

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
TUESDAY, APRIL 4, 2006– 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on April 4, 2006, 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 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, April 4, 2006, by Mayor Rusty Jergins who declared a quorum present.

II. CITIZENS' GENERAL DISCUSSION

Lee Oliver, 584 North Belknap, Stephenville, thanked the council for the street and drainage improvements to Belknap Street. He said that as a result of these improvements, there is a renewed interest in the appearance of a lot of the homes in his neighborhood. He said that residents are taking measures to clean up around their homes and make repairs to their homes. He believes it is a direct result of the improved conditions and appearance of the streets in this area.

III. PLANNING AND ZONING COMMISSION PUBLIC HEARINGS

A. Consider Request to Rezone from B-2 "Retail and Commercial Business District" to B-5 "Restaurant - Alcoholic Beverage Service District" Lot 17, Block 33, South Side Addition, known as 1645 West South Loop.

Betty Chew, Director of Community Development, gave the staff report stating that the Planning and Zoning Commission unanimously recommends this rezoning request.

G. K. Lewallen, owner of the property, told the council that he plans to sell subject property to Collier Albright, who plans to build a hamburger restaurant on the site. This site is located adjacent to Lewallen's western wear store, Grand Entry. Lewallen told the council, "I guarantee I wouldn't sell that property to anybody if I thought that business would hurt the city in any way."

Mayor Jergins opened a public hearing.

Speaking in Favor of Rezoning:

Mayor Jergins directed G. K. Lewallen's comments be entered in the record as speaking in favor of this rezoning request.

Collier Albright, is the prospective buyer of subject property. He told the council that he presently operates a "Grumps" hamburger restaurant in Granbury and wants to expand to this additional location. He said that he has a good reputation with the Texas Alcohol Beverage Commission in Granbury. He said that his is not considered a "fast food" restaurant, and alcohol sales have remained less than 10% for the past four years at his current location.

Speaking in Opposition of Rezoning:

Johnny Huffman, said that he recognized that the B-5 zoning classification was added to provide an alternative to B-4. He said that while the council is to be commended for its action to establish the new zoning classification, the fact remains that we have a serious alcohol problem in Stephenville.

Mayor Jergins closed the public hearing.

At council's request, Betty Chew reviewed the requirements of B-5 zoning. She explained that the only permissible use in B-5 is a restaurant. B-4 includes all establishments that have on-premises drinking of alcoholic beverages, such as bar, country club, etc. Parking requirements are more restrictive in B-4, providing for one parking space for every 50 square feet of floor space in the

facility. In B-5 it is one parking space for every 200 square feet of floor space. All restaurants must have a minimum of 70% of their sales must be food products.

B. Consider Adopting Ordinance No. 2006-08 Rezoning from B-2 "Retail and Commercial Business District" to B-5 "Restaurant - Alcoholic Beverage Service District" Lot 17, Block 33, South Side Addition, known as 1645 West South Loop.

MOTION by Barry Ratliff, second by Malcolm Cross, to adopt Ordinance No. 2006-08. MOTION CARRIED by unanimous vote.

C. Consider Request to Rezone from I "Industrial District" to B-5 "Restaurant - Alcoholic Beverage Service District" Lot 30, Block 145, City Addition, known as 2004 West Swan Street.

Betty Chew gave the staff report, stating that the Planning and Zoning Commission is recommending approval of this zone change.

Applicant Gale Warren submitted a draft site plan of the restaurant and parking on the property. He said that for as long as he has lived in Stephenville, there has been a need for a "first-quality steakhouse". He listed three objectives: 1) to serve the best steak in this part of the country, 2) to provide the best service to their patrons, and 3) to be a good neighbor.

In answer to council questions concerning landscaping, Warren stated, "One of the things about being a good neighbor is listening to what the neighbors say, and I promise you that I will take what a neighbor has to say as deeply to heart as what a customer has to say. I think photema [photinia] is a plant that provides a very good hedge that gets 6 or 7 feet tall. I think they are an excellent opportunity for us to put in there as a hedge that will take care of any interruption if that happens to be a complaint." When asked about a sidewalk as well, Warren said, "We get into conflicts there. Do you want a hedge or do you want a sidewalk. It falls back under that 'We're gonna be a good neighbor.' and to be the shining star of the neighborhood."

Mayor Jergins opened the public hearing.

Speaking in Favor of Rezoning:

Mayor Jergins directed Gale Warren's comments be entered in the record as speaking in favor of this rezoning request.

Speaking in Opposition of Rezoning: No one.

Mayor Jergins closed the public hearing.

D. Consider Adopting Ordinance No. 2006-09 Rezoning from I "Industrial District" to B-5 "Restaurant - Alcoholic Beverage Service District" Lot 30, Block 145, City Addition, known as 2004 West Swan Street.

MOTION by Todd McEvoy, second by Alan Nash, to adopt Ordinance No. 2006-09. MOTION CARRIED by the following vote:

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

Noes: Council member Godwin

E. Consider Request to Rezone from I "Industrial District" to B-5 "Restaurant - Alcoholic Beverage Service District" Lot 5, Block 4, College Hill Addition, known as 1044 West Washington Street.

Betty Chew reported that the Planning and Zoning Commission unanimously recommends this zone change.

Applicant Arturo Avalos said that he has operated restaurants in Granbury for 19 years and Stephenville since 2000. He said that he does not want to operate a bar, but does want to supplement his meals with alcoholic beverages and believes he can better compete with other restaurants if he, too, can acquire the B-5 zoning classification.

Todd McEvoy questioned Avalos concerning why he never applied for a B-4 zoning request. Avalos said that when he first came to Stephenville, he wanted to get familiar with the area before making major changes to the restaurant. He said that over the years, he has seen more restaurants being able to serve alcohol and he wants to be competitive as well.

Alan Nash asked about parking situations with adjacent Sonic and specifically some problems with Sonic customers (teenagers) encroaching on La Fiesta's parking lot. Avalos said there are situations from time to time, but he feels they "got the message across" and they haven't had any problems in a long time. He also added that these incidents took place after La Fiesta was closed for the night.

Nancy Hunter inquired if the restaurant has a drive-through window. Avalos answered that they do, but it is not used very much. He said they do not advertise drive-through service. Hunter expressed concern as no drive-through service is allowed in the B-5 zoning classification.

Betty Chew explained that “a restaurant without drive-through service is permitted in the B-5”. Chew stated that the restaurant can have a “walk-up door” where customers can pick up their to-go order. Chew advised that to be in compliance, Mr. Avalos would need to abandon the drive-through service and designate a place where customers could pick up their order. Chew said that before they could have a permit, they would have to close the drive-through window and provide some type of walk-up service.

Other areas of concern were brought up, including parking in a vacant lot directly across Washington Street from La Fiesta. Avalos said that from his observation, those persons parking across the street were customers of Sonic. Another concern mentioned was the close proximity of the railroad tracks to the restaurant. Avalos told the council that trains come by his restaurant three times during the day; two of those times are when the restaurant is closed.

Speaking in Favor of Rezoning:

Mayor Jergins directed Arturo Avalos’ comments be entered in the record as speaking in favor of this rezoning request.

Speaking in Opposition of Rezoning: No one.

Mayor Jergins closed the public hearing.

F. Consider Adopting Ordinance No. 2006-10 Rezoning from I "Industrial District" to B-5 "Restaurant - Alcoholic Beverage Service District" Lot 5, Block 4, College Hill Addition, known as 1044 West Washington Street.

MOTION by Malcolm Cross, second by Mark Murphy, to adopt Ordinance No. 2006-10 in addition that it meets the regulations as provided in the classification; specifically, the closing of the drive-through window.

MOTION by Todd McEvoy, second by Alan Nash, to table this matter until the next meeting, April 18. MOTION CARRIED by the following vote:

Ayes: Council members Hunter, Johnson, Nash, McEvoy, Ratliff, and Mayor Jergins.

Noes: Council members Godwin, Cross, and Murphy.

IV. CONSIDER ORDINANCE NO. 2006-11 ANNEXING 12.01 ACRES, J. B. DUPUY SURVEY, ERATH COUNTY, TEXAS

MOTION by Andrew Johnson, second by Barry Ratliff, to adopt Ordinance No. 2006-10. MOTION CARRIED by unanimous vote.

V. PLANNING AND ZONING COMMISSION ANNUAL REPORT, Chairman Don Douglas

Douglas reported that the commission met in regular session 10 times and convened in work session 15 times during 2005. The commission considered 14 zoning change requests, 4 subdivision proposals, 4 Zoning Ordinance public hearings, 1 vacate right of way, and 2 Comprehensive Plan public hearings. The commission completed its revisions to the remaining sections of the ordinance, which has been forwarded to the city council for public hearing and adoption. Additionally, the commission reviewed the 2030 Comprehensive Plan and has forwarded it to the council for adoption. The Master Annexation Plan will be reviewed and updated this year, and areas will be considered for unilateral annexation in 2007.

MOTION by Todd McEvoy, second by Alan Nash, to accept the Planning and Zoning Commission report. MOTION CARRIED by unanimous vote.

VI. FIRE DEPARTMENT ANNUAL REPORT, Fire Chief Jimmy Chew

Chew first thanked the council for improvement in the department made through the current budget; specifically, the addition of a training officer and the creation of three sergeant positions. He presented the statistics as follows, noting that January through September, 2003, the city was providing first response to Erath County:

	2005	2004	2003
Total Number of Runs	1526	1368	1711
Fire Responses	235	185	339
EMS Responses	1291	1183	1372
EMS Billed Calls	880	708	887
Total Fire Training Hours	1347	1486.5	731
Average Training Hrs/Firefighter	53.88	59.46	29.24
Total EMS Training Hours	1196	988	185
Average EMS Hrs/Firefighter	47.84	39.52	7.4
Total Training Hours (Pd.)	2543	2474.5	916
Total Vol. Training Hours	596.6	408	694
Average Training Hrs/Vol.FF	31.4	25.5	49.6
Calls for Vol Man Power	75	24	26

Pre Fire Plans Completed	39	24	0
Man hours on Pre Fire Plans	722	1092	0
Fire Inspections Completed	109	132	135

Chief Chew stated that 2005 was an historical and different kind of year for the SFD. He said that prior to this year, the department had never fought a fire that consumed a community or town, referring the Cross Plains and Huckabay. He also said that SFD had never responded to a hurricane until this year in response to Hurricane Rita.

Mayor Jergins commended Chief Chew for displaying outstanding leadership since he became chief. Jergins credited Chew for the good working relationship shared by the city and the county.

MOTION by Todd McEvoy, second by Andrew Johnson, to accept the 2005 Annual Fire Report. MOTION CARRIED by unanimous vote.

VII. PERSONNEL COMMITTEE REPORT—Consider Approving Health Insurance Plan

Nancy Hunter gave the committee report stating that the committee recommends the plan bid by Blue Cross and Blue Shield, which increases the annual deductible per employee from \$250 to \$500 for in-network services and from \$500 to \$750 for out-of-network services. The annual family maximum out-of-pocket costs will increase from \$750 to \$1,500 for in-network services and from \$1,500 to \$2,250 for out-of-network services. The prescription co-pay amounts of 10-25-40 will remain the same. The plan will increase the city’s health insurance costs about \$25,000 per year. Butch Fraser of Fraser Insurance, who is the recommended agent of record, was present to answer questions from council members.

MOTION by Nancy Hunter, second by Andrew Johnson, to approve the Blue Cross Blue Shield B2a and G3a plans and to appoint Butch Fraser of Fraser Insurance as the agent of record.

Todd McEvoy stated that he would like to see an emphasis placed on the employee’s family plan. Mark Murphy stated that he would like to get some input from employees regarding the committee’s recommendation.

MOTION by Alan Nash, second by Todd McEvoy, to call the question. MOTION CARRIED with the only dissenting vote being cast by Mark Murphy.

MOTION by Mark Murphy to table this matter until the next meeting. Motion died for lack of a second.

Vote on the motion CARRIED by the following vote:

Ayes: Council members Cross, Hunter, Johnson, Nash, Ratliff, and Mayor Jergins

Noes: Council members Godwin, McEvoy, and Murphy

MOTION by Nancy Hunter, second by Mark Murphy, to award the bid for dental insurance to MetLife and to name Lifetime Benefits Insurance LLP as agent of record.

MOTION CARRIED by unanimous vote.

VIII. PUBLIC WORKS COMMITTEE REPORT—Long-Term Water Supply Maintenance Operations Alternatives

MOTION by Andrew Johnson, second by Mark Murphy, to continue to explore and investigate the implementation of groundwater used for periodic flushing. MOTION CARRIED with the only dissenting vote being cast by Cyndi Godwin.

IX. PLANNING AND DEVELOPMENT COMMITTEE REPORT—Consider Authorizing Staff to Negotiate a Contract with Brinkley Sargent for Architectural Services for a Multi-Purpose Facility

MOTION by Todd McEvoy, second by Cyndi Godwin, to authorize staff to negotiate a contract with Brinkley Sargent for a new facility or facilities to include a library, a recreation hall, and a citizen center. MOTION CARRIED by unanimous vote.

X. CONSIDER ACCEPTING 2006 CONSUMER PRICE INDEX ADJUSTMENT TO MUNICIPAL TELECOMMUNICATIONS RIGHT-OF-WAY ACCESS LINE RATES

MOTION by Barry Ratliff, second by Alan Nash, to decline the increase in access line rates and leave the rate at \$0.57. MOTION CARRIED with the only dissenting vote being cast by Andrew Johnson.

XI. CONSENT AGENDA

MOTION by Todd McEvoy, second by Mark Murphy, to approve the Consent Agenda. MOTION CARRIED by unanimous roll call vote.

A. Approval of Minutes

- 1. Regular Council Meeting on March 7, 2006**
- 2. Special Council Meeting on March 21, 2006**

B. Election Documents

- 1. Contract with Erath County**

2.Appointment of Election Judge and Alternate Election Judge

C. Bid Award for Breathing Air Compressor

D. Authorization to Sell Airport Hangar

XII. COMMENTS BY CITY ADMINISTRATOR

Mark Kaiser mentioned that the skatepark is in full operation. He reported that the Leadership Stephenville class will begin constructing a welcome sign on US 377 coming from Fort Worth. There will be a candidate forum on April 25 at 6:30pm in the SISD Bond Auditorium.

XIII. COMMENTS BY COUNCIL MEMBERS

Mayor Jergins acknowledged the contributions of Don Ives, Director of Finance and Administration. Ives is leaving the City of Stephenville to accept a position with the City of White Settlement. Ives told the council that he has enjoyed his service with the city and thanked council and staff for their support.

Barry Ratliff acknowledged the many years of work by Carl Phillips and his commitment and service to the City of Stephenville in a variety of ways. Ratliff stated that Carl Phillips recently died, and Ratliff would like to honor him in some way. He stated that he was interested in placing on the Public Health and Safety Committee the consideration of renaming one of the city streets in Carl Phillips honor. Alan Nash complimented Mayor Jergins for the part he played and the words he spoke at Mr. Phillips funeral service.

XIV. ADJOURN

MOTION by Barry Ratliff, second by Rusty Jergins, to adjourn the meeting.
MOTION CARRIED by unanimous vote at 8:07 p.m.

Russell E. Jergins, Mayor

ATTEST:

Cindy L. Stafford, City Secretary