

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
Tuesday, March 3, 2009, 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on March 3, 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, March 3, 2009. Mayor Hunter recognized as being present, the Fire Chief, Capt. Jason King, sitting in for the Police Chief, Directors of Community Development, Community Services, Public Works, and Finance and Administration.

II. **Citizens' General Discussion.**

Johnny Robinson, Director of Student Leadership Programs for Tarleton State University, briefed the council on the university's upcoming community service project aimed towards helping elderly residents clean up around the home. The date for this event is March 28. Students, faculty, and staff will participate in a number of projects such as raking leaves, cleaning gutters, carrying off trash, etc. for elderly or handicapped citizens who call in to register. Robinson urged residents to contact his office if they or someone they know needs assistance around their home. Robinson said this is the 11th year for this program and the services are free.

Janet Morris, 456 Alexander Road, Stephenville, spoke to the council about changing the name of Alexander Road as the result of Ollie Avenue being expanded north to the Lingleville Road. She said that this presents a great inconvenience and requires her to make changes that are costly as well, such as driver's license, business and commercial licenses, vehicle registration, insurance and utility companies to name a few.

Mayor Hunter responded that while there are some inconveniences, by changing the three street names—Mary, Alexander Road, and FM 914—to Ollie Avenue, it will aid in effective response from emergency vehicles. Hunter assured Morris that the council is always willing to listen to the residents of the city.

Bob Koonce, 1405 Prairie Wind, Stephenville, said that he has spoken to the council twice previously about the parking conflict between himself and his neighbor. He asked the council to do something about this situation. He told the council, “I know you have the authority to do something about this.”

Councilmember Evans responded to Mr. Koonce that he has been by Mr. Koonce’s house to see where his neighbor is parked, and Evans said that he doesn’t see what the problem is. He also said that it has come to the attention of some of the councilmembers that Koonce and his neighbor do not get along very well and that the council meeting is not the forum at which to settle this dispute.

City Attorney Randy Thomas advised that no further discussion should be had as this item is not on the agenda. He advised that the mayor may place this on the agenda for an upcoming meeting.

III. Stephenville Museum Annual Report—Robin H. Ritchie, President

Robin Ritchie and Dorothy Farrar were present as representatives of the Board of Directors of the Stephenville Museum. Ritchie gave the following report:

Approximately 1,100 visitors toured the Stephenville Museum in 2008 and represented 203 cities in Texas, 35 states including Hawaii, and nine countries. Twelve weddings and receptions were held in the Chapel on the Bosque as well as a book signing by Sherri Knight, author of Tom T’ Fiddle, a True Texas Tale. Several weddings are already scheduled for 2009. Several Tarleton State University students toured the grounds and conducted research for various classes, including one for grass samples.

Many new acquisitions were received including the original Stephenville Rexall Drug Store display at the Carriage House and the Eagle Scout banner of Thomas Hooker, Stephenville’s first Eagle Scout in 1932, which is displayed in the Tarleton Ranch House. An 1850 melodeon is on display in the Chapel on the Bosque pastor’s study; diplomas from early Drs. Crow and his granddaughter on display in the Carriage House; original pictures of the Cage and Crow Bank and The First National Bank on display in the Carriage House.

New additions to the museum in 2008 are:

- Wolfe Nursery sign
- Lavinia Lohrmann Memorial Nature Trail
- Frey Family house, where the museum office is now situated
- Military, ROTC and Scouting exhibit

The Stephenville Study Club, 20th Century Club, and Stephenville Music Club met regularly in the meeting room of the Center Grove School House. The Master Gardeners provided landscape services each Friday. The annual activities held on the museum grounds are Annual Valentine Program, Annual Plant Fair, and the Annual By-Gone Days on the Bosque, which features a group known as The Gunfighters.

Goals and projects for 2009:

- Completing the archives/research records
- Completing the Berry House project
- Hosting successful Native and Heirloom Plant Fair and By-Gone Days on the Bosque
- Finding and relocating a barn to the museum grounds

Ritchie presented the 2009 budget, which is attached hereto.

MOTION by Mark Murphy, second by Don Zelman, to accept the report and approve the budget. Motion Carried.

IV. Fire Department Annual Report—Jimmy Chew, Fire Chief

Fire Chief Chew gave his report as follows:

“The Stephenville Fire Department was established in 1898 and has been in continuous service since that time. The department assumed operation of emergency medical service in 1976. The Fire Department supplies fire, rescue and EMS service to the City of Stephenville and provides mutual aid to the surrounding area.

“We currently have 27 firefighters assigned to three shifts of nine firefighters each and will begin maintaining a minimum staffing level of eight in April after all new hires have completed probation. We also have a Fire Chief, Fire Marshal, Training Officer and Fire Inspector completing the staff. All firefighters, the Training Officer, Fire Inspector and the Fire Chief are cross trained as Emergency Medical Technicians or Paramedics. The Department is supported by 16 well-trained volunteers. We operate two fire stations served by three ambulances, one rescue truck, one 75-foot ladder with 1500 GPM pump, two 1250 GPM pumper trucks, four booster trucks and two pickups assigned to the Fire Marshal and the Fire Inspector.

STAFF REPORT				
	2008	2007	2006	2005
Total number of runs	1682	1772	1576	1526
Fire responses	235	235	296	235
EMS responses	1447	1537	1280	1291
EMS billed calls	856	1020	827	880
Aid given to other fire departments	16	20	47	20
Aid received from other fire departments	3	4	3	1
Training for paid personnel:				
Total fire training hours	2835	2746	2419	1347
Average training hours per firefighter	118.12	114.42	100.79	53.88
Total EMS training hours	995	903	1100	1196
Average EMS hours per firefighter	41.45	37.63	45.83	47.84
Total training hours for paid personnel	3830	3649	3519	2543
Training for volunteers:				
Total volunteer training hours	1000.5	981	1070	596.6
Average training hours per volunteer firefighter	62.5	61.3	59.5	31.4
Number of time volunteer manpower used	141	128	113	75
Public education contacts	3202	2229	1268	
Fire inspections completed	330	327	99	109

Chew noted that the most important accomplishment was that the ISO class rating dropped to a “3”, which results in a decrease in homeowner’s insurance coverage.

MOTION by Don Zelman, second by Russ McDanel, to accept the report. Motion Carried.

V. CAPORAL INDUSTRIES, Ltd.

Betty Chew, Director of Community Development, stated a public hearing is required to be held followed by action on the ordinance and agreement.

A. Public Hearing on Request for Designation as a Reinvestment Zone

Mayor Hunter opened a public hearing.

Speaking in Favor:

Carl Spellman, Plant Manager for Caporal Industries, said that this project should bring 60 to 80 new jobs to Stephenville. He said they also hope to bring some new managerial positions. He said they will spend \$950,000 for a building and site improvements. The total project cost is estimated at \$3,675,000.

Speaking in Opposition: No one. Mayor Hunter closed the public hearing.

B. Consider Adopting Ordinance No. 2009-04 Designating a 74.36 Acre Tract as a Reinvestment Zone in the City of Stephenville

MOTION by Alan Nash, second by Mark Murphy, to adopt Ordinance No. 2009-04. Motion carried.

C. Consider Approving Tax Abatement Agreement between City of Stephenville and Caporal Industries, Ltd.

MOTION by Mark Murphy, second by Alan Nash, to approve the Tax Abatement Agreement between the City of Stephenville and Caporal Industries, Ltd. Motion carried.

VI. Erath County Historical Commission Report—Cathey Hartmann, Chairman

Cathey Hartmann, President of the Erath County Historical Commission, stated that the main reason for her coming to the council was to enlist council's help in replacing the historical marker which was stolen from its location at the corner of Vanderbilt and Clinton Streets.

A. Consider Approval of Application for Re-establishing Historical Marker for Brick Streets

MOTION by Don Zelman, second by Alan Nix, to approve the application to Texas Historical Commission for replacement of the historical marker for brick streets at Vanderbilt and Clinton Streets. Motion carried.

B. Consider Designating a Project Area for Brick Street Improvement

MOTION by Russ McDanel, second by Alan Nash, to designate the project area for brick street improvement as Vanderbilt Street from Ollie to Everett; Clinton Street from Sloan to Jones; and Everett Street from Vanderbilt to Tarleton. Motion carried.

VII. PLANNING AND ZONING COMMISSION

A. PUBLIC HEARING to consider request to rezone from B-2 "Retail and Commercial Business District" to B-5 "Restaurant - Alcoholic Beverage Sales District" Lot 6, Block 3, College Hill Addition located at 966 West Washington Street

Betty Chew reported that the Planning and Zoning Commission recommends approval of this request.

Mayor Hunter opened a public hearing.

Speaking in Favor of Rezoning: No one.

Speaking in Opposition of Rezoning: Johnny Huffman, 1150 North Lillian Street, Stephenville, said that he is speaking for Stephenville and not against Don Nico's. He said that he is against the rezoning. The main reason he offered is the close proximity to Central Elementary School.

Mayor Hunter closed the public hearing.

B. Consider Adopting Ordinance No. 2009-04 rezoning from B-2 "Retail and Commercial Business District" to B-5 "Restaurant - Alcoholic Beverage Sales District" Lot 6, Block 3, College Hill Addition located at 966 West Washington Street

MOTION by Malcolm Cross, second by Don Zelman, to adopt Ordinance No. 2009-05. Motion carried by the following roll call vote:

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

Nays: Councilmembers Shelbourne, Nix, and Murphy.

Abstaining: Councilmember McDanel.

C. PUBLIC HEARING to consider request to rezone from B-2 "Retail and Commercial Business District" to R-3 "Multiple Family Residential District" Lot 9 and the north 42.86 Acres of Lot 1, Block 147, City Addition located at 1765 and 1779 North Graham Avenue

Betty Chew reported that the Planning and Zoning Commission recommends approving this rezoning. Foster's Home for Children is located on the property, and their request will bring the existing use into compliance with zoning ordinance regulations. There is also a single-family residence located at 1765 North Graham which is owned by Foster's Home and used as a residential dwelling.

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. 2009-06 rezoning from B-2 "Retail and Commercial Business District" to R-3 "Multiple Family Residential District" Lot 9 and the north 42.86 Acres of Lot 1, Block 147, City Addition located at 1765 and 1779 North Graham Avenue.

MOTION by Mark Murphy, second by Russ McDanel, to approve Ordinance No. 2009-06. Motion carried.

E. PUBLIC HEARING to consider request to rezone from B-3 "Central Business District" to B-2 "Retail and Commercial Business District" Lots 5 and 10, Block 53, City Addition located at 305 and 367 East Washington Street

Betty Chew reported that the Planning and Zoning Commission recommends denying the rezoning request. She answered questions from councilmembers concerning allowed uses for B-2 and B-3 zoning classifications.

Mayor Hunter opened a public hearing.

Speaking in Favor of Rezoning:

Mac Rust, 1011 N. Graham Street, Stephenville, distributed a packet of information to the council and stated that he was speaking on behalf of Terry Staton, the owner of subject property. He said that although he is an attorney, that he was not being paid by either Terry Staton or J7 Vehicle Sales and that he was speaking tonight as a friend. Rust stated that at the Staton's previous location, they had a more comprehensive auto dealership, including classic cars. He said that Terry Staton has been in business in Stephenville for over 20 years. Rust talked about buildings in the area of this property, which pictures were included in his packet. He said that the Statons have already begun making improvements to their buildings and that an active business can only help to rejuvenate the area. Rust told the council that they are "begging for a chance to do business."

Terry Staton, 367 East Washington Street, Stephenville, said that he has been here for 20 years and has put a lot of people to work and "poured money into this community". He said that he has contributed to the economy of Stephenville by bringing people here to conduct their car business. Staton said that he has customers who come from as far away as Lubbock, Midland, and Dallas. He said that they are representatives of the City of Stephenville and have travelled from Florida to Nevada to Chicago and Canada selling cars. He said they do a lot of classic car repairs and restoration. He said he wants to take a building that's been vandalized and rehabilitate it and make it more attractive.

Speaking in Opposition of Rezoning: No one.

Mayor Hunter closed the public hearing.

Councilmembers then engaged in a discussion of the matter.

F. Consider Adopting Ordinance No. 2009-07 rezoning from B-3 "Central Business District" to B-2 "Retail and Commercial Business District" Lots 5 and 10, Block 53, City Addition located at 305 and 367 East Washington Street.

MOTION by Mark Murphy, second by Pat Shelbourne, to adopt Ordinance No. 2009-07. Motion carried by the following roll call vote:

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

Nays: None.

VIII. PUBLIC HEARING--Consider Granting a Variance to Section 130.16 of the Code of Ordinances "Sale of Alcoholic Beverages" for 966 West Washington Street

MOTION by Scott Evans, second by Malcolm Cross, to approve granting a variance for 966 West Washington for Don Nico's Restaurant. Motion carried.

IX. CONSENT AGENDA

MOTION by Alan Nix, second by Mark Murphy, to approve the consent agenda as listed below.
Motion carried.

A. Approve Minutes

- 1. Regular Council Meeting on February 3, 2009**
- 2. Special Council Meeting on February 17, 2009**

B. Contract with Erath County for Election Services for May 9, 2009 Election

C. Grant Application for Digital Mobile Videos, Resolution No. 2009-05

D. Bid Award for Skid Steer Loader

E. Resolution No. 2009-06 Accepting the 2007-2008 Utility Improvements Project—TAB 13

X. Comments by City Administrator

City Administrator Mark Kaiser announced that Monday, March 9, is the deadline to file an application to run for city council.

Ollie Street will be closed from Jones Street to Sloan Street to allow for construction of the stormwater drainage project.

The landfill continues to operate in spite of some rumors to the contrary.

XI. Comments by Councilmembers

Councilmember Evans stated that as a result of his wife having a medical condition that required emergency services, he wanted to acknowledge how fortunate this community is to have the caliber of doctors, nurses, hospitals, and EMS employees—both city and county—who provide a much needed service. Evans said he was very impressed and thanked them all for their service.

Councilmember Cross asked that the following remarks be included in the minutes verbatim:

“The minutes of the February 3rd meeting of the Stephenville City Council accurately report assertions which are not, in my opinion, supportable by facts or logic. If not challenged, they may be accepted as true without question. I attempted to refute some of these assertions, and the minutes accurately summarized some of my comments. The accuracy of the minutes required me to vote to accept them. However, I want to read this statement into the record. It reiterates several arguments I made last month which were understandably not included in the minutes, due to lack of space, and it presents additional material too.

“Mr. Ed Horton, Mr. Robert Burns, and Mr. Don Davis each served the City of Stephenville with integrity, ability, and the best interests of the city as they understood them at heart. Mr. Horton and Mr. Burns remain residents of Stephenville.

“The minutes report the assertion that Mr. Davis was fired by the City Council in 2000. As a member of the City Council at the end of Mr. Davis’s tenure, I can attest that Mr. Davis chose to retire. Moreover, following his announcement, 5 of the 8 members of the Council at that time invited Mr. Davis to remain as Interim Administrator until a permanent replacement could be selected. Mr. Davis declined to stay, but he was not removed.

“Moreover, the City Council maintained a professional relationship with Mr. Davis following his voluntary retirement. It unanimously elected Mr. Davis to represent Stephenville on the governing board of the Erath County Central Appraisal District, and it allowed Mr. Davis to recruit interim directors to head a city department pending the appointment of a permanent director. These actions are hardly those of a Council wanting to rid itself of an administrator.

“The minutes also report a charge that Mr. Davis conspired with council members Horton, Burns, and unspecified others to subvert the will of the public concerning the introduction of Lake Proctor water into our water system. However, no evidence of such a conspiracy was presented, and even though I was a council member at the time of the alleged conspiracy, I was neither a witness of nor party to any such conspiracy. Mr. Davis’s retirement in December, 2000, less than six months after the defeat of the 2000 referendum, would indicate an absence of both time and opportunity to launch a conspiracy. Mr. Horton’s advocacy of diversification of our water supply was at all times candid, open, and above board. Mr. Burns was not elected to the City Council until May, 2003, more than 28 months after Mr. Davis left office, making his participation in a conspiracy in 2000 unlikely.

“The minutes also report the questionable assertion that the introduction of Lake Proctor water is so unpopular that support for Lake Proctor water has elicited defeat at the polls. The facts indicate otherwise.

“Of the three council members who supported the 2004 decision to proceed with the financing and building of the pipeline from Lake Proctor, and who later ran for re-election, two were defeated for re-election. But a third council member, whose voting record on this issue was identical to that of the defeated council members, was elected Mayor of Stephenville after his vote. No relationship between a council member’s stand on Lake Proctor water and his electoral fate can reasonably be inferred from the available data.

“In conclusion, membership on the Stephenville City Council carries both rights and responsibilities. We have the right to exercise our powers, as defined by the City Charter, to advance the best interests, as we understand them, of our city and our fellow citizens for as long as the voters permit us to do so. But to assure the continued efficiency and effectiveness of the City Council, we have the responsibility to advance our arguments with facts, reason, and goodwill; not ignorance or emotionalism.”

Councilmember McDanel applauded the direction of Drew Wells, Director of Community Services, and the work of the street department in the area of Belknap, Walnut, and Columbia Streets. He said it is quality work and that he appreciates the efforts of that department.

Councilmember Murphy asked that his comments, which follow, be included in the record of the meeting.

"I want to remind folks that you shouldn't believe everything you read. Most of ya'll know that there is no love lost between me and the local newspaper. Other than their sports coverage and garage sale ads, much of the reporting is atrocious, erroneous and highly biased. They are constantly on the prowl for ways to bash and demean me and others who represent the citizens. The editor does a very poor job and tries constantly to get friends elected to this council and other boards in the community. The spouse of this airhead has called [Mayor Hunter interrupted saying that she would not allow any personal attacks to be made and told Councilmember Murphy that he no longer had the floor.] and threatened me twice over the last four years. The police chief talked me out of filing charges last time, but if it happens again, I will pursue legal action which prohibits threatening a public official.

"I ask supporters and citizens to think twice about subscribing to this paper, unless you need a liner for your birdcage. Those of you who waste your money on advertising in this rag should be aware that the 12 people who read it may not be willing to patronize your business.

"When reading political and other stories this year, remember that the purpose and goal of this paper is not to report the news, but to sell copies at any cost."

XII. Action taken on Matters Discussed in Executive Session on February 10, 2009—Evaluations of City Attorney, City Secretary, and City Administrator

MOTION by Alan Nix, second by Pat Shelbourne, to approve pay increases as follows: City Attorney, 10%; City Secretary, 2%; City Administrator, 4%. Motion carried.

XIII. EXECUTIVE SESSION. At 7:43 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)—Lot 6, Block 11, College Heights Addition, City of Stephenville, Erath County, Texas

The council reconvened in open session at 7:55 p.m.

XIV. Action taken on matters discussed in Executive Session (if necessary)

MOTION by Alan Nix, second by Pat Shelbourne, to authorize the Mayor to negotiate and execute a contract for acquisition of the property set out above. Motion carried.

XV. Adjourn

MOTION by Mark Murphy, second by Scott Evans, to adjourn the meeting. MOTION CARRIED at 7:55 p.m.

Nancy A. Hunter, Mayor

ATTEST:

Cindy L. Stafford, City Secretary