

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
Tuesday, March 2, 2010, 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on March 2, 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 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 2, 2010, by Mayor Hunter. In observance of Texas Independence Day, Mayor Hunter called on Boy Scout Nolan Miller to lead the council and audience in the Pledge of Allegiance to the United States Flag and the Flag of Texas. Hunter recognized the city attorney, city administrator, city secretary, director of finance, director of community development, director of community services, fire chief, police chief, and director of public works.

II. Citizens' General Discussion.

Allie Wood and Kristen Buzbee, both Tarleton students informed the council and citizens about the upcoming Tarleton Round Up on April 10. This effort will provide cleaning and repair services to residents who either cannot afford to pay for them or are physically unable to do the work themselves. Tarleton is seeking volunteers from the community to work on that day from 9am to 1pm. Residents needing assistance may complete an application form or call the Student Leadership office at Tarleton. Leadership Stephenville and Keep Stephenville Beautiful are collaborating with Tarleton on this project.

July Danley, President of the Chamber of Commerce, informed the council that Keep Stephenville Beautiful has been organized as a part of Keep Texas Beautiful and recognized some of the board members who were in attendance at the meeting.

Nolan Miller, a freshman at Stephenville High School, presented his Eagle Scout project to the council. He asked permission to plant six to eight native trees at the new T-ball complex at City Park. He will be directing members of Troop 18 to assist him with the planting of these trees. Mayor Hunter praised him for his involvement with scouting and asked him to report back to the council once he has completed his project.

III. Consider and Take Action on a Resolution Expressing Intent to Issue Private Activity Bonds for a Manufacturing Facility for Caporal Industries, Ltd. in the City of Stephenville

Mark Kaiser explained that the purpose of this action is to approve what he refers to as a reimbursement resolution. Caporal is seeking financing through industrial revenue bonds. If successful, this would allow them to use these monies to pay for or provide reimbursement for those expenses Caporal has incurred prior to issuance of the debt. This places no liability or responsibility on the city.

MOTION by Martha Cashon, second by Russ McDanel, to approve the resolution. MOTION CARRIED.

IV. Stephenville Museum Annual Report—Robin Ritchie, President of the Board of Directors

Robin Ritchie first thanked the council for their support and dedication to the museum. She reported that the museum had 3,950 visitors in 2009 from our local area, cities across the state, 29 other states, and eight foreign countries, including Canada, Mexico, Brazil, India, Peru, The Netherlands, Russia, and United Kingdom. The two major events were the Native and Heirloom Plant Fair and By Gone Days on the Bosque. The major projects in 2009 included a new roof on the Berry house and a new foundation for Chapel on the Bosque.

Goals and projects for 2010 are as follows:

- Completing the Berry House project
- Completing the archives/research records
- Completing restoration of Chapel on the Bosque
- Tie into the Bosque River Trail and complete the Lavinia Lohrmann Memorial Trail
- Build a barn on the grounds

The 2010 budget is as follows:

Income

Donations	\$ 4,500
Rentals	4,500
Hotel Occupancy Tax	37,500
Sales	750
Interest Income	<u>350</u>
Total	\$47,600

Expenses

Salaries	\$ 15,000
Maintenance/Repairs	25,000
Payroll/Sales Tax	2,000
Legal/Accounting	1,500
Special Events	1,200
Office Expenses	1,300
Advertising	1,000
Professional Dues	100
Supplies/Outside Services	<u>500</u>
Total	\$47,600

MOTION by Joe Cude, second by Alan Nash, to accept the report and approve the budget.
MOTION CARRIED.

V. Police Department Reports—Roy Halsell, Police Chief

A. **Racial Profiling Report**—Chief Halsell presented the following racial profiling information:

(I) Tier 1 Data

Table 1. General Demographics of Contacts and Searches 2009

Race/Ethnicity*	Traffic Stops Citations and Arrests		Searches		Consensual Searches		PC for Search		Custody Arrest	
	N	%	N	%	N	%	N	%	N	%
Caucasian	121	79.3	80	72.7	37	72.5	43	72.9	41	69.5
	1									
African	40	2.6	3	2.7	3	5.9	0	0	1	1.7
Hispanic	245	16	27	24.5	11	21.6	16	27.1	17	28.8
Asian	8	.5	0	0	0	0	0	0	0	0
Native American	1	.06	0	0	0	0	0	0	0	0
Other	23	1.5	0	0	0	0	2	0	0	0
Total	152	100	110	100	51	100	59	100	59	100
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*Race/Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.

(II) Comparative Analysis

Table 1. Comparison of Self-Initiated Stops of Residents, DPS Resident Data , Census – Households with 1 or more vehicles, and Tarleton State University Students

Race/Ethnicity	Resident Contacts		DPS Data Drivers Licenses		U. S. Census Households with 1 or more vehicle		Tarleton State University Students	
	N	%	N	%	N	%	N	%
Caucasian	1211	79.3	24,337	90	11,023	86.3	6968	81
African	40	2.6	145	0.53	48	.3	560	6.5
Hispanic	245	16	** 2704	10	1,102	8.5	780	9.1
Asian	8	.5	134	.5	52	.4	87	1.0
Native American	1	.06	48	0.17	85	.7	75	.9
Other	23	1.5	499	1.85	502	3.8	128	1.9
Total	1528	100	27867	100	12,812	100	8598	100

** DPS data collection methods groups Hispanics with the Caucasian population. The number of Hispanics in the chart is based on a percentage of the Caucasian population, from the percentage of Hispanics from the U.S. Census in households with 1 or more vehicles.

Table 2. Comparison of Self-Initiated Stops of Residents with data combined. DPS data combined with TSU student count and U.S. Census count with TSU student count

Race/Ethnicity	Resident Contacts		DPS Data Drivers Licenses plus TSU students		U. S. Census 1 or more vehicle plus TSU students		Variance	
	N	%	N	%	N	%	DPS/TSU	Census/TSU
Caucasian	1211	79.3	31305	85.8	17991	84	-6.5	-4.7
African	40	2.6	705	1.9	608	2.8	.7	-.2
Hispanic	245	16	3484	9.6	1882	8.8	6.4	7.2
Asian	8	.5	221	.6	139	.6	-.1	-.1
Native American	1	.06	123	.3	160	.7	-.41	-.64
Other	23	1.5	627	1.7	630	4.3	.2	-2.8
Total	1528	100	36465	100	21410	100		

ANALYSIS. The only significant indication is the positive variance for Hispanics. According to numerous news reports the Hispanic population is the most under reported. Considering this I do not think this is an area of concern for Stephenville. Any variance is so small as to be statistically insignificant.

Summary: The findings suggest that the Stephenville Police Department does not currently experience a problem regarding racial profiling practices.

The continuing effort to collect police contact data will assure an on-going evaluation of the Police Department practices. The Police Department will continue to strive to be professional and courteous to all citizens. Patrol Lieutenants and Sergeants periodically review video tapes of traffic stops to see if any problems are developing. There have not been any problems noted.

B. Police Department 2009 Report

Chief Halsell presented the Uniform Crime Report, copy of which is attached and made a part of these minutes for all purposes.

Halsell also reported that the department has received the following grants this year:

- Radio grant from Department of Homeland Security for \$25,000
- In-car digital videos
- In-car laptop computers

MOTION by Don Zelman, second by Russ McDanel, to accept Chief Halsell's report. MOTION CARRIED.

VI. PUBLIC HEALTH AND SAFETY COMMITTEE REPORT

A. Prohibiting the use of Wireless Communication Devices while Operating a Motor Vehicle

1. PUBLIC HEARING on Ordinance No. 2010-05

Mayor Hunter opened a public hearing.

Speaking in favor of the ordinance prohibiting the use of wireless communication devices:

Burton Smith, 920 North Lydia, Stephenville, stated that he is in favor of the ordinance, particularly prohibiting texting while driving. He related an incident involving his wife who escaped serious injury following a collision in which the other motorist was texting on the cell phone.

Ken Dorris, 1259 West Lingleville Road, Stephenville, told the council that he was also involved in a car accident while the driver of the other vehicle was texting.

Speaking against the ordinance prohibiting the use of wireless communication devices:

Virginia Abel, 104 Linda Lane, Stephenville, said that there are many other dangerous activities that take place while operating a motor vehicle. She offered the following reasons why she is opposed to this ordinance: 1) not enforceable; 2) most people use good judgment while driving; 3) it is not the local government's position to tell the citizens what they can and cannot do in their motor vehicle.

Mayor Hunter closed the public hearing.

Don Zelman, chairman of the committee, stated that while the committee is recommending this ordinance, additional information has been submitted to him that he believes warrants continued deliberation by the committee of this subject. MOTION by Don Zelman, second by Russ McDanel, to table this matter to the committee for further review. MOTION CARRIED.

2. Consider Adopting Ordinance No. 2010-05 Prohibiting the use of Wireless Communication Devices while Operating a Motor Vehicle

B. Consider Adopting Ordinance No. 2010-06 Rescinding Section 130.28 "Concealed Handguns at Public Facilities Prohibited" from the Code of Ordinances

Zelman explained that with the recent passage of state statutes, the city's ordinance should be repealed so as not to conflict with state law. MOTION by Don Zelman, second by Alan Nash, to adopt Ordinance No. 2010-05. MOTION CARRIED.

C. Consider Adopting Ordinance No. 2010-07 Amending Chapter 75 "Parking Schedules" as it pertains to Byron Street, Ollie Street and Alexander Road

Zelman explained that these parking schedules are being recommended by the Police Department.

George Bolt, 813 North Ollie, Stephenville, said that the proposed ordinance will prohibit parking in front of his house which is an inconvenience for him.

Chief Halsell explained that sections of Ollie that are not wide enough to allow parking on both sides of the street while leaving enough room for two-way traffic. Russ McDanel asked Chief Halsell if Mr. Bolt would be able to park on Shirley Street, since his house is on a corner lot, and Halsell confirmed that he could.

MOTION by Don Zelman, second by Joe Cude, to adopt Ordinance No. 2010-06. MOTION CARRIED.

D. Racial Profiling Report

E. Police Department 2009 Report

VII. FINANCE COMMITTEE REPORT—Review of 2009 Audit

MOTION by Alan Nash, second by Russ McDanel, to approve the audit. MOTION CARRIED.

VIII. Filing of Appropriation Requests for Federal Funding

Mark Kaiser reported that the following projects have been submitted to our congressman and senators for possible federal funding:

- East Side Sewer trunk main
- Bosque River improvements
- Tarleton area stormwater drainage project
- Fire Station No. 2
- Recreation/Community Center

IX. Extension of Electric Franchise with Oncor Electric Delivery Company LLC

Kaiser explained that this extension is necessary to allow the Texas Coalition of Cities for Utility Issues (TCCFUI), of which Stephenville is a member, additional time to prepare a draft model ordinance.

X. CONSENT AGENDA

Alan Nash requested item A. be removed from the Consent Agenda MOTION by Joe Cude, second by Martha Cashon, to approve items B., C., D., E., and F. MOTION CARRIED.

MOTION by Alan Nash, second by Russ McDanel, to amend the February 2, 2010 minutes to reflect that he and Russ McDanel voted against the amended motion to renew the contract with Meyers & Associates. MOTION CARRIED.

MOTION by Alan Nash, second by Russ McDanel, to approve Consent Agenda Item A. MOTION CARRIED.

A. Approve Minutes of Regular Council Meeting on February 2, 2010

B. Order Calling City General Election for May 8, 2010

C. Approve Five Percent Pay Increase for City Secretary

D. Resolution No. 2010-02 Accepting Landfill Project

E. Amendment No. 2 to the Airport Project Participation Agreement for the Terminal Building

F. Expenditure of Grant Funds for Patrol Vehicle Laptops

XI. Comments by City Administrator

- Dedication ceremony will be held for the Airport Terminal on March 23 at 10am
- Requested citizen support for the US Census 2010

XII. Comments by Councilmembers

Alan Nash commended firefighter/EMS personnel Mickey Belew, Eric Burleson, Bryson Canady, and Daniel Dowell for the professionalism and compassion which they showed to one of his neighbors who had made

- XIII. EXECUTIVE SESSION. At 6:50 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. 551.074 Personnel Matters (a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.—Chief of Police Position**

Council reconvened in open session at 7:14 p.m.

- XIV. Action Taken on Matters Discussed in Executive Session (if necessary)**

No action was taken.

- XV. Adjourn**

MOTION by Scott Evans, second by Don Zelman, to adjourn the meeting. MOTION CARRIED at 7:14 p.m.

Nancy A. Hunter, Mayor

ATTEST:

Cindy L. Stafford, City Secretary