

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
Tuesday, October 7, 2008, 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on October 7, 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 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 7, 2008. Mayor Hunter noted that the Police Chief, Fire Chief, and staff directors were all present.
- II. **Citizen's General Discussion.** No one wished to address the council concerning matters not on the agenda.
- III. **Delinquent Tax Collection Report—Jeff Brown, Linebarger Goggan Blair & Sampson, LLP**

Jeff Brown, attorney, thanked the council for their continued business, stating that he has represented the City of Stephenville for 22 years. He reported that the firm has sent more than 6,638 warning notice letters to delinquent taxpayers. Three lawsuits were filed seeking the collection of \$2,393.50 in delinquent taxes, penalties, and interest. Seventeen lawsuits were dismissed during this reporting period which involved in excess of \$19,439.51 in taxes, penalties, and interest. Courtroom judgments have been taken in 20 lawsuits involving more than \$20,382.77. Brown stated that the City of Stephenville and Erath County have a good base of taxpayers, reporting that the city collects 99% 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 \$74,202.40 in delinquent taxes, penalty, and interest from September 1, 2007 to August 31, 2008."

MOTION by Alan Nix, second by Alan Nash, to accept the report on delinquent tax collection.
MOTION CARRIED.

IV. PLANNING AND ZONING COMMISSION—PUBLIC HEARING

A. Consider Request to Rezone from I “Industrial District” to B-5 “Restaurant/Alcoholic Beverage Service District”, Lot 5 (Sub 5, 6, 7 and 8); Block 75, City Addition, located in the 832 East South Loop

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

Mayor Hunter opened a public hearing.

Speaking in Favor of Rezoning:

Ruby Sturmer, 1116 West Long Street, Stephenville, Texas, told the council that she and her husband plan to operate a restaurant on this property once they purchase it.

David Dickerson, 124 Blue Jay, Stephenville, Texas, owner of the property, told the council that the Sturmers have restaurant background and experience. He said they have a unique concept for a restaurant, and he urged the council to approve this request.

Speaking in Opposition of Rezoning:

Donza Huffman, 1150 North Lillian, Stephenville, Texas, acknowledged that she often speaks in opposition to B-5 zoning requests. She said that there are already enough restaurants in Stephenville serving alcohol and asked the council to deny this request.

Mayor Hunter closed the public hearing.

B. Consider Adopting Ordinance No. 2008- Rezoning from I “Industrial District” to B-5 “Restaurant/Alcoholic Beverage Service District”, Lot 5 (Sub 5, 6, 7 and 8); Block 75, City Addition, located in the 832 East South Loop

MOTION by Malcolm Cross, second by Alan Nash, to adopt Ordinance No. 2008-23. MOTION CARRIED.

V. Public Works Committee Report

Alan Nix, Chairman, gave the committee report and action was taken as indicated.

A. Consider Approval of Resolution No. 2008-15 Entering into the TCEQ Sanitary Sewer Overflow (SSO) Initiative Program

MOTION by Alan Nix, second by Scott Evans, to adopt Resolution No. 2008-15. MOTION CARRIED.

B. Consider Approval of Contract with Pipeline Analysis, LLC for Sanitary Sewer Evaluation Survey of Basin 10

Nix reported that this contract provides for manhole inspections, smoke testing, dye flooding, closed circuit TV inspection, and an analysis of all this information and will provide the city with a prioritized listing of repairs and cost estimates. The city will also be provided an electronic mapping system that is compatible with the city's system giving us an accurate map of all the manholes, all the lines, the sizes and conditions. With this information, our staff will be able to evaluate what portions of these repairs can be addressed with our manpower.

MOTION by Alan Nix, second by Russ McDanel, to approve the contract with Pipeline Analysis, LLC. MOTION carried.

C. New Water Well

Nix reported that an update regarding the development of future well sites is expected to be received from HDR Engineering, Inc. and will be forwarded to this committee.

VI. Public Health and Safety Committee Report

Mark Murphy, Chairman, gave the committee report, and action was taken as indicated.

A. Consider restricting use of cell phones in active school zones

The committee determined that enforcement of an ordinance addressing this problem would be difficult to enforce and would put a strain on resources; therefore, no action is recommended.

B. Consider Ordinance No. 2008-23 Setting Speed Limits on North Dale Street and South Lillian Street

Mark Wallace who resides at 1402 North Dale Avenue, Stephenville, Texas, presented the council with a petition signed by 38 residents in the area of North Dale Street. The petition read, "Speeding has been the single greatest complaint voiced by homeowners around the residential neighborhood street, North Dale Avenue. The issue has been previously addressed without a workable solution. As reported by the Stephenville Empire Tribune on September 19, 2008, the City of Stephenville Public Health & Safety Committee forwarded the issue of a proposed ordinance to the City Council for further discussion. The article states North Dale Avenue is included in the proposed ordinance change for a 40 mph speed limit, including the recently annexed area of North Dale Avenue, blocks 1600-2300.

"As homeowners we are greatly disturbed by this proposal. Children load and unload the school bus during the school year on North Dale Avenue. During daylight hours, residents enjoy walking, jogging and riding bikes on and around North Dale Avenue. Raising the speed limit could increase the chances of a potential tragic situation. Most residential areas have speed limits of 30 mph speed limit signs would be a possible solution to reduce the amount of speeding traffic on North Dale Ave.

"We are asking for the speed limit on North Dale Avenue to remain at 30 mph for the safety of all residents. Your consideration of our request is greatly appreciated."

Melvin Senter, 1356 North Dale Avenue, Stephenville, Texas, echoed the concerns expressed in the petition and added that he would like for a 4-way stop to be placed at the intersection of Dale Avenue and Bluebonnet Street.

MOTION was made by Mark Murphy, second by Alan Nix, to adopt Ordinance No. 2008-24 setting speed limits at 45MPH for the 1400 block of South Lillian Street to the City Limits of South Lillian Street and 30MPH for the 1600 block through the 2300 block of North Dale Street. MOTION CARRIED.

C. Consider graffiti as a public nuisance

The committee considered an ordinance addressing this problem but decided to delay consideration until the ordinance is redrafted by the city attorney.

D. Outdoor Warning Sirens

The committee reviewed a map with location and coverage area of the current sirens. No action was recommended by the committee.

E. Parking Nuisance

This problem represents a personal dispute between two neighbors and does not involve a violation of any parking laws. No action was taken by the committee.

VII. Resolution No. 2008-__ Denying Oncor Electric Company's Requested Increases to its Electric Transmission and Distribution Rates and Charges within the City

Mayor Hunter explained that Oncor Electric Delivery Company filed an application or about June 27, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$275 million. Oncor is seeking a 17.6% increase in residential rates, a 9.1% increase in commercial rates, and a 5.8% increase in street lighting rates. According to Oncor, annual rates would increase by approximately \$60 for an average residential customer. The proposed resolution denies Oncor's requested rate increase and requires that the current rates be maintained for all customers within the city.

MOTION by Mark Murphy, second by Alan Nix, to adopt Resolution No. 2008-16. MOTION CARRIED.

VIII. CONSENT AGENDA

MOTION by Pat Shelbourne, second by Mark Murphy, to approve the Consent Agenda. MOTION CARRIED.

A. Approve Minutes

- 1. Regular Council Meeting on September 2, 2008**
- 2. Special Council Meeting on September 9, 2008**
- 3. Regular Council Meeting on September 16, 2008**

B. November 4, 2008 Election Documents

1. **Approve Joint Resolution for Joint Election on November 4, 2008**
2. **Approve Election Services Contract with the County Elections Officer**

C. Approve Renewal of Interlocal Agreement Between the City of Fort Worth and City of Stephenville for Household Hazardous Waste Collection

D. Approve the Expenditure of Loan Star Grant Monies

E. Approve the Routine Airport Maintenance Program with TxDOT

F. Approve Airport Manager Employment Agreement

IX. Comments by City Administrator

Mark Kaiser reported on the following activities and topics:

- 37 vouchers were issued for the Household Hazardous Waste collection event held on August 23.
- Concerning the current economic situation, Mark Kaiser and Walter Wood, Finance Director, were contacted by a representative of Standard and Poor's, one of the city's rating agencies. The credit score for the City of Stephenville is maintaining a stable rating. Kaiser stated that our economic indicators—agriculture, regional retail trade, the university, industry, government center, medical center—should help us remain stable during difficult times.
- Bids on the Aquatics Complex have not been initiated due to some technical delays. The target date of May 1 for the opening day will not be met, but staff continues to aggressively proceed with this project.

X. Comments by Councilmembers

Mayor Hunter reported that she and Mark Kaiser recently attended a meeting of cities with universities and colleges. The Texas Municipal League is sponsoring this effort to bring together cities with similar challenges regarding issues involving institutions of higher education.

XI. EXECUTIVE SESSION. At 6:36 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. 551.071 Consultation with Attorney.

A. Cause No. CV29255, Larry Walker v. City, Erath County District Court

B. North Eastern Pavers, Inc. Contract

The council reconvened in open session at 7:26 p.m.

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

MOTION by Alan Nix, second by Mark Murphy, to approve the settlement with Larry Walker. MOTION CARRIED.

MOTION by Alan Nash, second by Mark Murphy, to authorize the city administrator to pay to Northeastern Pavers, Inc. the sum of \$33,881.62 or 25% beyond the original contract price, whichever is less. MOTION CARRIED.

XIII. Adjourn

MOTION by Mark Murphy, second by Russ McDanel, to adjourn the meeting. MOTION CARRIED by unanimous vote at 7:28 p.m.

Nancy A. Hunter, Mayor

ATTEST:

Cindy L. Stafford, City Secretary