

**MINUTES OF REGULAR BUSINESS MEETING**  
City of Stephenville - City Council  
**TUESDAY, MAY 1, 2007– 5:30 P.M.**

The City Council of the City of Stephenville, Texas, convened on May 1, 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 (tardy) 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, May 1, 2007, by Mayor Jergins who declared a quorum present.

**II. Citizen's General Discussion**

Mike Hannah, 899 North Charlotte, Stephenville, Texas, spoke to the council requesting that the council take into consideration the matter of designating that portion of Graham Street from the north city limits to the south city limits in memory of Dr. Carl Phillips. He delineated the exemplary service of Carl Phillips during his lifetime—his employment at Stephenville Hospital from 1926 until his retirement in 1998. Also noted was Phillips' 66 years of service to the Stephenville Chamber of Commerce, honorary member of the Erath County Bar Association, honorary doctorate from Tarleton State University, recognition from President Clinton for 72 years of service to Stephenville Hospital, and declaration on January 24, 1998 of "Carl Phillips Day" in Stephenville.

Mayor Jergins directed that this item be placed on the Public Works Committee agenda for future consideration.

### III. PLANNING AND ZONING COMMISSION

#### A. Consider Approval of Preliminary Plat of Campus Crest Subdivision, being 53.488 acres of the William Motley Survey, A-515, Erath County, Texas

Betty Chew, Director of Community Development, reported that the Planning and Zoning Commission recommends approval of this plat. The subdivision is located between West Frey Street, Wolfe Nursery Road, and the Northwest Loop. The owner proposes to develop a multiple-family housing complex on Lot 1 of the subdivision. Lots 2 and 3 are reserved for future commercial development. David Marek, engineer for The Wallace Group was present.

MOTION by Mark Murphy, second by Alan Nash, to approve the preliminary plat of Campus Crest Subdivision, being 53.488 acres of William Motley Survey, A-515, Erath County, Texas. MOTION CARRIED by unanimous vote.

#### B. Consider Approval of Final Plat of Lot 1, Block 1, Campus Crest Subdivision, being 11.997 acres of the William Motley Survey, A-515, Erath County, Texas

Betty Chew explained that this single lot is located in the 2800 block of West Frey Street and will be developed with a 192-unit student housing complex. The Planning and Zoning Commission recommends approval of this final plat.

MOTION by Nancy Hunter, second by Todd McEvoy, to approve the final plat of Lot 1, Block 1, Campus Crest Subdivision, being 11.997 acres of William Motley Survey, A-515, Erath County, Texas. MOTION CARRIED by unanimous vote.

#### C. PUBLIC HEARING to consider request to rezone from I "Industrial District" to B-5 "Restaurant—Alcoholic Beverage Service District", Space #34, Lot 8, Block A, FMC Technologies Subdivision

Betty Chew reported that the Planning and Zoning Commission recommends approval of the request to rezone from Industrial District to Restaurant—Alcoholic Beverage Service District. The application has been filed by the tenant, Annette Littlejohn/Stephenville Wings, LLC. A restaurant is planned at this location, and a letter from the owner of the property grants permission for this rezoning request.

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning: No one.

Speaking in Opposition to Rezoning:

**Donza Huffman**, 1150 North Lillian, Stephenville, said that this is a very important subject to her. She asked how rezoning this property to allow for the sale of alcoholic beverages would benefit Stephenville. She said that there is an increase of arrests involving alcohol, and she is concerned about this. She asked the council to vote against this request.

**Keith Moore**, Pastor of Harvey Baptist Church and a new resident of the community, said that shortly after he moved to Stephenville and found out that it is the “wettest dry county in Texas”. He said that very little good comes from alcohol. “If we lose one life to an alcohol-related traffic accident or domestic incident, that’s one too many.”

Mayor Jergins closed the public hearing.

MOTION by Malcolm Cross, second by Nancy Hunter, to adopt Ordinance No. 2007-09.

MOTION by Alan Nash, second by Mark Murphy, to table this to Planning and Development Committee for further evaluation and to make inquiry of the applicants and the owner of the property.

MOTION by Todd McEvoy, to AMEND the motion to table this to the next council meeting when the applicant can attend. Alan Nash and Mark Murphy accepted the amendment.

MOTION to table CARRIED by the following vote:

Ayes: Council members Godwin, Johnson, Nash, McEvoy, Murphy, Ratliff.

Nays: Council members Cross and Hunter.

**D. Consider approval of Ordinance No. 2007-09 to rezone from I “Industrial District” to B-5 “Restaurant—Alcoholic Beverage Service District”, Space #34, Lot 8, Block A, FMC Technologies Addition**

**E. Consider Approval of Final Plat of Lot 6R, Block 152, City Addition, being 2.404 acres of the J. B. Dupuy Survey, A-196, Erath County, Texas**

Betty Chew reported that the Planning and Zoning Commission recommends approval of this final plat. The owner proposes to plat this property into a single lot and to develop the property with a convenience store and fueling facility.

MOTION by Todd McEvoy, second by Mark Murphy, to approve the final plat of Lot 6R, Block 152, City Addition, being 2.404 acres of the J. B. Dupuy Survey, A-196, Erath County, Texas. MOTION CARRIED by unanimous vote.

**F. PUBLIC HEARING to consider comments regarding the minimum size of a dwelling unit in a multiple family dwelling complex**

Betty Chew reported that following two public hearings, the Planning and Zoning Commission recommends amending the Zoning Ordinance to establish the minimum size of a dwelling unit at 500 feet<sup>2</sup> for one bedroom or less and to add an additional 125 feet<sup>2</sup> of floor area for each additional bedroom.

Mayor Jergins opened a public hearing.

Speaking in Favor of Amending the Zoning Ordinance: No one.

Speaking in Opposition of Amending the Zoning Ordinance: No one.

Mayor Jergins closed the public hearing.

MOTION by Todd McEvoy, second by Alan Nash, to refer this matter to the Planning and Development Committee. MOTION CARRIED by unanimous vote.

**G. Consider Approval of Ordinance No. 2007-10 Amending the Zoning Ordinance to provide for the minimum size of a dwelling unit in a multiple-family dwelling complex**

**IV. Drought Contingency Assessment Announcement by Mayor Jergins**

Mayor Jergins made the following statement:

“Pursuant to the City of Stephenville Code of Ordinances Chapter 51.16((B)(4)(a) as Mayor I initiate Stage I of the water conservation plan; therefore, specifically announcing Chapter 51.17 (A)(3)(a) whereby:

“Customers are requested to voluntarily conserve water and limit irrigation of landscaped areas to two days per week. The days of the week are left up to the customers.”

**V. MID-YEAR BUDGET**

City Administrator Mark Kaiser reported that operations and financial condition for the first six months of this fiscal year are in very good shape. As a result of discussion, the following three projects are being recommended:

**A. Contract with Michael Pietsch, P.E. Consulting Services, Inc. for ISO Study**

Fire Chief Jimmy Chew explained that an improved ISO rating may result in a decrease in insurance premiums. The Fire Department also uses this type study as a planning tool for fire protection in the city. Along with the Fire Department, the Water Department and building code enforcement will be evaluated as a part of this study. Chief Chew stated that the first phase will give the city a professional audit of where fire stations in Stephenville should be located now and in the future.

MOTION by Mark Murphy, second by Nancy Hunter, to approve the Fire Chief's request for an ISO audit, not to exceed \$18,500.

MOTION by Barry Ratliff to amend the motion to include only the first phase of the proposal. The amendment was accepted by Mark Murphy and Nancy Hunter.

MOTION CARRIED with Alan Nash casting the only dissenting vote.

**B. Agreement with MCCI for Document Services**

MOTION by Todd McEvoy, second by Cyndi Godwin, to approve the agreement with MCCI in an amount not to exceed \$30,000. MOTION CARRIED by unanimous vote.

**C. Contract for Inspection Services**

MOTION by Todd McEvoy to approve the contract for inspection services with Danny R. Johnson. Motion died for the lack of a second.

MOTION by Nancy Hunter, second by Andrew Johnson, to enter into contract with Danny R. Johnson for inspection services.

MOTION TO AMEND by Todd McEvoy, second by Mark Murphy, to add the words, "not to exceed \$15,000" to the paragraph which relates to compensation. The amendment was accepted by Nancy Hunter and Andrew Johnson.

MOTION CARRIED by unanimous vote.

**VI. GRANTS**

**A. School Resource Officer Grant**

**B. Mobile Data Terminals for Police Cars**

**C. Upgrade to Digital Cameras in Police Vehicles**

#### **D. Safe Routes to School Program Grant**

MOTION by Todd McEvoy, second by Barry Ratliff, to approve the grant for Mobile Data Terminals for Police Cars, Upgrade to Digital Cameras in Police Vehicles, Safe Routes to School Program Grant and the School Resource Officer Grant, with the stipulation that the Stephenville Independent School District be bound to the conditions of the SRO grant and will pay for subsequent years. MOTION CARRIED by unanimous vote.

#### **VII. Consider Approval of Contract with Schrickel Rollins and Associates for East Side Sewer**

MOTION by Todd McEvoy, second by Mark Murphy, to approve the contract with Schrickel Rollins and Associates for engineering services in connection with the East Side Sewer Study. MOTION CARRIED by unanimous vote.

#### **VIII. CONSENT AGENDA**

Alan Nash requested Item D be removed from the Consent Agenda, and Todd McEvoy requested Item B be removed.

MOTION by Mark Murphy, second by Alan Nash, to approve Items A, C, and E of the Consent Agenda. MOTION CARRIED by unanimous roll call vote.

MOTION by Todd McEvoy, second by Barry Ratliff, to approve Item B, Resolution No. 2007-06. MOTION CARRIED by unanimous roll call vote.

MOTION by Mark Murphy, second by Malcolm Cross, to approve Item D for the purchase of two Chevrolet Impalas on state contract for \$17,326 each. MOTION CARRIED by unanimous roll call vote.

##### **A. Minutes of Regular Council Meeting on April 3, 2007**

##### **B. Resolution No. 2007-06 Authorizing Police and Fire Departments to Acquire License Plates for Unmarked Vehicles**

##### **C. Authorization to Sell Personal Property Located on 1.002 acre, Wm. Sims Survey, Erath County, Texas**

##### **D. Bid Award on CID Vehicle**

##### **E. Bid Award for Brick Street Rehabilitation**

**IX. Comments by City Administrator**

Mark Kaiser reported that the extension of utilities (water and sewer) to the area annexed in 2003 has been completed.

Kaiser reminded voters that the last day for early voting is May 8, and the city general election is May 12. The election results will be canvassed at a council meeting on May 15. The City Council and Planning and Zoning Commission will meet for a joint work session on May 22.

**X. Comments by Council Members**

Cyndi Godwin thanked everyone who participated in the Cross Timbers Family Services Golf Tournament on April 28.

Mark Murphy thanked the park employees and the Code Enforcement Officer for tending to the grass mowing and enforcing violations of high grass and weeds. He thanked Officer Steven Watts for helping the Murphy family during a recent case of identity theft. Murphy said Officer Watts was courteous and performed his duty in a professional manner.

**XI. Adjourn**

MOTION by Todd McEvoy, second by Nancy Hunter, to adjourn the meeting. MOTION CARRIED by unanimous vote at 7:27 p.m.

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Russell E. Jergins, Mayor

ATTEST:

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Cindy L. Stafford, City Secretary