



REGULAR CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, November 03, 2020 at 5:30 PM

MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, November 03, 2020, at 5:30 PM, in the City Hall Council Chambers, 298 West Washington Street, for the purpose of a Regular Council Meeting and Council Work Session, 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:

COUNCIL PRESENT:

Mayor Doug Svien
Mayor Pro Tem / Council Member Place 1 Mark McClinton
Council Member Place 2 Justin Haschke
Council Member Place 3 Nick Robinson
Council Member Place 4 Brady Pendleton
Council Member Place 5 Ricky Thurman
Council Member Place 6 Alan Nix
Council Member Place 8 Brandon Huckabee
Council Member Place 7 Gerald Cook

OTHERS ATTENDING:

Allen L. Barnes, City Manager
Staci L. King, City Secretary

CALL TO ORDER

Mayor Svien called the meeting to order at 5:30 p.m.

REGULAR AGENDA

1. Citizens' General Discussion

No one came forward to address the council.

2. Final Reading of an Ordinance Granting to Atmos Energy Corporation a Franchise to Construct, Maintain, and Operate Pipelines and Equipment in the City of Stephenville, Texas for the Transportation, Delivery, Sale, and Distribution of Gas In, Out Of, and Through Said City for all Purposes

Allen Barnes, City Manager, read the caption of the ordinance.

3. Consider Approval of an Ordinance Granting to Atmos Energy Corporation a Franchise to Construct, Maintain, and Operate Pipelines and Equipment in the City of Stephenville, Texas for the Transportation, Delivery, Sale, and Distribution of Gas In, Out Of, and Through Said City for all Purposes

MOTION by Justin Haschke, second by Gerald Cook to approve Ordinance No. 2020-O-33 granting a franchise to Atmos Energy Corporation. MOTION CARRIED by unanimous vote.

PLANNING AND ZONING COMMISSION

Steve Killen, Director of Development Services

4. PUBLIC HEARING

Case No.: RZ2020-010

Applicant John Drennan is requesting a rezone of property located at 830 Alexander Rd., Lot 22, Block 35, and 0 Alexander Rd., Lot 38, Block 35, of the South Side Addition, to the City of Stephenville, Erath County, Texas, from (R-1) Single Family and (R-3) Multiple Family to (B-2) Retail and Commercial Business.

Steve Killen, Director of Development Services, briefed the council on the rezone.

Mayor Svien opened the public hearing.

No one came forward to address the council.

Mayor Svien closed the public hearing.

5. Consider Approval of an Ordinance Rezoning the Properties Located at 830 Alexander Road, Being Lot 22, Block 35, and 0 Alexander Road, Being Lot 38, Block 35 of the South Side Addition, to the City of Stephenville, Erath County, Texas, from Single-Family Residential District (R-1) and Multiple Family Residential District (R-3) to Retail and Commercial Business District (B-2).

MOTION by Brady Pendleton, second by Ricky Thurman, to approve Ordinance No. 2020-O-34 rezoning the properties located at 830 Alexander Road and O Alexander Road from Single-Family Residential District (R-1) and Multiple Family Residential District (R-3) to Retail and Commercial Business District (B-2) contingent upon the replat of the property. MOTION CARRIED by unanimous vote.

6. PUBLIC HEARING

Case No. RZ2020-011

Applicant is Requesting a Rezone of the Property Located at 422 South Lillian, Being Lots 5, 6, 7, and 8, Block 8, of the South Side Addition, to the City of Stephenville, Erath County, Texas, from Industrial District (I) to Planned Development District (PD).

Steve Killen, Director of Development Services, briefed the council on the rezone.

Mayor Svien opened the public hearing.

No one came forward to address the council.

Mayor Svien closed the public hearing.

7. Consider Approval of an Ordinance Rezoning the Property Located at 422 S Lillian, Being Lots 5, 6, 7, and 8, Block 8, of the South Side Addition to the City of Stephenville, Erath County, Texas, from Industrial District (I) to Planned Development District (PD).

Motion by Mark McClinton, second by Brandon Huckabee, to approve Ordinance No. 2020-O-34 rezoning the property located at 422 S. Lillian from Industrial District (I) to Planned Development District (PD). MOTION CARRIED by unanimous vote.

8. PUBLIC HEARING

Case No.: SV2020-009

Applicant is Requesting a Waiver from City of Stephenville Code of Ordinances Section 155.6.11 – Sidewalk Requirements at 3130 West Washington, Being Lot 2, Block 1 of the Excels Addition to the City of Stephenville, Erath County, Texas

Steve Killen, Director of Development Services, briefed the council on the waiver request.

Mayor Svien opened the public hearing.

No one came forward to address the council.

Mayor Svien closed the public hearing.

9. Consider Approval of a Waiver from City of Stephenville Code of Ordinances Section 155.6.11 – Sidewalk Requirements at 3130 West Washington, Being Lot 2, Block 1 of the Excels Addition to the City of Stephenville, Erath County, Texas

MOTION by Ricky Thurman, second by Brandon Huckabee, to approve a waiver from City of Stephenville Code of Ordinances Section 155.6.11 – *Sidewalk Requirements* at 3130 West Washington. MOTION CARRIED by unanimous vote.

10. PUBLIC HEARING

Case No.: SV2020-010

Applicant is requesting a Waiver from the City of Stephenville Code of Ordinances Section 155.6.11 – Sidewalks at 1961 N Dale, being Lot 2, Block 1 of the Green Acres Addition to the City of Stephenville, Erath County, Texas

Steve Killen, Director of Development Services, briefed the council on the waiver request.

Mayor Svien opened the public hearing.

Vince Daddio spoke in favor of the waiver.

No one spoke in opposition to the waiver

Mayor Svien closed the public hearing.

11. Consider Approval of a Waiver from Section 155.6.11 – Sidewalks of the City of Stephenville Code of Ordinance for the Property Located at 1961 N Dale, Being Lot 2, Block 1 of the Green Acres Addition of the City of Stephenville, Erath County, Texas

MOTION by Gerald Cook, second by Mark McClinton, to deny the waiver. MOTION FAILED by the following votes:

Ayes: Mark McClinton, Justin Haschke, Alan Nix, Gerald Cook

Noes: Nick Robinson, Brady Pendleton, Ricky Thurman, Brandon Huckabee, Doug Svien

MOTION by Brady Pendleton, second by Nick Robinson to approve a waiver from Section 155.6.11 – *Sidewalks* of the City of Stephenville Code of Ordinance for the Property Located at 1961 N Dale.

MOTION CARRIED by the following votes:

Ayes: Nick Robinson, Brady Pendleton, Ricky Thurman, Brandon Huckabee, Doug Svien

Noes: Mark McClinton, Justin Haschke, Alan Nix, Gerald Cook

12. PUBLIC HEARING

Case No. SV2020-011

Applicant is Requesting a Waiver from the City of Stephenville Code of Ordinances Section 155.6.04.M(1) - *Curb and Gutter Options* at 1961 N Dale, Being Lot 2, Block 1 of the Green Acres Addition to the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, briefed the council on the waiver request.

Mayor Svien opened the public hearing.

No one came forward to address the council.

Mayor Svien closed the public hearing.

13. Consider Approval of a Waiver from the City of Stephenville Code of Ordinances Section 155.6.04.M(1) - *Curb and Gutter Options* at 1961 N Dale, Being Lot 2, Block 1 of the Green Acres Addition to the City of Stephenville, Erath County, Texas.

MOTION by Mark McClinton, second by Nick Robinson, to approve a waiver from the City of Stephenville Code of Ordinances Section 155.6.04.M(1) - *Curb and Gutter Options* at 1961 N Dale. MOTION CARRIED by majority vote, with Alan Nix voting against.

14. PUBLIC HEARING

Case No.: SV2020-012

Applicant is requesting a Waiver from the City of Stephenville Code of Ordinances Section 155.6.11 – *Sidewalks* 1949 N Dale, Being Lot 3, Block 1 of the Green Acres Addition to the City of Stephenville, Erath County, Texas

Steve Killen, Director of Development Services, briefed the council on the waiver request.

Mayor Svien opened the public hearing.

No one came forward to address the council.

Mayor Svien closed the public hearing.

15. Consider Approval of a Waiver from the City of Stephenville Code of Ordinances Section 155.6.11 – *Sidewalks* 1949 N Dale, Being Lot 3, Block 1 of the Green Acres Addition to the City of Stephenville, Erath County, Texas

MOTION by Brandon Huckabee, second by Nick Robinson, to approve a waiver from the City of Stephenville Code of Ordinances Section 155.6.11 – *Sidewalks* 1949 N Dale. MOTION CARRIED by the following votes:

Ayes: Nick Robinson, Brady Pendleton, Ricky Thurman, Brandon Huckabee, Doug Svien

Noes: Mark McClinton, Justin Haschke, Alan Nix, Gerald Cook

16. PUBLIC HEARING

Case No.: SV2020-013

Applicant is Requesting a Waiver from the City of Stephenville Code of Ordinances Section 155.6.04.M(1) - *Curb and Gutter Options* at 1949 N Dale, being Lot 3, Block 1 of the Green Acres Addition to the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, briefed the council on the waiver request.

Mayor Svien opened the public hearing.

No one came forward to address the council.

Mayor Svien closed the public hearing.

17. **Consider Approval of a Waiver from the City of Stephenville Code of Ordinances Section 155.6.04.M(1) - *Curb and Gutter Options* at 1949 N Dale, being Lot 3, Block 1 of the Green Acres Addition to the City of Stephenville, Erath County, Texas.**

MOTION by Justin Haschke, second by Mark McClinton to approve a waiver from the City of Stephenville Code of Ordinances Section 155.6.04.M(1) - *Curb and Gutter Options* at 1949 N Dale. MOTION CARRIED by majority vote, with Alan Nix voting against.

18. PUBLIC HEARING

Case No. SV2020-014

Applicant is Requesting a Waiver from the City of Stephenville Code of Ordinances Section 155.6.11 – *Sidewalks* at 1937 N Dale, being Lot 4, Block 1 of the Green Acres Addition to the City of Stephenville, Erath County, Texas

Steve Killen, Director of Development Services, briefed the council on the waiver request.

Mayor Svien opened the public hearing.

No one came forward to address the council.

Mayor Svien closed the public hearing.

19. **Consider Approval of a Waiver from the City of Stephenville Code of Ordinances Section 155.6.11 – *Sidewalks* at 1937 N Dale, being Lot 4, Block 1 of the Green Acres Addition to the City of Stephenville, Erath County, Texas**

MOTION by Brandon Huckabee, second by Nick Robinson to approve a waiver from the City of Stephenville Code of Ordinances Section 155.6.11 – *Sidewalks* at 1937 N Dale. MOTION CARRIED by the following votes:

Ayes: Nick Robinson, Brady Pendleton, Ricky Thurman, Brandon Huckabee, Doug Svien

Noes: Mark McClinton, Justin Haschke, Alan Nix, Gerald Cook

20. PUBLIC HEARING

Case No.: SV2020-015

Applicant is Requesting a Waiver from the City of Stephenville Code of Ordinances Section 155.6.04.M(1) - *Curb and Gutter Options* at 1937 N Dale, being Lot 4, Block 1 of the Green Acres Addition to the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, briefed the council on the waiver request.

Mayor Svien opened the public hearing.

No one came forward to address the council.

Mayor Svien closed the public hearing.

21. **Consider Approval of a Waiver from the City of Stephenville Code of Ordinances Section 155.6.04.M(1) - *Curb and Gutter Options* at 1937 N Dale, being Lot 4, Block 1 of the Green Acres Addition to the City of Stephenville, Erath County, Texas.**

MOTION by Mark McClinton, second by Justin Haschke to approve a waiver from the City of Stephenville Code of Ordinances Section 155.6.04.M(1) - *Curb and Gutter Options* at 1937 N Dale. MOTION CARRIED by majority vote, with Alan Nix voting against.

STEPHENVILLE TYPE B ECONOMIC DEVELOPMENT AUTHORITY UPDATE

Jeff Sandford, Executive Director, gave the report.

PARKS AND LEISURE SERVICES COMMITTEE

Nick Robinson, Chair

22. Committee Report for October 20, 2020

Nick Robinson, chair, gave the committee report.

FINANCE COMMITTEE

Mark McClinton, Chair

23. Finance Committee Report - October 20, 2020

Mark McClinton, chair, gave the committee report.

24. Consider Approval of an Amendment to Section 7 of the City of Stephenville's Order Declaring Local State of Disaster Dated April 22, 2020

MOTION by Mark McClinton, second by Justin Haschke, to amend the City of Stephenville's Order Declaring Local State of Disaster Dated April 22, 2020 by removing Section 7. MOTION CARRIED by unanimous vote.

25. Consider Approval of the City of Stephenville's Delinquent Utility Bill Assistance Program

MOTION by Mark McClinton, second by Ricky Thurman, to approve the City of Stephenville's Delinquent Utility Bill Assistance Program with a maximum assistance of \$300 per account and a December 31, 2020 deadline. MOTION CARRIED by unanimous vote.

NOMINATIONS COMMITTEE

Gerald Cook, Chair

26. Committee Report for October 10, 2020

Gerald Cook, chair, gave the committee report.

27. Committee Report for November 3, 2020

Gerald Cook, chair, gave the committee report.

28. Consider Approval of the City of Stephenville's 2021 Legislative Priorities

MOTION by Gerald Cook, second by Justin Haschke, to approve the City's list of legislative priorities as outlined below:

CITY OF STEPHENVILLE
2021 Legislative Agenda

Key Principles

1. The City of Stephenville government shall do no harm to the citizens, businesses community, or economy of Stephenville.
2. The City of Stephenville government shall focus on those issues that are directly related to the community and foster community and economic development, growth, safety, and health for all citizens.
3. The City of Stephenville government shall place emphasis on local control by being an advocate for keeping as many decisions and regulations as possible at the local governance level.
4. The City of Stephenville government will look to the long-term perspective in advocacy efforts rather than advocating short term gains or issues.

Key Issues

Local Control:

Advocate for and support efforts to limit State and Federal unfunded mandates imposed on local governments.

2. Advocate for and support efforts to limit the control of local government decisions by State or Federal agencies.

Taxes:

1. Advocate for and support efforts to clarify 2020 Senate Bill 2 as it relates to the 3.5% ad valorem and the de minimis tax rate affecting cities under 30,000 in population and emphasizing local control.
2. Advocate for and support efforts to allow cities in Texas to submit to voters an increase of the local sales tax by up to one percent for specific capital improvement projects, provided that there is a sunset provision and the project(s) are not financed in excess of five years.
3. Advocate for and support efforts that legislate action for any freeze or reduction in ad valorem taxes must be offset by some other sales tax, consumption tax, food tax, hotel occupancy tax, etc., provided that any change be a net positive to local municipalities.

COVID-19:

1. Advocate for and support efforts to provide for the equitable distribution of the unallocated funds of the federal CARES Act funding received by the State of Texas to local municipalities.

Higher Education:

1. Advocate for and support efforts for the continued funding, growth, and development of Tarleton State University in Stephenville.
2. Advocate for and support efforts to allow state-supported institutions to partner with local municipalities in defraying the cost of specific infrastructure projects that are necessary for the institution's continued growth and development.

MOTIN CARRIED by unanimous vote.

FINANCIAL REPORTS

Monica Harris, Director of Finance and Administration

29. Monthly Budget Report for the Period Ending September 30, 2020

30. Financial Reports for the Period Ending September 30, 2020

Monica Harris, Director of Finance, gave the following report:

In reviewing the financial statements ending September 30, 2020, the financial indicators are as expected, considering the impact of COVID-19.

Property Tax - We received \$9K in property taxes in the month of September, resulting in a \$430K or 7.09% increase over funds collected last fiscal year. The \$6.5 million collected is 101.19% of budget.

Sales Tax - We received \$512K in sales tax in September, resulting in \$14K or 2.65% less than the funds collected last September. The \$6.3 million collected is 96.1% of the \$6.57 million budgeted, which is about 3.9% less than anticipated. We collected \$163K or 2.52% less than the previous fiscal year.

HOT Funds - We received \$325K in revenue in the Hotel Occupancy Tax fund through September, as compared to \$558K in revenue through last September. We spent \$216K in Hotel Occupancy Tax funds through September as compared to \$494K last year. Both are a direct reflection of the impact of COVID-19.

Revenue (Budgetary comparison) - The target budget for operating revenue is \$30.3 million. We received \$28.4 million in revenue through September, resulting in \$1.9K under the target budget. This is a result of reimbursement-based grants and the impact of COVID-19.

Expenditures (Budgetary comparison) The target budget for operating expenditures is \$21.1 million. We expended \$18.8 million through September resulting in \$2.3 million under the target budget.

Revenue (Prior year comparison) - Operating revenue received last year was \$28.8 million as compared to the current year's \$28.4 million, resulting in a \$355K decrease due to sales taxes, franchise taxes, hotel occupancy taxes, licenses & permits, interest, and other income.

Expenditures (Prior year comparison) - Operating expenditures last year were \$18.9 million as compared to the current year's \$18.8 million, resulting in a \$82K decrease. General Fund expenditures increased \$405K due to wages and benefits, maintenance, damage claims, and COVID-19 supplies. SEDA expenditures increased \$8K for marketing, wages and benefits, and grants.

New Programs - The Downtown Revitalization project, the Green Ribbon Project, Eastside Sewer, the CDBG GLO project, and the street improvement program will all carryover into FY 2020-2021.

Investments - The total market value of cash and investments on September 30, 2020 was \$44,091,950. This is allocated 5% in demand accounts, 1% in brokered certificates of deposit, 39% in TexStar investment pool, and 55% in TexPool investment pool. We earned 22,507 in interest for the quarter. The average yield to maturity for all account types for the quarter was .48%. The average yield to maturity for investment accounts for the quarter was .70%. The average yield to maturity for a 3-month treasury bill for the quarter was .11%

CONSENT AGENDA

- 31. Minutes - October 6, 2020 Regular City Council Meeting
- 32. Minutes - October 14, 2020 City Council Work Session
- 33. Minutes - October 27, 2020 Special City Council Meeting

MOTION by Mark McClinton, second by Ricky Thurman, to approve the consent agenda as presented. MOTION CARRIED by unanimous vote.

COMMENTS BY CITY MANAGER

*Stephenville has officially received their designation as a Main Street City

*Veteran's Day - November 11

*Council Off-site Meeting - November 16

*Committee Meetings - November 17

*Lighted Christmas Parade - November 28

*Electronics event yielded 30,000 pounds of electronics to be recycled

COMMENTS BY COUNCIL MEMBERS

Mark McClinton thanked the election volunteers for their hard work. He stated that he also wanted to offer up his prayer for the leadership of this country.

Alan Nix wanted to echo Mr. McClinton's comments, and he said his prayer would be for unity for our nation regardless of the election results.

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:

34. Section 551.072 - *Deliberations Regarding Real Property*

Deliberation regarding the purchase, exchange, lease, or value of real property - Sale of City Property

35. Section 551.074 - *Personnel Matters*

Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

1. Parks and Leisure Services Director
2. Public Health Official

36. Section 551.087 - *Deliberation Regarding Economic Development Negotiations - Project CS*

37. Action Taken on Items Discussed in Executive Session, if Necessary

MOTION by Brady Pendleton, second by Gerald Cook to accept a bid for sale of city property. MOTION CARRIED by unanimous vote.

MOTION by Gerald Cook, second by Alan Nix, to reaffirm the appointment of Kelley Doggett as the City's Health Official as of March 30, 2020 for a two year period. MOTION CARRIED by unanimous vote.

ADJOURN

The meeting was adjourned at 8:02 p.m.

Doug Svien, Mayor

Staci L. King, City Secretary