

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, May 6, 2008, 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on May 6, 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 Traci Riggs, 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, May 6, 2008.

II. Citizen's General Discussion. Dubbie Truitt with ReMax Progressive Real Estate complimented Building Inspector Troy Curtis for his professionalism and courtesy in handling a sensitive situation.

III. Annual Street Report, Drew Wells, Community Services Director

Drew Wells reported the following:

The city contains 96 miles of street—asphalt, concrete, and brick; 41 miles of curbed street; over 1,000 street lights, and over 1,200 street signs. Twice yearly street sweeping is contracted.

Slurry Seal Project: Begun two years ago, this is a process to preserve streets, which had been reconstructed as long as ten years ago. It is a maintenance preventive process, which has proved very successful. In 2007, the project in the Kaylock Addition was almost 20,000 square yards of area at a cost of \$38,335 or \$1.96 per square yard. In 2008, the project area was more 41,300 square yards at a cost of just over \$82,000 or \$2 per square yard.

Zipper Reconstruction: Initial cost of machine was \$91,807. To date, three projects have been completed at an actual cost of \$32,649 or \$5.32 per square yard. The estimated contractor cost is \$58,608, for a savings of \$25,959.

Brick Street Restoration: Project area for 2007 was 1,166 square yards at a project cost of \$31,948 or \$27.40 per square yard.

Annual Street Reconstruction Program: This is a capital project which is contracted. Some of the criteria for street selection is 1) condition of the street; 2) amount of traffic using the street; 3) condition of the utilities; 4) proximity of other streets in the proposed project; and 5) coordination with stormwater master plan. Wells highlighted that in the past 15 years since this program was initiated, the city has spent approximately \$3.5 million covering approximately 30 linear miles. Wells also pointed out that the street reconstruction budget in 2006 was \$267,500; 2007, \$471,598; and 2008, \$500,000. This year's project area includes the following streets:

Mimosa Street from Frey Street to Harbin Drive.
Charlotte and Frey Streets from Frey Street to FM 8/Northwest Loop.
Azalea Street from Mimosa Street to Overhill Drive.
Magnolia Street from Oaklawn to FM 8/Northwest Loop.
Oaklawn from Charlotte Street to Lydia Street.
Overhill Drive from Dale Street to Harbin Drive.

MOTION by Mark Murphy, second by Pat Shelbourne, to accept the annual street report. MOTION CARRIED.

IV. PLANNING AND ZONING COMMISSION

A. Consider Final Plat, Norfolk Substation Subdivision, being 1.393 acres in Jarrett Menefee Survey, Abstract 520, Erath County, Texas

Betty Chew, Director of Community Development, gave this report identifying this property as being located on FM 2303/Pigeon Road. The subdivision is in the city's extraterritorial jurisdiction and comes to the city council prior to approval by the Erath County Commissioners' Court.

MOTION by Pat Shelbourne, second by Andrew Johnson, to approve the final plat of Norfolk Substation Subdivision, being 1.393 acres in Jarrett Menefee Survey, A-520, Erath County, Texas. MOTION CARRIED.

B. Consider Preliminary Plat, Lakewood Estates Subdivision, being 32.02 acres in Sims Addition, Stephenville, Erath County, Texas

Betty Chew reported that this property is located on US 281/Morgan Mill Road and represents an 80-lot single-family residential subdivision. All lots will be standard single-family residential lots approximately one-fourth to one-third acre in size.

MOTION by Nancy Hunter, second by Andrew Johnson, to approve the preliminary plat for Lakewood Estates Subdivision. MOTION CARRIED.

V. PLANNING AND DEVELOPMENT COMMITTEE REPORT

A. Consider Approval of Contract with Bureau Veritas North America, Inc. for Plan Review Services

Todd McEvoy, committee chairman, explained that by implementing this service, plan review for commercial development would be completed expeditiously with the cost to be borne by the developer. The committee recommends two changes to the contract; those being 1) to remove the limits of liability and 2) add a non-solicitation clause prohibiting hiring city employees.

MOTION by Todd McEvoy, second by Mark Murphy, to table this matter until the next meeting. MOTION CARRIED.

B. Consider Ordinance No. 2008-07 Amending Fee Schedule to Provide for Plan Review Fees

C. Resolution No. 2008-07 to Extend Airport Runway

MOTION by Todd McEvoy, second by Barry Ratliff, to adopt Resolution No. 2008-07. MOTION CARRIED.

D. Consider Ordinance No. 2008-08 Amending the Zoning Ordinance Initiating Changes to Uses in B-2 "Retail and Commercial" and Industrial District

MOTION by Todd McEvoy, second by Nancy Hunter, to adopt Ordinance No. 2008-07 approving the changes to B-2 "Retail and Commercial" and Industrial District and to direct the Planning and Zoning Commission to reconsider B-2 masonry requirements.

MOTION TO AMEND by Mark Murphy to remove 6.2.B(55) Mini Storage/Warehouses from the Special Use Permit requirement. MOTION DIED for lack of a second.

MOTION TO AMEND by Mark Murphy, second by Alan Nash, to remove 6.2.B(55) Mini Storage/Warehouses from the Special Use Permit requirement. After discussion and clarification of his intentions, Mark Murphy removed his motion from the floor.

MOTION TO AMEND by Mark Murphy, second by Alan Nash, to remove 6.2.B(55) Mini Storage/Warehouses from the list of permitted uses to be deleted from Section 6.2 Retail and Commercial Business District (B-2). MOTION to AMEND was CARRIED by the following roll call vote:

Ayes: Councilmembers Shelbourne, Cross, Hunter, Nash, Murphy.

Nays: Councilmembers Johnson, McEvoy, and Ratliff.

MOTION on the AMENDED MOTION was CARRIED.

MOTION by Todd McEvoy, second by Barry Ratliff, to instruct Planning and Zoning Commission to split the permitted uses in the B-2 districts into a minimum of five sub-categories.

MOTION to AMEND by Pat Shelbourne, second by Mark Murphy, to request the Planning and Zoning Commission to come back to the council with a response in a reasonable amount of time as to their reasons for and against making changes as requested by the council. Todd McEvoy and Barry Ratliff accepted this as a friendly amendment to their motion.

Mayor Jergins restated the motion as follows: "To request that the Planning and Zoning consider splitting the permitted uses into five categories and provide a response as to why or why not they have chosen not to do that." MOTION CARRIED

Ayes: Councilmembers Shelbourne, Cross, McEvoy, Murphy, and Ratliff.

Nays: Councilmembers Hunter, Johnson, Nash.

VI. PUBLIC WORKS COMMITTEE REPORT

Chairman Andrew Johnson reported on the committee's discussion and actions as recorded below.

- A. Monitoring Well Program.** This program was initiated in 2002, and the current report reflected minimal changes in the aquifer's overall water level since that time. MOTION by Andrew Johnson, second by Todd McEvoy, to approve the report. MOTION CARRIED.

- B. Quantitative Financial Information and Utility Profile.** Notice was given to the decreased Unaccounted-For Water Usage attributed to more accurate accounting methods. Notice was also given to the Municipal Per Capita Water Use History indicating consumption is below TCEQ averages. The committee noted improvements in the water distribution system are foreseeable to keep pace with production and storage capacity. MOTION by Andrew Johnson, second by Nancy Hunter, to approve the Quantitative Financial Information and Utility Profile. MOTION CARRIED.

- C. Sanitary Sewer Overflow Initiative**
 - 1. Consider Adopting Resolution No. 2008-08 Authorizing Participation in TCEQ Quality Sanitary Sewer Overflow Initiative.**

Andrew Johnson gave background information concerning this matter. He reported that the Texas Commission on Environmental Quality conducted a routine compliance investigation of the wastewater treatment plant on December 5, 2007. The summary report indicated alleged sanitary sewer overflow violations in the collection system. The TCEQ has encouraged the City of Stephenville to participate in a voluntary Sanitary Sewer Overflow Initiative program. Terms of participation require the city to conduct an evaluation of the sanitary sewer collection system. In exchange for participation, the TCEQ will withhold formal enforcement of penalties associated with Notices of Violation. TCEQ regulations state, "If the facility does not elect to participate in the initiative, a Notice of Violation will be issued for any SSO violations noted during the investigation." The City of Stephenville experiences approximately 10 sanitary sewer overflow events per year. Overflows normally occur due to structural blockages such as offset joints or partially collapsed lines. Maintenance-related issues such as root intrusion, sedimentation, and grease build-up are also significant contributors to overflow events.

MOTION by Andrew Johnson, second by Mark Murphy, to adopt Resolution No. 2008-08 and approve the proposal from Pipeline Analysis, LLC.

MOTION by Todd McEvoy, second by Barry Ratliff, to separate the two items. MOTION to SEPARATE CARRIED.

MOTION by Alan Nash, second by Todd McEvoy, to table the resolution. MOTION CARRIED.

2. Consider Approval of Contract with Pipeline Analysis, LLC for SSO Plans

MOTION CARRIED to approve the proposal from Pipeline Analysis, LLC.

VII. CONSIDER ORDINANCE NO. 2008-09 PROVIDING BUDGET AMENDMENTS FOR THE REMAINDER OF THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008

MOTION by Todd McEvoy, second by Pat Shelbourne, to adopt Ordinance No. 2008-08. MOTION CARRIED.

VIII. CONSIDER RECOMMENDATION FROM PARKS AND RECREATIONAL ADVISORY BOARD FOR AQUATICS COMPLEX

Cary Strohmeier, Chairman of the Parks and Recreational Advisory Board, addressed the council detailing the project and options for moving forward. He stated that while equipment and facilities have advanced through the years, the city has not made any improvements to modernize the swimming pool and still has the same facility that was built in the 1930's. The condition of the pool deteriorated to a condition where it could not be safely used by the public; therefore, was closed in 2006. Strohmeier said that this has left Stephenville with a major deficiency in quality of life features. He introduced Bryan Ziegler of C. T. Brannon Corporation who made the presentation for a Municipal Aquatic Facility, which comprises six sections as follows:

- Section 1. Leisure Pool, Leisure Pool Decks and Related Equipment \$1,342,000
- Section 2. Bath House Building 550,000
- Section 3. Site-Related Items 423,500
- Section 4. Lazy River and Sprayground and Related Equipment 764,500
- Section 5. Competition (Lap) Pool, Lap Pool Decks and Related Equipment 1,474,000
- Section 6. Miscellaneous Design and Construction Costs 305,000

Following discussion and questions by the councilmembers, Mayor Jergins allowed citizens to make comments, which included Carol Johnston, Coke Beaty, and Celeste Tassione.

MOTION by Pat Shelbourne, second by Malcolm Cross, to authorize C. T. Brannon Corporation to proceed with developing the plans and specifications for bidding Sections 1, 2, 3, 4, and 5. MOTION FAILED by the following roll call vote:

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

MOTION by Todd McEvoy, second by Mark Murphy, to authorize C. T. Brannon Corporation to proceed with developing the plans and specifications for bidding Sections 1, 2, and 3.

MOTION TO AMEND by Mark Murphy, second by Nancy Hunter, to add Section 4 as an alternate.
MOTION TO AMEND CARRIED by the following roll call vote:

Ayes: Councilmembers Shelbourne, Cross, Hunter, Johnson, and Murphy.
Nays: Councilmembers Nash, McEvoy, Ratliff.

MOTION by Nancy Hunter, second by Andrew Johnson, to call the question. MOTION CARRIED.

AMENDED MOTION to authorize C. T. Brannon Corporation to proceed with developing the plans and specifications for bidding Sections 1, 2, and 3, and adding Section 4 as an alternate CARRIED by the following roll call vote:

Ayes: Councilmembers Shelbourne, Cross, Hunter, Johnson, and Murphy.
Nays: Councilmembers Nash, McEvoy, Ratliff.

IX. CONSIDER ACTION CONCERNING 2007 MAXIMUM ACCESS LINE RATES

City Administrator Mark Kaiser reported that this item does not require action. Based on the choice made in April 2007, the 2008 rate will be adjusted for inflation, or will remain the same as the 2007 rate. When similar CPI adjustments were made in April 2007, the city opted not to adjust the rates for inflation, i.e. we chose less than maximum allowable CPI-adjusted rates. Therefore, the 2008 rates will remain at the 2007 level, and the rates will not increase.

MOTION by Mark Murphy to approve that the council do not raise the line access rate this year.
Motion died for the lack of a second.

X. CONSENT AGENDA

Barry Ratliff requested Item C. be removed, and Mark Murphy requested Item A. be removed. Following questions and clarification of the items removed, the following action was taken.

MOTION by Todd McEvoy, second by Barry Ratliff, to approve Items B and D. MOTION CARRIED by the following roll call vote:

Ayes: Councilmembers Shelbourne, Cross, Hunter, Johnson, Nash, McEvoy, Murphy, and Ratliff.
Nays: None

MOTION by Barry Ratliff, second by Mark Murphy, to approve Items A and C. MOTION CARRIED by the following roll call vote:

Ayes: Councilmembers Shelbourne, Cross, Hunter, Johnson, Nash, McEvoy, Murphy, and Ratliff.
Nays: None

- A. Approve Minutes of Regular Council Meeting on April 1, 2008**
- B. Authorize Sale of Chevrolet Lumina and Ford pickup**
- C. Approve Sewer Effluent Purchase Contract with Greg Thaggard**
- D. Contract with Certified Payments, Inc. to Accept Credit Card Payments at Municipal Court**

Mayor Jergins recognized Alan Nash who requested that Agenda Item VIII be re-opened for the purpose of separating Sections 1, 2, and 3, and Section 4 as two items "so that the vote can be clear that we are a united council."

MOTION by Pat Shelbourne, second by Alan Nash, to reconsider the issue of the aquatic complex.
MOTION CARRIED.

MOTION by Alan Nash, second by Pat Shelbourne, to separate Sections 1, 2, and 3 as one issue and Section 4 as one issue. MOTION CARRIED.

VOTE on authorizing C. T. Brannon Corporation to proceed with developing the plans and specifications for bidding Sections 1, 2, and 3:

Ayes: Councilmembers Shelbourne, Cross, Hunter, Johnson, Nash, McEvoy, Murphy, and Ratliff.
Nays: None

VOTE on authorizing C. T. Brannon Corporation to proceed with developing the plans and specifications for bidding Section 4 as an alternate:

Ayes: Councilmembers Shelbourne, Cross, Hunter, Johnson, and Murphy.
Nays: Councilmembers Nash, McEvoy, and Ratliff.

XI. Comments by City Administrator

Mark Kaiser reported the following:

- The airport runway has been completed.
- The bid process has begun on the terminal building project.
- Street reconstruction crew for the 2008 project will be moving into town next week.
- Storm water drainage construction on Frey Street from Rome to Cain Streets will begin after school dismisses for the summer. Frey Street will be closed a good portion of the summer.

XII. Comments by Council Members

- **Drought Contingency Assessment Announcement by Mayor Jergins**

“As Mayor, I initiate Phase 1 of the Water Conservation Plan and specifically announce activation of §51.17(A)(3)(a) whereby customers are requested to voluntarily conserve water and limit irrigation of landscaped areas to two days per week. The days of the week are left up to the customers.”

XIII. Adjourn

The meeting adjourned at 8:45 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary