

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, AUGUST 1, 2006– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on August 1, 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, August 1, 2006, by Mayor Rusty Jergins who declared a quorum present. Mayor Jergins also recognized the following persons as being present: Drew Wells, Director of Community Services; Roy Halsell, Police Chief; Lynn Lloyd, Librarian; and Drew Wells, Director of Community Services, and, for the first time, Nick Williams, Director of Public Works.

II. CITIZENS' GENERAL DISCUSSION

No one wished to address the council.

III. PLANNING AND ZONING COMMISSION

A. Consider Comments Regarding Amending the City of Stephenville Zoning Ordinance, Section 13 Landscape Regulations

Betty Chew, Director of Community Development, gave the staff report for this agenda item. The Planning and Zoning Commission has forwarded its

recommendation for the Landscape Requirements to the Zoning Ordinance. This proposal requires 15% of the land area for commercial, industrial, and multiple family zoned properties to retain existing trees and provide permanent landscaping.

B. Consider Adopting Ordinance No. 2006-24 Amending the City of Stephenville Zoning Ordinance, Section 13 Landscape Regulations

MOTION by Andrew Johnson, second by Barry Ratliff, to adopt Ordinance No. 2006-24 to reflect the following changes to the proposed ordinance:

“Include the definition of xeriscape in the ordinance.

“13.2.B.2. The minimum plantings for every 1,000 square feet of required landscape shall be one three-inch caliper or larger canopy tree and two ornamental trees or six shrubs.

“13.2.I.6. For each existing 6-inch, or larger, tree protected and kept.”

Alan Nash offered a friendly amendment to the motion to change 13.2.B.2. to read as follows: “13.2.B.2. The minimum plantings for every 1,000 square feet of required landscape shall be one three-inch caliper or larger canopy tree and either two ornamental trees or six shrubs.” MOTION CARRIED by unanimous vote for the friendly amendment.

MOTION CARRIED on the amended motion by the following vote:

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

Noes: Council member Cross.

IV. CONSIDER AUTHORIZING MAYOR TO EXECUTE DEED TO ERATH COUNTY HABITAT FOR HUMANITY CONVEYING A PORTION OF SLOAN STREET RIGHT OF WAY

Mark Kaiser explained that the city council abandoned the Sloan Street right of way between Paddock and Race Streets in April 1960; however, that portion adjacent to Block 3, Park Place Addition, was never conveyed, which is necessary to cure a title defect.

MOTION by Alan Nash, second by Cyndi Godwin, “to authorize the mayor to convey by deed the right of way that is depicted in our packet on page 13 to Habitat for Humanity to assist in clearing up survey and title issues and to allow them to replat their property and clean up an eyesore.” MOTION CARRIED by unanimous vote.

V. FINANCE COMMITTEE REPORT

A. Consider Application for Grant Funds with Texas Community Development Block Grant Program

Alan Nash, Chairman of the Finance Committee, reported that a public hearing was held on August 15 as required.

B. Consider Awarding Child Safety Funds to STAR Council and Chamberlin Elementary School

MOTION by Todd McEvoy, second by Barry Ratliff, to “approve \$2,861.53 to Stephenville Independent School District for Chamberlin Elementary School to get a security system and \$2,000 to STAR Council out of the Child Safety Fund.

Mark Murphy read into the record of the meeting the following statement:

“I appreciate the Finance Committee addressing this issue and thank them for their recommendation to us. As we know, STAR Council is a grant funded organization doing tremendous work in our community in the area of preventing substance abuse. We read in the paper constantly about the problem our Stephenville and area kids are having with drugs and alcohol. At the same time, I understand that STAR council depends solely on money donated to them. The committee is recommending cutting their request on a grant match by a few hundred dollars. Though I believe the other request for partial payment on school security cameras has merit, I would like to point out that the school district has a much larger tax base than the city does, and the school tax rate is almost four times what the city’s is. Surely the district can afford a little bit more on a camera system in order to fully fund STAR council’s request. Therefore, I move to amend the motion to fund STAR Council’s portion of the Child Safety Fund award in the amount of \$2,225, with the remainder of this year’s fund balance going to Chamberlin Elementary’s security camera request.” Motion received a second by Cyndi Godwin.

MOTION to amend the motion FAILED by the following roll call vote:

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

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

MOTION on the original motion CARRIED by unanimous roll call vote.

C. Consider Approval of Contract with MBIA MuniServices Company for Hotel Occupancy Tax and Sales Tax Reviews

MOTION by Todd McEvoy, second by Andrew Johnson, to approve the contract with MBIA MuniServices Company (attached). MOTION CARRIED by a vote of 8 to 1.

D. Consider Storm Water Drainage Funding Plan

MOTION by Todd McEvoy, second by Mark Murphy, to authorize staff to work with representatives of First Southwest Company for the financing of the tunnel phase of the Methodist Branch storm water project. MOTION CARRIED by unanimous vote.

E. Fee Schedule

MOTION by Alan Nash, second by Todd McEvoy, to adopt the fee schedule as set out on pages 30-38 of the agenda packet.

MOTION to AMEND the motion to change the library fees by removing the charge for city residents and charging residents outside the city limits \$10 per household.

MOTION to AMEND FAILED by the following vote:

Ayes: Council members Cross, Hunter, Johnson, and Nash.

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

Alan Nash asked for leave of the Mayor to remove his motion from the floor. He stated that he did not want any association with action taken which would raise the library fees. Andrew Johnson announced that he withdrew his second.

MOTION by Todd McEvoy, second by Mark Murphy, to approve the fee schedule. At the request of the Mayor, Todd McEvoy removed his motion and Mark Murphy withdrew his second. Mayor Jergins explained that he requested such action to allow for discussion of specific charges as set out on the fee schedule.

Malcolm Cross expressed concern over the disparity in the charges for renting recreational facilities.

MOTION by Malcolm Cross, second by Todd McEvoy, to set a flat daily rate for renting community service facilities, specifically, \$125 for the Rec Hall and \$500 for Birdsong Amphitheatre. MOTION FAILED by the following vote:

Ayes: Council members Cross, McEvoy, Ratliff, and Mayor Jergins.

Noes: Council members Godwin, Hunter, Johnson, Nash, and Murphy.

MOTION by Todd McEvoy, second by Nancy Hunter, to approve the fee schedule as presented.

MOTION by Alan Nash, second by Andrew Johnson, to AMEND the motion as it refers to account number 0504, Library Services and the topic of the \$5 proposed in-city resident fee, for council to forward this to the Library Advisory Board for its recommendation. MOTION to AMEND FAILED by the following vote:

Ayes: Council members Cross, Johnson, and Nash.

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

MOTION CARRIED by the following vote:

Ayes: Council members Godwin, Cross, Hunter, McEvoy, Murphy, Ratliff, and Mayor Jergins.

Noes: Council members Johnson and Nash.

VI. CONSENT AGENDA

Todd McEvoy asked that Item D. be removed from the Consent Agenda.

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

MOTION by Todd McEvoy, second by Alan Nash, to send Item D. "Approval of Agreement with Danny R. Johnson for Inspection Services" to the Public Works Committee meeting on August 22, 2006. MOTION CARRIED by unanimous roll call vote.

- A. Approval of Minutes—Regular Council Meeting on July 11, 2006**
- B. Approval of Resolution No. 2006-12 Authorizing Disposition of Securities**
- C. Approval of Grant Application**
- D. Approval of Agreement with Danny R. Johnson for Inspection Services**

VII. COMMENTS BY CITY ADMINISTRATOR

Mark Kaiser made the following announcements:

- Street reconstruction program is progressing well.
- Water pumpage and production is keeping up with demand. Water wells are operational, and the maximum daily pumpage so far during this period of dry weather is 3.5 million gallons a day.
- Larry Joe Taylor will perform at the Birdsong Amphitheatre on August 3.

- Movie in the Park, “Dreamer” will be shown at the Birdsong Amphitheatre on August 4.
- Ricky Skaggs will perform at the Birdsong Amphitheatre on August 18.
- Council budget meetings will be held beginning Monday, August 7, at 5:30pm and continue daily until completed.
- Letters are being sent to those property owners in violation of the “high grass and weed” ordinance and “dangerous building” ordinance. Citizens are encouraged to clean up their property.

VIII. COMMENTS BY COUNCIL MEMBERS

Comments as follows:

- Todd McEvoy requested an update on the “stop lights” [in the downtown area] and TxDOT’s intended plan at these intersections.
- Nancy Hunter requested an update concerning getting a traffic signal at the intersection of Ollie and Lingleville Highway.
- Mark Murphy asked if a finance director has been hired. Kaiser answered “No.”
- Barry Ratliff inquired about the budget for street reconstruction and about the complete of the commercial airport hangar. Kaiser explained that the figures for street reconstruction have not all been gathered and that the airport hangar is due for completion in early September.
- Nancy Hunter reminded everyone that public schools begin on Monday, August 14.

IX. ADJOURN

MOTION by Todd McEvoy, second by Mark Murphy, to adjourn the meeting. MOTION CARRIED by unanimous vote at 7:35 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary