

**MINUTES OF REGULAR BUSINESS MEETING**  
City of Stephenville - City Council  
**Tuesday, January 5, 2010, 5:30 P.M.**

The City Council of the City of Stephenville, Texas, convened on January 5, 2010, 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 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 5, 2010, by Mayor Hunter.
- II. **Citizens' General Discussion.** No one wished to address the council.
- III. **Consider Approval of Variance to Section 130.16, Code of Ordinances, "Sale of Alcoholic Beverages" for 1362 West Washington Street**

MOTION by Scott Evans, second by Don Zelman, to approve the variance from Section 130.16, Code of Ordinances, for H & A Food Mart #2 located at 1362 West Washington Street. MOTION CARRIED.

IV. **PLANNING AND ZONING COMMISSION**

- A. **PUBLIC HEARING to consider request to rezone from I "Industrial District" to B-2 "Retail and Commercial Business District" Lots 4B, 6, and part of 5B, Block 93, City Addition, located at 995 North Graham Avenue and 201 East Frey Street**

Betty Chew gave the staff report, which included a recommendation from the Planning and Zoning Commission to rezone this property.

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.

**B. Consider Adopting Ordinance No. 2010-01 Rezoning from I “Industrial District” to B-2 “Retail and Commercial Business District” Lots 4B, 6, and part of 5B, Block 93, City Addition, located at 995 North Graham and 201 East Frey Street**

MOTION by Russ McDanel, second by Don Zelman, to adopt Ordinance No. 2010-01. MOTION CARRIED.

**C. Consider Approval of the Final Plat of Caporal Subdivision, being 74.36 acres of land with 44.47 acres in the John Blair Survey, Abstract 32, and 29.89 acres in the William Motley Survey, Abstract 515, Erath County, Texas**

MOTION by Alan Nix, second by Martha Cashon, to approve the final plat of Caporal Subdivision. MOTION CARRIED.

**V. Consider Approval of Energy Efficiency and Conservation Block Grant Application**

Mark Kaiser explained that these monies are funded under the American Recovery and Reinvestment Act of 2009. This program provides funds to units of local and state government to develop and implement projects to improve energy efficiency and reduce energy use and fossil fuel emissions. The projects that are proposed are as follows:

City Hall: Window replacements and programmable thermostats.

Public Safety Building/Fire Station #1: HVAC replacement.

Fire Station #2: HVAC replacements and programmable thermostats.

Other city facilities: Programmable thermostats.

MOTION by Joe Cude, second by Alan Nix, to approve the EECBG application. MOTION CARRIED.

**VI. PLANNING AND DEVELOPMENT COMMITTEE REPORT**

**A. Economic Development Incentives for Caporal Industries, Ltd.**

In March 2009, the city entered into a tax abatement agreement with Caporal Industries for a proposed installation of an ERW mill. Due to the downturn in the economy, the mill was never installed and made operation. Caporal now proposes to reopen the plant and has requested to rescind the tax abatement agreement and implement a 380 development agreement with the City for its expansion. The development agreement would allow for the city to construct the extension of Caporal Lane adjacent to the plant.

**1. Consider Approval of Ordinance No. 2010-02 to Rescind Tab Abatement Agreement with Caporal Industries**

MOTION by Scott Evans, second by Alan Nix to adopt Ordinance No. 2010-02. MOTION CARRIED.

**2. Consider Approval of Amendment to Economic Development Incentives Program**

MOTION by Scott Evans, second by Alan Nix, to approve the amendment to the Economic Development Incentive Program to include Chapter 380 Texas Local Government Code guidelines for economic development incentives. MOTION CARRIED.

**3. Consider Approval of Economic Development Program Agreement with Caporal Industries**

Carl Spellman addressed the council saying that once the mill is open, they hope to regain the number of employees that were lost. He hopes to re-employ 200 workers some time this year.

MOTION by Scott Evans, second by Alan Nix, to approve the agreement with Caporal Industries, Ltd. MOTION CARRIED.

**B. Variance to Section 130.16, Code of Ordinances, "Sale of Alcoholic Beverages" for 1362 West Washington Street**—This matter was acted on earlier in the meeting.

**C. Street Projects for 2010**

The 2010 street reconstruction project includes two areas—Long Street from Alexander Road to the railroad crossing and Ollie Street from Jones to Frey. MOTION by Scott Evans, second by Alan Nix, to approve the 2010 Street Reconstruction Project. MOTION CARRIED.

**VII. PUBLIC WORKS COMMITTEE REPORT**

**A. 2009-2010 Utility Line Improvements Project**

The project areas for the annual utility improvements will correspond with improvements in the annual street rehabilitation project on Long Street and Ollie Street. MOTION by Alan Nix, second by Scott Evans, to approve the Utility Line Improvements Project. MOTION CARRIED.

**B. Sanitary Sewer Overflow.** Chairman Nix reported that an update from Basin 10 evaluation was presented to the committee, and no action is necessary.

**C. New Water Wells.** The status of acquiring new water wells was discussed, and no action was taken.

## **VIII. ENVIRONMENTAL MANAGEMENT COMMITTEE REPORT**

### **A. Landfill Projects**

- **Cell Expansion**
- **Scales**

Chairman McDanel reported that a status update was presented to the committee indicating the construction of cells three and four is complete and construction reports have been sent to Texas Commission on Environmental Quality for review and approval. The city has since received approval, and the landfill will reopen tomorrow.

Plans and specifications for weight scales and a gate house is expected to be complete for construction this spring.

### **B. Recycling**

In response to a request from the committee for a price quote for curbside recycling, Greg Brown, Division Manager with IESI, Inc., advised the committee that a price increase for a 15-gallon recycling bin with once per week pick up would add \$5.15 per customer to cover the costs associated with this service. No action was taken by the committee or the council.

### **C. Roll Out Poly Carts**

Alternative pick-up service for downtown businesses, the use of smaller 65-gallon carts, and proximity of carts placed near mailboxes were discussed with representatives from IESI at the committee meeting.

## **IX. CONSENT AGENDA**

Alan Nash asked that Item E. be removed, and Joe Cude asked that Item D. be removed. MOTION by Russ McDanel, second by Martha Cashon, to approve Items A., B., and C. of the consent agenda. MOTION CARRIED. Following clarification of the slurry seal agreement and the change orders, MOTION was made by Alan Nash, second by Joe Cude, to approve Items D. and E. of the consent agenda. MOTION CARRIED.

### **A. Approve Minutes**

- 1. Regular Council Meeting on December 1, 2009**
- 2. Special Council Meeting on December 8, 2009**

### **B. Approve Bid Award for Wood Chipper**

### **C. Approve Amendment No. 01 to Attachment A—Scope of Services of the Grant for Routine Airport Maintenance between City and Texas Department of Transportation**

### **D. Approve Interlocal Agreement with the City of Euless for Slurry Seal Work**

**E. Approve Change Orders**

1. **Change Order No. 1 for 2009 Street Capital Improvements Projects**
2. **Change Order No. 1 for 2009 Street Renovation Project**
3. **Change Orders No. 1 and 2 for Landfill Cells 3 and 4**

**X. Comments by City Administrator**

- Airport terminal should be completed within one to two weeks
- Landfill will open during the month of January on Wednesday through Saturday from 8:30am to 4pm
- Evaluations of the city attorney, city administrator, and city secretary will be conducted on January 19

**XI. Comments by Councilmembers**

**XII. EXECUTIVE SESSION. At 6:43, 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 (All property listed below being in the City of Stephenville, Erath County, Texas.)**

**A. Part of Lots 1, 2 and 3, Block 47, City Addition, Stephenville**

**B. Portion of former North Ollie Street right of way and former West Green Street right of way situated between Block 25 of College Heights Addition, Block 16, Park Place Addition, and Block 129, City Addition, City of Stephenville, containing 3,684 square feet. (Tract 4)**

**C. Portion of Lot 3, Block 129, City Addition, City of Stephenville, containing 9,1268 square feet (Tract 7) and portion of Lot 2-B, Block 129, City Addition, City of Stephenville, containing 1,462 square feet. (Tract 9)**

**D. Portion of Lot 1-A and Lot 7, Block 132, City Addition, City of Stephenville, containing 5,014 square feet. (Tract 11)**

Council reconvened in open session at 7:07 p.m.

**XIII. Action taken on matters discussed in executive session**

MOTION by Russ McDanel, second by Martha Cashon, to approve the contracts listed as B., C., and D., above for the sale of four parcels of land and at the terms therein specified.  
MOTION CARRIED.

**XIV. Adjourn**

MOTION by Alan Nix, second by Joe Cude, to adjourn the meeting. MOTION CARRIED at 7:08 p.m.

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Nancy A. Hunter, Mayor

ATTEST:

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Cindy L. Stafford, City Secretary