

## MINUTES OF REGULAR BUSINESS MEETING

City of Stephenville - City Council

TUESDAY, JULY 3, 2007– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on July 3, 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	:	Pat Shelbourne 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, July 3, 2007, by Mayor Jergins who declared a quorum present and recognized the Police Chief, Fire Chief, Director of Community Service, Director of Community Development, and Director of Public Works.

### II. Citizen's General Discussion

Ron Wall addressed the city council about the senior citizens center. He referenced the recent town hall meeting, recent newspaper articles, and discussions he has had with many of the seniors who frequent the current facility. He said there is active discussion about a new facility versus refurbishing the current center. Wall invited council members to attend a potluck lunch on July 11 and visit with the senior citizens about this matter and listen to their ideas and concerns.

Stormy Walker also spoke to the council about the senior center. He told the council that he thinks the center could be rebuilt at its present location for ten cents on the dollar.

### III. Legislative Report from State Representative Sid Miller

The Honorable Sid Miller reported on the 80<sup>th</sup> Regular Session of the State Legislature. He reported on the following topics:

**Budget.** Budget approved is \$152 billion. If Texas were still a republic, ours would be the tenth largest economy on the planet. Miller said, "We left \$2.5 billion in the 'checking account' —we call that the general fund; and we left \$4.5 billion in our 'savings account', which we call 'rainy day fund'. Seven

billion dollars of the tax money, therefore, was unspent. Six billion dollars was “given back to the taxpayers” in the form of property tax reduction—a 33-cent drop in school property taxes. Senior citizens taxes were unfrozen so they would be able to take advantage of this reduction.

**Public Education.** Miller said that we’re getting rid of the TAKS test, and will be going back to “end of course exams”.

**Castle Doctrine.** Miller reported that he co-authored the “castle doctrine bill”. He explained that if someone breaks into your home—your castle—you have the right to defend yourself and “shoot that person” without fear of lawsuit or intervention.

**Children’s Health Insurance Program (CHIPs).** Legislation was passed to lower the requirements in order to qualify for CHIPs.

**Trans-Texas Corridor.** A two-year moratorium on major toll roads in the state has been initiated.

**Jessica’s Law.** Allows capital punishment for certain sex crimes against children.

**Texas Park System.** Put funding back in the system, after cleaning up the financial mismanagement in the system. Sixteen million dollars is still unaccounted for. Historical sites were transferred to the Texas Historical Commission.

**Agricultural Annexation Bill.** Provides for cities to negotiate development agreements with property owners of agricultural exempt land.

Other bills that were passed provided for free vehicle registration for active military as well as free hunting and fishing license. Miller aided in securing monies for Tarleton State University and Central Texas College in Killeen. Also, changes to the Rural Rail District to allow for assessment of ad valorem tax.

In summary, Miller reported that 952 bills were passed by the House of Representatives and more than 500 by the State Senate. Mayor Jergins thanked Representative Miller for his work in getting HB 462 passed.

#### **IV. Community Development Annual Report, Betty Chew, Director**

Betty Chew, Director of Community Development, reported the following for calendar year 2006:

For new construction: 67 permits—34 residential and 33 commercial. Residential structures equate to an average value of \$110,000 and does not include land values. Land values average \$30-\$35,000 per lot.

For commercial structures: Phase III of University Plaza Shopping Center (Mi Familia Restaurant) was completed; New mini-warehouse storage facility at 1038 Glen Rose Road (approximately 50 units); H-E-B car wash; Fitness Center; Green Acres Rental; FMC Corporation well pump test station; LaQuinta Inn; Fiddle Creek Steakhouse; Rice Garden Restaurant; Quiznos; Sonic Drive-In; second Subway location; Altebaumer Insurance Office; Stephenville Junior High School athletic complex; and Grump’s Burgers. The total value of new construction represents about \$12 million.

Inspections: Approximately 2,100 each year—an increase of 25% from last year.

Code Enforcement: 860 notices of violation were sent—an increase of 25% over last year. Approximately \$18,000 was spent to correct violations of the health and sanitation ordinance that were not corrected by the property owners, and liens were placed on the properties. Chew added that with the unusual rainfall that we have had this year, her department is giving additional time for property owners to comply with the ordinance.

Substandard Structures: Five structures were demolished in 2006—three by the city at a cost of \$20,000 and two by property owners. Five more structures are planned for demolition within two months.

Three subdivisions were approved in 2006—Ridgeview Estates, Phase III with 25 lots; Alexander Ridge, 37 lots; and Elk Ridge Phase I, 76 lots.

Construction continues on Phase I Methodist Branch, Storm Water Drainage Project stands at 20% complete on the tunneling phase.

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

Betty Chew introduced this item reporting that the Planning and Zoning Commission recommends denying this request. She reminded the council that since this is a “negative” recommendation, it will require a super majority—seven affirmative—vote of the council to overturn the recommendation and rezone the property. Chew noted that the entire block is zoned R-1 Single-Family Residence, and that the daughter of one of the property owners on Clinton Street spoke opposed to this request at the P&Z meeting.

- A. PUBLIC HEARING to Consider Approval of Rezoning from R-1 “Single-Family Residential District” to R-3 “Multiple-Family Residential District” Lot 25, Block 4, College Heights Addition, known as 1021 West Shirley Street.**
- B. Consider Approval of Ordinance No. 2007- Rezoning from R-1 “Single-Family Residential District” to R-3 “Multiple-Family Residential District” Lot 25, Block 4, College Heights Addition, known as 1021 West Shirley Street.**

Applicant Caesar Castillo addressed the council and stated that his original plan for the property was to build a home for himself and his family. His plans have changed and he would like to build duplexes on the property. He believes that building something new will benefit the neighborhood.

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning:

Mayor Jergins directed that the comments of Caesar Castillo be recorded as speaking in favor of the rezoning.

Speaking in Opposition of Rezoning: No one.

Mayor Jergins closed the public hearing.

MOTION by Mark Murphy, second by Malcolm Cross, to send this matter to the Planning and Development Committee for further review to find out why the P&Z recommends denying the request before council makes a judgment on it. MOTION FAILED by the following vote:

Ayes: Council members Shelbourne, Cross, Nash, and Murphy.

Noes: Council members Hunter, Johnson, McEvoy, Ratliff, and Mayor Jergins

MOTION by Todd McEvoy, second by Barry Ratliff, to deny the zoning request.

MOTION TO AMEND by Mark Murphy, second by Pat Shelbourne, to allow the applicant to reapply to request rezoning to R-2 and waive the filing fee.

MOTION TO AMEND CARRIED by the following vote:

Ayes: Council members Shelbourne, Cross, Hunter, Nash, McEvoy, and Murphy

Noes: Council members Johnson and Ratliff.

ORIGINAL MOTION AS AMENDED CARRIED by unanimous vote.

**VI. Consider Adopting Resolution No. 2007-\_\_ Suspending the July 30, 2007 Effective Date of the Proposal by Atmos Energy Corp. to Implement Interim Grip Rate Adjustments**

MOTION by Todd McEvoy, second by Barry Ratliff, to approve Resolution No. 2007-07. MOTION CARRIED by the following vote:

Ayes: Council members Shelbourne, Cross, Hunter, Johnson, McEvoy, Murphy, and Ratliff.

Noes: No one.

**VII. Consider Approval to Donate Old Cell Phones**

MOTION by Barry Ratliff, second by Nancy Hunter, to authorize the donation of the used city cell phones to Cross Timbers Family Services. MOTION CARRIED by unanimous vote.

**VIII. Consider Approval for EMS Local Projects Grant**

Fire Chief Jimmy Chew explained that this is a grant for capnography equipment that will be added to each of our two 12-lead heart monitors. This device will allow our personnel to accurately and immediately measure a patient's blood gases and heart rate giving vital information necessary for deciding a patient's treatment and transport needs.

MOTION by Mark Murphy, second by Pat Shelbourne, to approve the application for this grant. MOTION CARRIED by unanimous vote.

## **IX. CONSENT AGENDA**

Todd McEvoy requested Item B. be removed from the consent agenda. MOTION by Mark Murphy, second by Pat Shelbourne, to approve Consent Agenda Item A. MOTION CARRIED by unanimous roll call vote.

### **A. Approval of Minutes of Regular Council Meeting on June 5, 2007**

### **B. Approval of Bid Award for 2007 Water Line Replacement Project**

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

## **X. Comments by City Administrator**

City Administrator Mark Kaiser announced that there will be a council committee work session on July 17. Water transmission line to Dublin is progressing very well. Kaiser also reported on a meeting with Texas Department of Transportation officials and results of specific projects as follows:

US 281 and FM 8: Contract has been awarded for the traffic signal and should be completed in four to six months.

Graham Street Bridge: Project to take about 18 months, and scheduled to begin about January 2008.

Drew Wells, Director of Community Services, made comments concerning the Fourth of July celebration and any contingencies in the event of rain. The parade begins at 9:30am, lawn mower races at 2pm, car show at 3pm, entertainment at 6pm and fireworks at 10pm. Marty Stuart, who is the headline act, has been rescheduled for August 24 due to the high threat of rain. Wells made special mention that the fireworks are again sponsored by the Stephenville Optimist Club and thanked them for this contribution.

## **XI. Comments by Council Members**

Todd McEvoy commended the Community Services staff for a good job in keeping the park and other areas mowed. McEvoy also complimented the recent replacement of grass medians with brick pavers as well as brick streets in the downtown area.

**XII. EXECUTIVE SESSION. At 7:05 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. 551.072 Deliberations about Real Property and Sec. 551.074 Personnel Matters (a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.**

**A. 109 square feet of Lot 3, Block 129, City Addition, City of Stephenville, Erath County, Texas**

**B. 1.55 acres out of Lot 1, Block 19, South Side Addition, Stephenville, Erath County, Texas**

**C. Lots 1, 2, Block 58, and Lot 1, Block 71, City Addition, Stephenville, Erath County, Texas**

**D. Finance Director**

Council reconvened in open session at 8:15 p.m.

**XIII. Action Taken on Matters Discussed in Executive Session (if necessary)**

MOTION by Mark Murphy, second by Pat Shelbourne, to approve the City Administrator's recommendation of Walter Wood as Director of Finance and Administration. MOTION CARRIED by unanimous vote.

MOTION by Alan Nash, second by Nancy Hunter, to authorize City Administrator Mark Kaiser to enter into contract and to negotiate contracts for Lots 1 and 2, Block 58 and Lot 1, Block 71, City Addition, Stephenville, Erath County, Texas. MOTION CARRIED by unanimous vote.

MOTION by Nancy Hunter, second by Mark Murphy, to authorize City Administrator Mark Kaiser to enter into a contract to purchase 109 square feet of Lot 3, Block 129, City Addition, Stephenville, Erath County, Texas. MOTION CARRIED by unanimous vote.

**XIV. Adjourn**

MOTION by Mark Murphy, second by Alan Nash, to adjourn the meeting. MOTION CARRIED by unanimous vote at 8:19 p.m.

---

Russell E. Jergins, Mayor

ATTEST:

---

Cindy L. Stafford, City Secretary