

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, MAY 2, 2006– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on May 2, 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:

Mayor	:	Rusty Jergins
Mayor Pro-Tem	:	Todd McEvoy
Council members	:	Cyndi Godwin Malcolm L. Cross Nancy Hunter Andrew Johnson Alan Nash Mark Murphy Barry Ratliff
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, May 2, 2006, by Mayor Rusty Jergins who declared a quorum present.

II. CITIZENS' GENERAL DISCUSSION

No one addressed the council.

III. PLANNING AND ZONING COMMISSION PUBLIC HEARINGS

A. Consider Request to Rezone from I "Industrial District" to R-1 "Single-Family Residential District" Lots 7 and 8, Block 35, Frey First Addition, known as 185 West Park Street.

Betty Chew, Director of Community Development, gave the staff report stating that the Planning and Zoning Commission unanimously recommends this rezoning request.

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning: No one.

Speaking in Opposition of Rezoning: No one.

Mayor Jergins closed the public hearing.

B. Consider Adopting Ordinance No. 2006-12 Rezoning from I "Industrial District" to R-1 "Single-Family Residential District" Lots 7 and 8, Block 35, Frey First Addition, known as 185 West Park Street.

MOTION by Todd McEvoy, second by Barry Ratliff, to adopt Ordinance No. 2006-12. MOTION CARRIED by unanimous vote.

C. Consider Request to Rezone from I "Industrial District" to R-1 "Single-Family Residential District" part of Lot 1, Block 88, City Addition, known as 620 College Farm Road.

Betty Chew gave the staff report stating that the Planning and Zoning Commission unanimously recommends this rezoning request.

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning: No one.

Speaking in Opposition of Rezoning: No one.

Mayor Jergins closed the public hearing.

D. Consider Adopting Ordinance No. 2006-13 Rezoning from I "Industrial District" to R-1 "Single-Family Residential District" part of Lot 1, Block 88, City Addition, known as 620 College Farm Road.

MOTION by Nancy Hunter, second by Cyndi Godwin, to adopt Ordinance No. 2006-13. MOTION CARRIED by unanimous vote.

E. Consider Request to Rezone from B-3 "Central Business District" to B-5 "Restaurant - Alcoholic Beverage Service District" Lot C, Block 8, City Addition, known as 230 West College Street.

Betty Chew gave the staff report stating that the Planning and Zoning Commission recommends this rezoning request. Chew stated that this

application came before the council on March 7, 2006 with a request for B-4 zoning classification.

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning: No one.

Speaking in Opposition of Rezoning:

Donza Huffman, 1150 North Lillian, Stephenville, stated that she is very concerned about the number of businesses serving alcohol. She wonders if there will be any place to eat downtown that doesn't serve alcohol. She asked the council to consider the children, that "we should set an example for the children".

Mayor Jergins closed the public hearing.

F. Consider Adopting Ordinance No. 2006-14 Rezoning from B-3 "Central Business District" to B-5 "Restaurant—Alcoholic Beverage Service District" Lot C, Block 8, City Addition, known as 230 West College Street.

MOTION by Malcolm Cross, second by Nancy Hunter, to adopt Ordinance No. 2006-14. MOTION CARRIED with Barry Ratliff casting the only dissenting vote.

G. Consider Request to Rezone from B-1 "Neighborhood Business District" to B-5 "Restaurant—Alcoholic Beverage Service District" Lot 39, Block 145, City Addition, known as 2155 West South Loop.

Betty Chew gave the staff report stating that the Planning and Zoning Commission recommends this rezoning request.

Applicant Carla Monk said that she has over 24 years experience in the pizza business and wants to operate a pizzeria with a high quality homemade taste and a casual, friendly atmosphere.

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning:

Mayor asked that Carla Monk's remarks be noted as speaking in favor of the rezoning request.

Speaking in Opposition of Rezoning:

Donza Huffman again spoke urging the council to vote against this rezoning request.

Mayor Jergins closed the public hearing.

H. Consider Adopting Ordinance No. 2006-15 Rezoning from B-1 “Neighborhood Business District” to B-5 “Restaurant—Alcoholic Beverage Service District” Lot 39, Block 145, City Addition, known as 2155 West South Loop.

MOTION by Malcolm Cross, second by Nancy Hunter, to adopt Ordinance No. 2006-15. MOTION CARRIED with Mark Murphy casting the only dissenting vote.

I. Consider Request to Rezone from B-2 “Retail and Commercial Business District” to B-5 “Restaurant—Alcoholic Beverage Service District” Lot 36, Block 139, City Addition, known as 2029 West Washington Street, Suite 217.

Betty Chew gave the staff report stating that the Planning and Zoning Commission recommends this rezoning request. She stated that this is located in the new building being constructed at University Plaza Shopping Center.

Applicant Warren Houser, with Centcom/Stephenville L.P., owner, stated that his firm acquired the property about one year ago and that their goal is to locate good-quality tenants on the property. Mi Familia is a 17,000 square foot restaurant which will be situated on subject property. Tommy Prosis, Manager of Mi Familia in Granbury and of the proposed restaurant, answered questions from the council.

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning:

Mayor asked that the applicants’ remarks be noted as speaking in favor of the rezoning request.

Speaking in Opposition of Rezoning:

Donza Huffman again asked the council to seriously consider this request and vote against it.

Mayor Jergins closed the public hearing.

J. Consider Adopting Ordinance No. 2006-16 Rezoning from B-2 “Retail and Commercial Business District” to B-5 “Restaurant—Alcoholic Beverage Service District” Lot 36, Block 139, City Addition, known as 2029 West Washington Street, Suite 217.

MOTION by Alan Nash, second by Cyndi Godwin, to adopt Ordinance No. 2006-16. MOTION CARRIED by unanimous vote.

K. Consider a Permanent Zoning Classification of R-1 “Single-Family Residential District” 12.01 acres, J. B. Dupuy Survey, A-196, City of Stephenville, Erath County, Texas.

Betty Chew reported that this property was annexed, by petition of the property owners, on April 4, 2006. She reminded council that property annexed into the city is “unzoned” until permanent zoning is approved by the Planning and Zoning Commission and the City Council. The owners of this property propose to subdivide the property and develop it with residential lots. The Planning and Zoning Commission unanimously recommends this rezoning request.

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning: No one.

Speaking in Opposition of Rezoning: No one.

Mayor Jergins closed the public hearing.

L. Consider Adopting Ordinance No. 2006-17 Establishing the Permanent Zoning Classification of R-1 “Single-Family Residential District” 12.01 acres, J. B. Dupuy Survey, A-196, City of Stephenville, Erath County, Texas.

MOTION by Mark Murphy, second by Todd McEvoy, to adopt Ordinance No. 2006-17. MOTION CARRIED by unanimous vote.

M. Consider Approval of Preliminary Plat of Alexander Estates Subdivision, being 12.01 acres of the J. B. Dupuy Survey, A-196, Stephenville, Erath County, Texas.

Betty Chew reported that this subdivision is located off of FM 914—Alexander Road and represents a 37-lot residential subdivision. The Planning and Zoning Commission recommends approval subject to TxDOT’s approval

of the access on FM 914, utility easements to be included on the final plat, and a temporary turn around at the end of Bowman Ridge Road.

MOTION by Mark Murphy, second by Cyndi Godwin, to approve the preliminary plat of Alexander Estates. MOTION CARRIED by unanimous vote.

N. Consider Approval of Final Plat of Lot 1, Block 1, Sonic Subdivision, being 0.91 acre of the Henry Pearson Survey, A-613, and William Motley Survey, A-515, Erath County, Texas.

Betty Chew explained that since this is a single lot subdivision it qualifies for the short-form platting process as provided in the Subdivision Ordinance. The Planning and Zoning Commission unanimously recommends this final plat.

MOTION by Nancy Hunter, second by Andrew Johnson, to approve the final plat of Sonic Subdivision. MOTION CARRIED by unanimous vote.

IV. ANNUAL REPORT FROM SPECIALIZED BILLING AND COLLECTION SYSTEMS OF TEXAS, Karen Laake, President and CEO

Fire Chief Jimmy Chew introduced Karen Laake who reviewed the EMS revenue for the council. She presented the following five year collection history:

	2005	2004	2003	2002	2001
Runs	1526	1061	1463	1490	1313
Billable runs	726	694	792	901	
Revenue	\$297,655	\$301,695	\$319,052	\$293,542	\$207,654
Collection fee	\$37,840	\$42,341	\$41,103	\$37,051	\$20,891

She reported that reimbursements were lower in 2005 than 2003 because the transportable call volume for EMS in Medicare has risen by 13%. She stated that everything has gone smoothly this past year except for trying to get reimbursement from FEMA for the hurricane evacuees. She does not expect to see any reimbursement for amounts expended by the city.

There was a discussion concerning the practice of writing off certain amounts on ambulance bills. She explained the policy which is in place and adopted by the council several years ago. Patients living outside the city limits are responsible for the complete balance of the account, while those living in the city are not responsible for balances on accounts covered by insurance. Laake said her company does not actively pursue collection of balances on accounts of city residents. In 2005, Laake estimated that \$150,000 had been written off accounts of city residents. She identified the classification of write-offs as being Medicare, Medicaid, deceased, and bankruptcy. The total amount of write-offs for 2005 was \$957,000.

Laake stated that a 30% collection rate is very, very good. She said that what makes it look so bad are the amounts they have to write off for Medicaid and Medicare, and they have no choice but to write off those amounts.

MOTION was made by Mark Murphy to send this matter to the Public Health and Safety Committee for further review—specifically the report and billing policy. Motion died for lack of a second.

MOTION by Andrew Johnson, second by Mark Murphy, to accept the report as presented, and send the billing policy profile to the Public Health and Safety Committee. MOTION CARRIED with Todd McEvoy casting the only dissenting vote.

V. DROUGHT CONTINGENCY ASSESSMENT ANNOUNCEMENT BY MAYOR JERGINs

Mayor Jergins urged residents to be wise in their use of water. He requested that citizens voluntarily water their lawns no more than twice each week.

VI. CONSIDER ORDINANCE NO. 2006-18 PROVIDING BUDGET AMENDMENTS FOR THE REMAINDER OF THE FISCAL YEAR BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006

MOTION by Barry Ratliff, second by Andrew Johnson, to adopt Ordinance No. 2006-18. MOTION CARRIED by unanimous vote.

VII. CONSIDER RESOLUTION NO. 2006-07 SUSPENDING THE MAY 30, 2006 EFFECTIVE DATE OF THE PROPOSAL BY ATMOS ENERGY CORP.

MOTION by Todd McEvoy, second by Mark Murphy, to adopt Resolution No. 2006-07. MOTION CARRIED by unanimous vote.

VIII. CONSENT AGENDA

Barry Ratliff requested removal of Item E; Mark Murphy, Items C and F; Todd McEvoy, Item G. MOTION by Andrew Johnson, second by Todd McEvoy, to approve Items A, B, and D of the Consent Agenda. MOTION CARRIED by unanimous roll call vote.

A. Approval of Minutes

- 1.Regular Council Meeting on April 3, 2006**
- 2.Special Council Meeting on April 18, 2006**

- B. Resolution No. 2006-08 Amending Authorized Representatives to Transact Business with TexPool Participant Services**
- C. Mutual Aid Agreement with Eastland County for Fire Protection and Disaster**
- D. Mutual Aid Agreement with Callahan County for Fire Protection and Disaster**
- E. Bid Award for 2006 Street Reconstruction**
- F. Bid Award for 2006 Waterline Replacement Project**
- G. Bid Award for Airport Hangar**

MOTION by Todd McEvoy, second by Barry Ratliff, to approve Items C, E, F, and G of the Consent Agenda. MOTION CARRIED by unanimous roll call vote.

IX. COMMENTS BY CITY ADMINISTRATOR

Mark Kaiser mentioned that we are awaiting the final version of the contract with Brinkley Sargent Architects on the multi-purpose facility. Also, residential water customers should soon be receiving their annual free landfill pass.

X. COMMENTS BY COUNCIL MEMBERS

Malcolm Cross urged voters to vote in the city election on May 13.

XI. EXECUTIVE SESSION. At 7:25 p.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. 551.071(1)(A) Consultations with Attorney; pending or contemplated litigation and Sec. 551.074 Personnel Matters (a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- A. Case No. 4-06CV-251-Y, United States District Court Northern District of Texas, James Bachus, Trustee of the James O. Bachus Family Trust v. The City of Stephenville**
- B. Director of Public Works**

Council reconvened in open session at 7:57 p.m.

XII. ACTION TAKEN ON MATTER DISCUSSED IN EXECUTIVE SESSION

XIII. ADJOURN

MOTION by Todd McEvoy, second by Cyndi Godwin, to adjourn the meeting.
MOTION CARRIED by unanimous vote at 7:59 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary