

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

The City Council of the City of Stephenville, Texas, convened on November 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:

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, November 7, 2006, by Mayor Rusty Jergins who declared a quorum present. The mayor also recognized members of the 2007 Leadership Stephenville class who were present at the meeting—Josh Allen of The Allen Firm, attorneys; Blain Ramage, loan office at Town and Country Bank; and Aaron Wand, Project and Design Specialist at Tarleton State University.

**II. CITIZEN'S GENERAL DISCUSSION**

No one addressed the council.

**III. DELINQUENT TAX COLLECTION REPORT—Jeff Brown with Linebarger Goggan Blair & Sampson LLP**

Jeff Brown, attorney, thanked the council for their continued business, having contracted with his firm since 1987. He reported that the firm has sent more than 2,421 warning notice letters to delinquent taxpayers. Twenty-three lawsuits were filed seeking the collection of \$46,291.42 in delinquent taxes, penalties, and interest. Nineteen lawsuits were dismissed during this reporting period which involved in excess of \$26,925.61 in taxes, penalties, and interest. Courtroom judgments have been taken in 12 lawsuits involving more than \$11,213.10. Brown summed up by saying, "By the use of all of our collection tools,

including notice letters, specialized demand letters, and litigation, we have collected on your behalf just over \$96,555.06 in delinquent taxes, penalty, and interest from September 1, 2005 to August 31, 2006.”

MOTION by Nancy Hunter, second by Andrew Johnson, to accept the report on delinquent tax collection. MOTION CARRIED by unanimous vote.

#### **IV. ANNUAL REPORT FROM DATAMAX AND RENEWAL OF CONTRACT, Gregg Carrera**

Carrera highlighted the projects completed in the 2006 fiscal year as follows:

- New tape drive implemented
- Network domain controller upgraded
- Installed and configured Windows Update Services
- Eliminated Roaming Profiles
- Web server upgrade
- AMLIB library server upgrade

He also explained that the technology focus has primarily centered on shoring up deficiencies with the existing technology infrastructure and the management and maintenance of said infrastructure.

Some of the recommendations for the upcoming year include a Disaster Recovery Plan, Document Management Requirement Definition Project, and Upgrade GIS Server to 2003 R2.

MOTION by Todd McEvoy, second by Andrew Johnson, to accept the annual report of Datamax and to approve the contract, Project Implementation Option B, with Datamax. MOTION CARRIED by a 7-2 vote.

#### **V. PLANNING AND ZONING COMMISSION**

##### **A. PUBLIC HEARING to Consider Amending the Zoning Ordinance by Changing the Definition of “Family”**

Betty Chew, Director of Community Development, gave the staff report stating that the Planning and Zoning Commission recommends amending the Zoning Ordinance to provide for no more than three unrelated people to live as a single housekeeping unit in the definition of a family.

Mayor Jergins opened a public hearing.

Speaking in Favor of the Amendment:

J. Louis Evans, 1360 Rose Drive, Stephenville, urged the council to approve the recommendation of the Planning and Zoning Commission. Results from an informal survey over a period of several months indicate that from four to six young people live in many of the houses on the Lingleville Highway and Harbin Drive. Evans said that if this measure is passed, citizens should be informed through the newspaper, radio, and inserts in water bills, that they can be instrumental in making sure this ordinance is enforced. Evans also said that property owners should be made aware that they could face serious charges by violating the change in the ordinance.

John Whiting, 1320 Rose Drive, Stephenville, said he was speaking to encourage members of the city council to take actions that will clarify and protect single family housing in Stephenville. Whiting said, "When we think of residential housing, we think of a location with family occupied homes that make up individual neighborhoods. The neighborhood has a pattern that generally follows a four-phase life cycle." First is growth where active construction takes place. Next is one of stability—a period of undefined length during which there are no major changes and no marked gains or losses. Next is decline, overcrowding, unkempt properties and yards signal a community where pride and stability has been lost. If a period of decline takes place, houses in the rundown area are sold at depreciated prices; there is some market for "fixer uppers". More often, the neighborhood turns into a blighted group of houses. If renewal takes place, it is more often through redevelopment or rehabilitation. Single-family occupancy of property zoned as single-family housing is generally able to maintain stability. I hope that we will see single-family zoning protected and made more consistent throughout the city. Council approval of the proposal from Planning and Zoning would be a positive signal that R-1 zoning is important in this overall community.

Nathan Cedars, 950 Harbin Drive, Stephenville, said that statements made by the two previous speakers convey his thoughts on this matter. Cedars said that his was one of the first houses built in that area. He recalled that it was an attractive area of town and a great place to raise children. Over time, the area has declined and he seeks council's approval of the amendment.

Speaking in Opposition to the Amendment: No one.

Mayor Jergins closed the public hearing.

**B. Consider Adopting Ordinance No. 2006-31 Amending the Zoning Ordinance**

MOTION by Barry Ratliff, second by Todd McEvoy, to adopt Ordinance No. 2006-31. MOTION CARRIED by unanimous vote.

### **C. Consider Adopting the Master Annexation Plan**

MOTION by Mark Murphy, second by Nancy Hunter, to approve the Master Annexation Plan as presented. MOTION CARRIED by the following vote: a 7-2 vote.

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

Noes: Council members Nash and Ratliff.

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

Barry Ratliff gave the committee report.

- A. Landmark Fire Report.** Fire Chief Jimmy Chew gave a report on the June 29, 2006 fire.
- B. Consider Ordinance No. 2006-\_\_ Regulating Tow Trucks and Wrecker Businesses.** MOTION by Barry Ratliff, second by Mark Murphy, to adopt Ordinance No. 2006-32. MOTION CARRIED by unanimous vote.
- C. Consider Ordinance No. 2006-\_\_ Amending the Fee Schedule to Provide for Regulation of Fees Authorized to be Charged by Tow Trucks and Wrecker Businesses.** MOTION by Barry Ratliff, second by Nancy Hunter, to adopt Ordinance No. 2006-33. MOTION CARRIED by unanimous vote.
- D. No Parking on Frey and Long Streets.** Ratliff stated that after much discussion at the committee meeting, there is no recommendation and no consensus of the committee. MOTION by Mark Murphy to restrict parking on the remainder of Frey Street and on Long Street west of Graham. Motion died for lack of a second.
- E. Parking Ordinance (parking in yards).** Ratliff explained that this would restrict parking in front yards except on driveways or sealed surfaces. This agenda item was tabled for future consideration.
- F. Noise Ordinance.** Police Chief Halsell submitted sample ordinances from other cities for consideration. The committee also tabled this matter.
- G. Memorializing Streets.** Ratliff reported that the committee has no recommendation at this time; however, he reiterated that in the event a policy is implemented, there would be no affect on a citizen's mailing address or 9-1-1 address. This matter remains on the committee's agenda for future consideration.

## **VII. PUBLIC WORKS COMMITTEE REPORT**

Andrew Johnson gave the committee report.

- A. Review Bids on Phase I Methodist Branch Storm Water Drainage Project.**  
The committee is recommending that the bid from Circle C Construction for \$4,237,495 be considered at the November 21 council meeting.
- B. Consider Approval of Contract with Upper Leon River Municipal Water District and City of Dublin.** The agreement is in the final draft stage and is to be approved for legal form.

## **VIII. NOMINATIONS COMMITTEE REPORT**

- A. Consider Adopting Resolution No. 2006-15 Concerning Storm Water Drainage Fees**

MOTION by Malcolm Cross, second by Barry Ratliff, to adopt Resolution No. 2006-15. MOTION CARRIED by unanimous vote.

- B. Upcoming Board and Commission Appointments.** Committee Chairman Malcolm Cross announced that applications for volunteer board and commissions are being accepted for consideration at the committee meeting on November 14.

## **IX. CONSENT AGENDA**

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

- A. Approval of Minutes**
  - 1. Regular Council Meeting on October 3, 2006**
  - 2. Regular Council Meeting on October 17, 2006**
- B. Amendments to Airport Project Participation Agreements**
  - 1. Design Services to Rehabilitate Airport Runway and Taxiways**
  - 2. Design Services to Construct a New Terminal Building and Parking Lot**
- C. Authorization Sell Surplus City Property**
- D. Bid Award**
  - 1. Front-End Loader**
  - 2. Mower**

**X. COMMENTS BY CITY ADMINISTRATOR**

- City Auction will be held in conjunction with Erath County, Stephenville ISD, and Tarleton State University on November 14.
- Slurry seal project for the streets in the Lockwood Addition is nearing completion.
- Mayor Jergins, Mayor Pro-Tem McEvoy, Council Members Nash, Ratliff, Godwin, and five staff members attended the Texas Municipal League Annual Conference in Austin October 25-27.

**XI. COMMENTS BY COUNCIL MEMBERS**

Mark Murphy requested that discussion of multi-purpose facility be scheduled for the Planning and Development Committee. This matter was noted by P&D Committee Chairman McEvoy.

**XII. ADJOURN**

MOTION by Nancy Hunter, second by Cyndi Godwin, to adjourn the meeting.  
MOTION CARRIED by unanimous vote at 7:29 p.m.

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Russell E. Jergins, Mayor

ATTEST:

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Cindy L. Stafford, City Secretary