

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, FEBRUARY 7, 2006– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on February 7, 2006, 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:

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| Mayor | : | Rusty Jergins |
| Mayor Pro-Tem | : | Todd McEvoy |
| Council members | : | Cyndi Godwin Malcolm L. Cross Andrew Johnson Alan Nash (tardy 6:50 p.m.) Mark Murphy Barry Ratliff |
| Absent | : | Nancy Hunter |
| 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, February 7, 2006, by Mayor Rusty Jergins who declared a quorum present. He noted that Council Member Hunter is out of town and Council Member Nash is in court awaiting a jury decision.

II. CITIZENS' GENERAL DISCUSSION

No one wished to address the council.

III. PLANNING AND ZONING COMMISSION

- A. PUBLIC HEARING to consider request to rezone from R-1 "Single Family Dwelling District" to B-2 "Secondary and Highway Business District" 2.942 acres Wm. Motley Survey, Abstract 515, Erath County, Texas a/k/a Lots 31, 32, 33; Pecan Hill Estates Addition, located on the northeast corner of the Northwest Loop and Pecan Hill Drive.**

Betty Chew gave the staff report stating that the Planning and Zoning Commission recommends denying this request. She explained that since this constitutes a negative recommendation from P&Z, the council would have to pass this measure by a super-majority vote (seven affirmative votes).

In response to questions by Mark Murphy, Betty Chew confirmed that subject property is recommended for commercial use in the current comprehensive plan, and Randy Thomas explained that subject property is platted in the plat which was accepted as Pecan Hill Subdivision. From the material he has reviewed, this property is not subject to the restrictions for the numbered lots. Chew further answered that the lots in question were annexed into the city in 1976.

Applicant, James Bachus, representing the James Bachus Family Trust, 471 Harbin Drive, Stephenville, Texas, made his presentation to the council. He explained that he is asking for this zoning change on highway property, therefore, he is requesting the B-2 Secondary and Highway Business District zoning classification. He stated that the original reason for his request was that he had a contract for sale to Allsup's Convenience Store. Bachus stated that at this time, he has no contract and that Allsup's has "backed out due to the organized resistance by the neighborhood north of this property".

Bachus stated that no member of the Planning and Zoning Commission gave a reason for denying his request. He said there were no "laws of nuisance" or "pre-existing limitations" mentioned. He said, "I believe their decision was based on a bias and favoritism issue."

Bachus continued, "When I purchased the property in 1993, because I do real estate for a living. I do lots of research, and I researched the property before I purchased it and found that it was zoned R-1. The R-1 zoning that's on the property was placed on the property when it was annexed into the city. As with all annexations into the city, all property is brought in as R-1. Because of this annexation and expansion of the city limits, there was no formal action other than the annexation to put permanent zoning on this property that I'm aware of. The comprehensive plan at that time and at this time calls for the use of the property to be commercial. I have produced a copy of the map that's in your packet. My property is not a part of Pecan Hills Subdivision nor is it deed restricted in any way. I have also provided you with this information. I feel that it was reasonable for me to expect the property would be zoned B-2 because it was on the highway, and the comprehensive plan indicated that it was to be used as commercial development. My belief is that the highest and best use of the property is commercial. I gave you a tax study that shows the difference between commercial property which adjoins me and my property--11¢ per square foot for my property, and \$1.80 for the other. The condition around the property has changed since 1993. Both of the properties across the street from

my property have been zoned B-2 by this council. My neighbors to the east have sold their property and sold it as B-2 and they have an investor there that may build a building. My neighbors to the west have indicated in a letter that I gave to you that they wish for their property to be rezoned also. Wolfe Nursery Road has been built, and this property is now a major intersection. My property meets all the requirements of the B-2 zoning ordinance in place today. My request is in accordance with the current comprehensive plan. The land use activity requested is consistent with formerly adopted city goals and plans. If rezoned, any building would have to comply with the city's site design standards. My property rights and my property values, in my opinion, would be greatly diminished if not zoned B-2. There are those who oppose this rezoning and they are organized, which I know you know because you've gotten lots of emails and lots of letters and lots of contacts. They are trying to place political pressure on you to stop my property from being developed in any form or fashion. They are asking you to diminish my property rights and values by denying this zoning request with no real reason. If you have a reason, I would certainly like to hear it tonight. I am asking you to follow common sense and guidelines that are reasonable and vote 'Yes' for rezoning."

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning:

Mayor Jergins directed that James Bachus' comments be entered in the record as speaking in favor of this rezoning request.

Speaking in Opposition to Rezoning:

Rusty Rose, 1416 Pecan Hill Drive, Stephenville, said he hopes common sense will prevail. Concerning the plat, Rose said there is no doubt in his mind that these lots were platted for residential purposes only. He circulated pictures taken of Allsup's Convenience Stores in DeLeon, Comanche, and other cities. Rose stated that their motivation is not political. He said that he is doing what Mr. Bachus is doing—just trying to protect his investment. He asked the council to put themselves in his shoes. Upon question by Mark Murphy, Rose stated that he lives inside the city limits and that he would like for the subject property to retain the residential zoning classification.

Mary Ann Arnold, 1450 Pecan Hill Drive, Stephenville, stated that she and her husband tried to purchase two of the three lots in question in 1992. She said that at the time, they were tied up in bankruptcy proceedings. They purchased a lot and built a house further down the street. She said because of the size of the subject lots, that feature would make them more attractive to a buyer wanting to build a large home. She also stated that when Wolfe Nursery Road was built, she anticipated traffic to increase on Pecan Hill Road; but has

been surprised that the volume of traffic has not increased. She said, however, that if a business goes in, traffic could increase greatly if an entrance were to be built on Pecan Hill Road. She said that depending on what type of business is built on subject property, there is the potential of an increase in crime. She also said that she and her husband are also just trying to protect their assets.

Kirk Conklin, 1424 Pecan Hill Drive, Stephenville, said that he and his wife built a house there in 1999. He said he believes that no one would have built a house in that location if there were any chance that an all-night convenience store were going to be built in the area. He said this is one of the nicest neighborhoods in Stephenville, and that he didn't believe putting a convenience store on subject property is the highest and best use of the property. He suggested that an office building would be more appropriate on subject property.

J. P. Clayton, 1401 Pecan Hill Drive, Stephenville, said that he was speaking on behalf of his mother, Pam Clayton, who owns property which is the closest to subject property. He said that Mr. Allsup may have backed out of his contract with James Bachus, but that there is no guarantee that he couldn't change his mind if rezoning were granted. Clayton said that he and his mother feel that if a convenience store is to be built there, it will devalue her property. He said that as a builder, there is not an abundance of residential building sites as it is.

Barry Ratliff clarified that the property owned by Pam Clayton also adjoins property on its east side which is zoned B-2.

Jerry Emmons, lives at 1484 Highland View Drive, Stephenville, which is not in the city limits. He referred to a letter which he had emailed each council member and in which he outlined his objections to this rezoning request. He stated that James Bachus had mentioned at the P&Z meeting a barrier/buffer zone between the convenience store and the residential lots to the north, and that the impact to the residents of that area would be insignificant. Emmons said that the impact of a convenience store would be much more than insignificant. Upon question by Mark Murphy, Emmons answered that he would not object to a nice office building on subject property, and "any business in a B-1 zoning classification would create much less traffic and much less problems than any business in B-2 zoning."

Doug Svien, lives at 1437 Pecan Hill Drive, Stephenville, which is not in the city limits. He said that theirs was a residential neighborhood when he bought it and it should stay that way. He speculated that crime will increase if rezoned [to B-2] but added that B-1 zoning would not be "as big an issue".

Robert Levis, lives at 1442 Pecan Hill Drive, Stephenville, which is not in the

city limits. He raised the issue of fundamental trust between government and its citizens and that it goes beyond the traditional interpretation of protecting the people and their property but also their property values. He said that B-2 could drive down property values, but that he is not opposed to B-1. He also pointed out that children walk down Pecan Hill Drive to go to school. He said the intersection as it exists right now is a “nightmare” but will be even worse should a convenience store be built there.

Bob Glasgow, 1400 Pecan Hill Drive, Stephenville, recognized and expressed his sincere appreciation for the service of the council members to the city. He said that he believes that the responsibility of the city council and as public servants is to “protect the public welfare and to ensure that the citizens in this community can live together in some sense of harmony and peace”. He told the council that this property was developed as Pecan Hill Estates, and offered the following chronological information: “John Boucher was the attorney for Danny Wolfe when he did this. Danny Wolfe got this property when the Wolfe estate was divided. Hugh got the property across the street. The two Wolfe girls got the property between Pecan Hill road and the next intersection, and Danny developed this and John Boucher was his lawyer. Wayne Graham was the surveyor. He surveyed this out into lots, and they’re numbered lots, and there they are [referring to a copy of the plat]. They were residential lots, and I think I bought the first lot out there. There are deed restrictions, and I have a copy out of my original file. This plat was done by Wayne Graham in 1982. I bought a lot in 1982, and here are the deed restrictions on all of these lots. The deed restrictions run with the land. They simply say you’ve got to build a residence; you can’t put a mobile home there; the residence has to be brick; they have to be a minimum number of size; you can’t put trailer houses and a bunch of other stuff. Most of you are familiar with deed restrictions, and the deed restrictions ran with this property. Here’s what occurred. Danny Wolfe and John Boucher went down and filed this plat with the county, and this is a county plat. At the time they filed this with the county, they didn’t correspondingly go over and file this with the city. So, the first part of these lots—1, 2, 3 (31, 32, and 33)—were in the city and not in the county. When they got platted, the city didn’t accept these as platted lots. But let me tell you, from day one, these have been residential lots. There’s no question about that. They’re R-1. The comprehensive plan that came up and your engineers did that and they looked at the whole city, and what they did is they said, ‘The future use at some time in the future may be commercial.’ Your planning and zoning committee has spent nearly two years looking at that comprehensive plan. In my opinion, Dave Shepherd knows more about zoning in this city than most of us. The comprehensive plan has been submitted for your approval. You may accept it, and you may not. Your zoning committee has recommended these lots be R-1. Let me give you a history about it. When Danny did these lots, we all bought lots based on this plat. I did. My name is on the deed restrictions where I initialed those, because we made a correction. What Mr. Bachus did,

Danny Wolfe got into a little trouble, and these lots that he had here went into a trustee bankruptcy. Mr. Bachus went over and bought these three lots at a bankruptcy sale for \$8,500. The interesting story about that is the guy that owns the lot between me and the city was a guy named Don Dorsett and his wife, Gay Dorsett. They bought this lot out there to build a house on. They got concerned about Mr. Bachus buying that property over there, so he says, 'Glasgow, let's buy the rest of it.' And I said, 'Fine.' He went to the bankruptcy sale to buy the rest of that property for me and him, and he paid \$15,000 for the property across the street. When he got back, I said, 'Don. How much do I owe you for my part of that?' and he said, 'Oh, I think I'll just keep it.' And he did, and Don Dorsett owns the property across the street. Mr. Bachus has had an opportunity to sell that property. Mr. Ross, one of my neighbors, went to Mr. Bachus more than ten years ago and said, 'Mr. Bachus, I want to buy that property. What would you take for it?' He said, 'I'll take \$280,000 for it.' Kay Fraser went down and wanted to buy a lot there and Mr. Bachus told her he wanted \$1 million for the property. I called Don Dorsett, and I said, 'Don, are you interested in selling any of your property across the street? Deanna and I would like to buy some more of those lots.' And he said, 'Well, I'm not gonna sell 'em right now because Mr. Bachus assures me that those are going to be zoned commercial and they will be worth a lot more money.' That's a history of those lots.

"I thought of my other neighbors, and I thought, 'Goodness, gracious. Would you want somebody to build an all night convenience store at the corner of your property? That's just not reasonable. That's not a reasonable use of that property. Mr. Bachus on information and belief had a contract on that for \$480,000. Your interest in this is not to make Mr. Bachus money. It's to do what's in the best interest of the community. Mr. Bachus has appeared before the city zoning committee five times and before this city council, this is his fourth time requesting that it be zoned B-1. And not one occasion has he been successful. Planning and zoning committee—we went to P&Z and talked to them. One of the guys said, 'I misunderstood the vote. I didn't intend to vote to rezone that.' The next time it came up, he didn't. Another member of the P&Z said, 'Glasgow, I went out and looked at that property.' And he said, 'Lord, no. That is the worst thing in the world to do with that property—to zone that B-1 and put a filling station there.'

"So we ask you not to do so. The question, Mark, that you're asking is this—You're gonna get me divorced, and I don't know any way to take the Fifth. I'm not under oath, and I guess I could just lie about it. The problem is this—that property goes back three lots deep back. Go, look at it. It goes extensively into that neighborhood. I do not believe under any circumstances you ought to zone that B-2 all the way through to all of the property Mr. Bachus owns. If Mr. Bachus was reasonable and wanted to do the right thing, he might request B-1 on the first lot there by the road. Mr. Bachus has never done so. He has

refused to do so. He wants all of his property zoned B-3, and that is just an attempt to destroy the neighborhood. I'm not being critical, but there's a history of what we do, and the way we judge people is by history. The first major development we put in this community was at the golf course—The golf Course Estates. That was the first real residential development within Stephenville. Who went in there after that development was done and put all those storage buildings right in the front of that development to the extent that the people that lived behind it had to sell their homes because they couldn't sleep at night with the all-night lights on the storage buildings. We don't want you to do that to our development in the same way Mr. Bachus has done some other developments. We ask you to vote 'No' on this zoning request as it is presently offered.”

Rebuttal in Favor of Rezoning:

James Bachus, said that he has tried to boil this down to an hierarchy of rights—“The city has the right to tell me what to do with my property through zoning, and I understand that and I'm willing to accept that decision. The other rights that there are out there are personal property rights, and one of the common themes that each one of these people have which is very understandable, is they're concerned about their personal property rights and what it may do to them for me to develop my property. One of the issues that I think is so important, is their personal property rights. And that's all I'm asking the council to do is to allow me to use my property in the highest and best use along with my personal property rights.

“The other right is a civil right. A civil right says that these people have a right to come up here and say what they want to in any fashion that they want to and make any comment that they want to and how it's going to affect them. But their civil rights do not override my personal property rights nor do my civil rights override my personal property rights. When you have your own piece of property, you pay your own taxes for it and you can use it the best way that you can, that's what counts, and that's all I'm asking the council to do.”

Mayor Jergins closed the public hearing. Following discussion by council, MOTION was made by Mark Murphy, second by Malcolm Cross, “that we approve Ordinance No. 2006-03 rezoning the land from the zoning classification of R-1 “Single Family Dwelling District” to B-2 “Secondary and Highway Business District”. MOTION FAILED by the following vote:

Ayes: Council members Cross and Murphy.

Noes: Council members Godwin, Johnson, McEvoy, Ratliff, and Mayor Jergins.

Alan Nash abstained from voting, claiming a conflict of interest and having

filed an Affidavit of Conflict of Interest with the city secretary.

B. Consider Adopting Ordinance (No. 2006-) rezoning from R-1 "Single Family Dwelling District" to B-2 "Secondary and Highway Business District" 2.942 acres Wm. Motley Survey, Abstract 515, Erath County, Texas a/k/a Lots 31, 32, 33; Pecan Hill Estates Addition, located on the northeast corner of the Northwest Loop and Pecan Hill Drive.

C. Consider Final Plat of Doss Subdivision Phase III, being 1.170 acres of the Wm. Motley Survey, Abstract 515, Erath County, Texas.

MOTION by Todd McEvoy, second by Mark Murphy, to approve the final plat of Doss Subdivision Phase III. MOTION CARRIED by unanimous vote.

D. Consider Final Plat of Lot 1, Block 172, City Addition, being 0.538 acres of the Wm. Sims Survey, Abstract 683, Erath County, Texas

MOTION by Mark Murphy, second by Todd McEvoy, to approve the final plat of Lot 1, Block 172, City Addition, MOTION CARRIED by unanimous vote.

IV. COMPREHENSIVE ANNUAL FINANCIAL REPORT, Paula Spiegelhauer with Pattillo, Brown, and Hill, L.L.P.

Don Ives, Director of Finance and Administration, introduced Paula Spiegelhauer, who made the presentation and answered questions from council members. She noted that at year end, the balance of the general fund was \$8.4 million, which was an increase of approximately \$350,000 from the prior year. This is a result of receiving more revenue as well as keeping expenditures under budget. She said that the city is definitely financially strong.

MOTION by Alan Nash, second by Todd McEvoy, to accept the report and refer it to the Finance Committee. MOTION CARRIED by unanimous vote.

V. ANNUAL UNIFORMED CRIME REPORT AND REPORT ON RACIAL PROFILING—Captain Mark Johnson

Captain Mark Johnson made this annual report, copies of which are attached hereto and made a part hereof for all purposes.

MOTION by Todd McEvoy, second by Barry Ratliff, to accept the Uniformed Crime Report and the Report on Racial Profiling. MOTION CARRIED by unanimous vote.

Captain Johnson thanked the council for the opportunity to serve as acting police

chief upon Roy Halsell being called to active duty. He said it has been an honor to lead the wonderful group of officers at the Stephenville Police Department.

Following his report, Mayor Jergins presented Mark Johnson with a resolution from the city council expressing appreciation for his service as acting police chief. Mayor Jergins said, "We are deeply indebted to you for the service you have provided and the contributions you have made. You have performed admirably and have represented your colleagues in the public safety area quite well." Jergins added, "I can personally say that we had confidence in you and that you have done an excellent job and have represented not only your peers but your profession quite well." The resolution is attached hereto and made a part hereof for all purposes.

Police Chief Roy Halsell started off by saying that he is glad to be back and to be back at work. He said it means a lot to come back to a good job. He acknowledged his appreciation to Mark Johnson for the job he has done as acting police chief. Halsell said he was confident that he was leaving the department in good hands.

Halsell thanked the city council for the support that was shown upon his deployment to Afghanistan. He specifically mentioned the council's resolution of support and the care packages from staff and council. As a visible means of appreciation, he presented to the mayor and council a shadow box issued by The Army National Guard. The elements of the shadow box were developed by the National Guard as a means of expressing appreciation to employers who have soldiers who are called up for service. It is also presented on behalf of other National Guardsmen who work for the city—Brandon West, who recently returned from Iraq, and Alan Dalley, currently serving in Kuwait. The message in the box reads as follows:

"We will not waver,
we will not tire,
we will not falter,
and we will not fail."

"Peace and Freedom will prevail."

George W. Bush
43rd President of the United States
October 7, 2001

Halsell again thanked everyone for their support, their thoughts and prayers.

VI. FINANCE COMMITTEE REPORT

A. Project Financing Plan—Consider Adopting Resolution No. 2006-02 Directing Publication of Notice of the City’s Intent to Issue Combination Tax and Revenue Certificates of Obligation for Water and Sewer Line Extensions and Related Street Improvements

Alan Nash reviewed the project financing plan. The estimated cost for all the improvements in the 2003 Annexation Service Plan is \$2.6 million. Of this, council is considering funding \$2 million. The remainder will be funded from pro-rata charges and additional service revenue as development occurs and connections are made within the respective areas and from funds remaining from the 2003 water bond issue and from remaining funds from assessments on the Wolfe Nursery/Frey Street project. George Williford from First Southwest Company, the city’s financial advisor was in attendance to answer questions concerning this item.

MOTION by Mark Murphy, second by Cyndi Godwin, “that we accept the staff’s recommendation and approve Resolution No. 2006-02 directing publication of notice of the city’s intent to issue combination tax and revenue certificates of obligation for a period of ten years.” MOTION CARRIED by the following vote:

Ayes: Council members Godwin, Cross, Johnson, Nash, Murphy, and Mayor Jergins.

Noes: Council members McEvoy and Ratliff.

B. Review Water/Sewer Rates

The committee will continue discussion of this matter at future committee meetings.

VII. PLANNING AND DEVELOPMENT COMMITTEE REPORT

A. Annexed Service Plan—Consider Approval of Project for Bidding

MOTION by Todd McEvoy, second by Andrew Johnson, “to authorize Schrickel, Rollins and Associates, Inc. to complete the final plans and specifications and seek bids for extending water and sewer services to the project areas.” MOTION CARRIED by unanimous vote.

B. Multi-Purpose Facility--Confirm Appointment of Interview Committee

MOTION by Todd McEvoy, second by Barry Ratliff, “to name two staff members being Betty Chew and Drew Wells and two council members being Nancy Hunter and Barry Ratliff” to the interview committee.

Alan Nash offered a friendly amendment to add two other people to the committee,

those being Eloise Horak and Janis Petronis [both of whom are on the Library Advisory Board]. Todd McEvoy declined the amendment. Nash withdrew his amendment.

MOTION CARRIED by the following vote:

Ayes: Council members Cross, Johnson, McEvoy, Nash, and Ratliff.

Noes: Council members Murphy and Godwin.

C. Consider Adopting Zoning Ordinance No. 2006-02/03

MOTION by Todd McEvoy, second by Andrew Johnson, to “approve the business zoning ordinances and use the 1985 landscaping that is currently on record.” Mayor Jergins restated the motion as follows: “That we consider adopting Ordinance No. 2006-02 with the added statement that 1985 Landscape Section will remain in effect.”

Betty Chew clarified the percentage requirements for landscaping as follows:

Multi-Family and commercial properties that develop of a size of one acre or less, 3% of the total lot area would be green space; lots from 1-10 acre, 5% of the total lot area would be green space; and over 10 acres is 10% of the lot area.

MOTION CARRIED by unanimous vote.

D. Consider 2030 Comprehensive Plan

MOTION by Todd McEvoy, second by Mark Murphy, “that we send the Comprehensive Plan back to the Planning and Zoning Commission to re-evaluate the future land use map.” Mayor Jergins restated the motion as follows: “the council consider sending the 2030 Comprehensive Plan back to the Planning and Zoning Commission for further review and modification.” MOTION CARRIED by unanimous vote.

It was noted that the matter of “interim holding period” would be discussed at a future committee meeting.

VIII. PUBLIC HEALTH AND SAFETY REPORT

A. Emergency Management Plan—Consider Authorization to Proceed with Stephenville Plan

Barry Ratliff explained that there are some new federal and state requirements of the plan to address the National Incident Management System, and that many of the hazards that exist in the city do not exist in the county and vice versa. This makes it necessary for the city to develop its own plan.

MOTION by Barry Ratliff, second by Mark Murphy, “to authorize staff to proceed with our own Emergency Management Plan and coordinate a mutual aid agreement with the county and any other parties involved.” MOTION CARRIED by unanimous vote.

B. Traffic Controls in the Central Business District

The committee is making no recommendation and will continue to discuss this matter.

C. No Parking in Streets or Yards

The committee is making no recommendation and will continue to discuss this matter.

IX. CONSENT AGENDA

MOTION by Andrew Johnson, second by Todd McEvoy, to approve the Consent Agenda. MOTION CARRIED by unanimous roll call vote.

A. Approval of Minutes

- 1. Regular Council Meeting on January 3, 2006**
- 2. Special Council Meeting on January 17, 2006**
- 3. Special Council Meeting on January 24, 2006**

B. Consider Adopting Resolution No. 2006-03 Authorizing the use of Direct Record Electronic Systems for City Elections

X. COMMENTS BY CITY ADMINISTRATOR

Mark Kaiser reported on the Senior Citizen Center. We have received the report on the inspection from the Texas Municipal League. Repairs have been made and corrective action to concerns expressed in previous meetings have been taken. Specifically, all ceiling fans have been replaced and repairs to the floor have been made. Kaiser stated that we need to redo the roof on the building.

An informational meeting will be held by Texas Department of Transportation on Thursday, February 23, from 5:30pm to 7pm in the council chambers concerning the Ollie/Mary thoroughfare.

Filing for the May 13, 2006 City General Election will begin on February 11, which is on a Saturday. The city secretary will be in her office from 10am to 11am on Saturday for those who wish to file an application.

XI. COMMENTS BY COUNCIL MEMBERS

XII. EXECUTIVE SESSION. At 9:11 a.m., Mayor Jergins 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. Consider Approval of Oil and Gas Lease on the following tracts of land:

- Tract 1: 5.20 acres, A. Briscoe Survey, Erath County, Texas**
- Tract 2: 2.067 acres, F. Hunt Survey, Erath County, Texas**
- Tract 3: 2.067 acres, F. Hunt Survey, Erath County, Texas**
- Tract 4: 2.066 acres, M . F. Hernandez Survey, Erath County, Texas**
- Tract 5: 2.068 acres, M. F. Hernandez Survey, Erath County, Texas**
- Tract 6: 12.369 acres, M. F. Hernandez Survey, Erath County, Texas**
- Tract 7: 2.076 acres, M. F. Hernandez Survey, Erath County, Texas**

B. Right of Way and Easement on the following tract of land:

- Tract 1: 5.20 acres, A. Briscoe Survey, Erath County, Texas**
- Tract 2: 2.067 acres, F. Hunt Survey, Erath County, Texas**

C. Drainage Easement on Lots 5 and 21, Block 72, City Addition, Stephenville

D. Disposal of the following tracts of land:

- Tract 1: Part of Lots 3, 4, and 6, Block 72, City Addition, Stephenville**
- Tract 2: Lot 9, Block 73, City Addition, Stephenville**

The council reconvened at 10:06 p.m.

XIII. ACTION TAKEN ON MATTERS DISCUSSED IN EXECUTIVE SESSION (if necessary)

MOTION by Todd McEvoy, second by Alan Nash, "that we enter into a contract with Infinity Oil and Gas for the following tracts: Tracts 1, 2, 3, 4, 5, 6, 7 as stated in our agenda packet." MOTION CARRIED by the following vote:

- Ayes: Council members Godwin, Cross, Johnson, Nash, McEvoy, Ratliff and Mayor Jergins.**
- Noes: Council member Murphy.**

MOTION by Todd McEvoy, second by Andrew Johnson, "that we grant right of way and easement access to Infinity Oil and Gas on Tract 1 and Tract 2." MOTION CARRIED by the following vote:

- Ayes: Council members Godwin, Cross, Johnson, Nash, McEvoy, Ratliff and Mayor Jergins.**
- Noes: Council member Murphy.**

MOTION by Todd McEvoy, second by Barry Ratliff, “to authorize staff to enter into negotiation for drainage easement on Lot 5 and 21, Block 72, City Addition.”
MOTION CARRIED by unanimous vote.

MOTION by Todd McEvoy, second by Alan Nash, “that we authorize staff to dispose of Tract 1.” Mayor Jergins restated the motion as follows: “that the council authorize the staff to dispose of Tract 1, which is part of Lots 3, 4, and 6; Block 72, City Addition.” MOTION CARRIED by unanimous vote.

MOTION by Mark Murphy, second by Alan Nash, “that we approve Item D, disposal of the following tracts of land, Tract 2, Lot 9, Block 73.” Mayor Jergins restated the motion as follows: “to authorize staff to dispose of Tract 2, Lot 9, Block 73, City Addition.” MOTION CARRIED.

XIV. ADJOURN

MOTION by Mark Murphy, second by Barry Ratliff, to adjourn the meeting.
MOTION CARRIED by unanimous vote at 10:10 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary