

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, MARCH 6, 2007– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on March 6, 2007, 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, March 6, 2007, by Mayor Rusty Jergins who declared a quorum present.

II. Citizen's General Discussion

No one wished to address the council.

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

Mayor Jergins opened a public hearing.

Jerry Emmons, 1484 Highland View, Stephenville, stated his objections to the proposed annexation, particularly Area A-1. He expressed concern about the ambiguity of the term "failure" as it relates to water wells and septic systems. He also expressed concern that there are no cost estimates for the extension of utilities into the annexed area.

City Administrator Mark Kaiser reported that at present, pro rata charges for the 2003 annexed area along Pecan Hill Drive have been calculated at \$32.36 per linear foot for water and \$36.50 per linear foot for sewer. Kaiser said that not all bills have been received, but this is the best estimate that we have at this time. Kaiser further explained that the

subject areas were selected for annexation because they have existing services on or near these properties, thereby making annexation cost effective.

Robert Levis, 1442 Pecan Hill Drive, Stephenville, expressed his concern over the pro rata costs for utilities, as well as compliance with the Animal Control Ordinance.

Jerry Locklin, 626 PR 1424 (POB 1456), Stephenville, distributed pictures of his property which is in Area A-5. He told the council that the cost to tie on to city utilities would be prohibitive. He said that he and his wife live on retirement income and would not be able to afford these services.

Bill Haney, 1412 Highland View Drive, Stephenville, wanted clarification for calculation purposes for those homeowners who have a corner lot. Mark Kaiser explained they would only be charged by linear foot along the property line where the services are situated.

Mayor Jergins closed the public hearing.

Alan Nash asked if the council could discuss this issue. City Attorney Thomas advised against it as the public hearing had closed and further, since there is a lawsuit pending against the city.

Mayor Jergins reopened the public hearing so that council members could ask questions. The mayor then closed the public hearing.

IV. Stephenville Museum Report—Bill Oxford, Sr., Treasurer of Board of Directors

William H. Oxford, Sr. is the Treasurer of the Board of Directors of the Stephenville Museum, and he presented the attached budget to the council.

MOTION by Nancy Hunter, second by Todd McEvoy, to accept the report and approve the budget. MOTION CARRIED by unanimous vote.

V. Planning and Zoning Commission, Annual Report—Don Douglas, Chairman

Douglas reported that the commission met in regular session 14 times and convened in work session 12 times during 2006. The commission considered 17 zoning change requests, 1 permanent zoning request (12 acres), 8 subdivision proposals, 2 Zoning Ordinance amendments, 1 vacate right of way, and 1 Comprehensive Plan public hearing. The commission met throughout the year in work sessions revising the Zoning Ordinance. The landscape regulations were developed by the commission and adopted by the city council. The definition of a family was revised following public hearings and work sessions with area residents. The commission reviewed and revised the Future Land Use Map for the 2030 Comprehensive Plan and forwarded it to the council for adoption. The Master Annexation

Plan was reviewed and updated this year and includes all of the city's extraterritorial jurisdiction.

MOTION by Todd McEvoy, second by Cyndi Godwin, to accept the Planning and Zoning Commission report and recommend that the Nominations Committee review the policy regarding the number of meetings held by the commission. MOTION CARRIED by unanimous vote.

VI. PLANNING AND ZONING COMMISSION

A. Consider Approval of Final Plat of Alexander Ridge Subdivision, being 12.01 acres, J. B. Dupuy Survey, A-196, Erath County, Texas

Betty Chew gave the staff report stating that this is a 12.01 acre, single-family residential subdivision located at the south city limits adjacent to FM 914 (Alexander Road). Betsill Brothers, Texas, L.L.C. is the owner and developer of the subdivision, which will be developed with 37 single-family residential lots.

MOTION by Nancy Hunter, second by Mark Murphy, to approve the final plat of Alexander Ridge Subdivision. MOTION CARRIED by unanimous vote.

B. Consider Approval of Preliminary Plat of Elk Ridge Estates Subdivision being 91.44 acres, J. B. Dupuy Survey, A-196, Erath County, Texas

Betty Chew reported that this 91.44 acre residential subdivision is located off FM 914 (Alexander Road). Andy Hansen is the owner and developer, and the preliminary plat represents a 131-lot subdivision which will be developed in two phases. Phase I will consist of 76 single-family residential lots, approximately $\frac{1}{4}$ acre in size. Phase II will contain 55 $\frac{1}{2}$ -acre or larger single-family residential lots. Chew noted that the following changes will need to be incorporated in the final plat:

- TxDOT's approval of the access on FM 914 (Alexander Road) with improvement plans for FM 914.
- Street access dedication to adjacent undeveloped property to the north.
- Bear Hill and Elk Ridge Drive cul-de-sacs to be adjusted to not exceed 600 feet in length.

MOTION by Nancy Hunter, second by Todd McEvoy, to approve the preliminary plat of Elk Ridge Estates Subdivision with the above-referenced changes. MOTION CARRIED by unanimous vote.

VII. PLANNING AND DEVELOPMENT COMMITTEE REPORT

A. Consider Approval of Site Location for Airport Terminal

MOTION by Todd McEvoy, second by Barry Ratliff, to approve Alternative One of the Airport Terminal Project. MOTION CARRIED by unanimous vote.

B. Matters for Consideration by Planning and Zoning Commission

MOTION by Todd McEvoy, second by Mark Murphy, to approve prioritizing projects as follows:

- Review Zoning Ordinance
 - A. Minimum size requirements for one-bedroom apartments or create a new zone for efficiency apartments
 - B. B-2 zoning classifications and definition with a minimum of five new classifications
 - C. Mobile Homes—Manufactured housing
- Review Subdivision Ordinance
 - A. Laydown curb and gutter
 - B. Sidewalks
 - C. Park land dedication
- Continuation of annexation for 2009

MOTION CARRIED by unanimous vote.

C. Consider Hiring Hidell and Associates for the Design of a Library

MOTION by Todd McEvoy, second by Mark Murphy, to approve the contract with Hidell and Associates. MOTION CARRIED by unanimous vote.

D. Consider Hiring Brinkley Sargent and Associates for the Design of a Recreation Facility

MOTION by Nancy Hunter, second by Mark Murphy, to approve the contract with Brinkley Sargent and Associates. MOTION CARRIED by unanimous vote.

VIII. FINANCE COMMITTEE REPORT

A. Audit Report

Chairman Alan Nash reported that the committee reviewed the Comprehensive Annual Financial Report and that no action is required.

B. Consider Approval of Rental Agreement with Rick Hale for Office Space

MOTION by Mark Murphy, second by Nancy Hunter, to approve the rental agreement with Rick Hale. MOTION CARRIED by unanimous vote.

C. Review Water and Sewer Rates

Nash reported that the committee discussed the water and sewer rates funding of operations, maintenance, and debt coverage and has no recommendation at this time.

D. Review General Fund Finances

Committee reviewed general fund reserves and debt capacity. No action is required.

IX. PUBLIC HEALTH AND SAFETY COMMITTEE REPORT

A. Consider Ordinance No. 2007-05 Creating Municipal Court Technology Fund

MOTION by Barry Ratliff, second by Nancy Hunter, to adopt Ordinance No. 2007-05. MOTION CARRIED by unanimous vote.

B. Consider Approval of Contract with Tyler Technologies for Public Safety Software

MOTION by Barry Ratliff, second by Todd McEvoy, to approve the contract with Tyler Technologies. MOTION CARRIED by unanimous vote.

X. CONSENT AGENDA

Barry Ratliff asked that Items C.2., C.3. and E. be removed from the Consent Agenda. MOTION by Todd McEvoy, second by Barry Ratliff, to approve Items A., B., C.1., D., and F of the Consent Agenda. MOTION CARRIED by unanimous roll call vote.

MOTION by Mary Murphy to approve Item C.2. MOTION DIED for the lack of a second.

MOTION by Alan Nash, second by Cyndi Godwin, to refer Item C.2. CID vehicles to the Public Health and Safety Committee. MOTION CARRIED by the following roll call vote:

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

Nays: Council members Murphy and Hunter.

MOTION by Andrew Johnson, second by Nancy Hunter, to approve Item C.3. and E. MOTION CARRIED by unanimous roll call vote.

A. Approval of Minutes

- 1. Regular Council Meeting on February 6, 2007**
- 2. Special Council Meeting on February 20, 2007**

B. City General Election, Election Order

C. Bid Awards

- 1. Rescue Equipment**
- 2. CID Vehicles**
- 3. Brick Street Repair and Restoration**

D. Approval of Collection Contract with Graves Humphries Stahl, LTD.

E. Approval of Amendment and Restatement to the 457 Deferred Compensation Master Retirement Plan

F. Approval of Sellers Agreement with GovDeals, Inc.

XI. Comments by City Administrator

- **Superior water**

Mark Kaiser reported that the contractor for the pipeline to the Dublin pump station has been given notice to proceed. Mobilization for storm water drainage will begin March 19.

Kaiser reported that the city has gone through a public water system inspection and has been given a Superior Rating. Kaiser recognized the efforts of the city's Utility Division.

XII. Comments by Council Members

Todd McEvoy asked if the parking restriction signs had been erected in compliance with Ordinance No. 2007-02. Kaiser stated that they have been installed. McEvoy also wanted to mention that there are vehicles traveling at "high rates of speed" on Overhill Drive. Barry

Ratliff asked for an update on the Ollie/Mary project. Mark Kaiser reported that TxDOT is completing its survey and final design.

Mark Murphy made the following comments: "I wanted to thank the Stephenville Police Department for their recent training on the use of tasers and in crowd control with members of the Texas Department of Corrections and the Department of Public Safety in preparation for the upcoming Klan rally. I hope and pray that this will be a peaceful event, and that it won't be too big of a national media circus that reflects negatively on our nature as a diverse and law-abiding community. Despite my personal abhorrence of hate groups and their messages, I respect the rights of everyone to exercise freedom of speech and assembly guaranteed under the constitution. However, I want to make it clear, from my perspective and those of any citizens who may agree, that no troublemakers of any kind are welcome here. If you come to Stephenville, please respect the law."

- XIII. EXECUTIVE SESSION. At 8:05 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 Consultation with Attorney.**

Upper Leon River Municipal Water District/City of Dublin/City of Stephenville Contract

The council reconvened in open session at 8:15 p.m.

- XIV. ACTION TAKEN ON MATTERS DISCUSSED IN EXECUTIVE SESSION (if necessary)**

No action was taken by council.

- XV. ADJOURN**

MOTION by Mark Murphy, second by Cyndi Godwin, to adjourn the meeting.
MOTION CARRIED by unanimous vote at 8:16 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary