

MINUTES OF REGULAR BUSINESS MEETING

City of Stephenville - City Council
Tuesday, August 4, 2009, 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on August 4, 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
Absent	:	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, August 4, 2009, by Mayor Hunter.
- II. **Citizens' General Discussion.** Marcy Tanter, 811 North Lydia, commended members of the council for their efforts in providing for a sidewalk along Frey Street connecting Henderson Junior High School, Gilbert Intermediate, and Chamberlin Elementary and thanked them for their action in this regard.
- III. **Cross Timbers Fine Arts Council Annual Report and Budget Presentation—Stacy Smith, Executive Director**

Stacy Smith first thanked city councilmembers for their support and endorsement of the programs and activities of the fine arts council. Cross Timbers Fine Arts Council will celebrate its 30th anniversary in 2010. CTFAC sponsored approximately 40 events this past year. Some of the highlights from the past year were:

- A Gala Celebration of the Arts featuring Simply Sinatra
- Musical Theatre Camp for youth ages 6 to 18
- ARTsploration Creativity Camp
- Year round Arts Education for Adults
- Year round acting and creative dramatics for youth
- Free Happy Halloween Open House

- Wine Tasting Party and Dinner fund raiser at Brennan vineyards
- Celebrated Youth Art Month with more than 200 pieces of art created by more than 100 of our local youth
- Granted funds to local arts endeavor—CANTA Chorus for Children, Handel's Messiah, Tarleton State Strings, SHS Art Award, Rio Brazos Art Show, Spirits Cemetery Walk

Smith reported that one of the most significant programs this year was Arts Rock, which provided a week-long residency for two artists with special needs residents of Rock House.

Concerts making a return to Stephenville this year are:

Piatigorsky Foundation—Free concert featuring performers from around the world.

Me and My Monkey—Free concert in City Park, which is a makeup performance.

The Moscow Repertory Ballet will perform on November 19 in partnership with Tarleton State University.

MOTION by Alan Nix, second by Russ McDanel, to accept the report and approve the budget. MOTION CARRIED.

IV. PUBLIC HEALTH AND SAFETY COMMITTEE REPORT

A. Consider approval of purchase and placement of signs in school zones prohibiting the use of wireless communication devices (WCD) while operating a motor vehicle

Committee Chairman Don Zelman reported that HB 55 passed by the State Legislature prohibits the use of wireless communication devices in school crossing zones, unless the operator is stopped or using a hands-free device.

MOTION by Don Zelman, second by Alan Nix, to post the appropriate signs at entrances to school zones. MOTION CARRIED.

B. Public Hearing to Discuss Prohibiting Smoking in Public Places

Chairman Zelman yielded the floor to Mayor Hunter who opened a public hearing to hear comments concerning banning smoking in public places.

Christi Brown, 1496 Highland View, spoke in favor of this measure saying that it would promote good public health.

Mike Ballow, owner of Montana Restaurant, 1376 West Washington, spoke against this measure stating that government should not limit what citizens do. He said that at his restaurant they try to take care of smokers and non-smokers. They have separate air conditioners for the smoking and non-smoking sections.

C. Graffiti Ordinance

Zelman reported that HB 2089 gives authority to cities to require businesses to lock up aerosol paint. The primary purpose is to deter graffiti in a community. The committee took no action and will discuss this in the future.

D. Amending the Animal Control Ordinance

The committee recommended amending Sec. 90.44 of the Animal Control Ordinance. The city attorney has requested additional time for further review of that section as well as other provisions of the ordinance.

E. Parking schedules

The committee discussed parking schedules on portions of the newly completed Ollie Street. The police department will monitor parking situations and bring recommendations to the committee.

V. Consider Approval of Ordinance No. 2009-13 approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp. regarding the company's rate review mechanism filing in all cities exercising original jurisdiction

MOTION by Russ McDanel, second by Don Zelman, to adopt Ordinance No. 2009-13. MOTION CARRIED.

VI. Consider Approval of Lease Agreement with Rick Hale

MOTION by Alan Nix, second by Joe Cude, to approve the lease agreement with Rick Hale. MOTION CARRIED. City Attorney Randy Thomas stated that he would add a provision requiring lessee to maintain the property in a manner acceptable to the city.

VII. Consider Approval of Extension of Utilities Outside City limits

Mark Kaiser explained the current policy provides that the charge to utility customers outside the city limits is 1.15 times the existing city rates for users inside the city limits.

A. V. W. Stephens

V. W. Stephens addressed the council having provided a site layout showing line locations for utilities to service his business, "City Limits". MOTION by Alan Nix, second by Russ McDanel, to grant the request of V. W. Stephens. MOTION CARRIED.

B. The Company of Rock House

Mark Kaiser explained that this request is for a 1-inch tap service connection outside the city limits. MOTION by Don Zelman, second by Joe Cude, to deny this request. MOTION CARRIED.

VIII. CONSENT AGENDA

Joe Cude requested that Item D.1. be removed, and Alan Nash requested Item D.2. be removed. MOTION by Joe Cude, second by Alan Nash, to approve Items A., B., and C., of the Consent Agenda. MOTION CARRIED.

Further clarification was made concerning the term of the auditor's agreement. Kaiser also stated that the proposal for services for 2009 is \$28,500 while the cost for 2008 was \$17,400. Concerning the Bosque River Trail Project, Kaiser reported that the construction period is 300 days.

MOTION by Russ McDanel, second by Alan Nix, to approve D.1. and D.2. MOTION CARRIED.

- A. Approve Minutes of the Regular Council Meeting on July 7, 2009**
- B. Approve Amendment No. 1 to the Airport Project Participation Agreement for New Terminal Building and Auto Parking lot**
- C. Approve Authorization to Sell City Property**
- D. Approve Bid Awards**
 - 1. Auditor**
 - 2. Bosque River Trail Project**

IX. Comments by City Administrator

- Frey Street reconstruction is ahead of schedule. Kaiser asked that motorists be patient as they encounter construction areas. Tanglewood Circle, Tanglewood Trail, Tanglewood Lane, Bluebonnet, Dale, Ollie, Frey, and Long Streets will be paved during the next few weeks.
- Sidewalks along Frey Street have been completed.
- Splashville is undergoing test runs on the equipment. Kaiser said that we are very near an opening date for the aquatics center.
- Airport Terminal is under construction with anticipated completion in October.

X. Comments by Council Members

XI. Adjourn

MOTION by Alan Nix, second by Joe Cude, to adjourn the meeting. MOTION CARRIED at 6:34 p.m.

Nancy A. Hunter, Mayor

ATTEST:

Cindy L. Stafford, City Secretary