

**MINUTES OF REGULAR BUSINESS MEETING**  
City of Stephenville - City Council  
**Tuesday, December 2, 2008, 5:30 P.M.**

The City Council of the City of Stephenville, Texas, convened on December 2, 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 Donald L. Zelman 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, December 2, 2008. Mayor Hunter noted that the Police Chief, Fire Chief, and staff directors were all present.

**II. Citizen's General Discussion.**

Robert Koonce reminded the council that he had previously addressed them concerning a parking situation on the street adjacent to his residence. A neighbor of his parks her car on the street adjacent to his property rather than parking in her own driveway or in the street in front of her house. He said she has continued parking her car at that location for nine months, and asked the council to do something about it. Koonce acknowledged that the car is parked legally and is current on its registration. Mayor Hunter acknowledged that this is the second time he has brought this situation to council's attention and that staff will consider any possible remedies.

**III. OMI Annual Report, Johnny Davis, Project Manager**

Johnny Davis told the council that he appreciates the opportunity to run the city's wastewater treatment plant. He said the plant did well this year and experienced only one permit excursion, which was the result of a malfunction in the Alum feed system. This has been corrected. CH2M Hill uses a computerized maintenance management system. During this contract year, CH2M Hill OMI operations personnel completed more than 8,750 preventive maintenance tasks. Infrared and vibration analysis has been performed on electrical components, motors and bearings in order to detect and correct any potential problems.

CH2M Hill OMI is committed to providing all associates with a safe work environment, and regular safety meetings are held at the plant site. The Stephenville project has had no safety incidents this project year. The project manager and operators at the Stephenville plant have a combined 71 years of experience in wastewater treatment plant operations and maintenance with a combined 1,310 hours of classroom and hands-on instruction in areas such as pump and motor maintenance, utility safety, chlorinator maintenance, and wastewater laboratory. Only one industry is currently in the industrial pretreatment program. The plant's belt filter press continues to operate very efficiently to dewater the digested solids. The cost per ton of disposed sludge continues to decrease. In the last fiscal year, the plant disposed of 231 metric tons of solids. The CH2M Hill OMI plant staff has donated a total of 85 hours of community involvement time. CH2M Hill OMI also donates funds, labor, and materials to Stephenville Athletic Booster Club and Water for People and is a member of the Stephenville Area Chamber of Commerce, Texas Water Utilities Association, Water Environment Federation, American Water Works Association, and Texas Rural Water Association. CH2M Hill OMI is committed to maintaining an excellent working relationship with the City of Stephenville, and Davis said they strive to exceed the City's expectations.

MOTION by Alan Nix, second by Mark Murphy, to accept the OMI annual report. MOTION CARRIED.

#### **IV. PLANNING AND ZONING COMMISSION—Public Hearing**

##### **A. Consider Rezoning from B-2 “Retail and Commercial Business District” to R-3 “Multiple Family Residential District” part of Lot 2, Block 85, City Addition, located at 310 Clark Lane.**

Betty Chew reported that the Planning and Zoning Commission recommends denying the request to rezone to the R-3 classification. She stated that a single-family residence is located on the property. A super-majority vote is required of the council in order to approve this rezoning request. Chew reported that Ray Williams, owner of the property, had subsequently sent a letter explaining that he “was unaware of the differences in the zoning codes for the City of Stephenville and I inadvertently requested R-3 status. It was not my intent to have this property zoned for a multi-unit complex; it was to have the property rezoned to R-1 status for residential use only. This will allow the sale of my property to its current buyers, William Chandler and Heidi Olsen Chandler, . . .”

Chew told the council they have three options: 1) approve the rezoning request to R-3, 2) approve the rezoning to R-1, R-1.5, or R-2; or 3) deny the request.

Mayor Hunter opened a public hearing.

##### Speaking in Favor of Rezoning:

Heidi Olsen Chandler, POB 1923, Stephenville, TX, is the proposed buyer of this property. She said that if this request is denied, she and her husband would be pleased to get any type of residential zoning classification—R-1, R-1.5, or R-2.

Speaking in Opposition of Rezoning:

Judy Frey Koch, 605 College Farm Road, Stephenville, Texas, said that her family has owned property in close proximity to subject property since 1870. She stated her objection to approval of a rezoning request to R-3. She said that it jeopardizes the preservation and safety of this agricultural area.

Claire Koch, 605 College Farm Road, Stephenville, Texas, is the daughter of Judy Frey Koch. She stated that she joins her mother in opposing the requested zone change. She referred to the Stephenville Comprehensive Plan and its description as “Cowboy Capital of the World”, one of the 100 best small towns in America, having state-of-the-art educational facilities and regional center for Erath County and Cross Timbers area all located in a country environment far removed from the pressures of an urban lifestyle. Koch asked the council to accept the Planning and Zoning Commission’s recommendation to deny this request. Koch offered, in the alternative, the approval of rezoning the property to R-1.

Mayor Hunter closed the public hearing.

**B. Consider Adopting Ordinance No. 2008-25 Rezoning from B-2 “Retail and Commercial Business District” to R-3 “Multiple Family Residential District” part of Lot 2, Block 85, City Addition, located at 310 Clark Lane.**

MOTION by Mark Murphy, second by Russ McDanel, to adopt an ordinance rezoning this property from B-2 “Retail and Commercial Business District” to R-1 “Single-Family Residential District.” MOTION CARRIED.

**V. Personnel Committee Report**

**A. Pay Plan**

Committee Chairman, Pat Shelbourne, reported that the committee received employee turnover information and employee survey results. Seven members of the employee personnel committee made presentations to the committee. Shelbourne said they offered good information and suggestions.

**B. Consider Approval of Ordinance No. 2008-25 TMRS Ordinance Removing the Statutory Maximum Contribution Rate Limit; Anthony Mills, TMRS**

Anthony Mills was present to answer questions and make explanation of the ordinance. MOTION by Scott Evans, second by Alan Nix, to adopt Ordinance No. 2008-26. MOTION CARRIED.

**VI. Nominations Committee Report—Consider Approval of Appointments to Boards and Commissions**

MOTION by Malcolm Cross, second by Mark Murphy, to approve the following committee appointments:

**Planning and Zoning Commission**

Place 1 Don Douglas  
Place 3 Dell Burdick  
Place 5 Matt Harpole  
Place 6 Gary Harsley, Sr.  
Place 7 Jerry Warren  
Place 9 Metta Collier

**Plumbing Board**

Place 1 Steven Forbus  
Place 3 J. D. Walker  
Place 5 Bobby Mangrum  
Place 7 Dan Rivers

**Board of Adjustment**

Place 1 Don Mayo  
Place 3 Helen Martin  
Place 5 Vacant

**Airport Advisory Board**

Place 1 Bill Chandler  
Place 3 Frank Burke  
Place 5 Robert Couch  
Place 7 Jubel Caldwell

**Senior Citizens Advisory Board**

Place 1 Tom Konz  
Place 3 Jana Saucedo  
Place 5 Joe E. Cude

**Dangerous Buildings Abatement Board**

Place 1 Brad Chilton  
Place 3 Jeffrey Clay Owens  
Place 5 Michael D. Stephens

**Building Board**

Place 1 David Jaquess  
Place 3 Danny Phillips  
Place 5 Steve Bowman

**Parks and Recreation Advisory Board**

Place 1 Cary Strohmeyer  
Place 3 Jerry Land  
Place 5 David Picha  
Place 7 Marcy Tanter

**Mechanical Board**

Place 1 Bobby Mangrum  
Place 3 Matt Harper  
Place 5 Steven Deviney

**Electrical Board**

Place 1 Johnny Davis  
Place 3 Vacant  
Place 5 Jon Bragg

**Water Conservation Committee**

Place 1 Davis Waggener  
Place 3 Dr. Carol Thompson  
Place 5 Hennen Cummings

**Library Advisory Board**

Place 1 Emily McLemore  
Place 3 Shirley Bittenbinder (20<sup>th</sup> Century Club)  
Place 5 Margie Derrick  
Place 7 Dr. Robert Walker

MOTION CARRIED.

MOTION by Russ McDanel, second by Mark Murphy, to reappoint Bill Bailey to the Erath County Appraisal District Board of Directors. MOTION CARRIED by the following roll call vote:

Ayes: Councilmembers Shelbourne, Cross, McDanel, Murphy, and Mayor Hunter.

Nays: Councilmembers Zelman, Nash, Nix, and Evans.

**VII. Consider Adopting Ordinance 2008-\_\_\_ Amending the Code of Ordinances §130.16 “Sale of Alcoholic Beverages”**

MOTION by Scott Evans, second by Russ McDanel, to adopt Ordinance No. 2008-27. MOTION CARRIED.

**VIII. Consider Allowing a Variance to Section 130.16 of the Code of Ordinances “Sale of Alcoholic Beverages”**

City Administrator Kaiser reported that the following applications have been filed with the city for the sale of alcoholic beverages: DJ’s Supermart, 1690 North Graham; The Junction, Shell Station, 721 East Road; Allsup’s, 1201 East Washington; Taylor No. 82, 1660 West Lingleville Road; Taylor, No. 86, 1710 North Graham; Taylor, No. 152, 1499 West South Loop; QWB No. 700, 161 East South Loop; QWB No. 701, 2610 West Washington; and Piggly Wiggly, 1835 Lingleville Road. Two additional applications were received, each with a variance request—Taylor No. 88, 1929 West Washington and Walmart, 2765 West Washington.

**A. Property located at 1929 West Washington Street**

MOTION by Malcolm Cross, second by Don Zelman, to approve the variance for Taylor No. 88 located at 1929 West Washington. MOTION CARRIED by the following roll call vote:

Ayes: Councilmembers Evans, Murphy, Nash, Zelman, Cross, Shelbourne, and Mayor Hunter.

Nays: Councilmembers Nix and McDanel.

**B. Property located at 2765 West Washington Street**

MOTION by Alan Nash, second by Don Zelman, to approve the variance for Walmart located at 2765 West Washington.

Ayes: Councilmembers Shelbourne, Cross, Zelman, Nash, Evans, and Mayor Hunter.

Nays: Councilmembers McDanel, Nix, and Murphy.

**IX. Consider Approval of Contract Amendment with IESI, Inc.**

Jim Schur and Greg Brown with IESI, Inc. explained that rather than initiate the Consumer Price Index increase in rates, IESI would like to implement an automated service pickup. This will result in decreased manpower—a cost savings for IESI—while increasing the rates only minimally for city residents and maintaining twice-a-week pickup. Schur explained that a five-year extension of the contract will be necessary in order to cover their capital expense for the automated service.

MOTION by Russ McDanel, second by Alan Nix, to approve the amendment to the IESI, Inc. contract allowing for a 5% rate increase and implementation of automated pickup service. MOTION CARRIED.

**X. Consider Approval of Municipal Equipment Lease Purchase Agreement with Komatsu for Landfill Equipment**

MOTION by Alan Nix, second by Pat Shelbourne, to approve the five-year capital lease-purchase agreement with Komatsu for an hydraulic excavator. MOTION CARRIED.

**XI. Consider Approval of Council Committee Assignments**

MOTION by Pat Shelbourne, second by Mark Murphy, to approve the council committee assignments listed below. MOTION CARRIED.

Finance Committee

Alan Nash, Chairman  
Malcolm Cross  
Scott Evans  
Pat Shelbourne

Nominations Committee

Malcolm Cross, Chairman  
Scott Evans  
Russ McDanel  
Alan Nash

Personnel Committee

Pat Shelbourne, Chairman  
Russ McDanel  
Alan Nash  
Alan Nix

Planning & Development Committee

Scott Evans, Chairman  
Mark Murphy  
Alan Nash  
Pat Shelbourne

Public Health & Safety Committee

Mark Murphy, Chairman  
Malcolm Cross  
Don Zelman  
Alan Nix

Environmental Management Committee

Russ McDanel, Chairman  
Malcolm Cross  
Mark Murphy  
Don Zelman

Public Works Committee

Alan Nix, Chairman  
Don Zelman  
Mark Murphy  
Pat Shelbourne

**XII. CONSENT AGENDA**

Alan Nash requested that Item B. be removed.

MOTION by Pat Shelbourne, second by Mark Murphy, to approve Item A. MOTION CARRIED.

Following further explanation, MOTION was made by Alan Nash, second by Don Zelman, to approve Consent Agenda Item B. MOTION CARRIED.

**A. Approve Minutes**

- 1. Regular Council Meeting on November 4, 2008**
- 2. Special Council Meeting on November 12, 2008**

**B. Approve Bid Award for Office Supplies**

**XIII. Comments by City Administrator**

- A portion of Washington Street from Mary Street to Baxter will be closed the week of December 15 for utility work on the storm water drainage project.
- The exterior of the Rec Hall has been refurbished.
- Street sweeping will begin on December 15.
- “Holly Jolly Christmas” will be celebrated at City Park, Downtown Plaza, and on the square on December 4. There will be an official lighting of the Christmas tree by the Mayor. This event is sponsored by Stephenville Parks and Recreation Department and Stephenville Chamber of Commerce.

Mark Murphy asked Kaiser to give a brief outline concerning upcoming projects. Kaiser noted the following:

- Bids for the swimming pool were opened on November 28. These bids will be presented to the Planning and Development Committee next week.
- Library/Rec Center/Senior Citizen Center—staff will begin gathering information in preparation for a bond election in May. First Southwest Company, the city’s financial adviser, is working on a brochure to distribute to the general public with information concerning this issue.

**XIV. Comments by Councilmembers**

Mayor Hunter recognized Mark Harmon, the council’s camera operator, and his new bride, Elizabeth, who became husband and wife on November 29. Mayor Hunter offered congratulations to them and presented them with a gift from council and staff.

**XV. Adjourn**

MOTION by Russ McDanel, second by Pat Shelbourne, to adjourn the meeting. MOTION CARRIED at 7:53 p.m.

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Nancy A. Hunter, Mayor

ATTEST:

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Cindy L. Stafford, City Secretary