

MINUTES OF REGULAR BUSINESS MEETING
City of Stephenville - City Council
Tuesday, September 7, 2010, 5:30 P.M.

The City Council of the City of Stephenville, Texas, convened on September 7, 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 Don 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 5:31 p.m. on Tuesday, September 7, 2010, by Mayor Hunter. Hunter recognized the director of finance, director of community development, director of community services, director of public works, fire chief, and police chief.

II. Citizens' General Discussion.

No one wished to address the council.

III. Public Hearing on the Tax Rate for 2010

Mayor Hunter opened a public hearing. No one came forward to speak on the issue, and the mayor closed the public hearing.

IV. Consider Ordinance No. 2010-11 Adopting the Annual Budget for the Fiscal Year Beginning October 1, 2010 and Ending September 30, 2011

MOTION by Alan Nash, second by Alan Nix, to approve budget and adopt Ordinance No. 2010-11. MOTION CARRIED.

V. Consider Ordinance No. 2010-12 Adopting the Fee Schedule

MOTION by Russ McDanel, second by Joe Cude, to adopt Ordinance No. 2010-12 setting out the fee schedule. MOTION CARRIED.

VI. Consider Approval of Child Safety Fund Applications

A. Stephenville Independent School District—Gilbert Intermediate Security.

MOTION by Don Zelman, second by Martha Cashon, to approve the request for \$1,601.75 to purchase Raptor V-soft, an identification scanning system of all persons entering the school building. MOTION CARRIED.

B. STAR Council—Training and Prevention Programs.

MOTION by Russ McDanel, second by Alan Nix to appropriate \$2,000.00 which will help fund substance abuse prevention and violence prevention programs in the public schools. MOTION CARRIED by the following vote:

Ayes: Council members Cude, Cross, Zelman, McDanel, Nash, Nix, Evans, and Mayor Hunter.

Nays: None.

Abstentions: Council member Cashon.

C. Cross Timbers Family Services, Inc.—Youth Leadership Project.

MOTION by Don Zelman, second by Joe Cude, to fund \$2,000.00 to help cover the cost of sending 90 students from the eighth through twelfth grades to the Youth Leadership Conference at Tarleton State University. MOTION CARRIED.

VII. PLANNING AND ZONING COMMISSION—PUBLIC HEARINGS

A. PUBLIC HEARING to consider request to rezone from R-1 “Single Family Residential District” to R-3 “Multiple Family Residential District”, Lots 18 (N 93 feet); Block 139; City Addition, located at 301 North Dale Avenue

Betty Chew, Director of Community Development, gave the staff report stating that the P&Z Commission recommends denying this rezoning request.

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 Ordinance No. 2010-13 rezoning from R-1 "Single Family Residential District" to R-3 "Multiple Family Residential District", Lots 18 (N 93 feet); Block 139; City Addition, located at 301 North Dale Avenue

MOTION by Scott Evans, second by Martha Cashon, to deny this rezoning request.
MOTION CARRIED.

C. PUBLIC HEARING to consider request to rezone from B-1 "Neighborhood Business District" to B-2 "Retail and Commercial Business District", 1.554 acres in the A0032 John Blair Survey, located at 1654 West Lingleville Road

Betty Chew gave the staff report stating that the commission recommends approval of this rezoning request. She explained that by changing the zoning classification of this property will bring the existing mini-storage/warehouses into compliance as a permitted use.

Mayor Hunter opened a public hearing.

Speaking in Favor of Rezoning: Josh Allen with The Allen Firm stated that he is the attorney for Stephenville Mini-Storage, applicant/owner, and was appearing in the event council members had questions about this rezoning. He said that by rezoning this property to B-2 "Retail and Commercial Business District", it will bring it in line with the current Comprehensive Plan.

Speaking in Opposition of Rezoning: No one.

Mayor Hunter closed the public hearing.

D. Consider Ordinance No. 2010-14 rezoning from B-1 "Neighborhood Business District" to B-2 "Retail and Commercial Business District", 1.554 acres in the A0032 John Blair Survey, located at 1654 West Lingleville Road

MOTION by Alan Nash, second by Don Zelman, to adopt Ordinance No. 2010-13.
MOTION CARRIED by the following vote:

Ayes: Council members Cude, Cross, Zelman, Nash, Nix, Cashon, Evans, and Mayor Hunter.

Nays: None.

Abstentions: Council member McDanel, having filed a conflict of interest affidavit with the city secretary.

VIII. Consider Adopting Resolution No. 2010-07 Approving an Agreement by Stephenville Industrial Development Corporation to Issue Bonds for Tejas Tubular Stephenville Works, Ltd. and the Bond Resolution Providing for the Issuance of such Bonds

MOTION by Scott Evans, second by Russ McDanel, to approve Resolution No. 2010-07. MOTION CARRIED.

IX. Atmos Energy Mid-Tex Division

A. Consider Ordinance No. 2010-15 Approving a Negotiated Resolution between the Atmos Cities Steering Committee and Atmos Energy Corp. Mid-Tex Division Regarding the Company's Third Rate Review Mechanism Filing

Mark Kaiser reminded the council that because of the complex nature of this matter, the city has joined a coalition of cities that advises us concerning issues facing the city. This ordinance and attached rate and Rate Review Mechanism tariffs are the result of negotiations between Atmos Cities Steering Committee and the Company. The result to residential customers is approximately \$1.40 increase per month.

Shelley Burnett, Manager of Public Affairs with Atmos, addressed the council stated that Atmos will be replacing all service lines throughout the Mid-Tex Region within two years. Burnett went on to say that pursuant to the settlement agreement, 100,000 steel service lines will be replaced prior to September 30, 2012.

MOTION by Scott Evans, second by Alan Nix, to adopt Ordinance No. 2010-14. MOTION CARRIED

B. Consider Payment of Franchise Fees by Atmos Mid-Tex and Interpretation of "Gross Receipts"

Kaiser explained that the interpretation of "gross receipts" could refer to fees calculated on fees. He stated that city's attorneys are recommending no action be taken by council. No action was taken by council.

X. Consider Request by the Stephenville Historical Museum to use property owned by the City

The Stephenville Historical Museum requested permission to use real property belonging to the city and described as part of Lots 1 and 2A, Block 2, Shapard and Paddock Addition, City of Stephenville, located at 619 East Washington Street, for the purpose of relocating the Oxford House from 563 North Graham Street. This house was donated by Drs. William and Nannette Evans following the purchase by them of the real estate at 563 North Graham, provided the house is moved from its current location. The Board of Directors of the Stephenville Historical Museum will be responsible for relocating the structure as soon as possible.

Robin Ritchie, President of the Board of Directors, appeared before the council to explain that the museum board “will be responsible for finding suitable property to relocate the Oxford House, moving it, and also maintaining it after it finds its new dwelling place. We are excited and overwhelmed with all the possibilities. We also feel we all can benefit from this wonderful gift, and more important is the fact that the community will benefit from this adventure.

“Here is our plea. Stephenville cannot again lose another of its most historical buildings to concrete—no matter how good the reasons for the improvements may be. Yes, we need help desperately. First, we need your support to agree to put the house on the property known as the Old Dairy Queen lot. The grounds of the Stephenville Historical Museum does not have the amount of space needed to promote the Oxford House in the manner it needs to be presented. Second, we need the support of our city government to help us raise the funds needed to plan and execute this move. [We] have launched a campaign to include all the citizens of this great community to commit to this project with us.

“The Stephenville Historical Museum’s Board of Directors is committed to work as hard as we can to make this dream a reality. We are asking for the City of Stephenville to pledge their support to us for this campaign and help us see this project to its completion. We have opened this challenge to any and every individual citizen, business, professional, and organization to help make this a reality.

“We, the Stephenville Historical Museum consist of fifteen individuals on our Board of Directors, two part-time employees and several friends of the museum. We cannot complete this project alone. We know we need help. We need your help, the community’s help, and the help of professionals. But we do feel this is something we have to do. We have to save this historical building! We have to save the Oxford House. It is our obligation and our mission as the Stephenville Historical Museum to do what it takes to save this part of our enriched history.”

Some of the historical data associated with the Oxford House is as follows:

- Judge W. J. Oxford, Sr. purchased the lot at 563 North Graham Street in 1879.
- Oxford built this home with \$3,000 in silver coins he received as a legal fee in 1898.
- It is a dramatic example of the late Queen Anne style and represents the only structure left in Stephenville with this type of Victorian attributes.
- The two-story home originally had four bedrooms upstairs with a maid’s quarters. A backstairs leads down to the kitchen. There are eight rooms downstairs including a library-reading room, formal dining room, living room/parlor, butler’s pantry, morning-sitting room, breakfast porch, bathroom, and foyer.
- When the second Mrs. Oxford died in 1904, Judge Oxford turned the home into a boarding house for men until Oxford married again in 1911.
- In 1916 Judge Oxford retired from the bench, moved to Thurber to continue his legal practice, and leased his home to a bank.
- When the family returned to Stephenville in the early 1920’s, Mrs. Oxford laid a new wood floor on top of the old because the original floor had been badly scarred by the heavy deposit boxes used by the bank.

- Mrs. Oxford remained in the house following the death of the judge in 1943 until her death in 1985.
- The judge’s grandson, William Hall Oxford and his wife, Paula, began restoring the home in 1985 and opened it as a bed and breakfast. The home was put back to its original pristine condition.
- In 1994, the Texas Historical Commission designated the building as a Recorded Texas Historic Landmark.

Ritchie reported that the board hopes to raise \$100,000 to cover the cost of moving the structure, setting it on a concrete pad and fitting the house back together.

Those who spoke in favor of this request are as follows:

Belle Dowell, former member of the Museum Board of Directors;
 Sherri Knight, 330 East McNeill Street, Stephenville;
 Mike Waters, 1210 Meadowlark Lane, Stephenville;
 Arden Knight, 330 East McNeill Street, Stephenville;
 William Hall “Bill” Oxford, former owner of subject property;
 Cathey Hartmann, Chairperson of the Erath County Historical Commission;
 Marcy Tanter, 811 North Lydia, Stephenville;
 Garrett Dickey, member of Museum Board of Directors.

Following further discussion by the council members, MOTION was made by Russ McDanel, second by Scott Evans, to approve the request by the Stephenville Historical Museum for the Oxford House to be moved to the property known as the Sharp property or the old Dairy Queen property, including Lot 7 and 8, Block 2, Shapard and Paddock Addition, with no expense to the city for the move or the set up or the utilities—everything that’s of record tonight that has been discussed. We are providing the property that the benefactor has donated to the Historical Museum for that use as long as the Stephenville Historical Museum board works in conjunction with the city. MOTION CARRIED.

XI. CONSENT AGENDA

Council member Cude asked that Item E. be removed. MOTION by Russ McDanel, second by Alan Nash, to approve Items A., B., C., and D. MOTION CARRIED.

A. Approve Minutes

1. **Regular Council Meeting on August 3, 2010**
2. **Special Council Meeting on August 17, 2010**

B. Interlocal Agreement with North Central Texas Council of Governments for E9-1-1 Service, Equipment, Addressing and Database Maintenance

C. Bid Awards

1. **Street Renovation Materials**
2. **Office Supplies**
3. **Mobile Radios for Patrol Vehicles**

D. Texas Department of Transportation Grant for Routine Airport Maintenance Program

E. Letter of Agreement with Luminant Power- Comanche Peak Nuclear Power Plant

MOTION by Joe Cude, second by Scott Evans, to approve Item E. MOTION CARRIED.

XII. Comments by City Administrator

Mark Kaiser reported that the paving of Ollie Street between Jones and Frey Streets should be completed this week. Improvements to Long Street from the railroad tracks to Alexander Road are continuing. Landscaping of the Bosque River Trail is underway.

XIII. Comments by Councilmembers

Russ McDanel requested that the matter of junk vehicles be placed on the next Public Health and Safety Committee meeting.

XIV. Adjourn

MOTION by Russ McDanel, second by Alan Nix, to adjourn the meeting. MOTION CARRIED at 8:23 p.m.

Nancy A. Hunter, Mayor

ATTEST:

Cindy L. Stafford, City Secretary