

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, OCTOBER 2, 2007– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on October 2, 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	:	Malcolm L. Cross Nancy Hunter Alan Nash Mark Murphy Barry Ratliff
Absent	:	Pat Shelbourne Andrew Johnson
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, October 2, 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

Cathey Hartmann, Erath County Historical Commission Chairman, wanted to introduce herself to the council as the new Chairman. Hartmann grew up in Bluff Dale as Cathey Yarbrough. She returned to her family's farm in Bluff Dale in the 1980's. The Yarbrough farm received the Family Land Heritage Award in 1996 for continuous agricultural production for 100 years. Hartmann stated that her main goal as chairman is to make the citizens of Erath County more aware of their history. She is also interested in heritage tourism, which she feels will benefit the city. She hopes that the city can work with the commission to restore the gated arches at Erath and Washington Streets.

III. DELINQUENT TAX COLLECTION REPORT—Jeff Brown with Linebarger Goggan Blair & Sampson LLP

Jeff Brown, attorney, thanked the council for their continued business, having contracted with his firm since 1987. He reported that the firm has sent more than 5,214 warning notice letters to delinquent taxpayers. Thirty-three lawsuits were filed seeking the collection of \$17,324.05 in

delinquent taxes, penalties, and interest. Nineteen lawsuits were dismissed during this reporting period which involved in excess of \$21,343.88 in taxes, penalties, and interest. Courtroom judgments have been taken in 18 lawsuits involving more than \$22,378.78. Brown stated that the City of Stephenville and Erath County have a good base of taxpayers, reporting that the city collects 97% to 98% of taxes assessed. Brown summed up by saying, "By the use of all of our collection tools, including notice letters, specialized demand letters, and litigation, we have collected on your behalf just over \$94,276.74 in delinquent taxes, penalty, and interest from September 1, 2006 to August 31, 2007."

MOTION by Nancy Hunter, second by Todd McEvoy, to accept the report on delinquent tax collection. MOTION CARRIED by unanimous vote.

IV. Proclamation Recognizing National Arts and Humanities Month; Stacy Smith, Director, Cross Timbers Fine Arts Council

Mayor Jergins reported that Stacy Smith was unable to attend the meeting and this item has been passed.

V. PLANNING AND ZONING COMMISSION

Betty Chew, Director of Community Development, reported that the Planning and Zoning Commission recommends denying this request. Chew reminded council that a super-majority is required if the council desires to approve this request.

A. PUBLIC HEARING to consider request to rezone from R-1 "Single Family Residential District to R-2 "One-to-Two Family Dwelling District", Lot 25, Block 4, College Heights Addition, located in the 1000 block of West Shirley Street

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning: No one

Speaking in Opposition of Rezoning: No one

Mayor Jergins closed the public hearing.

MOTION by Mark Murphy, second by Malcolm Cross, to table this matter until the next meeting. MOTION FAILED by the following vote:

Ayes: Council members Cross, Nash, and Murphy.

Nays: Council members Hunter, McEvoy, Ratliff, and Mayor Jergins.

MOTION by Alan Nash, second by Mark Murphy, to approve the zoning request from R-1 to R-2 as set out in Ordinance No. 2007-20. MOTION FAILED by the following vote:

Ayes: Council members Cross, Nash, and Murphy.

Nays: Council members Hunter, McEvoy, Ratliff, and Mayor Jergins.

- B. Consider Ordinance No. 2007-00 rezoning from R-1 "Single Family Residential District to R-2 "One-to-Two Family Dwelling District", Lot 25, Block 4, College Heights Addition, located in the 1000 block of West Shirley Street**

VI. PUBLIC HEARING on Request from Genuine Parts Company for a Municipal Setting Designation

Mayor Jergins announced that Genuine Parts Company owns the former Rayloc manufacturing facility on the East Loop. GPC has retained Cook-Joyce, Inc. to assess the area for potential contamination. Public hearings will be held on November 6 and December 4 to allow property owners in the affected area, as well as the general public, to ask questions and to speak about this issue.

VII. Consider Authorization to Bid Restroom Facilities at City Park

Mark Kaiser reported that Fred Parker, architect, has made the recommended changes to the design. Specifically, the location of the men's and women's bathrooms were switched to allow the women's bathroom to be situated on the same side as the concession stand as well as on the south side of the facility to avoid north winds during fall and winter months.

MOTION by Nancy Hunter, second by Alan Nash, to authorize staff to proceed with the bidding for construction of this facility. MOTION CARRIED by unanimous vote.

VIII. FINANCE COMMITTEE REPORT

Alan Nash, chairman of the committee, gave this committee report.

A. Hotel Occupancy Tax Contract with Chamber of Commerce

Nash reported that the city is under contract with the chamber of commerce to administer 7% of the hotel occupancy tax for the purpose of promoting the tourist and convention industry. Nash noted that July Danley, Chamber President, and Paul Sullivan with the Lone Star Arena were present at the meeting to discuss this matter.

B. Review Erath County Appraisal District (ECAD) Budget

The Chief Appraiser for the ECAD was unable to attend the committee meeting, leaving nothing to report.

C. Consider Ordinance Relating to Taxation of Goods In Transit (HB 621)

This matter was tabled by the committee for future discussion.

IX. Consider Adoption of Resolution No. 2007-12 Suspending Effective Date of Atmos Energy Corp. Requested Rate Change

MOTION by Barry Ratliff, second by Mark Murphy, to adopt Resolution No. 2007-12. MOTION CARRIED by unanimous vote.

X. CONSENT AGENDA

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

A. Approval of Minutes

- 1. Regular Council Meeting on September 4, 2007**
- 2. Council Meeting on September 11, 2007**
- 3. Council Meeting on September 18, 2007**

B. Authorization to Dispose of Property

Item B. relates to the donation of bicycles recovered by Stephenville PD to Tarleton State University for a new initiative called Purple Peddle Push, which will provide free use of the bicycles to university students. MOTION by Barry Ratliff, second by Todd McEvoy, to approve Item B. MOTION CARRIED by the following roll call vote:

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

Nays: Council member Nash.

C. Routine Airport Maintenance Program Grant Agreement

D. Amend the Local Project Advance Funding Agreement on Mary-Ollie Street from Long Street to Tarleton Street

E. Lone Star Library Grant

F. Bid Awards

- 1. Janitorial Service for FY07-08**
- 2. Toro 4100D**

MOTION by Mark Murphy, second by Malcolm Cross, to authorize the purchase of the Toro 4100-D mower in the amount of \$40,387.00. MOTION CARRIED by unanimous roll call vote.

XI. Comments by City Administrator

Mark Kaiser gave an update on the following projects:

- 2007 Street Reconstruction Project. Water lines have been completed.
- Storm Water Drainage Project. The underground tunnel is now at 801 feet. Placement of equipment and the access ring has been situated at the intersection of Clinton and Washington Streets. Crews will begin tunneling from that site and meet with the river tunneling project.
- Long-Term Water Project. The pipeline from Stephenville to Dublin is complete. Testing of the pipeline will begin within two to three weeks.
- Commercial Airport Hangar. Construction has begun on the second commercial hangar.
- Graham Street Bridge over Bosque River. Construction has begun and is expected to continue until July 2008.

- Brinkley Sargent Architects will present their report to the council next week on the

recreational facility.

XII. Comments by Council Members

Mayor Jergins announced the following:

- Texas Department of Transportation will hold a meeting on October 18 at the United Cooperative Services meeting room, 9am to 11am, regarding Clark Field Municipal Airport.
- Council has received documentation from Barbara Terrell, Phyllis Farrington, and Clara Hodge concerning the Senior Citizens Center where they practice line dancing.
- Notices from TCEQ on proposed permits regarding Concentrated Area Feeding Operation (CAFO).

Upon request by some citizens, Mayor Pro-Tem McEvoy clarified that it is the responsibility of the city property owner to maintain easements located on their property.

Mark Murphy made a plea to anyone who could explain why gasoline prices in Stephenville are twenty cents a gallon higher than neighboring cities such as Granbury, Burleson, and Cleburne.

XIII. EXECUTIVE SESSION. At 6:50 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 and Sec. 551.072 Deliberations about Real Property

A. James Bachus v. City of Stephenville, Case No. 4-06CV-251-Y in the United States District Court for the Northern District of Texas, Fort Worth Division

B. Lot 7A, Block 56, City of Stephenville

Council reconvened in open session at 7:11 p.m.

XIV. Action Taken on Matters Discussed in Executive Session

MOTION by Todd McEvoy, second by Barry Ratliff, to authorize the city administrator to acquire Lot 7A, Block 56, City of Stephenville.

XV. Adjourn

MOTION by Nancy Hunter, second by Barry Ratliff, to adjourn the meeting. MOTION CARRIED by unanimous vote at 7:12 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary