

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, SEPTEMBER 4, 2007– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on September 4, 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, September 4, 2007, by Mayor Jergins. Mayor Jergins noted for the record that the Police Chief, Fire Chief, Director of Community Development, Director of Community Services, Director of Public Works and the Director of Finance and Administration were also present.

II. Citizen's General Discussion

Joy Jones, 1005 Prairie Wind, Stephenville, addressed the council about her husband not being able to park his semi-tractor at their home. She referred to council discussion concerning this subject in 2002 and 2003 and asked that it now be referred to the Public Health and Safety Committee. Jones said that police officers have advised that they may park the semi-tractor in their driveway; however, it is illegal to drive it on residential streets. Following council questions and discussion, Mayor Jergins directed that this item be placed on the Public Health and Safety Committee agenda.

III. Annual Report from the Erath County Appraisal District—Jerry Lee, Chief Appraiser

Jerry Lee, Chief Appraiser, reported that the city has a total tax roll of \$818.5 million, which is an increase of \$98 million over last year. There was an increase in personal property of \$17.2 million, \$10.3 increase in new personal property, \$6.8 million increase in existing personal property. There was a \$69.3 million increase in improvements—\$10 million in new improvements; not home sites (workshops, storage buildings, swimming pools, etc.); \$6.5 million in new home site construction' and \$41 million increases in existing home site structures. Increase in land value of \$11.5 million inside the

city limits. Tax deductions and exemptions decreased from last year, i.e. Freeport Tax. Lee explained that the \$98 million at the proposed tax rate accounts for an additional \$290,000 additional revenue to the city. Based on property sales, he indicated that the increase in value is the reason for this steady increase in taxable valuation. Lee said that he is required by the state to appraise property at 100% of market value.

Lee advised the council concerning House Bill 1010 which was recently passed by the State Legislature. Basically, he said, school districts are divided by county lines. While this doesn't affect the city, the appraisal district will have seven additional taxing entities that have never paid anything into the Erath County Appraisal District. This will increase the number of parcels of property, but he does not have a definitive amount of increase to the tax rolls.

In response to a question about the 13% increase in the appraisal district budget, Lee reported that a 3.5% increase in salary was given to the employees; \$43,000 increase in retirement benefits and health insurance; and the addition of two positions. Alan Nash, Chairman of the Finance Committee, asked that the ECAD budget be placed on the next committee agenda.

IV. Report from the Erath County Appraisal District Board of Directors—Bill Bailey, City Representative

Bill Bailey stated that he is the city representative to the board of directors and is one of six members of the board, which represent eleven taxing entities within the county. These entities are Three Way ISD, Bluff Dale ISD, Morgan Mill ISD, Lingleville ISD, Huckabay ISD, Dublin ISD, Stephenville ISD, City of Dublin, City of Stephenville, Middle Trinity Ground Water Conservation District, and Erath County. As a result of HB 1010, seven more will be added. Bailey reported that there are 31,757 parcels in the county, of which 7,826 are in the city.

The function of appraisal districts in the state as set out by statute is to establish the appraisal office, adopt an annual operating budget, contract for services, hire a chief appraiser, appoint the appraisal review board members, approve contracts, make general policy, and develop a written plan for periodic appraisal of all property in the district boundaries.

Bailey also reported that the appraisal district has recently spent \$55,000 on a new mapping system. He reported that the board meets at 8:00 a.m. on the second Tuesday of each month at the district office.

V. PLANNING AND ZONING COMMISSION

Betty Chew, Director of Community Development, reported that the Planning and Zoning Commission recommends approval of this rezoning request. Chew stated that there are existing residences on three of the properties. The remaining properties are vacant.

A. PUBLIC HEARING to consider request to rezone from B-1 "Neighborhood Business District" to R-3 "Multiple Family Residential District" Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10-A; Block 7, Park Place Addition, known as 822 and 852 West Vanderbilt Street; and 845 West Sloan Street

Jeremy Lea was at the meeting representing the applicants. He explained the proposed development for this property, which includes constructing three quadraplex units on Vanderbilt Street.

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning: Mayor Jergins directed that Jeremy Lea's comments be included as being in favor of rezoning.

Speaking in Opposition of Rezoning: No one.

Mayor Jergins closed the public hearing.

- B. Consider Ordinance No. 2007-14 rezoning from B-1 "Neighborhood Business District" to R-3 "Multiple Family Residential District" Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10-A; Block 7, Park Place Addition, known as 822 and 852 West Vanderbilt Street; and 845 West Sloan Street**

MOTION by Mark Murphy, second by Nancy Hunter, to adopt Ordinance No. 2007-14.
MOTION CARRIED by unanimous vote.

VI. Consider Ordinance No. 2007-15 Adopting the Annual Budget for the Fiscal Year Beginning October 1, 2007 and Ending September 30, 2008

MOTION by Pat Shelbourne, second by Andrew Johnson, to adopt Ordinance No. 2007-15.

MOTION by Mark Murphy to amend the motion to include \$2,800 for Erath County Meals on Wheels.
Motion died for lack of a second.

MOTION by Barry Ratliff to amend the motion to divide the \$1 million of reserve funds earmarked for a swimming pool and allocate \$800,000 for a swimming pool and \$200,000 for renovation of the Senior Citizen Center. Motion died for lack of a second.

MOTION CARRIED by the following vote:

Ayes: Council members Shelbourne, Cross, Hunter, Johnson, McEvoy, Nash, Murphy, and Mayor Jergins.
Nays: Council member Ratliff.

VII. First Public Hearing on the Tax Rate for 2007

City Administrator Mark Kaiser explained that the proposed tax rate of 44.5¢ is a decrease from the current rate of 46.5¢ and represents a 6.84% increase above the effective tax rate calculation. Mayor Jergins opened a public hearing. No one spoke during the public hearing. Mayor Jergins closed the public hearing.

VIII. Consider Ordinance No. 2007-16 Adopting the Fee Schedule

MOTION by Barry Ratliff, second by Todd McEvoy, to increase the gate fee for the swimming pool from \$1 to \$2. MOTION FAILED by the following vote:

Ayes: Council members Ratliff and McEvoy

Nays: Council members Shelbourne, Cross, Hunter, Johnson, Nash, and Mayor Jergins. [Council member Murphy having left the meeting at 6:27 p.m.)

MOTION by Nancy Hunter, second by Andrew Johnson, to adopt Ordinance No. 2007-16. MOTION CARRIED by unanimous vote.

IX. PUBLIC HEALTH AND SAFETY COMMITTEE

A. Consider Adopting Ordinance No. 2007-17 Amending the Animal Control Ordinance

MOTION by Barry Ratliff, second by Pat Shelbourne, to adopt Ordinance No. 2007-17.

MOTION by Todd McEvoy to amend the motion to remove Section 90.21. Council member Ratliff stated that he would accept this as a friendly amendment. Pat Shelbourne declined to accept the motion as a friendly amendment. Council member McEvoy stated that he removed his friendly motion. MOTION CARRIED by unanimous vote.

B. Consider Adopting Ordinance No. 2007-18 by Adding Section 130.80 "Regulation of Sex Offender Residency"

MOTION by Barry Ratliff, second by Alan Nash, to adopt Ordinance No. 2007-18 and add Section 130.80 and remove Section 130.84. Alan Nash offered a friendly amendment to remove the following sentence from Section 130.81: "Sex offenders may be likely to repeat an offense, may have many more victims that are ever reported; are often prosecuted for only a fraction of their actual sexual offenses, and children not only lack the ability to protect themselves, but additional measures should be taken to keep known sex offenders from having access to children in areas where children generally feel safe." Nash stated that he did not feel it is necessary to offer this commentary. Barry Ratliff accepted this friendly amendment.

MOTION by Nancy Hunter, second by Todd McEvoy, to separate the removal of Section 130.84 from the motion. MOTION CARRIED by unanimous vote.

MOTION CARRIED to adopt Ordinance No. 2007-18, including the addition of Section 130.80 and the removal of that sentence from Section 130.81 as cited above.

MOTION by Todd McEvoy, second by Pat Shelbourne, to table this item and refer it back to the Public Health and Safety Committee. MOTION FAILED.

MOTION by Nancy Hunter, second by Malcolm Cross, to approve Section 130.84 as part of Ordinance No. 2007-18. MOTION FAILED by the following vote:

Ayes: Council members Cross and Hunter.

Nays: Council members Shelbourne, Johnson, Nash, McEvoy, and Ratliff.

C. Forfeiture Funds

MOTION by Barry Ratliff, second by Todd McEvoy, to approve \$15,000 of forfeited funds—\$8,500 for case-making purposes and \$6,500 to purchase equipment to use in illegal narcotic investigations. MOTION CARRIED by unanimous vote.

X. Public Works Committee Report

Committee Chairman Andrew Johnson reported that following review of the Drought Contingency Ordinance, the committee tabled the item for a future meeting.

XI. Consider Resolution No. 2007-10 Denying Request of Atmos Energy Corp. for Gas Reliability Infrastructure Program (GRIP) Rate Increase

MOTION by Barry Ratliff, second by Andrew Johnson, to approve Resolution No. 2007-10. MOTION CARRIED by unanimous vote.

XII. CONSENT AGENDA

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

A. Approval of Minutes

- i. Regular Council Meeting on August 7, 2007
- ii. Regular Council Meeting on August 21, 2007

B. Authorization for Sale of Property

C. Renewal of Annual Office Supplies Contract

D. Resolution No. 2007-11 Amending Authorized Representatives

XIII. Comments by City Administrator

Mark Kaiser reported that the city has received satisfactory compliance from the Texas Commission on Fire Protection.

Street reconstruction project has been delayed. The tunneling for Storm Water Drainage Phase I Methodist Branch has reached 655 feet. Summer Concert Series, sponsored in part by Texstar Ford, concludes Thursday with Ricky Skaggs and The White Family performing at the Birdsong Amphitheatre. The Water Conservation Committee Water Wise project and presentation will be Saturday in the Optimist Jaycee Park.

XIV. Comments by Council Members

Council member McEvoy suggested that we contact someone with the City of Dublin for any salvaged Thurber bricks that they no longer have a need for.

Council member Hunter said that she would like to take this opportunity to wish her daughter, Lexi, a Happy 16th Birthday on September 6.

XV. Adjourn

MOTION by Barry Ratliff, second by Nancy Hunter, to adjourn the meeting. MOTION CARRIED by unanimous vote at 7:36 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary