

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

The City Council of the City of Stephenville, Texas, convened on April 5, 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 Robert W. Burns Barry Ratliff
Absent	:	Todd McEvoy Bill Corbin
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 5, 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 REPORT**

**A. Consider approval of Final Plat of Ridgeview Estates, Phase II**

Betty Chew, Director of Community Development, reported that this 5.85 acre single-family residential subdivision is located adjacent to the River North I and River North II Additions. Dr. Kam Ip and Ray Reynolds are the developers of the property, which provides for 25 single-family residential lots. The Planning and Zoning Commission is recommending approval of this final plat.

MOTION by Ed Horton, second by Robert Burns, to approve the final plat of Ridgeview Estates, Phase II. MOTION CARRIED by unanimous vote.

**B. PUBLIC HEARING to Consider Request to Rezone from I "Industrial District" to R-1 "Single Family Dwelling District", Lots 7B, 8, 9; Block 1; Park Place Addition and Lots 2A, 3A, 4A, 4B, (South 2' of 2A); Block 7; Shapard and Collins Addition known as 610, 622, 634, and 646 North Race Avenue.**

Betty Chew reported that the Planning and Zoning Commission recommends approval of this rezoning.

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning:

Sue Cullers, one of the property owners of this rezoning request, spoke on behalf of the applicants, who are Don W. and Sue Cullers, Carl Lilljedahl, Peggy Sparks, and Robin Fanning. Cullers said that R-1 better reflects the nature of the neighborhood as single-family dwellings are located on these properties.

Speaking in Opposition of Rezoning: No one.

Mayor Jergins closed the public hearing.

**C. Consider Ordinance (No. 2005-05) Approving the Request to rezone from I "Industrial District" to R-1 "Single Family Dwelling District", Lots 7B, 8, 9; Block 1; Park Place Addition and Lots 2A, 3A, 4A, 4B, (South 2' of 2A); Block 7; Shapard and Collins Addition known as 610, 622, 634, and 646 North Race Avenue.**

MOTION by Robert Burns, second by Joe Cude, to adopt Ordinance No. 2005-05. MOTION CARRIED by unanimous vote.

**D. PUBLIC HEARING to Consider Changes to Chapters 1 through 5 of the Stephenville Zoning Ordinance.**

Betty Chew briefly discussed the process up to this time. The Planning and Zoning Commission began review of the Zoning Ordinance about two and one-half years ago and have rewritten the residential sections along with the definitions section. The draft of the ordinance was forwarded to the council's Planning and Development Committee in November. Changes were requested by the council and incorporated into the draft. Primary changes to the ordinance are the addition of the residential estate classification, residential ½ acre classification, and a smaller size residential lot for smaller single family residences.

Mayor Jergins opened a public hearing.

Speaking in Favor of the Changes: No one.

Speaking in Opposition of the Changes: No one.

Mayor Jergins closed the public hearing.

MOTION by Robert Burns, second by Andrew Johnson, to approve Chapters 1 through 5 of the Stephenville Zoning Ordinance. MOTION CARRIED by unanimous vote.

#### **IV. NOMINATIONS COMMITTEE REPORT**

Malcolm Cross reported that no applications have been received for the Fourth of July Family Fun Fair. Changes in the format of the Family Fun Fair are being considered, emphasizing more activities in the morning and late evening when the crowds are larger.

Cross mentioned the issue of legislation which would remove the exemption for state universities from paying storm water drainage fees. TML has advised that no bills are planned to be introduced which would effect this action. Cross stated that it is too late to file a bill, but an amendment could be added to a bill in order to introduce this legislation.

Robert Burns, who has been monitoring this subject, stated that he was in Austin last week and had dinner with Representative Sid Miller. Representative Miller assured him [Burns] that he would try to find a vehicle for an amendment to be introduced.

Cross clarified for the record that Tarleton did not seek this exemption in the first place and does not oppose the removal of this exemption.

- A. Appointments to Fourth of July Family Fun Fair**
- B. Report on 2005 Family Fun Fair**
- C. Discussion of Legislation Concerning Stormwater Drainage**

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

Ed Horton gave the committee report in Todd McEvoy's absence.

##### **A. Consider Approval of Application for EMS Local Projects Grant**

MOTION by Ed Horton, second by Malcolm Cross, to accept a grant from Texas Department of Health Services in the amount of \$6,420 to be applied toward the

purchase of a 12-lead cardiac monitor/defibrillator. The total purchase price of the unit if purchased through HGAC will be \$15,695.71 and will require the city to provide \$9,275.71 from reserve funds. MOTION CARRIED by unanimous vote.

**B. Consider Approval of Application for Assistance to Fire Fighter Grant**

MOTION by Ed Horton, second by Andrew Johnson, to approve the application for a grant through FEMA Homeland Security in the amount of \$95,000. If successful, this grant would be used to fund the purchase of a stationary breathing air compressor and fill station to replace the 20-year-old unit now in use. It would also fund an additional mobile compressor unit and fill station to be used at Station II and while on the scene of incidents. The grant will require the city to provide a funding match of 10%. MOTION CARRIED by unanimous vote.

**C. Racial Profiling Report**

Ed Horton reported that the committee received this information as required by Senate Bill 1074.

**D. Uniform Crime Report**

Acting Police Chief Mark Johnson reported that this report is required by each law enforcement agency for statistical purposes. These records are attached hereto and made a part hereof for all purposes.

**E. Consider Adopting Resolution (No. 2005-04) Requesting Traffic Control Issues**

MOTION by Ed Horton, second by Robert Burns, to adopt Resolution No. 2005-04. MOTION CARRIED as follows:

Ayes: Council members Horton, Cross, Cude, Burns, and Mayor Jergins.

Noes: Council member Johnson.

**VI. PLANNING AND DEVELOPMENT COMMITTEE REPORT**

**A. Brick Street—Race Street**

Burns reported that Race Street has been identified as an area where we need to replace the waterline between Tarleton and Sloan Streets. It's an isolated brick street and not adjacent to any other designated brick street. Burns also requested that when these bricks are removed that a count be maintained of that percentage of brick that is salvageable.

MOTION by Robert Burns, second by Joe Cude, to remove Race Street from the brick street plan, and bricks that will be removed are to be salvaged. MOTION CARRIED by unanimous vote.

**B. Residential Zoning Areas**

Action on this item was taken under Agenda Item III.D.

**C. Comprehensive Plan Sections, Chapter 5**

The committee discussed existing and proposed thoroughfares in the city and its extraterritorial jurisdiction.

**D. Consider Approval of Sale of Portions of Shirley, Garfield, and Jones Streets to Tarleton State University**

MOTION by Robert Burns, second by Andrew Johnson, to authorize staff to negotiate a purchase price for these portions of streets with Tarleton State University. MOTION CARRIED by unanimous vote.

**E. Stormwater Drainage Update**

The committee received a report from Carter Burgess, Inc. and a timeline for completion of the engineering phase of this project.

**F. New Library**

City Administrator Kaiser reported that the Library Advisory Board members received input from Hidell and Associates about the Stephenville Funeral Home property as a potential site for a library. The proposal includes Task 1, define library needs (\$5,200) and Task 2, existing facility investigation (\$1,600/per site or facility reviewed).

Defining the needs of the library for our community is the first, necessary step in planning for a new facility. This task will only provide the city an analysis of the space required for the facility based on the library services offered and the projected service population to year 2015. Task 2, existing facility investigation, is a site specific review of the funeral home property only. The consultant, upon completion of the needs assessment, will define the compatibility with library use and prepare a conceptual plan layout. Neither task will produce cost estimates or comparisons to a new library facility.

The following options are recommended to proceed:

Option 1. Enter into an agreement with Hidell and Associates for professional services as described above not to exceed \$6,800.

Option 2. Solicit Requests for Proposals (RFP) for professional services for a needs assessment and conceptual design, and grant writing for a new library facility.

Option 3. Enter into negotiations with Hidell and Associates for professional services to perform a needs assessment, conceptual design, and grant solicitation for a new library facility (estimated cost \$25,000 to \$40,000).

MOTION by Robert Burns, to table this matter and move it back to Planning and Development Committee for the first meeting after the city election [May 7, 2005]. Motion died for lack of a second.

MOTION by Barry Ratliff, second by Robert Burns, to accept Option 2. MOTION CARRIED by unanimous vote.

## **VII. PERSONNEL COMMITTEE REPORT**

### **A. Consider Bid Award on Health Insurance Proposals**

MOTION by Joe Cude, second by Ed Horton, to accept the bid from Blue Cross and Blue Shield for health insurance, which reflects a 7% decrease in premiums. MOTION CARRIED by unanimous vote.

MOTION by Joe Cude, second by Andrew Johnson, to accept the bid from Genworth Financial for dental insurance. MOTION CARRIED by unanimous vote.

MOTION by Joe Cude, second by Ed Horton, to approve the contract with Conexis to provide COBRA services at a cost of \$150 per employee. MOTION CARRIED by the following vote:

Ayes: Council members Horton, Cross, Cude, Burns, and Mayor Jergins.

Noes: Council member Johnson.

MOTION by Robert Burns, second by Joe Cude, to approve Butch Fraser of Fraser Insurance Agency as the servicing agent to dental and health services. MOTION CARRIED by unanimous vote.

### **B. Employee Handbook Revisions**

The committee has begun reviewing proposed changes to the Employee Handbook and will continue that review at the next committee meeting.

**VIII. CONFIRM DEFAULT CONSUMER PRICE INDEX ADJUSTMENT TO MUNICIPAL TELECOMMUNICATIONS RIGHT-OF-WAY ACCESS LINE RATES**

Don Ives, Director of Finance, explained that as a result of legislation, the city is able to receive benefits from telecommunication companies doing business within the city by way of customers paying an access line fee per phone. He said the council has three options: 1) accept the CPI adjusted maximum access line rates; 2) decline the increase in access line rates; or 3) take no action, which would result in automatic implementation of the CPI adjustment.

MOTION by Barry Ratliff to decline the increase. The motion failed for lack of a second. Mayor Jergins announced that the CPI adjustment would be automatically implemented as a result of no action by the council.

**IX. CONSENT AGENDA**

Joe Cude asked that Item C be removed from the consent agenda.

MOTION by Andrew Johnson, second by Joe Cude, to approve Items A, B, and D. MOTION CARRIED by unanimous roll call vote.

- A. Approval of Minutes of Regular Council Meeting on March 1, 2005**
- B. Appoint Election Judges for May 7, 2005 City General Election**
- C. Approval of Bid Award for 2005 Waterline Replacement Program**
- D. Resolution No. 2005-05 Requesting Federal Non-Primary Entitlement Funds**

Council member Cude wanted to focus attention on the specifics of this bid award. It was noted that this project is for waterline replacement on Vanderbilt and Race Streets with an alternate bid for Donna Street. The project includes approximately 1400 feet of six-inch water line and all appurtenances. The existing lines in the area range in size from  $\frac{3}{4}$ -inch to six-inch. Fire hydrants will also be added. The new lines will improve pressure problems and provide additional fire protection in the area. The current budget includes \$200,000 for line replacement. The base bid is \$192,455, the alternate bid, \$45,950, for a total of \$238,405. The current budget provides for \$200,00 for line replacement, but the amount in excess of the budget will be funded from the rate increase as a result of the surface water project.

MOTION by Joe Cude, second by Andrew Johnson, to award the bid for water line replacement to Hoot Johnson Construction in the amount of \$238,405. MOTION CARRIED by unanimous roll call vote.

**X. COMMENTS BY CITY ADMINISTRATOR**

City Administrator Kaiser highlighted some upcoming projects: surface water pipeline, Bosque River Trail, and stormwater drainage report.

City Park tennis court renovations have been completed. Optimist Jaycee Park improvements are underway, including refurbishing the backstops, picnic areas, and trails.

**XI. COMMENTS BY COUNCIL MEMBERS**

**XII. ADJOURN**

MOTION by Robert Burns, second by Barry Ratliff, to adjourn the meeting.  
MOTION CARRIED by unanimous vote at 7:36 p.m.

---

Russell E. Jergins, Mayor

ATTEST:

---

Cindy L. Stafford, City Secretary