

REGULAR MEETING OF CITY COUNCIL

MARCH 12TH, 2012

PRESENT: Billy John Murphy Mayor
Greg Drennan Alderman Place 1
Donnie Hayes Alderman Place 3
Dianna Sursa Alderman Place 4
Mike McMahan Alderman Place 5

ABSENT: Kim Johnston Alderman Place 2

STAFF: Mark Anderson City Manager
Jocelyn Perez City Secretary
Matt Daffern Director of Public Works
Marie Farbro Chief of Police
Alan Wells Fire Chief
Patrick Lambert Police Officer

GUESTS: Jade Drennan (Probation Officer)
Leroy Hunt
Jerry & James Hawthorne
Harold Cobb
Rochelle Daffern
Jose Perez

ITEM #1: CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE, WELCOME GUESTS

Mayor, Billy Murphy called the meeting to order at 6:02 P.M., Council Member Hayes gave the invocation, and lead the pledge. Mayor Murphy took time to thank all guests for coming.

ITEM #2: PUBLIC COMMENT

Leroy Hunt – Mr. Hunt approached the Council stating that over in Sunray they had a new Family Dollar Store. He wanted to know who the “idiot” was that told them that we didn’t need one in Stinnett?

Mr. Hawthorne asked when they were going to get started on the drainage project.

ITEM #3: MONTHLY REPORTS

Maintenance: Director of Public Works, Matt Daffern reported the following:

62 Work Orders Completed
1 Week of Class
5 Sewer Calls 4 After Hours, 1 During
We worked on 9th Street and the Park
1 New Gas Tap

We are about thru with the gas line.

E.M.S.: (No Report)

Fire Department: (No Report)

Police Department: Police Chief, Marie Farbro reported the following:

Contacts – 23
Calls for Service – 104
Accidents – 0
Agency Assists – 8
Arrests – 1
E.M.S. – 3

C.D.C.: (No Report)

City Manager: City Manager Mark Anderson reported the following:

Storm Sewer Project: We will be starting the Storm Sewer project around the 19th or the 26th.

Park: The awning in the Park has been installed. The swing set has been delivered and will be installed and the sprinkler system will be repaired. Mr. Anderson would like to extend the sidewalk from the bridge to the pool parking lot and to the street across to City Hall by this summer. This will help minimize people from walking on the grass.

Streets: Donnie got up to the North East part of town on McCormick and on 4th and 5th and got some Cliché' packed to help with road conditions.

Sealcoat Streets: City Engineer Brandt will be here this week to review with us the streets scheduled to sealcoat this year.

ITEM #4: MINUTES FROM THE SPECIAL MEETING FEBRUARY 23RD, 2012. – APPROVED

Following review of the minutes of the special meeting February 23rd, motion was made by Council Member Hayes, seconded by Council Member Sursa, to approve the minutes as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.
Abstain: Council Member Drennan.
Nays: None.

ITEM #5: FEBRUARY 2012 PAYMENT TRANSACTIONS - APPROVED

The expenditures for February 2012 were submitted for the consideration of the Council. Council Member Hayes questioned an invoice to Julian's Transmission Repair, Inc. for \$7,395.03 for the repair of the trash truck. He asked if it was not under warranty. City Manager Anderson informed him it was not. A motion was made by Council Member

Hayes, seconded by Council Member Sursa, to approve payment of the expenditures for February 2012. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ITEM #6: CONSIDERATION AND REVIEW REGISTERED SEX OFFENDER ORDINANCE – PRESENTED BY PROBATION OFFICER, JADE DRENNAN & CHIEF OF POLICE, MARIE FARBRO

Police Chief Marie Farbro and Probation Officer Jade Drennan presented to the Council the following items to consider for the proposal of an ordinance addressing sex offenders within the community of Stinnett.

Request for Sex Offender City Ordinance

Introduction

The increase in sex related crimes in our local communities and throughout the State of Texas causes great concern. As of March 1, 2012, there are forty five (45) registered sex offenders living in Hutchinson County, Texas. Of those forty five offenders, there are sixty five (65) known victims. As of this date, there are currently seven registered sex offenders living within the 79083 zip code. According to the Hutchinson County District Clerk's office, there are twenty Seven (27) pending Aggravated Sexual Assault, Sexual Assault, Inceency with Child, and Failure to Comply with Sex Offender Registration cases pending within the County. As a community there are ways to prevent or minimize the exposure of registered sex offenders to our children.

Statistics

- Every six minutes a sexual assault or attempted sexual assault is reported to law enforcement in Texas.
- ¼ of million children in Texas are sexually assaulted each year.

Neighboring Communities

- Borger and Fritch currently have sex offender city ordinances in place.
- Stinnett is the only community within Hutchinson County that does not.

Adult Probation

- What are the most common sex offender restrictions whole on probation?
- How can city ordinances aid in the supervision of sex offenders?

Recommended Approach

- Define child safety zone
- Prohibit registered sex offenders from residing within 500 feet of a child safety zone.
- Prohibit registered sex offenders from entering any child care facilities, daycares, parks, swimming pool, or any locations children commonly congregate.

City Manager Mark Anderson asked on behalf of the Chief of Police for authorization from the City Council to continue progress with the Ordinance and contact the City Attorney for further collaboration.

ITEM #7: 1ST Reading of City Ordinance No: 324 Amending Ordinance No: 316 An Ordinance Providing for the Furnishing of Gas, Water, Sewer and Sanitation Services by the City of Stinnett, Texas, and the Rates to be Charged for Such Services.)

Mayor Billy Murphy presented the 1ST Reading of City Ordinance No: 324. Copies were distributed to guests present.

ORDINANCE NO. 324

AN ORDINANCE PROVIDING FOR THE FURNISHING OF GAS, WATER, SEWER AND SANITATION SERVICES BY THE CITY OF STINNETT, TEXAS, AND THE RATES TO BE CHARGED FOR SUCH SERVICES; PROVIDING FOR AND REGULATING DEPOSITS AND PAYMENTS FOR SUCH UTILITY SERVICES; PROVIDING FOR THE EXTENSION OF UTILITY LINES TO CUSTOMERS AND FOR UTILITY TAP FEES; PROVIDING FOR CERTAIN ADMINISTRATIVE PROCEDURES AND SERVICE CHARGES; REVOKING ALL PRIOR ORDINANCES PERTAINING THERETO; AND PROVIDING THAT SHOULD ANY SECTION OF OR PART OF ANY SECTION OF THIS ORDINANCE BE HELD VOID, THE REMAINING PORTIONS SHALL NOT BE AFFECTED.

WHEREAS, the City Council of the City of Stinnett, Texas, finds it desirable to improve (1) the furnishing of gas, water, sewer and sanitation services to its customers, (2) the extension of such utility lines to its customers, (3) the payments for such services and the deposits for utility services, (4) administrative procedures and service charges for these utility services; and (5) the service areas for each of the services provided by the City of Stinnett, and

WHEREAS, the City Council of said City has determined that it is in the best interest of the City and its customers to revoke all prior ordinances and establish one ordinance providing for and regulating such matters;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STINNETT, TEXAS;

I.

1.01.

GAS SERVICE

The following schedule of monthly rates and charges for natural gas service furnished by the City shall be and such is hereby adopted and established:

- (1) *First 1,000 cubic feet or minimum charge inside city limits shall be \$5.50 plus the city cost of gas and shall be \$10.50 plus the city cost of gas for customers outside of City limits.*
 - (2) *All over 1,000 cubic feet, per 1,000 cubic feet* *\$3.85*
 - (3) *All over 1,000 cubic feet, per 1,000 cubic feet outside city limits* *\$4.25*
- Above the cost of the gas as purchased by the City, to be adjusted monthly if necessary.*

1.02.

WATER SERVICE

The following schedule of monthly rates and charges for water service furnished by the City shall be and such is hereby adopted and established:

- (1) *Minimum charge for customers inside City Limits with gas service will be charged \$12.50 customers with no gas service will be charged \$15.50. All customers who reside outside of the City Limits will be charged \$15.50.*
- (2) *Per 1,000 gallons* *\$2.50*
- (3) *Per 1,000 gallons outside city limits* *\$3.25*

1.03.

SEWER SERVICE

The following schedule of monthly rates and charges for sewer service furnished by the City shall be and such is hereby adopted and established:

- (1) *Residential Service* *\$12.50*
- (2) *Commercial Service (Based upon B.O.D. loading)*
 - (a) *General* *\$17.50*
 - (b) *Car Wash* *\$32.50*
 - (c) *PSPCISD Contract* *\$102.50*

(d) *Hutchinson County Contract* \$77.50

(e) *Motels* \$27.50

1.04.

SANITATION SERVICES

The following schedule of monthly rates and charges for sanitation service furnished by the City shall be and such is hereby adopted and established:

(1) <i>Single-Family Residence</i>	\$20.50
<i>Outside City Limits</i>	\$30.50
(2) <i>Business Charge</i>	
<i>1 container 1 time per week</i>	\$44.50
<i>1 container 2 times per week</i>	\$84.50
<i>1 container 3 times per week</i>	\$125.50
<i>2 containers 1 time per week</i>	\$81.65
<i>2 containers 2 times per week</i>	\$162.65
<i>2 containers 3 times per week</i>	\$203.65
<i>3 containers 1 time per week</i>	\$121.65
<i>3 containers 2 times per week</i>	\$242.65
<i>3 containers 3 times per week</i>	\$283.65

If more than one business shares a container the cost is to be split by the businesses using the container.

For resumption of service, there shall be a \$35.00 dumpster reset fee. For Service outside the City Limits, there shall be a \$35.00 deposit required.

II.

2.01.

GAS SERVICE

Along with the application for gas service from the City, the applicant shall pay to the City a deposit in the amount of \$100.00 for each residential service, \$150.00 for commercial service. If more than one dwelling is receiving service through the same meter, each dwelling must pay a deposit of \$100.00. Failure to give such deposits may result in the cutting off of service to all dwellings using the meter. Each dwelling will be charged the minimum for any connection to a utility.

2.02.

WATER SERVICE

Along with the application for water service from the City, the applicant shall pay to the City a deposit in the amount of \$50.00 for each residential services, \$100.00 for commercial service. If more than one dwelling is receiving service through the same meter, each dwelling must pay a deposit of \$50.00. Failure to give such deposits may result in the cutting off of service to all dwellings using the meter. Each dwelling will be charged the minimum for any connection to a utility.

2.03.

REFUND OF DEPOSIT

Any deposit made to the City for utility service shall be held by the City until the utility service for which the deposit was made shall be terminated. Upon termination of such service, the customer shall be entitled to a refund of such deposit, less any amount which is due owing to the City for providing any utility service.

2.04.

SECOND DISCONNECT

In the event that any City utility customer has utility services terminated and disconnected for the second time for failure to pay charges, or administrative fees when due, such customer shall be required to deposit with the City the additional amount equal to the cost of new service in addition to existing deposits before such utility service will be resumed.

2.05.

DEPOSIT REQUIREMENTS

The City of Stinnett, in agreement with Texas Revenue Recovery Association requires that any individual over the age of 18 years of age be identified as part of a household. Failure to identify can result in disconnection of services.

III.

EXTENSIONS

3.01.

SCOPE OF PROVISIONS

The provisions of this article shall be applicable only to and for those extensions of gas, water and sewer lines in the right-of-way on the City side of the meter which will be designated by the City Council. This section shall not be construed to exclude the payment of the standard tapping charges or deposits which may be required.

3.02.

COSTS

In the extension of any existing water line cost will be designated by the City Council.

3.03.

LOCATION AND GRADE OF PIPE

The location and size of pipe to be used in any water sewer extension, as well as the grade thereof, shall be determined by the City.

3.04.

CONSTRUCTION

The City reserves the right to do and perform all the work and construction required in gas, water and sewer extension, and to inspect any such construction performed by others. All material used and work performed shall be approved and in conformity with City standards and specifications.

IV.

PAYMENT OF UTILITY CHARGES

4.01.

DUE DATE

The charges fixed and prescribed by this ordinance for the provision of utility services shall be due and payable in the office of the City Secretary on or before the fifteenth (15th) day following the date bills therein shall be mailed. In the event that such charges are not paid in full by such date, a penalty of ten per cent (10%) of the amount due and payable shall be added to such charges. In the event that such charges are not paid in full by 1:00 pm on the twenty-fifth (25th) day of the month following the date bill therein are mailed a service charge of twenty dollars (\$20.00) will be assessed. All deposits, tap fees and all other administrative fees assessed under the provisions of this ordinance shall be payable immediately.

Note: Cut-off-of-Service

When the (25th) falls on a Friday, Saturday, or Sunday, cut-offs shall not occur until the following business day at 10:00 a.m. All penalties / late fees are still applicable and in force.

4.02.

RETURNED CHECKS

In the event a customer tenders payment for service by check and the same is refused by the paying bank, the bill shall be declared delinquent and the City shall forthwith notify the customer, either in person or by written notice of the refused check. Each customer who tenders the City a check which is refused by the paying bank shall be assessed an additional service charge of twenty-five dollars (\$25.00). If the customer shall fail to immediately redeem such check, service shall be disconnected and an additional service charge of twenty dollars (\$20.00) will be assessed.

4.03.

CASH PAYMENTS

The City reserves the right to refuse payment by check, and require payment in cash for the following:

- (1) Any customer who has previously made any payment to the City of Stinnett by an insufficient check; or*
- (2) Any customer whose utility account with the City is overdue.*

4.04.

DISCONNECT OF SERVICE

In the event that any City utility customer does not pay all applicable utility charges on or before the twenty-fifth (25th) day after the same are due, or fails to pay any administrative fees or charges upon demand, the City Secretary or the Utility Billing Clerk are authorized by the City Council of the City of Stinnett to disconnect or terminate or cause to be disconnected all utility services furnished such customer.

4.05.

RESUMPTION OF SERVICE

Any utility customer whose utility services have been disconnected or terminated for the nonpayment of the charges and fees therefore may have such utility services resumed by paying all charges and fees due by him to the City and in addition thereto, have the requisite amount on deposit with the City.

4.06.

THEFT OF SERVICES

Any utility customer whose utility services have been disconnected or terminated for nonpayment of the charges and fees and turn such services back onto such dwelling will be charged with theft of services through the Stinnett Police Department.

V.

SERVICE CHARGES

5.01.

WATER AND SEWER TAP FEES

The following schedule shall apply for tap fees and such is hereby adopted and established.

(1) *Water Tap Fee – The following shall be made by the City for each and every water tap connection made to the City’s water mains:*

a) *5/8”x 3/4” meter* \$225.00

b) *1” meter* \$500.00

c) *1 1/2” and over meter – cost to be determined by the City upon current costs to the City at the time the tap connection is made. Among the factors to be considered is the size of the line and whether the line can be tapped by the City.*

(2) *Sewer Tap Fee* \$225.00

5.02.

GAS TAP FEE

The following charges shall be made by the City of each and every gas tap connection made to the City’s gas supply lines:

- (1) 5 Lt. Meter \$225.00
- (2) Larger than 5 Lt. Meter – Cost to be determined by the City upon current cost to the City at the time the tap connection is made. Among factors to be considered is the size of the line and whether the line can be tapped by the City.

5.03.

METER READING

In the event a customer requests that the City reread utility meter, the City shall perform the service free of charge once in a calendar year; except that, if the meter has been read twice by the City during the billing period and prior to such customer request, then the City may charge a fee of \$5.00 for reading the meter as requested. If one (1) or more additional readings are made at the request of the customer during the same billing period, the City shall charge an additional \$5.00 per reading. If, upon reading, the City’s previous reading is determined to have been incorrect, the fee such correct reading shall be waived.

5.04.

RECONNECT FEES

(1) The following fees shall be charged for any and every call to turn utilities on or off for the purpose of repairs or resumption of service. Also, for gas service reconnects, which must include a gas pressure test, customers must contact City Hall before noon Monday thru Friday, in order for said test to be conducted during staff work hours:

During Office – Maintenance Hours: \$25.00

After Office – Maintenance Hours: \$40.00

(2) In addition, the following fees shall be charged by the City for any and every service call to turn utilities on or off after a disconnection for nonpayment:

During Office – Maintenance Hours: \$25.00

After Office – Maintenance Hours:

\$40.00

VI.

SERVICE CALLS

6.01.

GAS SERVICE AREA

The area to be serviced by the gas system of the City of Stinnett is the area within the City limits of the City of Stinnett. Any service provided outside this area must be approved by the City Council of the City of Stinnett.

6.02.

WATER SERVICE

The area to be serviced by the water system of the City of Stinnett is the area within the City limits of the City of Stinnett and will include the areas known as Uptergrove Acres and Srpadlin Acres. Any service provided outside this area must be approved by the City Council of the City of Stinnett.

6.03.

SEWER SERVICE

The area to be serviced by the sewer system of the City of Stinnett is the area within the City limits of the City of Stinnett where sewer is available. Any service provided outside this area must be approved by the City Council of the City of Stinnett. The City of Stinnett at its discretion for repetitive sewer calls that are found not to be in the city's sewer main will result in a service charge of not less than \$20.00.

6.04.

SANITATION SERVICE

The area to be serviced by the sanitation system of the City of Stinnett is the area within the City limits of the City of Stinnett. Any service provided outside of this area must be approved by the City Council of the City of Stinnett.

IX.

EFFECTIVE DATE

THIS ORDINANCE, AND THE RATES, CHARGES AND ADMINISTRATIVE PROCEDURES AND FEES PROVIDED HEREIN, SHALL BE EFFECTIVE AS OF ITS PUBLICATION PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE.

PASSED AND APPROVED AND ENACTED ON THIS THE _____ DAY OF _____.

CITY OF STINNETT, TEXAS

Billy John Murphy, Mayor

ATTEST

Jocelyn Perez, City Secretary

A motion was made by Council Member Drennan, seconded by Council Member McMahn, to accept the 1st reading of City Ordinance No. 324. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

ITEM #8: DISCUSS AND REVIEW STREET IMPROVEMENTS – SEALCOATING 2012

City Manager Anderson stated that Public Works Director Matt Daffern and he had reviewed the Streets situation with the City Engineer. Mr. Anderson provided the Council with a map of the area that they have proposed to be sealcoating for this fiscal year. He has asked for authorization to solicit for some quotes. The Council granted Mr. Anderson permission.

ITEM #9: EXECUTIVE SESSION

Went into Executive Session @ 6:50

ITEM #10: ACTION FROM EXECUTIVE SESSION: NONE

Back into Session @ 7:15 no action from Executive Session

ITEM #11: ADJOURN

Motion was made by Council Member Hayes, seconded by Council Member Sursa, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Meeting adjourned @ 7:16 pm.

Billy Murphy
Mayor

ATTEST

Jocelyn Perez
City Secretary