

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, JANUARY 4, 2005– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on January 4, 2005, 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	:	Joe E. Cude
Council members	:	Ed Horton Malcolm L. Cross Andrew Johnson Bill Corbin Todd McEvoy Robert W. Burns
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 5:31 p.m. on Tuesday, January 4, 2005, by Mayor Rusty Jergins, who declared a quorum present.

II. CITIZENS' GENERAL DISCUSSION

No one wished to address the council.

III. PLANNING AND ZONING COMMISSION

A. Request to Rezone from B-2 "Secondary and Highway Business District" to R-3 "Multiple Family Residential District" part of Lot 2, Block 34, South Side Addition (2.975 acres) known as 949 South Lillian Street

Betty Chew, Director of Community Development, reported that there is presently a 58-unit apartment complex located on this property, which was constructed in the 1970's. Claremont Investments LTD is the owner of the property. The Planning and Zoning Commission voted to approve this rezoning by a unanimous vote of the members present.

Mayor Jergins opened the public hearing.

Speaking in Favor of Rezoning:

Bill Bailey, 1321 Lockwood, Stephenville, stated that the apartments situated on subject property were constructed prior to the 1985 Zoning Ordinance and carry a non-conforming use.

Speaking in Opposition to Rezoning: No one.

Mayor Jergins closed the public hearing.

B. Consider Adopting Ordinance No. 2005-01 Rezoning from B-2 “Secondary and Highway Business District” to R-3 “Multiple Family Residential District” part of Lot 2, Block 34, South Side Addition (2.975 acres) known as 949 South Lillian Street

MOTION by Robert Burns, second by Todd McEvoy, to adopt Ordinance No. 2005-01. MOTION CARRIED by unanimous vote.

IV. LIBRARY ADVISORY BOARD, Patricia Maxey

A. Annual Report for 2004

Patricia Maxey, President of the Library Advisory Board, gave a report of the past year’s activities. Board members are Annette Albrecht, Margie Derrick, Eloise Horak, Gene Oliver, Janis Petronis, and Bob Walker. A large part of the automation project was completed when the remaining 14,000 book cards were processed by Machine Readable Computer Records. Specific barcodes were returned, and volunteers from the community, Library Advisory Board and Friends of the Library spent one week placing barcodes on each book. Complete automation should be finalized this year. Robert Walker and Eloise Horak, representatives to the North Texas Regional Library System will attend the regional meeting and will keep the board informed of issues and changes in laws affecting our library. Eloise Horak was honored as the NTRLS Volunteer of the Year for her volunteer efforts to the library. Projects during the year included book sales, Christmas on the Square, Open House week, summer Ice Cream Social, and Erath County Writers Contest. Annette Albrecht and Robert Walker serve on the Comprehensive Planning Steering Committee and have kept the advisory board informed of that committee’s progress.

MOTION by Robert Burns, second by Andrew Johnson, to accept the report. MOTION CARRIED by unanimous vote.

B. Consider Approval of Allocation of Funds from the Loan Star Grant

MOTION by Joe Cude, second by Todd McEvoy, to approve the allocation of funds under Loan Star Libraries Grant, Type C. MOTION CARRIED by unanimous vote.

V. CONSIDER APPROVAL TO PURCHASE PLAYGROUND EQUIPMENT FOR OPTIMIST JAYCEE PARK

Drew Wells, Director of Community Services, gave a brief history of this project. Over the last 1 ½ years, the Parks and Recreation Advisory Board and city staff have worked together to identify some areas in our park systems in need of attention. One of the areas that ranked high was existing playground equipment in the Optimist/Jaycee Park. A request was forward to the Optimist Club for financial support in an amount not to exceed \$25,000, based on an estimated project cost of \$50,000. Stephenville City Council appropriated \$25,000 for this project in its FY04-05 budget. Wells recognized John Reynolds with SouthWest Parks & Playgrounds who has met with the park board concerning this project, which includes multiple swings, slides, volcano wall climber, and two playscape areas designed for different age children.

Park board members attending the meeting were Dr. Dennis Jones, Mark Murphy, and Jerry Land. Optimist Club member attending was Dr. Robert Fain. Wells thanked the Optimist Club for its contributions over the last 25 years, totaling over \$115,000 for improvements to Optimist/Jaycee Park, which include sports pavilion, restroom facility, existing playground equipment, backstops and other miscellaneous items.

MOTION by Andrew Johnson, second by Joe Cude, to approve the purchase of playground equipment from SouthWest Parks & Playgrounds through the Buy Board in an amount not to exceed \$38,000. MOTION CARRIED by unanimous vote.

VI. ANNUAL REPORT FROM SPECIALIZED BILLING AND COLLECTION SYSTEM OF TEXAS—Karen Laake

City Administrator Mark Kaiser reported that the city has contract with this firm for the last four years. Specialized Billing & Collection System of Texas has been successful in increasing our actual collections from ambulance services. Karen Laake was unable to attend, but Bruce Glover made the annual report.

Glover reported that revenues have been increasing, and our collection ratio is about 35%. He explained that his firm is a billing service and not a collection agency nor do they engage in “hard core” collection practices or turn customers over to a collection bureau. The billing policy is that all patients with or without insurance are responsible for the complete balance of the invoice, without regard to where the patient lives. This policy also includes Medicare and Medicaid patients, which are responsible for any balances due and not covered by Medicare and/or Medicaid.

It was noted that staff and Specialized Billing will submit recommendations concerning the EMS fee list to the Public Health and Safety Committee for further discussion.

MOTION by Todd McEvoy, second by Bill Corbin, to accept and approve the annual report as presented. MOTION CARRIED by unanimous vote.

VII. PERSONNEL COMMITTEE REPORT—Texas Municipal Retirement System Presentation

Chairman Joe Cude reported that Eric Davis of the Texas Municipal Retirement System made a presentation about the establishments and requirements of TMRS for city participation in the system. City of Stephenville participates at the employee deposit rate of 6% with the city matching ratio of 2 to 1. Because of the legislation that established TMRS, the participating member's employees have no choice but to participate.

VIII. PLANNING AND DEVELOPMENT COMMITTEE REPORT—Residential Zoning Areas

Chairman Robert Burns reported that the committee reviewed a draft copy of the first five chapters of the Zoning Ordinance. The major changes to the Zoning Ordinance, as proposed by the Planning and Zoning Commission are as follows:

A "Residential Estate District" is proposed for large single family dwellings having a minimum lot size of one acre and a minimum floor area of 2,400 square feet.

A "Single Family Residential District" is proposed with a minimum lot size of one-half acre and a minimum floor area of 1,800 square feet.

The current "Single Family Residential District" will be revised to increase the minimum lot size from 6,000 square feet to 7,500 square feet. The minimum floor area has been increased from 1,000 square feet to 1,500 square feet.

The "One and Two Family Residential District" will be revised to permit single family and two family (duplex) dwellings. The triplex and quadraplex housing has been removed from this district.

The "Multiple Family Residential District" will be revised to reduce the density of multi-family dwellings (5 or more units) from 35 units per acre to 24 units per acre.

A "Manufactured Housing District" is proposed to provide a residential zoning district for persons living in manufactured homes, on individual lots, outside of a mobile home park. The manufactured homes will be placed on permanent foundations.

IX. CONSIDER APPROVAL OF RESOLUTION NO. 2005-01 SUSPENDING THE PROPOSAL BY ATMOS ENERGY CORPORATION

Shelley Burnett, Community Relations Manager for Atmos Energy Corporation appeared before the council, and explained the impact to the customer for the requested interim rate adjustment. There will be an increase for residential customer charge from \$9.00 to \$9.31 per month.

MOTION by Bill Corbin, second by Joe Cude, to adopt Resolution No. 2005-01. MOTION CARRIED by the following vote:

Ayes: Council members Horton, Cross, Cude, Johnson, Corbin, McEvoy, and Mayor Jergins.
Nays: None
Abstentions: Council member Burns (Conflict of Interest)

X. CONSIDER APPROVAL OF RESOLUTION NO. 2005-02 AUTHORIZING INTERVENTION BEFORE THE RAILROAD COMMISSION OF TEXAS IN GAS UTILITIES DOCKET NO. 9530

MOTION by Joe Cude, second by Andrew Johnson, to adopt Resolution No. 2005-02. MOTION CARRIED by the following vote:

Ayes: Council members Horton, Cross, Cude, Johnson, Corbin, McEvoy, and Mayor Jergins.
Nays: None
Abstentions: Council member Burns (Conflict of Interest)

XI. CONSENT AGENDA

MOTION by Bill Corbin, second by Robert Burns, to approve the Consent Agenda as follows:

- A. Approval of Minutes of Regular Council Meeting on December 7, 2004**
- B. Appoint Councilmember McEvoy as Chairman of the Public Health and Safety Committee**
- C. Approval of Election Judge and Alternate Election Judge**
- D. Approval of Renewal Permit for MetroCare Services-Abilene, L.P.**

MOTION CARRIED by unanimous roll call vote.

XII. COMMENTS BY CITY ADMINISTRATOR

Clifton Heights Water Line Project has been completed.
Recreation Hall gymnasium has been repainted.

Kaiser announced that effective February 1, 2005, the City of Stephenville will start enforcing the city ordinance Section 19-1, which states, "It shall be unlawful for any person other than a duly authorized city employee to open a city water meter box." This ordinance carries with it penalties in the form of fines up to \$500.

XIII. COMMENTS BY COUNCIL MEMBERS

Mayor Jergins recognized special guests in the audience and called on city attorney Randy Thomas who introduced his second daughter, Sarah, and his third grandchild, Grace. Sarah's husband is Capt. Jason Graham, a Tarleton graduate, who is stationed in Iraq.

XIV. EXECUTIVE SESSION. At 6:50 p.m., Mayor Jergins recessed the open portion of the meeting, and the 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. 551.074 Personnel Matters (a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Appointment of Fire Chief

At 7:29 p.m. the council reconvened in open session.

XV. ACTION TAKEN ON MATTERS DISCUSSED IN EXECUTIVE SESSION

MOTION by Todd McEvoy, second by Joe Cude, to confirm Mark Kaiser's recommendation to appoint Jimmy Chew as the City of Stephenville Fire Chief at a salary of \$62,988.

Council member Burns made the following statement: "I support the hiring of Mr. Chew, however, I do not support the compensation package as it was presented to the council in executive session, primarily because the package is a lump sum package and has no vehicle allowance in it. I feel that the package should have, as the current package does, have \$3,600 vehicle allowance and will not support the motion that's on the floor."

MOTION CARRIED by the following vote:

Aye: Council members Horton, Cross, Cude, Johnson, Corbin, McEvoy, and Mayor Jergins.

Nay: Council member Burns.

XVI. ADJOURN

MOTION by Joe Cude, second by Andrew Johnson, to adjourn the meeting.
MOTION CARRIED by unanimous vote at 7:31 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary