

**MINUTES OF REGULAR BUSINESS MEETING**  
City of Stephenville - City Council  
**TUESDAY, JULY 11, 2006– 5:30 P.M.**

The City Council of the City of Stephenville, Texas, convened on July 11, 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	:	Betty Chew, Director of Community Development, sitting in for 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, July 11, 2006, by Mayor Rusty Jergins who declared a quorum present. Mayor Jergins also recognized the following persons as being present: Roy Halsell, Police Chief; Lynn Lloyd, Librarian; and Drew Wells, Director of Community Services.

**II. CITIZENS' GENERAL DISCUSSION**

Trish Maxey, President of the Library Advisory Board, asked that the following letter be entered into the record of the meeting:

“TO: Stephenville City Council Members  
FROM: Advisory Board of the Stephenville Public Library: Patricia Maxey, President; Margie Derrick; Eloise Horak; Gene Oliver; Janis Petronis; Melissa Seabourn; and Robert Walker, Secretary

DATE: July 5, 2006

RE: Advisory Board Recommendations

“In response to publicity that has repeatedly misstated the position of the Advisory Board of the Stephenville Public Library, the Board voted at a called meeting on July 5, 2006, to furnish the information below to each Stephenville City Council member. The Library Board has not wavered in its position since it was asked to make a recommendation on March 1, 2005.

1. In response to an assessment by the North Texas Regional Library System in 2000, crucial safety improvements were made to include some rewiring to eliminate extension cords, reworking an escape door from the downstairs children’s area, and making the main outside door handicap accessible. No other improvements have been made to the library since 2000.
2. On February 1, 2005, the Council directed the Library Board to return by March 1, 2005, a recommendation regarding the possibility of converting the Stephenville Funeral Home property to a library facility.
3. On March 1, 2005, a presentation of the Library’s history and the Board’s recommendation was made as follows:
  - \* A new Stephenville Public Library MUST meet both the present and future needs of the growing population of the city.
  - \* After inspection of the Stephenville Funeral Home by the Board, we found it to be a viable option only after extensive renovation.
  - \* We would like to see the City Council proceed with expert analysis of the library needs and feasibility of the facility and location options by a qualified consultant.
4. An ad hoc committee, including two members of the Library Board, was appointed by the Council to interview architects responding to Council RFP for the Library. The ad hoc committee recommended Hidell and Associates as architects for a new Library. However, as a result of the architects’ presentations, the committee suggested that the Council consider a new RFP to include the multi-use facility to include a Library and other possible public use facilities under one roof, a common trend in such constructions.

“For your information, items mentioned in 2-4 above are attached to this letter.

“We as individuals and as a Board are disappointed that no action has been taken toward solving the Library dilemma. The recommendation of the Library Advisory Board remains unchanged since being presented March 1, 2005. Some movement on this project is urgent, and the Council is respectfully encouraged to give its immediate attention to this pressing need. The Board continues to be available to assist in any way possible.”

### III. PLANNING AND ZONING COMMISSION

#### **A. PUBLIC HEARING to Consider Request to Rezone from B-2 “Retail and Commercial Business District” to R-3 “Multiple Family Residential District” Lots 1A, 2A, 3, 4, the west 13.6 feet of Lot 5, and Lot 6, Block 3, Park Place Addition, City of Stephenville, known as 485 North Paddock Avenue.**

Betty Chew gave the staff report stating that there are no structures located on the property at this time. The owner plans to develop the property with a single-family dwelling if rezoning is granted.

Chuck Rives spoke on behalf of applicant, Erath County Habitat for Humanity. He told the council that when this property was purchased by Habitat, they were unaware of the zoning classification. In order for a “Habitat” house to be constructed on the property, it will have to carry a residential classification.

Further, he informed the council that Erath County Habitat for Humanity has built ten residential dwellings in Erath County—eight in Stephenville, two in Dublin. Rives also requested that the council consider waiving the application fee for this rezoning request.

Mayor Jergins opened the public hearing.

#### Speaking in Favor of Rezoning:

Mayor asked that Chuck Rives remarks be noted as speaking in favor of the rezoning request.

Speaking in Opposition of Rezoning: No one.

Mayor Jergins closed the public hearing.

#### **B. Consider Adopting Ordinance No. 2006- Rezoning from B-2 “Retail and Commercial Business District” to R-3 “Multiple Family Residential District” Lots 1A, 2A, 3, 4, the west 13.6 feet of Lot 5, and Lot 6, Block 3, Park Place Addition, City of Stephenville, known as 485 North Paddock Avenue.**

MOTION by Mark Murphy, second by Nancy Hunter, to adopt Ordinance No. 2006-23 and waive the application fee for this application.

MOTION by Todd McEvoy, second by Barry Ratliff, to separate the actions.  
MOTION FAILED by the following vote:

Ayes: Council members Johnson, Nash, McEvoy, and Ratliff.  
Noes: Council members Godwin, Cross, Hunter, and Murphy.

City Attorney Randy Thomas explained that a motion to separate requires a two-thirds vote to pass.

Alan Nash requested that the council reconsider the vote on separating the actions. He said that it is unfair not to separate the issues because some council members may be in favor of granting the rezoning request but against waiving the application fee. If a council member votes against one aspect of the motion, the record, however, reflects that vote as being against both provisions.

MOTION by Alan Nash, second by Andrew Johnson, to separate the issues.

MOTION TO SEPARATE CARRIED by the following vote:

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

MOTION CARRIED by unanimous vote to adopt Ordinance No. 2006-23.

MOTION CARRIED by a 6 to 2 vote to waive the zoning application fee.

**C. Consider Approval of Final Plat of Cozby Subdivision being 1.45 acres, Williams Sims Survey, Erath County, Texas**

MOTION by Todd McEvoy, second by Andrew Johnson, to approve the final plat of the Cozby Addition. MOTION CARRIED by unanimous vote.

**IV. COMMUNITY SERVICE REPORT ON STREETS, Drew Wells, Director**

Drew Wells, Director of Community Services, presented the annual report from the Street Department as follows:

- 93 miles of street— asphalt, concrete, and brick
- 1 mile of street added this past year
- 41 miles of curbed street. Two street sweepings per year.
- 1000 plus street lights
- 1200 plus street signs
- 6 miles of crack sealing this year (Westgate and Lockwood Additions)
- New this year is the curb and gutter replacement program

The 2005 Reconstruction Project was Columbia Street from Sloan to Frey; Belknap and Barton Streets from Collins to Frey; Shirley and Collins Street from Race to Belknap.

The 2006 Reconstruction Project is the area bounded on the north by Jasmine, the south by Denman, west by Reta, and east by Dale. This should be completed by mid-August.

Wells reported that in the last fourteen years, just over \$3 million has been spent to reconstruct 27.35 miles of street in the city.

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

### **A. Storm Water Drainage Report from Carter Burgess**

Todd McEvoy reported that the committee received an update on Phase I of the Methodist Branch Storm Water Drainage project and that no action at this time was required to be taken on this item.

### **B. Consider Contract with Brinkley Sargent Architects for Design of a Multi-Purpose Facility**

MOTION by Todd McEvoy, second by Barry Ratliff, to deny the second contract with Brinkley Sargent Architects.

Mark Murphy asked if the initial contract which was submitted by Brinkley Sargent could be considered at this time or be sent back to committee. Mayor Jergins confirmed that either contract could be considered by the council.

Janis Petronis, member of the Library Advisory Board, spoke on behalf of that board. She thanked the council for keeping this matter at the forefront. She said that as this matter has evolved, much information has been gathered and many alternatives have been identified. Concerning the Brinkley Sargent contracts, she believes the first contract has some merit and the second contract is a waste of money.

Following discussion by the council, the motion on the floor carried by unanimous vote.

MOTION by Mark Murphy, second by Nancy Hunter, to approve the first contract submitted by Brinkley Sargent Architects. MOTION FAILED by the following vote:

Ayes: Council members Godwin, Cross, Hunter, and Murphy.

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

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

Barry Ratliff, Chairman of this committee reported on the meeting as set out below.

- A. Tow Truck Ordinance.** A proposed ordinance was presented by Chief Halsell for regulation of tow trucks and wrecker businesses. Some changes were suggested as a result of feedback from wrecker operators. The committee will bring this matter back at a future meeting.
- B. Ambulance Billing Policy Profile.** Following discussion, the committee decided to leave the policy unchanged.
- C. Memorializing Streets.** Staff will draft a policy for the committee's consideration at a future meeting.
- D. Garage Sale Permits.** Although several options were discussed addressing the failure to remove garage sale signs, action was taken by the committee to leave the procedure in place and take no further action.
- E. Loitering Ordinance.** The ordinance was removed from consideration as minimal input was received following contact from the police department concerning this issue.
- F. Engine Braking.** Only three complaints were received and the committee determined that the cost of signs which would need to be erected was not justified. The problem of engine braking can also be enforced under the city's noise ordinance.

## **VII. CONSENT AGENDA**

Mark Murphy asked that Item A be removed from the Consent Agenda.

MOTION by Todd McEvoy, second by Mark Murphy, to approve Item B of the Consent Agenda. MOTION CARRIED by unanimous roll call vote.

MOTION by Mark Murphy, second by Todd McEvoy, to approve Item A of the Consent Agenda as amended to reflect that Mark Murphy seconded the motion to approve committee assignments and nominate Todd McEvoy as Mayor Pro-Tem. MOTION CARRIED by unanimous roll call vote.

- A. Approval of Minutes--Regular Council Meeting on June 6, 2006**
- B. Bid Award on Utility Services to Annexed Area**

## **VIII. COMMENTS BY CITY ADMINISTRATOR**

Betty Chew reminded the council that the Finance and Public Works Committees and the budget planning workshop will be held on July 18.

Chew also explained that Mark Kaiser is out of state as his daughter, Kristin, is competing in the Junior Olympic Gymnastics Tournament in Chicago.

## **IX. COMMENTS BY COUNCIL MEMBERS**

Mayor Jergins recognized Fire Chief Jimmy Chew for the extraordinary efforts made by him and the entire Stephenville Fire Department and Volunteer Fire Department during the fire which destroyed the Landmark Apartments on June 29. Jergins stated that he had the privilege of seeing “first hand” the dedication to duty and professional abilities of the members of the SFD and SVFD.

Todd McEvoy thanked all the volunteers and city staff involved in the July Fourth Family Fun Fair. He said the efforts of the committee were greatly appreciated and resulted in a successful event.

## **X. ADJOURN**

MOTION by Todd McEvoy, second by Barry Ratliff, to adjourn the meeting. MOTION CARRIED by unanimous vote at 7:01 p.m.

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Russell E. Jergins, Mayor

ATTEST:

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Cindy L. Stafford, City Secretary