

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
Tuesday, July 1, 2008, 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on July 1, 2008, 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	:	Nancy Hunter
Mayor Pro-Tem	:	Malcolm Cross
Council members	:	Pat Shelbourne Russ McDanel Alan Nash Alan Nix Mark Murphy Scott Evans
Others Attending	:	Mark A. Kaiser, City Administrator Randy Thomas, City Attorney Traci Riggs, sitting in for the 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 1, 2008. Mayor Hunter noted that the Police Chief, Fire Chief, Director of Public Works, Director of Community Development, Director of Finance, and Director of Community Services were all present.
- II. **Citizen's General Discussion.** No one wished to address the council.
- 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 18, Block 146, City Addition

Betty Chew, Director of Community Development, reported that the Planning and Zoning Commission recommends approval of this rezoning. There is an existing 3,250 square foot building on subject property, which is currently used as a restaurant and bakery.

Mayor Hunter opened a public hearing.

Speaking in Favor of Rezoning:

Andrew Quirl, 1380 N. Rose Drive, Stephenville, Texas, is the owner of Uncle Hoover's Restaurant.

Speaking in Opposition of Rezoning:

Johnnie Huffman, 1150 N. Lillian Street, Stephenville, Texas.

Mark Littlejohn, 513 Lingleville Road, Stephenville, Texas.

Jerry Walker, 1376 FM 2303, Stephenville, Texas.

Charles K. Lewis, 400 Wedgewood Drive, Stephenville, Texas.

Cipriano Rivera, 1050 N. Paddock, Stephenville, Texas.

Keith Moore, 1223 Mockingbird, Stephenville, Texas.

Mayor Hunter closed the public hearing. Following discussion by councilmembers, action was taken on this measure.

B. Consider Adopting Ordinance No. 2008-13 Rezoning from B-2 "Retail and Commercial Business District" to B-5 "Restaurant/Alcoholic Beverage Service District", Lot 18, Block 146, City Addition

MOTION by Malcolm Cross, second by Mark Murphy, to adopt Ordinance No. 2008-13 rezoning from B-2 "Retail and Commercial Business District" to B-5 "Restaurant/Alcoholic Beverage Service District", Lot 18, Block 146, City Addition. MOTION FAILED by the following roll call vote:

Ayes: Councilmembers Cross and Murphy.

Nays: Councilmembers Shelbourne, McDanel, Nash, Nix, Evans, and Mayor Hunter.

C. Consider Comments Regarding the Minimum Size of a Dwelling Unit in a Condominium

Betty Chew made the staff report.

Mayor Hunter opened a public hearing.

Speaking in Favor of the Measure: No one.

Speaking in Opposition of the Measure: No one.

Mayor Hunter closed the public hearing.

D. Consider Ordinance No. 2008-14 Amending the Zoning Ordinance of the City of Stephenville by changing the minimum area of each condominium dwelling unit as set out therein

MOTION by Alan Nash, second by Pat Shelbourne, to adopt Ordinance No. 2008-14 amending the Zoning Ordinance of the City of Stephenville by changing the minimum area of each condominium dwelling unit as set out therein. MOTION CARRIED.

E. Consider Comments Regarding Curb and Gutter Requirements for Residential Estate Lots

Betty Chew gave the staff report.

Mayor Hunter opened a public hearing.

Speaking in Favor of the Measure:

Troy Erwin, Pecan Hill Estates, Stephenville, Texas.

Speaking in Opposition of the Measure:

Don Peacock, 1279 Diana Lane, Stephenville, Texas.

Mayor Hunter closed the public hearing.

F. Consider Ordinance No. 2008-15 Amending the Subdivision Regulation of the City of Stephenville to construct a “lay-down” curb and gutter design standard for the RE “Residential Estate—1 Acre District”

MOTION by Mark Murphy, second by Alan Nix, to adopt Ordinance No. 2008-14 amending the subdivision regulation of the City of Stephenville to construct a “lay-down” curb and gutter design standard for the RE “Residential Estate—1 Acre District”. MOTION CARRIED.

IV. Consider Setting a Public Hearing Adopting a Moratorium Prohibiting Wind Turbines in Compliance with §212.133 and §212.134 of the Local Government Code

Mayor Hunter opened a public hearing.

Speaking in Favor of the Measure:

Don Peacock, 1279 Diana Lane, Stephenville, Texas.

Bill Haney, 1412 Highland View Drive, Stephenville, Texas.

Speaking in Opposition of the Measure:

MOTION by Alan Nix to forward this matter to the Planning and Zoning Commission for further review. Motion died for lack of a second.

MOTION by Russ McDanel, second by Mark Murphy, to set a public hearing for Tuesday, August 5, at 5:30 p.m. on the topic of adopting a moratorium prohibiting wind turbines in the city and consider a resolution following public hearing. MOTION CARRIED.

V. GRANTS

A. Consider Accepting Memorandum of Understanding with North Central Texas Council of Governments

MOTION BY Scott Evans, second by Russ McDanel, to approve the memorandum of understanding with the NCTCOG relating to the use of video tele-conferencing equipment. MOTION CARRIED.

B. Consider Approving the Application for CEDAP Grant for the Police Department

MOTION by Scott Evans, second by Russ McDanel, to approve the application for a Commercial Equipment Direct Assistance Program grant. MOTION CARRIED.

VI. CONSENT AGENDA

Items A. and C. were requested to be removed from the consent agenda.

MOTION by Mark Murphy, second by Alan Nix, to approve Item B. of the consent agenda. MOTION CARRIED by roll call vote.

A. Approve Minutes of the Regular Council Meeting on June 3, 2008

MOTION by Pat Shelbourne, second by Russ McDanel, to amend Item A. by substituting "Mayor Hunter" for "Mayor Jergins" and by clarifying that the amendment to the proposal for engineering services with The C. T. Brannon Corporation is for the aquatics center [swimming pool]. MOTION CARRIED by roll call vote.

B. Authorization to Sell City Property—Vehicle

C. Bid Award for Airport Terminal and Funding Agreement

Following clarification, motion was made by Alan Nash, second by Alan Nix, to approve Item C. MOTION CARRIED by roll call vote.

VII. Comments by City Administrator

Mark Kaiser reported that the contractors for Phase I, Stormwater Drainage Project, expect to be completed before school starts. Work on Phase II, Stormwater Drainage Project has begun, and they are working in the area of Chamberlin Elementary. They expect to be finished at that location by the beginning of school.

July Fourth activities include a parade, live music in the park, and fireworks display.

Kaiser informed everyone of two deaths in the "city family". Former City Councilmember Bea Marin passed away on June 30 and Frank Morecock, Animal Control Officer for the city, passed away today.

VIII. Comments by Council Members

IX. Adjourn

MOTION by Mark Murphy, second by Alan Nash, to adjourn the meeting. MOTION CARRIED by unanimous vote at 7:10 p.m.

Nancy A. Hunter, Mayor

ATTEST:

Cindy L. Stafford, City Secretary