

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
Tuesday, January 6, 2009, 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on January 6, 2009, 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, January 6, 2009. Mayor Hunter noted that the Police Chief, Fire Chief, Director of Community Development, Director of Public Works, Director of Community Services, and Director of Finance and Administration were all present.

Mayor Hunter yielded the floor to Councilmember Alan Nix who wished his granddaughter, Skylar, a happy birthday. Nix said that Skylar, who turns three years old on this day would be watching her "PaPa" on television.

II. Citizen's General Discussion.

Joy Jones, 1005 Prairie Wind, Stephenville, spoke about the upcoming change in garbage pickup. She said that people she has talked to are very upset about the change. Jones said, "Sometimes cheaper just is not better. Sometimes it's better to spend a little more money. One of our cheapest utilities in town is our trash pick up, and I've been surprised that it's stayed that cheap for as long as it has." She said that the new polycarts which will be used with the automated system are unattractive and will be left at curbside by residents to be blown about by the wind. She concluded by saying that she doesn't approve of this decision and she thinks it's "stupid".

III. PUBLIC HEARING

A. Consider Granting a Variance to Section 130.16 of the Code of Ordinances “Sale of Alcoholic Beverages” for 1165 West Washington Street, Stephenville

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.

MOTION by Scott Evans, second by Don Zelman, to approve the variance. MOTION CARRIED by a 6-2 vote.

B. Consider Granting a Variance to Section 130.16 of the Code of Ordinances “Sale of Alcoholic Beverages” for 150 East South Loop, Stephenville

Mayor Hunter opened a public hearing.

Speaking in Favor of the Measure:

Gary Lyons, 1165 Denman, Stephenville, Texas, stated that he is the area supervisor for Allsup’s Convenience Stores. Since opening the first Allsup’s store in Stephenville in July, he said it has been a thrill to be a part of this community. He said that he has had many conversations with the director of the Headstart Program school, which is situated within 300 feet of the subject store; and she voiced no opposition to this variance request.

Speaking in Opposition of the Measure:

Ed Dittfurth, Pastor of Stephenville First Assembly, said that business in question is across the street and 140 feet away from a school that educates children. Dittfurth said that some people argue that a variance is not a “zoning issue” to which he offered the definition of the word “variance” from Black’s Law Dictionary—“a likeness or official authorization to depart from a zoning law”. He asked the council to deny this request for a variance.

Mayor Hunter closed the public hearing.

MOTION by Don Zelman, second by Malcolm Cross, to approve the variance. MOTION CARRIED by a 5-3 vote.

IV. PLANNING AND ZONING COMMISSION

A. Consider Final Plat, Lakewood Estates Subdivision – Phase 1, being 9.068 acres in William Sims Addition, Stephenville, Erath County, Texas

Betty Chew, Director of Community Development, reported that the Planning and Zoning Commission recommends approval of this final plat.

MOTION by Mark Murphy, second by Alan Nix, to approve the final plat of the Lakewood Estates Subdivision. MOTION CARRIED.

B. PUBLIC HEARING to consider request to rezone from R-1 “Single Family Residential District” to R-1.5 “Single Family Residential District” 31.93 acres of Lot 8, Block 3 and Lots 9, 18, 19-A, and 27-B; Block 13; William Sims Addition located in the 200 and 300 block of Morgan Mill Road

Betty Chew gave the staff report, stating that the P&Z Commission recommends approval. She reminded the council that in 2006, several new zoning classifications were established. R-1.5 provides for a minimum lot size of 6,000 square feet and a minimum building size of 1,000 square feet.

Mayor Hunter opened a public hearing.

Speaking in Favor of Rezoning: No one.

Speaking in Opposition to Rezoning: No one.

Mayor Hunter closed the public hearing.

C. Consider Adoption of Ordinance No. 2009-01 Rezoning from R-1 “Single Family Residential District” to R-1.5 “Single Family Residential District” 31.93 acres of Lot 8, Block 3 and Lots 9, 18, 19-A, and 27-B; Block 13; William Sims Addition located in the 200 and 300 block of Morgan Mill Road

MOTION by Russ McDanel, second by Mark Murphy, to approve Ordinance No. 2009-01. MOTION CARRIED.

V. AIRPORT ADVISORY BOARD REPORT, Dana Brinkley, Chairman

A. Approve Terminal Area Plan and Runway Extension Study

Board member Hardy Hampton gave this report stating that the city, the airport board and KSA Engineers have developed a land use plan and runway extension plan for Clark Field Municipal Airport. He also advised that KSA has provided the city with alternatives for extending the runway from 4,200 feet to 5,000 feet. Hampton said that the additional 800 feet is needed in order for larger aircraft to take off and land at the airport. Board Chairman Dana Brinkley also discussed factors supporting the runway extension.

MOTION by Pat Shelbourne, second by Alan Nash, to approve the Terminal Area Plan and Runway Extension Study. MOTION CARRIED.

B. Consider Resolution No. 2009-01 Renaming Clark Field Municipal Airport

Brinkley explained that as the airport continues to develop and grow with hangars, runway improvements, and a new terminal building, the board's position is that the city would be better served having "Stephenville" in the name of the airport. He reported that former Mayor Henry Clark's service would still be honored by affixing the original Clark Field plaque to the new terminal building. The board is recommending renaming the airport to "Stephenville Regional Airport" which implies a larger town but also forward thinking in terms of expansion.

MOTION by Scott Evans, second by Alan Nix, to table this matter until February to allow for citizen input. MOTION CARRIED.

C. Consider Hiring SRLS Texas, LLC for Acquisition of Real Estate

MOTION by Alan Nix, second by Pat Shelbourne, to approve a contract with SRLS Texas, LLC for assistance with property acquisition and associated services. MOTION CARRIED.

VI. PUBLIC WORKS COMMITTEE REPORT

Committee Chairman Alan Nix presented the following matters for action.

A. Consider Approving Amendment No. 2 to Agreement for Operations Maintenance and Management Services with OMI, Inc.

MOTION by Alan Nix, second by Scott Evans, to approve the contract amendment with CH2MHILL/OMI providing for changes to the base fee, sludge hauling limit and chemicals limit to be negotiated annually. MOTION CARRIED.

B. Long-Term Water Plan

City Administrator Mark Kaiser reported that the pump station and pipeline project which began in 2000 is now complete to accept and introduce into our system, surface water from Upper Leon River Municipal Water District. Kaiser stated that he had advised council that tests of the pipeline had been completed using surface water and that no further surface water was going into the city's system. He stated that he had represented that no further [surface] water was going into the system at all. Kaiser said that he needed to correct that statement. "It was brought to my attention last week," he added "that for approximately 45 days now there has been some low flow—approximately 20,000 gallons a day—of Upper Leon treated water going into the system and has been part of our production process. As of Wednesday, that 20,000 gallons is going onto the ground and I misrepresented that at our last committee meeting as far as water going into the system; so I need to clarify that piece. Again, everything is now complete and we are still ready to discuss the operational maintenance and day-to-day operations of those facilities."

Chairman Nix stated that in line with this, the committee discussed the use of the Dublin Pump Station and Transmission Pipeline. He stated that HDR was commissioned to determine how best to use these facilities. After evaluating several options and making their report to the committee, HDR recommended using the "Surface Water at Low Flow" option.

MOTION by Alan Nix, second by Scott Evans, to approve the recommendation of the committee to authorize staff to operate that facility.

MOTION by Alan Nash, second by Mark Murphy, to table the motion. MOTION CARRIED by a 5-3 vote.

VII. FINANCE COMMITTEE REPORT

A. Annual Review of Financial and Investment Policies and Adopting Resolution No. 2009-02 Approving Investment Policy

MOTION by Alan Nash, second by Pat Shelbourne, to approve the Financial and Investment Policies for the City of Stephenville and adopt Resolution No. 2009-01. MOTION CARRIED.

B. Child Safety Fund Requests

MOTION by Alan Nash, second by Russ McDanel, to approve the following expenditures from the Child Safety Funds:

\$2,500 to Central Elementary for security cameras
\$2,000 to STAR Council for life skills training program
\$3,000 to Cross Timbers Family Services

MOTION CARRIED.

C. Consider Adopting Ordinance No. 2009-02 Establishing an Identity Theft Protection Program

MOTION by Alan Nash, second by Mark Murphy, to adopt Ordinance No. 2009-02. MOTION CARRIED.

D. Consider Approving Interlocal Agreement with Erath County for Jail Services

MOTION by Alan Nash, second by Pat Shelbourne, to approve the contract with Erath County for jail services. MOTION CARRIED.

E. Consider Adopting Resolution No. 2009-03 Directing Publication of Notice of Intention to Issue Certificates of Obligation to Fund Costs of an Aquatic Center Project and Resolving Other Matters Pertaining Thereto

Michael Stephens, 368 East Long, Stephenville, acknowledged that the city needs a pool, but said that spending almost double the amount of money than was originally planned is irresponsible. He also mentioned that the city should be spending more money on

deteriorating infrastructure.

Chris Gifford, 980 North Lydia, Stephenville, said that “just because you can get credit doesn’t mean you should take”. He said that we should use reserve funds to pay for the pool.

MOTION by Pat Shelbourne, second by Don Zelman, to adopt Resolution No. 2009-02.
MOTION CARRIED by the following roll call vote:

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

Nays: Councilmembers McDanel, Nash, and Murphy.

VIII. CONSENT AGENDA

Mark Murphy requested Item B. be removed. MOTION by Alan Nix, second by Mark Murphy to approve Items A., C. and D. MOTION CARRIED.

A. Approve Minutes

- 1. Regular Council Meeting on December 2, 2008**
- 2. Special Council Meeting on December 16, 2008**
- 3. Special Council Meeting on December 19, 2008**

B. Approve Bid Awards

- 1. Vehicles**
- 2. Pneumatic Roller**

Following questions, MOTION was made by Mark Murphy, second by Pat Shelbourne, to approve Item B. MOTION CARRIED.

C. Authorization to Sell the 1997 Ford Explorer

D. Approval of Contract Extension with Hale Benefits Analysis Services, City-County Benefits Services

IX. Comments by City Administrator

Mark Kaiser reported the following:

- Waiting on material for the airport terminal. Anticipate completion in April.
- Contractor is onsite for the aquatics complex. Hope to open in July.
- Ollie-Mary extension has begun. Anticipated completion is September.
- Stormwater drainage is expected to be completed in December 2009.

X. Comments by Councilmembers

XI. Executive Session. At 7:22 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, pending or contemplated litigation.

Council reconvened in open session at 7:58 p.m.

XII. Action taken on items discussed in executive session.

MOTION by Mark Murphy, second by Scott Evans, to approve the contract with Tim Brown for attorney services. MOTION CARRIED.

XIII. Adjourn

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

Nancy A. Hunter, Mayor

ATTEST:

Cindy L. Stafford, City Secretary