

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

The City Council of the City of Stephenville, Texas, convened on May 5, 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, May 5, 2009. Mayor Hunter recognized as being present, the Fire Chief, Police Chief, Directors of Community Development, Community Services, Public Works, and Finance and Administration.
- II. **Citizens' General Discussion.** No one wished to address the council.
- III. **Planning and Zoning Commission Report—Don Douglas, Chairman**

Don Douglas was unable to attend the meeting. Dell Burdick, Vice Chairman of the Planning and Zoning Commission, gave this report in his stead.

The Planning and Zoning Commission (P&Z) met in regular session ten times and work session three times during 2008 and considered ten zoning change requests, three subdivision proposals, two zoning ordinance amendments, and one vacate right of way. P&Z met throughout the year in work sessions reviewing the Subdivision and Zoning Ordinance. The Commission revised the minimum size of a dwelling unit in a condominium which was adopted by the City Council.

The Commission also revised the RE "Single Family-Residential Estates District" zoning classification allowing a six-inch (6") standard curb or a "lay-down" curb to be constructed in subdivisions with the RE "Single Family Residential Estate District" zoning. The Commission is reviewing Wind Energy Conversion Systems and will forward recommendations to the City

Council in the near future for consideration. This year the Commission will perform their annual review of the Subdivision Ordinance, Zoning Ordinance and continuation of implementation of the Master Annexation plan.

MOTION by Pat Shelbourne, second by Alan Nix, to accept the Planning and Zoning Report.
MOTION CARRIED.

IV. PLANNING AND ZONING COMMISSION

A. PUBLIC HEARING to consider request to rezone from R-3 “Multiple Family Residential District” and B-1 “Neighborhood Business District” to B-2 “Retail and Commercial Business District” part of Lot 3, Block 155, City Addition located at 2025 Northwest Loop

Betty Chew gave the staff report, stating that the Planning and Zoning Commission recommends approval of the rezoning. Chew mentioned that this is the present location of Community Nursing Home, and the owner is requesting rezoning for retail purposes. 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.

B. Consider Ordinance No. 2009-09 rezoning from R-3 “Multiple Family Residential District” and B-1 “Neighborhood Business District” to B-2 “Retail and Commercial Business District” part of Lot 3, Block 155, City Addition located at 2025 Northwest Loop

MOTION by Russ McDanel, second by Mark Murphy, to adopt Ordinance No. 2009-09.
MOTION CARRIED.

C. PUBLIC HEARING to consider request to rezone from B-1 “Neighborhood Business District” to B-5 “Restaurant—Alcoholic Beverage Sales District” Lots 7 and 18, Block 63, City Addition located at 210 and 252 East Tarleton Street—TAB 3/pp. 9-16

Betty Chew gave the staff report, stating that the Planning and Zoning Commission recommends approval of the rezoning. Chew mentioned that the properties are unoccupied at this time. Mayor Hunter opened a public hearing.

Speaking in Favor of Rezoning:

Ruby Sturmer, 1116 West Long Street, Stephenville, Texas, said that she and her husband will be purchasing the subject property. They are requesting rezoning to provide for alcohol sales in their proposed restaurant business, which will greatly enhance the business.

Speaking in Opposition to Rezoning:

Suzanne Anderson, 351 North Virginia, Stephenville, said that she and her husband own Anderson Feed & Fertilizer, Inc. which is located about one block from subject property. She expressed concerns about parking and traffic situations in this area due to Virginia Street and Floral Street being so narrow.

Sherman Edwards, 491 North Virginia, Stephenville, said that he and his wife own property near the subject property at 455 N. Virginia, 491 N. Floral, and 560 Oxford. He expressed similar concerns to Suzanne Anderson about parking and traffic. He asserted that having an establishment serving alcohol in a residential area with such narrow streets would be a hazardous situation.

Mayor Hunter closed the public hearing.

MOTION by Russ McDanel, second by Mark Murphy, to deny the request. MOTION CARRIED by the following vote:

Ayes: Council members Shelbourne, McDanel, Nash, Nix, Murphy, and Evans.

Nays: Council members Cross and Zelman and Mayor Hunter.

D. Consider Ordinance No. 2009-10 rezoning from B-1 "Neighborhood Business District" to B-5 "Restaurant—Alcoholic Beverage Sales District" Lots 7 and 18, Block 63, City Addition located at 210 and 252 East Tarleton Street

V. PERSONNEL COMMITTEE REPORT—Consider Approving Employee Pay Plan

MOTION by Alan Nix, second by Don Zelman, to approve the play plan as follows:

- Periodically, as determined by the council, a salary survey shall be taken for various cities in the North Texas area which are deemed to be comparable to the City of Stephenville in size and/or makeup.
- Using the survey, the city staff shall compare each position in the City of Stephenville to the average of the comparable position in the surveyed cities, and a variance to the average shall be determined.
- Positions in the City of Stephenville which are materially at variance with surveyed positions shall be analyzed regarding length of time of incumbent, experience of incumbent, etc. If a true inequity appears to exist, recommendations for a salary adjustment should be made to the council by the administration during the budget process each year.
- Each year the administration should review DFW CPI data, as well as annual evaluations of employees, and make recommendations to the council regarding regular pay adjustments during the budget process. Alternatively, the council may approve a dollar amount for pay adjustments, and have the administration determine by department

who receives regular adjustments based on current DFW CPI information, annual employee evaluations, merit adjustments, and other relevant factors.

- For the Budget year October 2009-September 2010, the council shall instruct the administration to evaluate the salary survey taken in the spring of 2009, as well as the information regarding Full Time Employee History, Five-year Turnover History, resignation information available, salary supplemental pay schedules for 2008-09, and current employee information by position, and bring to the council during the annual budget process for 2009-10 a recommendation to implement a program to address existing pay inequities over a period of three years.

MOTION TO AMEND by Mark Murphy, second by Russ McDanel, to change the last bullet from “the council shall instruct” to “the council hereby instructs the administration”.
MOTION FAILED.

MOTION TO AMEND by Russ McDanel, to change the wording in the last line from three years to two years. MOTION DIED for lack of a second.

VOTE on the original motion carried.

VI. LANDFILL EXPANSION

A. Consider Bid Award for Expansion of Landfill Cells 3 and 4

MOTION by Mark Murphy, second by Scott Evans, to award the bid to Prater Equipment Company of Comanche, Texas, in the amount of \$306,628.70. MOTION CARRIED.

B. Consider Resolution No. 2009-07 Expressing the Intent of the City to Reimburse Costs Incurred for the Expansion of the City Landfill from Proceeds of a Tax-Exempt Borrowing

City Administrator Mark Kaiser explained that by financing this project through “reimbursement”, the city may expend its general fund reserves for this project. Then, if the city issues debt within the next 18 months, the city reserves the right to issue debt for this project and reimburse the general fund for amounts expended.

MOTION by Mark Murphy, second by Scott Evans, to adopt Resolution No. 2009-07.
MOTION CARRIED.

VII. Consider Ordinance No. 2009--11 Providing Budget Amendments for the Remainder of the Fiscal Year Beginning October 1, 2008 and Ending September 30, 2009

MOTION by Scott Evans, second by Alan Nix, to adopt Ordinance No. 2009-10. MOTION CARRIED.

VIII. Consider Approval of Grants

A. COPS Hiring Recovery Program

Police Chief Roy Halsell explained that this grant is for an additional two police officers. One officer for the Stephenville PD will increase the department's presence within the city. The second would provide a second school resource officer with the Stephenville ISD. MOTION by Alan Nix, second by Russ McDanel to approve application of the COPS Hiring Recovery Program grant. MOTION CARRIED.

MOTION by Alan Nix, second by Mark Murphy, to approve the Memorandum of Understanding between the City and the Stephenville ISD for the School Resource Officer. MOTION CARRIED.

B. Edward Byrne Justice Assistance Formula

Chief Halsell explained that this is a Formula Grant based on information from the Uniform Crime Report. Application is for replacement of radio equipment—portables and mobiles—that are Project 25 compatible and that also have the capability for use in communications trunking systems, which is important for inter-operability with other public safety agencies. MOTION by Scott Evans, second by Alan Nix, to approve application of this grant. MOTION CARRIED.

C. EMS Local Projects Grant

Fire Chief Jimmy Chew is seeking authorization to file a grant requesting \$14,600 to be used for the purchase of two Hover jack/Homer mat lifting and moving systems to be used in the movement of bariatric patients by EMS crews. The grant requires 50% matching funds from the city. MOTION by Scott Evans, second by Mark Murphy, to approve application of this grant. MOTION CARRIED.

D. Assistance to Firefighters Grant

Chief Chew stated that this grant would request \$90,000 to be used for the purchase of a 2009 booster truck to replace a 1981 truck currently in service. MOTION by Scott Evans, second by Alan Nix, to approve application of this grant. MOTION CARRIED.

IX. Consider Approval of Engagement Letter with Arbitrage Compliance Specialists, Inc. for Compliance Computations

MOTION by Pat Shelbourne, second by Scott Evans, to approve the engagement letter which provides for preparation of arbitrage compliance computations as required by the United States Department of Treasury for the Series 2004 Combination Tax and Revenue Certificates of Obligation. MOTION CARRIED.

X. CONSENT AGENDA

MOTION by Alan Nix, second by Alan Nash, to approve the consent agenda. MOTION CARRIED.

A. Approve Minutes of Regular Council Meeting on April 7, 2009

B. Approval Authorization to Sell City Property

XI. Comments by City Administrator

- Construction on the aquatics complex is ahead of schedule.
- As of 5:00 p.m. today, 816 people had voted early in the city general election.
- Fish Day is scheduled for Saturday, May 16, in City Park.

XII. Comments by Council Members

- **Drought Contingency Assessment Announcement by Mayor Hunter**

“As Mayor, I initiate Phase 1 of the Water Conservation Plan and specifically announce activation of §51.17(A)(3)(a) whereby customers are requested to voluntarily conserve water and limit irrigation of landscaped areas to two days per week. The days of the week are left up to the customers.”

XIII. EXECUTIVE SESSION. At 7:08 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—Water well permits

Council reconvened in open session at 7:59 p.m.

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

No action was taken by council.

XV. Adjourn

MOTION by Alan Nix, second by Mark Murphy, to adjourn the meeting. MOTION CARRIED at 7:59 p.m.

Nancy A. Hunter, Mayor

ATTEST:

Cindy L. Stafford, City Secretary