

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
Tuesday, September 1, 2009, 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on September 1, 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	:	Joe E. Cude Donald L. Zelman Russ McDanel Alan Nash Alan Nix Martha Cashon 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, September 1, 2009, by Mayor Hunter.
- II. **Citizens' General Discussion.** Freddy Goble, 413 Bluebonnet, presented the following concerns:
- Garage sale signs left posted on utility poles
 - Annual landfill pass has not been received
 - Alleviate engineering and consulting fees on city projects

III. **Public Hearing on a Smoking Ordinance**

Mayor Hunter opened a public hearing.

Stacey Olson, 241 Davis Avenue, spoke in favor of a smoking ban citing statistics from a smoking ban enacted in Laramie, Wyoming.

Bethel Baker, 1115 West Elm, cited statistics from a workplace ban on smoking in Pueblo, Colorado. Baker said he does not think a smoking ban in restaurants will have a big economic impact on those businesses.

Robert Burns, 2220 Lingleville Road, stated that he would not argue with the points already presented, but he does not believe it is the government's duty to regulate private business. He said that business owners can determine what is best for their business without being legislated by the city council.

Bret Thetford, 114 Ben Hogan, said he has small children, and he believes a smoking ban would be beneficial. He said that city government exists to protect its citizens.

George Hubbard, 266 CR 252, reported the following observations of 43 Stephenville restaurants that he visited:

- 2 whose policy is "smoke 'em if you've got 'em"
- 4 restaurants where patrons had to walk through the smoking section to get to the non-smoking section
- 9 with separate smoking and non-smoking areas where non-smokers did not have to walk through a smoking area
- 28 restaurants did not allow smoking

Hubbard said that this is a management decision and not a government decision and there is no need for the city council to tell a restaurant owner whether or not they can allow smoking.

Mike Ballow, owner of Montana Restaurant, mentioned that he had spoken at the first public hearing and wanted to reiterate that the matter of smoking versus non-smoking should be the choice of the business owner.

R. W. Harrison, 1760 Kingland, said that he is a veteran and has fought to uphold the rights of this country. He said that smoking is a legal activity and does not believe the council has a right to ban smoking.

Court Cole, 605 Mockingbird, is the owner of Bull Nettle Restaurant and believes he has the right to service smokers and non-smokers. He said that it shouldn't be left up to the council to regulate how restaurant owners conduct business.

Carol Gibson is the owner of Rockin' P Bar and Grill, 133 W. Washington, and agrees with those who have expressed the opinion that government needs to "stay out of it" and let the business owner decide what is best for their business.

Betty Hollifield, 1698 West Long, strongly urged the council to place a ban on restaurant smoking.

Carol Ferguson, said that as a waitress in a smoking restaurant, that she is affected by second-hand smoke as well.

Arturo Avolos, owner of La Fiesta Mexican Restaurant, said that it is difficult to hire bartenders who are willing to work in a smoking environment. Avolos said that personally he would like to have a smoking ban but he realizes that this is an option he must offer his patrons.

Mayor Hunter closed the public hearing and thanked those who spoke for their input.

IV. Public Hearing on the Tax Rate for 2009

Mayor Hunter opened a public hearing. No one wished to speak. Mayor Hunter closed the public hearing.

V. Consider Ordinance No. 2009-14 Adopting the Annual Budget for the Fiscal Year Beginning October 1, 2009 and Ending September 30, 2010

Mayor Hunter thanked staff and especially Mark Kaiser for the hard work which was expended on the budget. MOTION by Alan Nash to approve Ordinance No. 2009-14. MOTION CARRIED.

VI. Consider Ordinance No. 2009-15 Adopting the Fee Schedule

Don Stewart, 626 Hawk Street, Dublin, Texas, spoke against increasing the airport hangar fees. He suggested that the city consider building additional hangars. Stewart said that the proposed increase is minimal.

MOTION by Scott Evans, second by Don Zelman, to adopt Ordinance No. 2009-15. MOTION CARRIED.

VII. CONSENT AGENDA

Joe Cude requested Item D.1. be removed; Russ McDanel, Items B. and D.3.; and Nash, Item C.

MOTION by Alan Nix, second by Joe Cude, to approve Items A., D.2., and E. MOTION CARRIED.

Following questions and discussion, MOTION was made by Alan Nix, second by Joe Cude, to approve Items B., C., and D.3. MOTION CARRIED.

MOTION by Alan Nix, second by Russ McDanel, to approve Item D.1. Bank Depository Contract with First Financial Bank. MOTION CARRIED by the following vote:

Ayes: Council members Cross, Zelman, McDanel, Nash, Nix, Cashon, and Evans.

Nays: No one.

Abstentions: Joe Cude abstained from voting having filed an Affidavit of Conflict of Interest with the city secretary.

A. Approve Minutes

1. Regular Council Meeting on August 4, 2009
2. Special Council Meeting on August 18, 2009

B. Easement Agreement with Board of Regents of the Texas A&M University System

C. Approve Change Order No. 2 on Splashville

D. Bid Awards

1. **Bank Depository Contract with First Financial Bank**
2. **Office Supplies Contract with Staples Business Advantage**
3. **Street Renovation Materials**

E. Authorization for Sale of Vehicles

Mayor Hunter took a moment to recognize the life and service of Davis Waggoner, who died on August 31. Davis Waggoner was a member of the city's Water Conservation Commission. Hunter extended sympathies to the Waggoner family.

VIII. Comments by City Administrator

- Airport Terminal is on schedule to be completed in November
- Stormwater drainage project is ahead of schedule and could be completed by early November
- Bosque River Trail project should see construction beginning the latter part of September to the first part of October
- Since Splashville opened, the 13-day attendance has been 6,400 patrons

IX. Comments by Councilmembers

Compliments were offered by Alan Nash on the Frey Street sidewalks.

X. Adjourn

MOTION by Joe Cude, second by Alan Nix, to adjourn the meeting. MOTION CARRIED at 6:44 p.m.

Nancy A. Hunter, Mayor

ATTEST:

Cindy L. Stafford, City Secretary