

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

The City Council of the City of Stephenville, Texas, convened on August 5, 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
Absent	:	Scott Evans
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, August 5, 2008. Mayor Hunter noted that the Police Chief, Fire Chief, Director of Community Development, Director of Finance, and Director of Community Services were all present.

II. Citizen's General Discussion.

Donna Svien, President of the Stephenville Kennel Club, 510 Dublin Street, Stephenville, advised the council that this club would like to donate \$5-6,000 to help furnish vehicular safety equipment for the drug dogs. Mayor Hunter thanked her for this donation and directed her to contact City Administrator Mark Kaiser.

Dwayne Wolf, 2006 FM 847, Stephenville, expressed concerns about the water we may soon be using from Lake Proctor. He is concerned about the public health impact from drinking this water. He also mentioned that the city may have the opportunity to build a reservoir on the Bosque River.

Paul Fagan, POB 170, Dublin, Texas, said that he is interested in a recycling program and would be happy to lend his expertise for this effort.

III. Recognition of Tyson Click as 9-1-1 Kid Hero by the North Central Texas Council of Governments; Christi Eskew, 9-1-1 Public Education Specialist

Christi Eskew with North Central Texas Council of Governments presented Tyson Click with the 9-1-1 Kid Hero Award for his efforts and quick action in securing treatment for his grandmother when she suffered a serious medical condition rendering her unconscious while operating a motor vehicle.

IV. Cross Timbers Fine Arts Council Annual Report—Stacy Smith, Director

Stacy Smith reported that CTFAC created, produced and/or supported 31 separate arts events, including several arts-in-education endeavors reaching children ages 5-18. Also included were cartooning workshops for at-risk youth at Stephenville High School and some Tarleton students. Last year 59 students were enrolled in ARTsploration youth art camp and 94 enrolled this year. Youth art month is celebrated in March with approximately 200 art works created by Stephenville High School art students. October is *National Arts and Humanities Month*, and multiple activities and events will be highlighted by ART ROCKS: The art work of the very special people of Rock House. In November, CTFAC will sponsor a deaf-stage theatre production which will be signed and spoken. The annual tour of homes is scheduled for December 7. CTFAC hopes to repeat this year with a performance of *Me and My Monkey*, concert in the park. A gala benefit will be produced featuring *Simply Sinatra* with Steve Lippia and his 10-piece orchestra. This benefit will honor Tom and Connie Birdsong and Cleve and Marion Cole who have been extraordinary supporters of CTFAC.

Smith thanked the council for its support, stating that Cross Timbers Fine Arts Council could not accomplish these programs without this support.

MOTION by Pat Shelbourne, second by Alan Nash, to accept the report and approve the budget as presented. MOTION CARRIED.

V. Community Development Annual Report; Betty Chew, Director

Betty Chew presented the report for 2007, which includes planning department, code enforcement, and inspections. The report also includes an update on storm water drainage. Chew reported that Stephenville's current population, which is adjusted annually by the North Central Texas Council of Governments, as of January 1, 2008 is 17,428. She stated that Stephenville is growing at a steady rate of approximately 2% over the last eight years.

Chew gave statistical information from her division, which is shown on the attached reports. She listed some of the larger commercial projects which were permitted last year including Stephenville Retail Center (in front of FMC), Allsup's Convenience Store on East Washington Street, expansion of the Radiology Department at Harris Methodist Erath County, Holiday Inn Express, Dr. Haley dental clinic on the Northwest Loop, Pecan Valley MHMR offices on the Lingleville Road, and an addition to Stephenville Funeral Home. Chew noted that the increase in storm water annual revenue is due to the collection from Tarleton State University in 2007.

MOTION by Pat Shelbourne, second by Alan Nash, to accept the Community Development Annual Report. MOTION CARRIED.

VI. 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”, 0.957 acre of Lot 2, Block 157, City Addition, located in the 2800 block of West Washington Street

Betty Chew reported that the Planning and Zoning Commission recommends approval of this rezoning. There is an existing 4,192 square foot building currently used as a restaurant located on this property.

Mayor Hunter opened a public hearing.

Speaking in Favor of Rezoning:

Hugh Kellman, 5008 Wedgefield Road, Granbury, Texas, is the co-owner of Cotton Patch Café. He produced a photograph of the Granbury Cotton Patch Café which provides a visual of how the service area looks for providing alcoholic beverages.

Speaking in Opposition of Rezoning:

Charlene Slotter, 470 East McNeill, Stephenville, Texas, identified herself as a past co-president of Texas Alcohol Narcotic Education (TANE). She is a long-time advocate for the prevention of drinking and driving. She related specific incidents of alcohol abuse of family members, which she attested lead to their untimely deaths.

Johnnie Huffman, 1150 North Lillian, Stephenville, Texas, said that the council does a “pretty good job” of handling the finances of the city. He reported that in the month of July, 73 alcohol related arrests were reported in the newspaper. He told the council that the more alcohol is available, the more problems we will have, which leads to more police officers needing to be hired. Huffman said that families and retired people are stretched to the limit now, and he asked for the council’s help by saying “No” to the rezoning request.

Gene Sherwin, 2520 FM 914, Stephenville, Texas, stated that he lives just outside the city limits, and that most of the incidents of drivers running through his fence are alcohol related. Sherwin said it is a dangerous political problem and has no economic value to anyone but the restaurants.

Keith Moore, 1223 Mockingbird, Stephenville, Texas, is pastor of Harvey Baptist Church. He said that the proposed change before the council will not improve the quality of life of the citizens of Stephenville. He said the issue of “property rights” is only a small part of the decision. More importantly is public health, public safety, and the economic impact of alcohol. Moore said, “Alcohol is the number one contributing factor to liver and kidney disease, gastric disease, chronic hepatitis, hemorrhagic stroke, and a long list of other diseases.” He noted many other statistics—most from the Center for Disease Control and the National Institute of Health—pointing to the dangers of alcohol use and abuse. Moore

said that these organizations and many others have concluded from the statistics that an increase in the availability of alcohol will not make a community safer.

Mayor Hunter closed the public hearing.

B. Consider Adopting Ordinance No. 2008-15 Rezoning from B-2 “Retail and Commercial Business District” to B-5 “Restaurant/Alcoholic Beverage Service District”, 0.957 acre of Lot 2, Block 157, City Addition, located in the 2800 block of West Washington Street

MOTION by Malcolm Cross, second by Alan Nash, to adopt Ordinance No. 2008-15. MOTION CARRIED by the following roll call vote:

Ayes: Council members Cross, Nash, Murphy, and Mayor Hunter.

Nays: Council members Shelbourne, McDanel, and Nix.

C. Consider Request to Rezone from B-2 “Retail and Commercial Business District” to B-5 “Restaurant/Alcoholic Beverage Service District”, Lot 32, Block 139, City Addition located at 2101 West Washington Street, Suite 109

Betty Chew reported that the Planning and Zoning Commission recommends approval of this rezoning. There is an existing 9,100 square foot building that has a 5,000 square foot suite used as a restaurant—China King.

Mayor Hunter opened a public hearing.

Speaking in Favor of Rezoning: No one.

Speaking in Opposition of Rezoning: No one.

Mayor Hunter closed the public hearing.

D. Consider Adopting Ordinance No. 2008-16 Rezoning from B-2 “Retail and Commercial Business District” to B-5 “Restaurant/Alcoholic Beverage Service District”, Lot 32, Block 139, City Addition, located at 2101 West Washington Street, Suite 109

MOTION by Malcolm Cross, second by Alan Nash, to adopt Ordinance No. 2008-16. MOTION CARRIED the following roll call vote:

Ayes: Council members Cross, Nash, Murphy, and Mayor Hunter.

Nays: Council members Shelbourne, McDanel, and Nix.

VII. Consider Resolution No. 2008-10 Authorizing a Moratorium on the Issuance of Building Permits for Wind Turbines within the City Limits

Mayor Hunter opened a public hearing.

Raymond Fletcher, 485 North Clinton, Stephenville, Texas, asked the council to keep in mind that with time comes progress and smaller units; such as satellite dishes were originally as big as 12 feet in diameter, are now only 2 feet. He asked the council not to outlaw the wind turbines all together because there may be significant improvements in this industry.

Bill Haney, 1412 Highland View Drive, Stephenville, Texas, gave the attached handout to each council member, and stated his request, "It is respectfully requested that the city council forward to the appropriate committee(s) with assistance from the appropriate city staff to become knowledgeable about the windmill/wind turbine issues and develop a plan for the city of Stephenville pertaining to the permissible locations of windmill/wind turbines within residential zones." Haney stated that he is not opposed to alternative energy sources but urged the council to conduct more study.

Don Peacock, 600 Diana Lane, Stephenville, Texas, stated that he is in favor of a moratorium to allow for further study on this issue.

Bill Oxford, 923 Timberbrook Drive, Stephenville, Texas, stated that because this is very new technology, the council should carefully study the impact it could have on our community.

Mayor Hunter closed the public hearing.

MOTION by Russ McDanel, second by Alan Nix, to adopt Resolution No. 2008-10 and send the matter to the Planning and Zoning Commission for further study. MOTION CARRIED.

VIII. Utility Rate Cases

A. Consider Adopting Resolution No. 2008-11 Authorizing the Execution of Atmos Cities Steering Committee Participation Agreement

MOTION by Pat Shelbourne, second by Mark Murphy, to adopt Resolution No. 2008-11. MOTION CARRIED.

B. Consider Adopting Resolution No. 2008-12 Authorizing the Execution of Oncor Cities Steering Committee Participation Agreement

MOTION by Mark Murphy, second by Russ McDanel, to adopt Resolution No. 2008-12. MOTION CARRIED.

C. Consider Adopting Resolution No. 2008-13 Suspending the August 8, 2008 Effective Date of Oncor Electric Delivery Company Requested Rate Change

MOTION by Alan Nix, second by Mark Murphy, to adopt Resolution No. 2008-13.

IX. CONSENT AGENDA

Alan Nash requested Item B. be removed from the Consent Agenda. MOTION by Mark Murphy, second by Alan Nix, to approve Items A., C., D., E., and F. MOTION CARRIED by unanimous roll call vote.

Upon question from Alan Nash, Police Chief Roy Halsell clarified that the only modification would be for newly annexed area. MOTION by Alan Nash, second by Pat Shelbourne, to approve Consent Agenda Item B. MOTION CARRIED by unanimous roll call vote.

- A. Approve Minutes of the Regular Council Meeting on July 1, 2008**
 - B. Adopt Speed Zone Ordinance No. 2008-17 for Lingleville Highway/FM 8**
 - C. Consider Approving the Building Board's Recommendation Concerning the Administration of the International Building and Fire Codes**
 - D. Approval of Lease with Larry Esquell**
 - E. Approve Bid Award for Demolitions**
 - F. Authorizing the Sale of Vehicles**
- X. Comments by City Administrator**
- Improvements to the Long Street railroad crossing have been completed.
 - Wastewater Treatment Plant permit renewal has been completed and administrative notification of permit renewal has been issued.
 - Concerning Frey and Baxter Streets being open when school begins, it is anticipated that construction will be completed in these areas.
 - Water usage has been around 3.5 million gallons per day during these 100+ days. Kaiser reported that our well rehabilitation program is proving successful.
 - Budget work session begins Monday, August 11, at 5:30 p.m. and continues each day at 5:30 p.m. until completed.
- XI. Comments by Councilmembers**
- XII. EXECUTIVE SESSION. At 7:27 p.m., Mayor Hunter 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. 551.072 Deliberations about Real Property.**
- A. Contract for Right of Way on Lot 15, Block 1, Green Acres Addition, Stephenville, Erath County, Texas**
 - B. Sanitary Sewer Easement Containing 0.6605 acre out of the Jarrett Menefee Survey, A-520, Stephenville, Erath County, Texas**
 - C. Sanitary Sewer Easement Containing 0.406 acre out of the Jarrett Menefee Survey, A-520, Stephenville, Erath County, Texas**

The council convened in regular session at 7:53 p.m.

XIII. Action Taken on Matters Discussed in Executive Session (if necessary)

MOTION by Alan Nix, second by Russ McDanel, to authorize City Administrator Mark Kaiser to act on behalf of the city to negotiate the purchase of the property discussed in executive session. MOTION CARRIED.

XIV. Adjourn

MOTION by Mark Murphy, second by Alan NIX, to adjourn the meeting. MOTION CARRIED by unanimous vote at 7:53 p.m.

Nancy A. Hunter, Mayor

ATTEST:

Cindy L. Stafford, City Secretary