bring it to the attention of this committee.

D. Council Rules of Procedure

As provided by Section 9.2, the council will consider the amendments to the Rules of Procedure at the next council meeting. Malcolm Cross stated that this agenda item is tabled until the next council meeting.

VII. Consider Ordinance No. 2008-19 Adopting the Fee Schedule

MOTION by Alan Nix, second by Pat Shelbourne, to adopt Ordinance No. 2008-19 adopting the fee schedule. Motion carried.

VIII. Consider Approval of Contract with Schrickel, Rollins and Associates, Inc. for Engineering Services for the Extension of Water and Sewer Lines to 2007 Annexed Area A-1

MOTION by Mark Murphy, second by Alan Nix, to approve the contract with Schrickel, Rollins and Associates, Inc. Motion carried.

IX. Consider Adopting Ordinance No. 2008-20 Approving a Negotiated Resolution between the Atmos Cities Steering Committee and Atmos Energy Corp. and Implementing the Rate Change

MOTION by Alan Nix, second by Russ McDanel, to adopt Ordinance No. 2008-20. Motion carried by a 6-1 vote.

X. CONSENT AGENDA

Mark Murphy requested that Item A.3. be removed and that August 19, 2008 Agenda Item VII. reflect the vote on the motion. Motion by Mark Murphy, second by Pat Shelbourne, to approve Items A.1., A.2., and B. Motion carried by roll call vote. Motion by Mark Murphy, second by Alan Nash, to approve Item A.3. as amended. Motion carried by roll call vote.

A. Approve Minutes

- 1. Regular Council Meeting on August 5, 2008**
- 2. Special Council Meeting on August 12, 2008**
- 3. Regular Council Meeting on August 19, 2008**

B. Approve Interlocal Agreement Between the North Central Texas Council of Governments and City of Stephenville for E9-1-1 Service, Equipment, Addressing and Database Maintenance

XI. Comments by City Administrator

Demolition of the swimming pool has begun. Frey Street should be completed by Friday, pending favorable weather. The 2008 street reconstruction project is complete. The airport terminal will begin on Monday with the construction crew to demolish the old terminal. Bids have been opened by Texas Department of Transportation on the Ollie-Mary extension and are under review. Bosque River Trail is very close to getting started.

XII. Comments by Councilmembers

Mark Murphy thanked Police Officer Joe Sherrod for his assistance with a situation affecting the Murphy family.

Russ McDanel thanked those persons who attended this council meeting and those citizens watching by television.

XIII. EXECUTIVE SESSION. At 7:43 p.m., Mayor Hunter 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 and Sec. 551.071 Consultation with Attorney.

- A. Sanitary Sewer Easement Containing 0.6605 acre out of the Jarrett Menefee Survey, A-520, Stephenville, Erath County, Texas**
- B. Sanitary Sewer Easement Containing 0.406 acre out of the Jarrett Menefee Survey, A-520, Stephenville, Erath County, Texas**
- C. Participation Agreement with Atmos Energy Corporation for the Methodist Branch Phase II Project**

The council reconvened in open session at 8:06 p.m.

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

MOTION by Mark Murphy, second by Pat Shelbourne, to authorize the city administrator to negotiate with Atmos Energy for the information discussed in executive session concerning Item XIII.C. Motion carried.

XV. Adjourn

MOTION by Mark Murphy, second by Alan NIX, to adjourn the meeting. MOTION CARRIED by unanimous vote at 8:07 p.m.

Nancy A. Hunter, Mayor

ATTEST:

Cindy L. Stafford, City Secretary