

**MINUTES OF REGULAR BUSINESS MEETING**

City of Stephenville - City Council

**Tuesday, October 6, 2009, 5:30 P.M.**

The City Council of the City of Stephenville, Texas, convened on October 6, 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	:	Joe E. Cude Donald L. Zelman Russ McDanel Alan Nash Alan Nix Martha Cashon 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, October 6, 2009, by Mayor Hunter.

Mayor Hunter introduced Josh Young, candidate for Eagle Scout with Troop 39 of Stephenville. Young addressed the council about the Eagle Scout project that he has planned. He will plan, organize and direct younger scouts to plant 12 red oak trees and perform brush clearing as needed in the East End Cemetery. Miller Nursery will donate the trees for this project. Young said that he hopes to give back to the community for what he has received from scouting.

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

- III. **Delinquent Tax Collection Report—Jeff Brown, Linebarger Goggan Blair & Sampson, LLP**

Jeff Brown, attorney, thanked the council for their continued business, stating that he has represented the City of Stephenville for over 20 years. He reported that the firm has sent more than 5,090 warning notice letters to delinquent taxpayers. Forty-three lawsuits against 63 parcels were filed seeking the collection of \$69,039.05 in delinquent taxes, penalties, and interest. Twenty-one lawsuits were dismissed during this reporting period which involved in excess of \$22,569.09 in taxes, penalties, and interest. Courtroom judgments have been taken in eleven lawsuits involving more than \$8,379.71. Brown stated that the City of Stephenville and Erath County have a good base of taxpayers, reporting that the city collects approximately 97-98% of taxes assessed. Brown summed up by saying, "By the use of all of our collection tools, including notice letters, specialized demand letters,

and litigation, we have collected on your behalf just over \$88,162.25 in delinquent taxes, penalty, and interest from September 1, 2008 to August 31, 2009.”

Mayor Hunter noted for the record that Jennifer Carey, Erath County Tax Assessor-Collector, was in attendance.

MOTION by Alan Nix, second by Alan Nash, to accept the report on delinquent tax collection. MOTION CARRIED.

**IV. Erath County Appraisal District Annual Report—Jerry Lee, Chief Appraiser, and Bill Bailey, Chairman of the ECAD Board of Directors**

Jerry Lee reported the following facts for 2009:

Total Market Value	\$1,200,754,250
Total Taxable Value	894,236,300
Total Exempt	212,423,640
New Value	11,686,190
Total Disabled Veterans Exemptions	1,785,750
Average Home Value	94,067

Lee reported that the number of property sales are down; however, prices have remained relatively constant. He anticipates that the 2010 figures will be in line with this year's numbers.

MOTION by Martha Cashon, second by Alan Nix, to accept the report. MOTION CARRIED.

**V. PLANNING AND ZONING COMMISSION**

**A. Consider request to vacate part of West Park Street right of way along Blocks 26, 27, 28, 29, and 30; Frey First Addition and Block 12, Crow Styles Addition from North Graham Avenue to North Paddock Avenue**

Betty Chew reported that a part of Park Street from Paddock Avenue to Graham Street was paved prior to 1956 outside of the actual bounds of the 50-foot street right of way. The Planning and Zoning Commission recommends vacating this strip of land and convey to the adjacent property owners. The city will retain the 50-foot street right of way.

**B. Consider adopting Ordinance No. 2009-17 declaring a portion of Park Street to have been abandoned**

MOTION by Scott Evans, second by Russ McDanel, to adopt Ordinance No. 2009-17. MOTION CARRIED.

## **VI. Public Hearing on Wind Turbines**

Mayor Hunter opened a public hearing.

Webb Lockwood owns Security Storage Facility at 1038 Glen Rose Road, Stephenville, and desires to install a wind turbine at this location. He distributed brochures on the subject of wind energy to councilmembers.

Charles Crumpley, 12344 E. Northwest Highway, Dallas, Texas, President and CEO of We Know Technologies, gave a presentation on his product and wind energy conversion systems in general.

Mayor Hunter closed the public hearing and directed that this matter be referred to the Planning and Development Committee for further review.

## **VII. PLANNING AND DEVELOPMENT COMMITTEE REPORT**

### **A. Streets in the Vicinity of Tarleton State University**

Scott Evans, Chairman, reported that the committee met on the Tarleton campus with university officials to discuss traffic conditions and pedestrian safety issues, specifically on Vanderbilt Street. This discussion will be ongoing.

### **B. Future Street Projects**

The committee also visited areas where streets have not been completed and could be considered for future thoroughfare expansion.

## **VIII. PUBLIC HEALTH AND SAFETY COMMITTEE REPORT**

### **A. Smoking Ban**

Chairman Don Zelman reported that the committee identified three options for establishing a smoking ban in restaurants located inside the city limits: 1) a total smoking bank; 2) no smoking ban; or 3) a compromise, which calls for the posting of signs—smoking, non-smoking, or mixed. The committee has tabled this matter.

### **B. Consider Approving the Emergency Management Plan**

MOTION by Don Zelman, second by Russ McDanel to adopt the Emergency Management Plan. MOTION CARRIED.

## **IX. GRANTS**

**A. Community Development Block Grant.** Mark Kaiser explained that this grant will provide first-time sewer service to residents along College Farm Road.

1. **Approve Contract with Texas Department of Rural Affairs.** MOTION by Scott Evans, second by Alan Nix, to approve this contract. MOTION CARRIED.
2. **Approve Agreement for Professional Engineering Services with Hibbs & Todd, Inc.** MOTION by Scott Evans, second by Martha Cashon, to approve this agreement. MOTION CARRIED.
3. **Approve Contract with Gary Traylor & Associates.** MOTION by Scott Evans, second by Martha Cashon, to approve this contract. MOTION CARRIED.
4. **Resolution Providing for Signature Authorizations.** MOTION by Joe Cude, second by Don Zelman to adopt this resolution. MOTION CARRIED.

**B. Routine Airport Maintenance Project Grant.** MOTION by Alan Nix, second by Russ McDanel, to approve this grant. MOTION CARRIED.

**C. Dispatch Furniture.** MOTION by Russ McDanel, second by Joe Cude, to approve an agreement with North Central Texas Council of Governments for these grant funds. MOTION CARRIED.

**D. Bosque River Trail Project—Contract with Hardy Hampton for Inspection Services.** MOTION by Russ McDanel, second by Alan Nash, to approve the contract with the addition of a provision that the consideration paid shall not exceed \$60,000. MOTION CARRIED by a 6-3 vote.

**E. Assistance to Firefighter’s Grant Application.** MOTION by Alan Nix, second by Alan Nash to approve this application. MOTION CARRIED.

**X. Consider Approval of Interlocal Agreement with Erath County for Fiber Optic Cable**

MOTION by Russ McDanel, second by Joe Cude, to approve the Interlocal Agreement with Erath County. MOTION CARRIED.

**XI. CONSENT AGENDA**

Scott Evans asked that Item A.1. be removed and noted an error in the minutes. MOTION by Alan Nix, second by Martha Cashon to approve Items A.2., A.3., B., and C. of the consent agenda. MOTION CARRIED. MOTION by Scott Evans, second by Alan Nix, to approve Item A.1. of the consent agenda with the correction noted. MOTION CARRIED.

**A. Approve Minutes**

1. **Regular Council Meeting on September 1, 2009**
2. **Special Council Meeting on September 8, 2009**
3. **Special Council Meeting on September 15, 2009**

**B. Janitorial Services**

**C. Authorization to Purchase Digital Mobile Video Cameras and Portable Radios**

**XII. Comments by City Administrator**

- Groundbreaking ceremony for the Bosque River Trail project took place on September 29.
- Landfill hours have been modified, and the landfill will not be open on Tuesday and Wednesday, which was a temporary change in the schedule.

**XIII. Comments by Councilmembers**

- Scott Evans thanked staff for taking advantage of the many and varied grant opportunities.
- Don Zelman requested that “cell phone use in vehicles” be placed on the next Public Health and Safety Committee agenda.
- Mayor Hunter reminded citizens that applications are being accepted for positions on boards and commissions.

**XIV. Adjourn**

MOTION by Martha Cashon, second by Russ McDanel, to adjourn the meeting. MOTION CARRIED at 7:12 p.m.

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Nancy A. Hunter, Mayor

ATTEST:

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Cindy L. Stafford, City Secretary