

MINUTES OF SPECIAL COUNCIL MEETING
City of Stephenville - City Council
TUESDAY, FEBRUARY 20, 2007– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on February 20, 2007, at 5:30 p.m., in the Council Chambers at City Hall, 298 West Washington Street, for the purpose of a Special Council 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	:	Malcolm L. Cross Nancy Hunter Andrew Johnson (tardy 5:36 p.m.) Alan Nash Mark Murphy Barry Ratliff
Absent	:	Cyndi Godwin
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 20, 2007, by Mayor Rusty Jergins, who declared a quorum present.

II. Public Hearing on Annexation of 510 acres, Erath County, Texas

Betty Chew, Director of Community Development, read into the minutes of the meeting the annexation service plan as follows:

ATTACHMENT TO ANNEXATION ORDINANCE 2007
CITY OF STEPHENVILLE, TEXAS
PLAN OF SERVICE

“REFERENCE: Annexation of 510 acres of land lying contiguous with the existing corporate city limits of the City of Stephenville, Texas.

WHEREAS, Section 43.056 of Chapter 43 of the Local Government Code, as enacted by Acts 1987, 70th Legislature, as amended through the 76th Legislature, requires that a service plan shall be prepared to provide for the extension of the municipal services into the area to be annexed and that

the municipality shall provide the services by any method or means by which it extends the services to any other area of the City, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS:

SECTION 1. Pursuant to the provisions of Section 43.056, Chapter 43 of the Local Government code, Acts 1987, as amended, there is hereby adopted a Plan of Service for the proposed annexation area:

BASIC SERVICE PLAN

1. Police Protection - The Stephenville Police Department will deliver the same level of service to the newly annexed area as it currently delivers to the residents residing within the city limits. All Police functions including patrolling, radio responses to emergency calls as well as routine calls for service, and all other available police services shall be provided on the effective date of annexation.

2. Water Service - Water service is available to the area and shall be established by the developer as a part of the subdivision process in the same manner that water service is provided to other areas within the corporate limits and in a manner that is not inconsistent with The Utility Service and Extension Policy as adopted by the City Council of the City of Stephenville, Texas.

3. Wastewater Service - A three million gallon per day Wastewater Treatment Plant was completed in 1995. Wastewater service is available to the area and shall be established by the developer as a part of the subdivision process in the same manner that wastewater service is provided to other areas within the corporate limits and in a manner that is not inconsistent with The Utility Service and Extension Policy as adopted by the City Council of the City of Stephenville, Texas. The wastewater mains are of adequate size and capacity to serve the area as development continues.

4. Solid Waste Sanitation - The City of Stephenville, contracting with IESI, Inc. will provide on the effective date of the annexation service to the newly annexed area at the same level and at the same cost as current residents within the corporate limits. Regular sanitation (household garbage) pickup is made twice each week at curbside.

5. Public Streets - All developed public rights-of-way annexed into the City of Stephenville are maintained by the City's Street Department. Routine preventative maintenance actions will start upon the effective date of annexation. Street name signs and traffic control signs will be erected to City and MUTCD standards. Existing public streets will be considered for future maintenance and repair projects using established criteria for assessing the greatest public need in planning and scheduling street improvement projects.

Maintenance of unimproved public rights-of-way (mowing and trash removal) remain the responsibility of the abutting property owners, as it is for other city residents.

6. Surface Drainage Systems - All public drainage systems annexed into the City of Stephenville are maintained by the City's Street Department. Public drainage systems are those surface drainage structures (bridges, box culverts, pipe culverts, bar ditches, etc.) located within public right-of-way or dedicated public drainage easements. Such existing public drainage systems will be considered

for future maintenance and repair projects using established criteria for assessing the greatest public need in planning and scheduling surface drainage improvement projects.

7. Fire Service - The Stephenville Fire Department will provide fire and emergency medical services on the effective date of the annexation to the areas proposed for annexation from Fire Station Number One located at 212 W. Tarleton Street and Fire Station Number Two 895 Harbin Drive.

8. Other Services - Other services that may be provided by the City such as planning, building inspection, code enforcement, animal control, library, park and recreation, municipal court, and general administration will be made available on the effective date of the annexation on the same basis and at the same level as provided throughout the City.

CAPITAL IMPROVEMENTS PROGRAM

The City of Stephenville plans and budgets programs to extend and upgrade the services of the City. The newly annexed area will be considered for improvements on the same basis as other areas of Stephenville. Prioritization of projects are based on professional engineering advice and in response to growth patterns.

CHARGES FOR MUNICIPAL SERVICES

The regular in-city fees charged for municipal service, as established by ordinance or policy, are extended to user residents in all newly annexed areas. Fees for connection to the municipal utilities are established by the City Council and adopted by ordinances and/or resolutions.

COMPLIANCE WITH SECTION 43.056 OF CHAPTER 43 OF THE LOCAL GOVERNMENT CODE

This service plan shall be construed in such a manner as to be in compliance with Section 43.056 of Chapter 43 of the Local Government Code. Notwithstanding anything to the contrary herein contained, this plan shall not require a landowner in the annexed area to fund the capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 of the Local Government Code unless otherwise agreed by the landowner.”

Mayor Jergins opened a public hearing on annexation.

Speaking in Favor of Annexation: No one

Speaking in Opposition of Annexation:

Gene Sherwin, 2920 FM 914, Stephenville, made the following assertions on behalf of homeowners in the A-5 area proposed to be annexed:

- Maintained that the existing and future water and sewer lines will not be accessible to all of the properties proposed to be annexed.
- Alleged that costs to tie-on to city services could be as much as \$40-60,000.
- Claimed that additional lines may need to be installed to service some of the sites that have no right-of-way, which would also drive up the costs.
- Asserted that “the annexation plan will force home sales or bankrupt some”.

Sherwin offered the following solutions:

- Install water and sewer lines on the west side of FM 914 at city expense.
- Grandfather the use, repair and replacement of existing water and septic systems.
- Extend the waterline, at city expense, on the south side of the old Dublin highway [FM 847] to serve the existing homes further west.

Jerry Emmons, 1484 Highland View Drive, Stephenville, wanted to go on record saying that he is opposed to the proposed annexation. He questioned why the annexation of Area A-2 had been accelerated. He said the original plan called for annexation in 2009 or 2010. He said the increase in taxes would not equal the additional services that homeowners would receive.

Bill Haney, 1412 Highland View, Stephenville, has issues with the definition of “failure of” a water well or septic system. He cautioned that if a homeowner’s well or septic system failed, it may take days before the homeowner could connect to city services.

Carl Ryden, 450 Hillcrest Drive, Stephenville, wanted to know if he would still be able to have livestock on his property and maintain his ag exemption.

City Administrator advised that all property tax rights through the appraisal district will be retained.

Hadley Warner, 1478 Highland View Drive, Stephenville, asked if a cost-benefit analysis had been conducted. City Administrator answered that the type of analysis to which he refers has not been performed and that a city does not move forward with annexation based on a cost-benefit ratio.

Marion Cole, 432 Tanglewood Trail, Stephenville, inquired about the cost to the homeowner to connect to city services. City Administrator said that the last area to provide services for which there are calculations is Brittain Circle, which project is ten years old. The calculation of costs for installation of services for the 2003 annexed area should be made within the next month.

Jimmy Walker, 289 Hillcrest Drive, Stephenville, said that he is opposed to the annexation of the area in which he lives. He said it will not benefit him to be annexed.

Mayor Jergins closed the public hearing.

III. Consider Ordinance No. 2007-04 Setting a Date, Time and Place for a Second Public Hearing on the Proposed Annexation

MOTION by Todd McEvoy, second by Andrew Johnson, to adopt Ordinance No. 2007-04 setting March 6, 2007 as the date for the next public hearing on annexation. MOTION CARRIED by unanimous vote.

IV. Uniform Crime Report and Racial Profiling—Captain Jason King

Capt. King gave this report and presented the attached statistical information.

MOTION by Todd McEvoy, second by Mark Murphy, to accept the Racial Profiling and Uniform Crime Report. MOTION CARRIED by unanimous vote.

V. Consider Awarding Bid on Patrol Vehicles

MOTION by Todd McEvoy, second by Barry Ratliff, to award the bid for patrol vehicles to Bruner Motors in the amount of \$49,917.60. MOTION CARRIED by unanimous vote.

VI. Consider Entering into Contract with City of Dublin and Upper Leon River Municipal Water District

This item was removed from the agenda by Mayor Jergins.

VII. ADJOURN

MOTION by Barry Ratliff, second by Nancy Hunter, to adjourn the meeting. MOTION CARRIED by unanimous vote at 6:47 p.m.

Rusty Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary