



REGULAR CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, October 10, 2023 at 5:30 PM

MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, October 10, 2023, in the City Hall Council Chambers, 298 West Washington Street, for the purpose of a Regular City Council 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:

COUNCIL PRESENT: Mayor Doug Svien
Council Member LeAnn Durfey
Council Member Justin Haschke
Council Member Lon Reisman
Council Member Bob Newby
Council Member Maddie Smith
Council Member David Baskettt
Council Member Mark McClinton

COUNCIL ABSENT: Council Member Brandon Greenhaw

OTHERS ATTENDING: Jason M. King, City Manager
Randy Thomas, City Attorney
Sarah Lockenour, City Secretary

CALL TO ORDER

Mayor Svien called the Regular City Council Meeting to order at 5:30 PM.

PLEDGES OF ALLEGIANCE

Council Member LeAnn Durfey led the pledges to the flags of the United States and the State of Texas.

INVOCATION

Pastor David Whiteman of Grace Fellowship voiced the invocation.

PRESENTATIONS AND RECOGNITIONS

The Mayor recognized Judge Richard Petronis and read the following proclamation:

We are here today to pay honor and celebrate the dedicated, selfless service by Judge Richard Petronis to the citizens of Stephenville, Texas; and

WHEREAS, Richard Petronis was born in Perth Amboy, New Jersey into a military family. He was the Distinguished Military Graduate and commissioned a 2nd Lt at Arkansas Tech University with degrees in Business and Economics. He holds a Law Degree from the University of Arkansas, and completed a Masters of Law Work at University of Mississippi; and

WHEREAS, Richard served over 20 years in the US Army. First stationed at Fort Hood TX, he then did a tour in Vietnam. After a short break, he served in the Texas Army National Guard, retiring as a Lt. Col. after 20+ years of military service; and

WHEREAS, Richard started his career as professor of Business Law at Tarleton State University in 1988, retiring in 2014. At TSU Richard helped establish the Kappa Delta Rho fraternity and served as their advisor for over 20 years. He was recognized by the National KDR Fraternity with their highest award of honor and the TSU Zeta Beta Chapter established a national scholarship in his name; and

WHEREAS, Richard served the citizens of Stephenville in various offices – first as a Councilmember from 2000-2004, and then as Municipal Court Judge from 2019-2023; and

WHEREAS, Richard also started the Knights of Columbus at St. Brendan's Catholic Church, was a President of the Stephenville Rotary Club where he began the "Leaders of Tomorrow" recognition and scholarship program for area graduating high school seniors. He also served on Stephenville City Committees, as well as the Boards of CASA and Star Council; and

WHEREAS, on behalf of the entire City Council, I want to express my sincere appreciation to Richard for his exceptional service to the City of Stephenville and wish him much happiness and success as he begins this new chapter in his life.

NOW, THEREFORE, I, Doug Svien, Mayor of the City of Stephenville, do hereby proclaim Tuesday, October 10, 2023, as: **"JUDGE RICHARD PETRONIS DAY"** in the City of Stephenville and urge all citizens and City employees to join me in congratulating Richard for his outstanding career with the City of Stephenville and wishing him many continued years of happiness.

Proclamation Recognizing 2023 World Teacher's Day

The Mayor read the following proclamation:

WHEREAS, the City of Stephenville's future strength depends on providing a high-quality education to all students; and

WHEREAS, teacher quality matters more to student achievement than any other school-related factor; and

WHEREAS, teachers spend countless hours preparing lesson plans and supporting students; and

WHEREAS, our teachers have demonstrated great resilience, adaptability and creativity during the COVID-19 crisis; and

WHEREAS, our community recognizes and supports its teachers in educating the children of this community; and

WHEREAS, #TeachersCan is a statewide movement supported by more than 150 partnering businesses and organizations committed to elevating the teaching profession and honoring the critical role teachers play in the success of Texas; and

NOW, THEREFORE, I, Doug Svien, Mayor of the City of Stephenville, join #TeachersCan and its partnering entities across Texas in celebrating World Teachers' Day and proclaim October 5, 2023, to be Stephenville Teachers' Day.

CITIZENS GENERAL DISCUSSION

No one addressed the Council at this time.

REGULAR AGENDA

1. Consider Approval of Retail Strategies Branding Proposal

Ben Muldrow with Retail Strategies presented this item.

MOTION by LeAnn Durfey, second by Bob Newby, to accept the proposal and adopt as the new logo for the City of Stephenville. MOTION CARRIED 7:1 with David Baskett abstaining.

2. Consider Approval of Award of Contract with Whirlix Design, Inc. for the Installation of Phase 2 of the Inclusive Playground at City Park

Director of Parks and Recreation Daron Trussell presented this item. Phase 2 of the inclusive playground from Whirlix Design, Inc. is \$108,838.00, this amount has been budgeted for.

MOTION by David Baskett, second by Lonn Reisman, to approve the contract with Whirlix Design, Inc. for the installation of Phase 2 of the inclusive playground at the City Park as presented.

3. Consider Approval of a Request for a Variance from the City of Stephenville Code of Ordinances, Section 130.16 Sale of Alcoholic Beverages for BJ's Restaurant and Bar, located at 211 W McNeill St., being Block 8, Lot 1 of the S2600 City Addition to the City of Stephenville, Texas and identified as Parcel No. R29218 by the Erath County Appraisal District

Mayor pulled this item at the request of the City Secretary.

PLANNING AND ZONING COMMISSION

Steve Killen, Director of Development Services

4. Case No.: PD2023-002

Applicant Ben Sanchez with Parkhill, Representing Stephenville ISD is Requesting a Rezone of a Property Located at 0 Wolfe Nursery Rd, Parcel R64240, Being BLOCK 156; LOT 7 (PT OF) of the 42.930 Acres, S2600 CITY ADDITION of the City of Stephenville, Erath County, Texas from City, Tarleton, School (CTS) to Planned Development (PD)

Director of Development Services Steve Killen presented this item.

The Planning and Zoning Commission convened on September 20, 2023, and by a vote of 6/1, recommended the City Council approve the Development Plan and rezone request as presented.

Landon Bill with Parkhill and Eric Cederstrom with Stephenville ISD spoke on the rezone.

5. PUBLIC HEARING

Case No.: PD2023-002

Mayor opened the Public Hearing at 6:16 PM.

No one spoke in favor of or against Case No. PD2023-002.

Mayor closed the Public Hearing at 6:16 PM.

6. Consider Approval of Ordinance Rezoning Property Located at 0 Wolfe Nursery Rd, Parcel R64240, Being BLOCK 156; LOT 7 (PT OF) of the 42.930 Acres, S2600 CITY ADDITION of the City of Stephenville, Erath County, Texas from City, Tarleton, School (CTS) to Planned Development (PD)

MOTION by Mark McClinton, second by LeAnn Durfey, to approve Ordinance No. 2023-O-28 rezoning property located at 0 Wolfe Nursery Rd. as presented. MOTION CARRIED unanimously.

7. Case No.: SV2023-001

Applicant Emanuel Glockzin, Representing Retirement Living for Seniors, is Requesting a Subdivision Waiver from Section 155.6.11 – Sidewalk Requirements, to be Constructed at W Lingleville Rd, Parcel R77868, being 7.664 Acres, A0520 Menefee Jarrett of the City of Stephenville, Erath County, Texas

Director of Development Services Steve Killen presented this item.

The Planning and Zoning Commission convened on September 20, 2023, and by a vote of 6/1, recommended the City Council deny the waiver request.

8. PUBLIC HEARING

Case No.: SV2023-001

Mayor opened the Public Hearing at 6:19 PM.

No one spoke in favor of or against Case No. SV2023-001.

Mayor closed the Public Hearing at 6:19 PM.

9. Consider Approval of Subdivision Waiver from Section 155.6.11 – Sidewalk Requirements, to be Constructed at W Lingleville Rd, Parcel R77868, being 7.664 Acres, A0520 Menefee Jarrett of the City of Stephenville, Erath County, Texas

MOTION by Mark McClinton, second by Justin Haschke, to deny the request for Subdivision Waiver for W Lingleville Rd, Parcel R77868, as presented. MOTION CARRIED unanimously.

10. Case No.: SV2023-002

Applicant Emanuel Glockzin, Representing Retirement Living for Seniors, is Requesting a Subdivision Waiver from Section 155.6.04(M) – Curb & Gutter Requirements, to be Constructed at W Lingleville Rd, Parcel R77868, being 7.664 Acres, A0520 Menefee Jarrett of the City of Stephenville, Erath County, Texas

Director of Development Services Steve Killen presented this item.

The Planning and Zoning Commission convened on September 20, 2023, and by a unanimous vote of 7/0, recommended the City Council approve the waiver request.

11. PUBLIC HEARING

Case No.: SV2023-002

Mayor opened the Public Hearing at 6:22 PM.

No one spoke in favor of or against Case No. SV2023-002.

Mayor closed the Public Hearing at 6:22 PM.

12. Consider Approval of a Subdivision Waiver from Section 155.6.04(M) – Curb & Gutter Requirements, to be Constructed at W Lingleville Rd, Parcel R77868, being 7.664 Acres, A0520 Menefee Jarrett of the City of Stephenville, Erath County, Texas

MOTION by Mark McClinton, second by David Baskett, to approve the Subdivision Waiver for W Lingleville Rd, Parcel R77868, as presented. MOTION CARRIED unanimously.

13. Case No.: CP2023-001

Applicants Thomas and Zana Gill are Requesting a Conditional Use Permit for Property Located at 1490 W. McNeill, R33490, being SOUTH SIDE ADDITION, BLOCK 6, LOT 1A, 1B, 2, 2A, 3, 4, 5 (Pt of 1B) of the City of Stephenville, Erath County, Texas

Director of Development Services Steve Killen presented this item.

The applicant is requesting a conditional use permit for parking by Texas A&M Systems/Tarleton State University under a temporary lease agreement during the completion of TSU parking garage construction, while retaining the R-3 Multi-Family zoning for the owner’s future development.

Applicant Woody Gill addressed the Council regarding this item and answered questions.

14. PUBLIC HEARING

Case No.: CP2023-001

Mayor opened the Public Hearing at 6:26 PM.

No one spoke in favor of or against Case No. CP2023-001.

Mayor closed the Public Hearing at 6:26 PM.

15. Consider Approval of Conditional Use Permit for Property Located at 1490 W. McNeill, R33490, being SOUTH SIDE ADDITION, BLOCK 6, LOT 1A, 1B, 2, 2A, 3, 4, 5 (Pt of 1B) of the City of Stephenville, Erath County, Texas

MOTION by Mark McClinton, second by Justin Haschke, to approve the Conditional Use Permit for property located at 1490 W. McNeill, R33490, as presented but approval is tied to fully executed lease agreement between Thomas (Woody) Gill and Tarleton State University for the duration of the lease. MOTION CARRIED unanimously.

NOMINATIONS COMMITTEE

Maddie Smith, Chair

16. Nominations Committee Report

Committee Chair Maddie Smith presented this report. The committee met on September 19, 2023, to review applications for Citizen Boards and Commissions.

The following recommendations were made:

PLANNING AND ZONING COMMISSION:

MOTION by Maddie Smith, second by Brandon Greenhaw, to move Tyler Wright to Place 1 vacated by Allen Barnes. MOTION CARRIED to send a positive recommendation to Council.

The committee recommends moving Tyler Wright to Place 1 of the Planning and Zoning Commission.

Nominees for Planning and Zoning were not able to attend the Committee Meeting in September to be interviewed so Committee Chair Smith asked them to attend the Regular City Council meeting.

Bonnie Terrell was interviewed for the Planning and Zoning Alternate 1 position.

Justin Slawson was interviewed for the Planning and Zoning Alternate 2 position.

17. Consider Approval of Nominations to Citizen Boards and Commissions

MOTION by Maddie Smith, second by Leann Durfey, to approve moving Tyler Wright to Place 1 for Planning and Zoning as presented in the Committee Report. MOTION CARRIED unanimously.

MOTION by Maddie Smith, second by David Baskett, to approve placing Bonnie Terrell in the Alternate 1 position for Planning and Zoning as presented. MOTION CARRIED unanimously.

MOTION by Maddie Smith, second by Justin Haschke, to approve placing Justin Slawson in the Alternate 2 position for Planning and Zoning as presented. MOTION CARRIED unanimously.

PUBLIC WORKS COMMITTEE

Mark McClinton, Chair

18. Public Works Committee Report - September 19, 2023

Public Works Committee Chair Mark McClinton presented the Committee Report from September 19, 2023.

Agenda Item 4: Discuss and Approve Harbin Drive Improvements Project Change Orders

The change orders for the Harbin Drive Improvements Project were presented. It was noted there have been several issues with missing or inadequate quantities in the design of the project. The project overage costs are being offset by funds for the annual pavement maintenance projects.

Following discussion, a motion was made by Mr. Haschke, seconded by Mr. Baskett, to forward a positive recommendation to the full council to approve Change Orders 4, 5, and 6 as presented.

The committee voted unanimously to forward a positive recommendation to the full council to approve Change Orders 4, 5, and 6 as presented.

Agenda Item 5: Discuss and Approve Eastside Sewer Interceptor – Phase 1 Project Change Orders

The proposed change order was presented along with photographs depicting the large concrete structure in conflict with the alignment of the Eastside Sewer pipeline. It was noted the cost of the change order was able to be offset by utility revenues exceeding the FY22-23 budget projections.

Following discussion, a motion was made by Mr. Haschke, seconded by Mr. Baskett, to forward a positive recommendation to the full council to approve the change order as presented.

The committee voted unanimously to forward a positive recommendation to the full council to approve the change order as presented.

19. Consider Approval of Harbin Drive Improvements Project Change Orders

Director of Public Works Nick Williams presented this item to Council.

On October 4, 2021, the City of Stephenville awarded the above referenced project to Jay Mills Contracting, Inc. for the Base Bid plus Bid Alternate #1, for concrete pavement, in the total amount of \$10,097,474.50. The project includes the reconstruction of Harbin Drive from Washington Street to the Northwest Loop. The existing roadway is being reconstructed with concrete paving, curb and gutter, and sidewalks. Storm drainage infrastructure is being installed and existing water and sewer lines are being replaced. Staff recommends approval of Change Orders 4, 5, and 6 to the contract with Jay Mills Contracting, Inc. for the Harbin Drive Improvements Project in the amount of \$130,706.

The addition of the approved and pending change order amounts as well as the cost overruns to the original contract amount of \$10,097,475 yields a total contract amount of \$11,302,920 comprised of TSU's obligation of \$2,160,451 and the city's obligation of \$9,142,469. Original project funding was appropriated with \$8.5 million in FY21-22 bond proceeds. An additional \$807,000 was allocated from the FY21-22 and FY22-23 Annual Street Maintenance Programs to provide \$9.3 million to cover the cost of overruns for the project. The \$9.3 million currently allocated for the city's portion of the project leaves a positive balance of \$157,531 to address any additional unknowns encountered in the project. Staff are also exploring options to incorporate brick in the medians. Project completion is anticipated in the spring of 2024.

Change Order #4: \$54,395.00

Additional waterline replacement at Mimosa, Overhill, and Northwest Loop intersections were not identified during the design phase.

Overruns were applied to existing pay items in the amount of \$211,425.00 for a total change order impact of \$265,820.

Change Order #5: \$32,187.00

Signalization: (- \$183,840.75)

Modifications to the traffic signal designs for the signal at Washington and at the signal at Northwest Loop were identified during TxDOT's final review which was completed after construction began.

Illumination: \$114,015.75

Addition of foundations, conduit, and pull boxes necessary to add street lighting in the medians along Harbin. Oncor to install poles and wiring.

Irrigation: \$102,012.00

Addition of conduit under pavement to allow for future irrigation line installation in the medians.

Change Order #6: \$44,123.50

Adjustments reflect installation of concrete pavement with monolithic curb (all one piece) instead of separate curb and gutter, resulting in a minor increase in the cost of additional concrete versus reduced labor and time for construction. Concrete paving within medians as identified in the construction plans.

Additional Overruns: \$186,061

Overruns to existing line items, in addition to those identified in the change orders above, have been incorporated into the project including:

Removal and replacement of additional paving, curb and gutter, and sidewalk due the quantities identified for replacement being insufficient to perform the work. o Additional replacement and installation of water mains, service lines, and fire hydrants not originally identified during the design phase.

Field modifications due to existing conditions/conflicts found during construction.

MOTION by Mark McClinton, second by David Baskett, to approve Harbin Drive Improvement Project change orders 4, 5 and 6 as presented. MOTION CARRIED unanimously.

20. Consider Approval of Eastside Sewer Interceptor - Phase 1 Project Change Orders

Director of Public Works Nick Williams presented this item to Council.

On October 18, 2022, the City of Stephenville awarded the above referenced project to MH Civil Constructors, Inc. for the Base Bid amount of \$22,517,000. The project includes the installation of approximately three miles of gravity sanitary sewer pipe ranging in size from 4-inch to 48-inch diameter using various installation methods including open-cut trenching, boring, and tunneling. The project spans from the Stephenville Wastewater Treatment Plant northwards to Collins Street along the east side of the Bosque River.

Change Order #1 is needed for the demolition and removal of an existing subsurface concrete structure in conflict with the sewer alignment. The buried structure was unknown until excavation began for the proposed sewer line. A transmittal letter from the design engineer at Parkhill is attached with additional details and photographs.

Project funding in the amount of \$22,661,479 was appropriated in FY22-23 from a combination of carryover, America Rescue Plan Act (ARPA) funds, cash reserves, and 2022 bonds. Discussions with the Finance Department confirm the FY22-23 revenues exceed budget projections for utility service charges and are sufficient to cover the change order. Below are tabulations of project costs. It is recommended that Change Order #1 for \$164,500.00 be approved for a revised total contact amount of \$22,681,500 and net increase of 10 contract days. Project completion is anticipated at the end of 2024.

MOTION by Mark McClinton, second by LeAnn Durfey, to approve the Eastside Sewer Interceptor – Phase 1 Project change orders as presented. MOTION CARRIED unanimously.

FINANCE COMMITTEE

Justin Haschke, Chair

21. Finance Committee Report - September 19, 2023

Finance Committee Chair Justin Haschke presented the Committee Report from September 19, 2023.

Agenda Item 1: Discuss And Approve Audit Proposals for Audit Services Beginning With Fiscal Year Ending September 30, 2023

The City of Stephenville requested proposals for audit services for the fiscal year ending September 30, 2023, with the option to renew annually for the next four years. Four proposals were received and evaluated. Based upon the evaluations, BMY's proposal was chosen as the successful proposal. The motion was made and seconded to forward the audit services award to BMY to the full Council with a positive recommendation for approval. The motion passed unanimously.

Agenda Item 2: Discuss And Approve Fee Schedule for Fiscal Year 2023-2024

Staff presented the proposed fee schedule for fiscal year 2023-2024. The motion was made and seconded to forward the fee schedule to the full Council with a positive recommendation for approval. City Council adopted the fee schedule at the special council meeting on September 19, 2023.

22. Award Audit Services contract beginning with the fiscal year ending September 30, 2023

MOTION by Justin Haschke, second by Mark McClinton, to award the Audit Services contract for the 2023-2024 fiscal year to BMY as presented. Justin Haschke stated that there is no overlap or conflict with his company BMY Wealth Management Company and Boucher, Morgan & Young CPA (BMY). MOTION CARRIED unanimously.

FINANCIAL REPORTS

Monica Harris, Director of Finance

23. Monthly Budget Report for the Period Ending August 31, 2023

In reviewing the financial statements ending August 31, 2023, the financial indicators are overall as or better than anticipated.

Property Tax Collections: We received \$15K in property taxes in the month of August, resulting in a \$442K increase over the funds collected last fiscal year to date. The amount collected is 97% of the budget, which is \$178K less than anticipated.

Sales and Use Tax: We received \$799K in sales tax in August, resulting in \$1 million or 13% more than the funds collected last fiscal year to date. The amount collected is 96% of the \$9 million budget, which is \$417K higher than anticipated.

Revenue (by Fund): Of the \$42.9 million revenue received to date, 51% was received in the General Fund, 27% was received in the Water/Wastewater Fund and 6% was received in the Landfill Fund.

Revenue (Budget vs. Actual): We have received almost 100% of the total budgeted revenues through August, which is \$3.3 million more than anticipated due to taxes, charges for services, and other revenue such as investment income, donations, and debt proceeds.

Revenue (Prior Year Comparison): We received \$22.3 million less in revenue through August than last year to date due to debt proceeds; however, we have received \$1.6 million more in taxes, \$633K more in intergovernmental, and \$132K more in charges for services over last year to date.

Expenditures (by Fund): Of the \$54.7 million spent to date, 45% was expended in the Water/Wastewater Fund, 37% was expended in the General Fund, 8% was expended the Capital Projects Fund, and 4% was expended in the Landfill Fund.

Expenditures (Budget vs. Actual): We have expended 60% of the total budgeted expenditures through August, which is \$26.5 million less than anticipated due to personnel, contractual and capital outlay.

Expenditures (Prior Year Comparison): We spent \$15 million more in expenditures through August than last year to date, the bulk of which is capital outlay.

SEDA Revenue Comparison: SEDA has received an overall 102% of budgeted revenue through August, which is \$17K more than last year to date and \$76K more than anticipated due to taxes and interest income.

SEDA Expenditure Comparison: SEDA has spent an overall 44% of budgeted expenditures through August, which is \$380K more than last year to date due to personnel and grant disbursements but \$872K less than anticipated due to capital outlay and grant disbursements.

CONSENT AGENDA

- 24. Consider Approval of Regular City Council Meeting Minutes - September 5, 2023**
- 25. Consider Approval of Special City Council Meeting Minutes - September 19, 2023**
- 26. Consider Approval of Membership in the Texas Municipal League**
- 27. Consider Approval of Budgeted Purchase for Utility Department Backhoe**
- 28. Consider Approval of an Expenditure for 2022/2023 Patrol Unit Build Outs**

MOTION by Mark McClinton, second by LeAnn Durfey, to approve the Consent Agenda items as presented. MOTION CARRIED unanimously.

COMMENTS BY CITY MANAGER

September was a great month for the City of Stephenville event wise. We had family weekend and a lot of events downtown including the last farmer's market and the launch of the new radio system for the Police Department. Thanks to all the staff who helped make these events happen.

We do have a Charter Election coming up in November. Remember Election Day is November 7 with early voting October 23- October 27 and October 30 – November 3. You can find all the information on the Erath County Clerk's website.

COMMENTS BY COUNCIL MEMBERS

LeAnn Durfey – Thanks to everyone who came out for the branding meetings.

Maddie Smith – Shout out to the Stephenville Parks, Fire and Police departments for their hard work on the Stephenville ISD bonfire.

David Baskett – Congratulations to Judge Richard Petronis on his retirement and to Captain James Gresham for his retirement from the Stephenville Police Department.

Mayor Svien recessed the Regular City Council Meeting at 6:48 PM and convened the Executive Session at 6:51 PM.

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

29. Section 551.074 Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Municipal Judge

Mayor Svien adjourned the Executive Session at 6:58 PM and reconvened the Regular City Council Meeting at 7:00 PM.

ACTION TAKEN ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF NECESSARY

29. Section 551.074 Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Municipal Judge

MOTION by David Baskett, second by LeAnn Durfey, to allow City Manager Jason King to negotiate a contract for the Municipal Court Judge as discussed in Executive Session. MOTION CARRIED unanimously.

ADJOURN

Mayor Svien adjourned the Regular City Council meeting at 7:00 PM.

Note: The Stephenville City Council may convene into Executive Session on any matter related to any of the above agenda items for a purpose, such closed session allowed under Chapter 551, Texas Government Code.

Doug Svien, Mayor

ATTEST:

Sarah Lockenour, City Secretary