

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
Tuesday, April 7, 2009, 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on April 7, 2009, 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 Donald L. Zelman 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, April 7, 2009. Mayor Hunter recognized as being present, the Fire Chief, Police Chief, Directors of Community Development, Community Services, Public Works, and Finance and Administration.

Mayor Hunter announced that before conducting business, she wanted to acknowledge two Tarleton students—Clayton Landua and Logan Tucker, who were instrumental in helping to save the life of a one-year old boy. Mayor Hunter read from the plaques that she presented to them--“In acknowledgement of heroic actions taken on February 25, 2009 to help save the life of Kyle Entz as well as actions taken to protect his mother, Heather Entz, and the rest of their family. Your selfless actions towards your neighbor exhibits exemplary behavior that we all should emulate.”

- II. **Citizens’ General Discussion.** No one wished to address the council.

- III. **Water Department Annual Report—Nick Williams, P.E., Director of Public Works**

Nick Williams first recognized what he called the city’s “most valuable asset”—the city employees. The water department maintains 17 positions at full staff—water production, distribution and collection, and customer service. Most recently, Bob Self, Water/Wastewater Superintendent retired, and Gary Hunt was hired this week for that position. Williams reported that crews maintain 122 miles of water mains and 114 miles of sanitary sewer. Other statistical information is provided on the attached graphs.

MOTION by Russ McDanel, second by Alan Nash, to accept the annual water report. Motion carried.

IV. PLANNING AND ZONING COMMISSION

A. Consider Final Plat Lakewood Estates Subdivision – Phase 1, being 11.99 acres William Sims Survey, Abstract 683, Erath County, Texas

MOTION by Mark Murphy, second by Alan Nix, to approve the final plat of the Lakewood Estates Subdivision. Motion carried.

B. Consider Preliminary Plat Caporal Subdivision, being 44.47 acres John Blair Survey, Abstract 32 and 29.89 acres William Motley Survey, Abstract 515, Erath County, Texas

MOTION by Mark Murphy, second by Russ McDanel, to approve the preliminary plat of the Caporal Subdivision. Motion carried.

C. Consider Final Plat Doss Subdivision – Phase 4, being 6.83 acres William Motley Survey, Abstract 515, Erath County, Texas

MOTION by Don Zelman, second by Pat Shelbourne, to approve the final plat of the Doss Subdivision. Motion carried.

V. PERSONNEL COMMITTEE REPORT

A. Consider Approval of Bids for Employee Health Insurance

Mayor Hunter recessed the council meeting at 5:54 p.m. and called to order the Employee Benefit Trust meeting.

The city council reconvened in open session at 6:01 p.m.

MOTION by Russ McDanel, second by Alan Nash, to authorize funding for the Blue Cross Blue Shield Plan at \$330.85 per employee per month for twelve months and dental insurance with Assurant for \$14.59 per employee per month for twelve months. Motion carried.

B. Consider Approval of Employee Pay Policy

MOTION by Pat Shelbourne, second by Alan Nix, to adopt the pay policy as follows: "It is the general policy of the City to provide a competitive compensation package for employees in order to attract and retain the best possible personnel in pursuit of the most efficient and effective provision of city services. The purpose is to organize personnel matters and to make personnel decisions in an orderly and fair manner for all city employees." Motion carried.

VI. ENVIRONMENTAL MANAGEMENT COMMITTEE REPORT

A. Consider Approving Proposal from TEAM Consultants, Inc. for Landfill Expansion

MOTION by Russ McDanel, second by Alan Nix, to approve the contract with TEAM Consultants, Inc. for services in connection with the construction of Landfill Cells 3 and 4. Motion carried.

B. Consider Expanding Operating Hours at the Landfill

Chairman Russ McDanel reported that the committee voted to recommend expanding the operating hours of the landfill to include 8am to 10am on Tuesday mornings. McDanel explained that this action comes in response to numerous requests by roofing contractors and restoration experts as a result of the recent hail storm.

The following local roofing contractors spoke on this subject:

Joe Don Slawson, 1391 Rose Drive, Stephenville, Slawson Roofing, and Jamie Fair, 320 Lingleville Road, Stephenville, Restoration Resources, both requested that the landfill be opened for more time in addition to what the committee is recommending. Slawson acknowledged other roofing contractors at the meeting as follows: Rick Jones, Excel Roofing, and Jackie Monk, Heritage Roofing.

MOTION by Russ McDanel, second by Don Zelman, to expand operating hours at the landfill from 8am to 10am Tuesday mornings beginning next week on a temporary basis until we have staff recommendation advising that it is no longer necessary. FRIENDLY AMENDMENT offered by Alan Nash, second by Mark Murphy, to further extend the operating hours at the landfill to Wednesdays from 8am to 10am. McDanel accepted the friendly amendment. Motion carried by the following roll call vote:

Ayes: Councilmembers Cross, McDanel, Nash, Murphy, and Evans.

Nays: Councilmembers Shelbourne, Zelman, and Nix.

C. IESI Corporation--Polycarts

Chairman McDanel reported that the waste containers for the automated garbage pickup have been delivered to city businesses and residents. McDanel stated that since this is a new program, he called on residents to be patient and cooperative during this transition period.

VII. PUBLIC WORKS COMMITTEE REPORT

A. Water Supply Capacity Expansion Project

Chairman Alan Nix reported that we have decided to expand our production capabilities. To that end, well permit applications have been prepared for submission to the Middle Trinity Ground Water Conservation District for the Dublin, Madeley and Pack I well sites. No action is required of council.

B. Consider Approval of a Professional Services Agreement with Schrickel, Rollins & Associates, for Phase I Design of the East Side Sanitary Sewer Project

Nix explained that this project would provide for expansion of wastewater utilities east of the Bosque River. The first step in this process is a contract for professional services for the preliminary design.

MOTION by Alan Nix, second by Don Zelman, to approve the contract with Schrickel, Rollins & Associates for Phase I design of the East Side Sanitary Sewer Project. Motion carried.

C. Quantitative Financial Information and Utility Profile

This information was presented to the committee, and to the council previously as a part of Nick Williams annual report. No action is required by council.

D. Monitoring Well Program Status Report

This report was presented to the committee, and no action is required by council.

E. Consider Adopting Ordinance No. 2009-08 Amending the Water Conservation Plan

Nix explained that the Water Conservation Plan is a tool used to encourage citizens to use water wisely and conserve this resource for future generations. He highlighted three provisions of the ordinance, which are, 1) to establish year-round watering from 6pm to 11am; 2) use of a positive shut-off nozzle when washing a motor vehicle; and 3) irrigation systems to be designed by a licensed professional prior to installation.

MOTION by Alan Nix, second by Don Zelman, to adopt Ordinance No. 2009-08.

AMENDMENT was offered by Alan Nash, second by Pat Shelbourne, by taking out No. 1 and leaving Nos. 2 and 3 as mandated provisions. Following discussion, Nash and Shelbourne withdrew the amendment and second.

FRIENDLY AMENDMENT was offered by Scott Evans, second by Mark Murphy, stipulating that the hours for year-round watering provided for in No. 1 be observed Monday through Friday and providing for no restrictions on Saturday or Sunday. Following discussion, Evans and Murphy withdrew the friendly amendment.

MOTION TO AMEND the original motion, made by Mark Murphy, second by Scott Evans, by rewording No. A.1. to provide as follows: “. . . Therefore, it shall be unlawful . . . to:

1. Operate an automated in-ground irrigation system on any day of the week between 11:00 a.m. and 6:00 p.m. Landscape watering is permitted any time with a hand held hose, soaker hose, bucket, watering can, bubbler or drip irrigation system. A spray type irrigation system may be used any time for the purposes of cooling golf course tee or putting surfaces with run cycles of less than five minutes” by Mark Murphy, second by Scott Evans.”

Motion to amend carried by a 7-1 vote. Motion as amended carried by a 6-2 vote.

F. Aquatic Ecosystem Restoration Project

Nix reported that this is an information item only. The city is working with the Army Corps of Engineers to reclaim part of the wastewater treatment plant and a part of City Park to form a wetlands environment. Funding has not been approved, but the city will participate through a donation of property and of manpower.

VIII. Consider 2009 Consumer Price Index Adjustment to Municipal Telecommunications Right-of-Way Access Line Rates

City Administrator, Mark Kaiser, stated that he recommends the council maintain the default rates for 2009, which are \$0.59 for residential; \$1.32, non-residential; and \$2.01, point-to-point.

MOTION by Alan Nash, second by Russ McDanel, to accept the recommendation and maintain the rates at the 2008 level. Motion carried.

IX. CONSENT AGENDA

Alan Nash requested that Item E.2. be removed from the consent agenda. MOTION by Russ McDanel, second by Pat Shelbourne, to approve Consent Agenda Items A., B., C., D., E.1. and E.3. Motion carried.

Alan Nash wanted to call attention to the 2009 Street Capital Improvement, and specifically to Alternate Nos. 1, 2, and 3 providing for sidewalks along Frey Street. He noted that after four years during which Dr. Marcy Tanter advocated the installation of sidewalks for the primary use of school children, they have now been included.

MOTION by Mark Murphy, second by Alan Nash, to approve Consent Agenda Item No. E.2. Motion carried.

A. Approve Minutes of Regular Council Meeting on March 3, 2009

B. Amendment to Routine Airport Maintenance Program

C. Resolution No. 2009-07 Accepting Long-Term Water Supply Project—Phase II

D. Approval of Authorization to Sell City Property

E. Bid Awards

- 1. 2009 Annual Street Reconstruction Program**
- 2. 2009 Street Capital Improvements Project**
- 3. Change Order No. 1 on Aquatics Complex**

X. Comments by City Administrator

- Ollie/Mary extension was opened last week
- Airport Terminal construction will begin within two weeks
- City employees American Cancer Society Relay for Life team will hold a hamburger fundraiser on April 17
- April 9 is the deadline to register to vote in the May 9th election
- The moratorium on installation of wind turbines remains in place until future public hearing and action by Planning and Zoning Commission and City Council
- Construction on the Frey Street sidewalks should take place in the next two months, and some street closures will be required as part of the street projects

Kaiser complimented the 140 city employees for their hard work and dedication. He said that he is very proud of all departments and praised their good attitude in light of many projects that are underway at this time.

XI. Comments by Councilmembers

XII. EXECUTIVE SESSION. At 7:37 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

A. 1.19 acres, Matthew Roberts Survey, Erath County, Texas

B. 8.01 acres, Matthew Roberts Survey, Erath County, Texas

The council reconvened in open session at 7:54 p.m.

XIII. Action taken on matters discussed in Executive Session (if necessary)

MOTION by Alan Nix, second by Scott Evans, to approve the purchase of 1.19 acres of the Matthew Roberts Survey owned by John A. and Antonette Y. Montez for \$110,302. Motion carried

MOTION by Scott Evans, second by Alan Nix, to approve a lease agreement between the city and Bill Stanley covering 8.01 acres, Matthew Roberts Survey. Motion carried.

XIV. Adjourn

MOTION by Alan Nix, second by Russ McDanel, to adjourn the meeting. MOTION CARRIED at 7:54 p.m.

Nancy A. Hunter, Mayor

ATTEST:

Cindy L. Stafford, City Secretary