



## REGULAR CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street  
Tuesday, July 05, 2022 at 5:30 PM

### MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, July 05, 2022, 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 Daron Trussell  
Council Member Bob Newby  
Mayor Pro Tem Ricky Thurman  
Council Member David Baskett  
Council Member Gerald Cook  
Council Member Mark McClinton

**COUNCIL ABSENT:**

None

**OTHERS ATTENDING:**

Jason M. King, Interim City Manager  
Randy Thomas, City Attorney  
Terri Johnson, Interim City Secretary

### CALL TO ORDER

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

### PLEDGES OF ALLEGIANCE

Pastor Ed Dittfurth, Cornerstone Assembly of God led the Pledges of Allegiance to the flags of the United States and of the State of Texas.

### INVOCATION

The invocation was voiced by Pastor Dittfurth.

### CITIZENS GENERAL DISCUSSION

The following persons spoke for three minutes each regarding the location of the new Senior Citizens Center:

Alisa Terrell Starbird	2251 W. Mimosa, Stephenville shared her concerns for the imminent death of the live oak tree, a landmark feature of the site for the new Senior Center. She was disappointed that the shaded bench for persons using the Bosque River
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	Trail had been removed, along with changes to the path. She also discussed the inconvenient parking planned for the site.
Peggy Tolboom	3945 N FM 219 spoke on importance of trees to human health.
Marsha Stephens	785 Bluebonnet read a letter regarding her complaint to the Texas Commission on Environmental Quality concerning stormwater pollution.
Bobbie Carter	244 N Vine, Stephenville expressed concerns for increased traffic and the potential loss of the legacy tree.
Joe Carter	244 N Vine, Stephenville suggested that construction of the Senior Center be well away from the legacy live oak tree. He proposed that a task force be created for caring for the tree and establishing it as a Heritage tree.
Virginia Abel	1405 Vanderbilt was not opposed to the location for the Center

## **REGULAR AGENDA**

### **1. Consider Possible Action on Senior Citizens Center Building**

Interim City Manager Jason King briefed the City Council on the current plans for the Senior Citizens Center and reported that \$115,000 had already been expended for dirt work, etc. out of the proposed construction costs of \$1.2 million total.

Mayor Svien led the Council in a lengthy discussion of the talks and research that occurred within the last few weeks pertaining to the legacy tree and other issues of the site on N Vine. Optional sites were discussed.

It was the Council's recommendation to send this issue back to the Parks and Leisure Committee for a report at the August 2, 2022 Regular Council meeting.

### **2. Consider Proposal from David Pettit Economic Development**

Jason King presented a proposal from David Pettit Economic Development to create two new TIRZ districts, along with an amendment to TIRZ #1. The work on each TIRZ would cost \$37,500 with reimbursable expenses not to exceed an additional \$1,500. He explained that this item was not budgeted, and the funds would come from the Fund Balance.

Following discussion by the City Council, the MOTION was made by Gerald Cook, second by Bob Newby, to approve the agreement with David Pettit for the creation and/or expansion of TIRZ districts with the proposed cost for potentially three districts at a total of \$112,500 plus reimbursable expenses not to exceed \$1,500. SEDA would be asked to assist with the funding. MOTION CARRIED with a unanimous vote.

### **3. Consider participation with ICMA Video**

Interim City Manager King told the Council that the City had been contacted by representatives of WebsEdge on behalf of the International City Management Association (ICMA) with an opportunity to be profiled for economic development, tourism, and growth in the community in a video that will be shown at the upcoming Annual ICMA Conference in September of this year. As part of the process, Stephenville will own the produced videos as well as all unedited footage that can be edited by the City into multiple other videos for economic development and tourism purposes. The cost will be \$24,300.

The Council discussed how this video would be financed. Staff was instructed to invite SEDA to participate with funding this project. Tourism and Visitors Bureau Committee Chair LeAnn Durfey reported that there was funding available in the Tourism and Visitors Bureau and Main Street Program.

MOTION by LeAnn Durfey, second by Daron Trussell, to move forward with the opportunity presented by ICMA for a video of Stephenville. MOTION CARRIED with the following 5-3 vote: AYES: Durfey, Haschke, Trussell, Newby, Baskett; NOES: Thurman, Cook, McClinton

## **PLANNING AND ZONING COMMISSION**

Steve Killen, Director of Development Services

### **4. Public Hearing**

**Case No.: RZ2022-010 & RP2022-004**

**Applicant Scott Allen, representing Stephenville Rentals LLC, is requesting a rezone with simultaneous replatting of property located at 660 Donna Ave, Parcel R32539, being Block 1, Lot 4 of the Millican & Ott Addition to the City of Stephenville, Erath County, Texas, from Single Family Residential District– 6,000 (R-1.5) to Integrated Housing District (R-2.5).**

Jason King, Interim City Manager, presented the P&Z cases to the City Council in the absence of Steve Killen, Development Services Director. He reported that Mr. Allen plans to construct two duplex style homes on the existing lot. If the rezone is approved, the parcel will be replatted dividing the parcel into two lots, one having frontage on Donnas and the other having frontage on Race. Both lots will meet the minimum dimensions of 50'x60' and will be like other properties in the area regarding lot size. The intended use conforms to the future land use plan. The P&Z met on June 15, 2022 and unanimously voted to recommend the City Council approve the rezone request.

Mayor Svien opened the Public Hearing at 6:25.

No one spoke on this requested rezoning and the Mayor closed the Public Hearing at 6:26 PM.

### **4. Consider Approval of Ordinance Rezoning Property Located at 660 Donna Ave, Parcel R32539, Being Block 1, Lot 4 of the Millican & Ott Addition to the City of Stephenville, Erath County, Texas, from Single Family Residential District– 6,000 (R-1.5) to Integrated Housing District (R-2.5), along with Simultaneous Replatting of Said Property**

MOTION by Mark McClinton, second by Daron Trussell, to approve Ordinance No. 2022-O-19 rezoning Block 1, Lot 4 of the Millican & Ott Addition to the City of Stephenville, Erath County, Texas, located at 660 Donna Avenue, and identified as Parcel No. R32539 in the Erath County Appraisal District Records from Single Family District-6,000 (R1.5) to Integrated Housing District (R2.5).

MOTION CARRIED with a unanimous vote.

### **6. Public Hearing**

**Case No.: PD2022-003**

**Applicant Scott Allen, representing Stephenville Rentals LLC, is requesting a rezone of property located at 157 W. Washington, Parcel R29179, being Block 5, Lot C of City Addition to the City of Stephenville, Erath County, Texas, from (DT) Downtown to (PD) Planned Development.**

Mr. King reported that a conceptual plan for the proposed Planned Development District was presented at the May 18, 2022 P&Z meeting. The applicant is now requesting approval of the rezone and development plan. The P&Z met on June 15, 2022 and unanimously voted to recommend the City Council approve the rezone request.

The Mayor opened the Public Hearing at 6:28 PM.

There was no one present to speak on this request and Mayor Svien closed the Public Hearing at 6:28 PM.

**7. Consider Approval of Ordinance Rezoning Property Located at 157 W. Washington, Parcel R29179, being Block 5, Lot C of City Addition to the City of Stephenville, Erath County, Texas, from (DT) Downtown to (PD) Planned Development**

MOTION by Gerald Cook, second by Bob Newby, to approve Ordinance No. 2022-O-20 rezoning Block 5, Lot C of the City Addition to the City of Stephenville, Erath County, Texas, located at 157 W. Washington, and identified as Parcel No. R29179 in the Erath County Appraisal District Records from Downtown District (DT) to Planned Development District (PD).

MOTION CARRIED with a unanimous vote.

**8. Public Hearing**

**Case No.: PD2022-004**

**Applicant Scott Allen, representing Stephenville Rentals LLC, is requesting a rezone of property located at 171 W. Washington, Parcel R29178, being Block 5, Lot B of City Addition to the City of Stephenville, Erath County, Texas, from (DT) Downtown to (PD) Planned Development.**

Jason King reported that a conceptual plan for the proposed Planned Development District was presented at the May 18, 2022 P&A meeting. The applicant is now requesting approval of the rezone and development plan. The P&Z met on June 15, 2022 and unanimously voted to recommend the City Council approve the rezone request.

Mayor Svien opened the Public Hearing at 6:30 and with no speaking on this request, he closed the Public Hearing at 6:30 PM.

**9. Consider Approval of Rezoning Property Located at 171 W. Washington, Parcel R29178, being Block 5, Lot B of City Addition to the City of Stephenville, Erath County, Texas, from (DT) Downtown to (PD) Planned Development**

MOTION by David Baskett, second by Daron Trussell, to approve Ordinance No. 2022-O-21 rezoning Block 5, Lot B of the City Addition to the City of Stephenville, Erath County, Texas, located at 171 W. Washington, and identified as Parcel No. R29178 in the Erath County Appraisal District Records from Downtown District (DT) to Planned Development District (PD).

MOTION CARRIED by unanimous vote.

Mayor Pro Tem Ricky Thurman expressed appreciation to Mr. Allen for his research into the original builders of these properties.

**10. Public Hearing**

**Case No.: RZ2022-011**

**Applicant Ronald Gale is requesting a rezone of property located at 935 College Farm Road, Parcel R40797, being Block 87, Lots 2 and 2A (PT OF 2) of the City Addition to the City of Stephenville, Erath County, Texas, from Neighborhood Business District (B-1) to One and Two Family Residential (R-2).**

Mr. King briefed the City Council on this item and stated that the Comprehensive Plan for future land use designates this property to be one and two family residential. The applicant intends to build an additional, duplex-style home for family use on the property. The P&Z Commission met on June 15, 2022, and unanimously voted to recommend the City Council approve the rezone request.

The Mayor opened the Public Hearing at 6:32 PM.

No one spoke on this requested rezone and Mayor Svien closed the Public Hearing at 6:32 PM.

**11. Consider Approval of Rezoning Property Located at 935 College Farm Road, Parcel R40797, Being Block 87, Lots 2 and 2A (PT OF 2) of the City Addition to the City of Stephenville, Erath County, Texas, from Neighborhood Business District (B-1) to One and Two Family Residential (R-2)**

MOTION by Mark McClinton, second by LeAnn Durfey, to approve Ordinance No. 2022-O-22 rezoning Block 87, Lots 2 and 2A (PT OF 2) of the City Addition to the City of Stephenville, Erath County, Texas, located at 935 College Farm Road, and identified as Parcel No. R40797 in the Erath County Appraisal District Records from Neighborhood Business District (B-1) to One and Two Family Residential District (R-2).

MOTION CARRIED with a unanimous vote.

**12. Public Hearing**

**Case No.: RZ2022-013**

**Applicant Marc Pace, representing Stephenville Rentals LLC, is requesting a rezone of property located at 200 Clark Lane, Parcel R29908, being Block 85, Lot 1 & 2A (PTS OF) of the City Addition to the City of Stephenville, Erath County, Texas, from Multifamily Residential District (R-3) to Integrated Housing District (R-2.5).**

Jason King, Interim City Manager, pointed out that the Applicant was representing Fifth Avenue Partners LLC, not Stephenville Rentals LLC. Mr. King told the Council that the future land use for this parcel is multifamily. The applicant is requesting \$2.5 zoning to construct townhomes that will be individually platted. The project will be at lower density than that of multifamily. Staff recommends approve the rezone and the site plan as submitted. A final plat will be presented for approval once public improvements are installed and accepted. The P&Z met on June 15<sup>th</sup> and unanimously voted to recommend the City Council approve the rezone request.

Mayor Svien opened the Public Hearing at 6:37 PM.

Mr. Reece Flannigan, developer was present to answer questions.

No one spoke in opposition to the request and the Mayor closed the Public Hearing at 6:39 PM.

**13. Consider Approval of Ordinance Rezoning Property Located at 200 Clark Lane, Parcel R29908, Being Block 85, Lot 1 & 2A (PTS OF) of the City Addition to the City of Stephenville, Erath County, Texas, from Multifamily Residential District (R-3) to Integrated Housing District (R-2.5)**

MOTION by Justin Haschke, second by LeAnn Durfey to approve Ordinance No. 2022-O-23 rezoning Block 85, Lot 1 & 2A (PTS OF) of the City Addition to the City of Stephenville, Erath County, Texas, located at 200 Clark Lane, and identified as Parcel No. R29908 in the Erath County Appraisal District Records from Multifamily Resident District (R-3) to Integrated Housing District (R2.5).

MOTION CARRIED with a unanimous vote.

**14. Public Hearing**

**Case No.: SV2022-006**

**Applicant John Drennan is requesting a minor Subdivision Waiver from Section 155.6.04 – Curb and Gutter Requirements, to be constructed at 1303 W. South Loop, Parcel R33800, being Block 35, Lot 39 of the South Side Addition to the City of Stephenville, Erath County, Texas.**

Mr. King told the Council that the P&Z Commission met on June 15, 2022 and voted unanimously to approve the curb and gutter waiver request. Mr. Drennan is requesting a waiver to curb and gutter requirements for the South Loop frontage of the property which is TxDOT controlled Right-of-Way. Curb and gutter already exist on the Alexander road frontage which is city-controlled Right-of-Way.

Public Works Director Nick Williams supports the waiver.

Mayor Svien opened the Public Hearing at 6:41 PM and with no speaking on this request, the Public Hearing was closed at 6:42 PM.

**15. Consider Approval of minor Subdivision Waiver from Section 155.6.04 – Curb and Gutter Requirements, To Be Constructed at 1303 W. South Loop, Parcel R33800, Being Block 35, Lot 39 of the South Side Addition to the City of Stephenville, Erath County, Texas**

MOTION by Mark McClinton, second by Ricky Thurman, to approve a minor Subdivision Waiver from Section 155.6.04 – Curb and Gutter Requirements, to be constructed at 1301 W. South Loop, Parcel R33880, being Block 35, Lot 39 of the South Side Addition to the City of Stephenville, Erath County, Texas.

MOTION CARRIED with a unanimous vote.

**PUBLIC WORKS COMMITTEE**

Mark McClinton, Chair

**16. Consider Approval of a Professional Services Agreement with Provenance Engineering for the 377 Elevated Storage Tank Rehabilitation Project**

Committee Chair Mark McClinton reported that the Public Works Committee met on June 21<sup>st</sup> to consider this item and voted to present a positive recommendation to the Council for approval of a Professional Services Agreement with Provenance Engineering for the 377 Elevated Storage Tank Rehabilitation Project.

Nick Williams, Public Works Director, gave a brief background on the need to rehabilitate the 377 Elevated Storage Tank which was originally constructed in 1985 and evaluated in 2021. The proposed professional services agreement from Provenance Engineering was presented to provide plans and specifications as well as field oversight for this project. The cost for design was included in the FY21-22 budget. Staff is requesting the full contract amount in order to secure and lock in the pricing for services. Mr. Williams further clarified that proceeding beyond the design phase would only be permitted with written authorization and only if the funds were allocated in the upcoming FY22-23 budget. If funds are not approved in the FY22-23 budget, the project would pause at the design phase.

MOTION by Mark McClinton, second by LeAnn Durfey to approve the Professional Services Agreement with Provenance Engineering for the 377 Elevated Storage Tank Rehabilitation Project as presented.

MOTION CARRIED with a unanimous vote.

**DEVELOPMENT SERVICES COMMITTEE**

Gerald Cook, Chair

**17. Brick Street Projects Discussion**

Committee Chair Gerald Cook reminded the City Council that an Ordinance had been adopted with requirements to keep brick streets and make improvements in the Brick Street District. The Committee unanimously recommends to the City Council to direct staff to proceed with the design of brick pavement reconstruction projects on College and Belknap, adjacent to the courthouse.

MOTION BY Gerald Cook, second by Bob Newby, to direct staff to proceed with the design of brick pavement reconstruction projects on College and Belknap, adjacent to the courthouse, at the estimated cost of \$108,000.

MOTION CARRIED with a unanimous vote.

**PERSONNEL COMMITTEE**

Ricky Thurman, Chair

**18. Consider Approval of Reclassifying the City Planner Position to Planning Coordinator Position**

Committee Chair Ricky Thurman reported that Development Services Director Steve Killen had requested that the City Planner position in his department be reclassified with less restrictive, minimum qualifications. The explosive interest by developers to do business in the City of Stephenville has placed time sensitive demands on many departments, including Development Services. Most projects require immediate and ongoing attention until completion. Although a City Planner position is of utmost importance regarding the long-term development of our city, current workloads have made the need for administrative assistance the immediate priority. Mr. Thurman stated that there would be a salary savings in this position, and it would be the same level as the Municipal Court Administrator.

MOTION by Ricky Thurman, second by Gerald Cook, to reclassify the City Planner Position to Planning Coordinator Position with a freeze on the hiring of a City Planner.

MOTION CARRIED by a unanimous vote.

#### **19. Consider Approval of Fire Department Reorganization**

Fire Chief Robert Isbell explained that this proposed reorganization of administrative ranks and would result in salary savings both today and in the future. The plan would reclassify the assistant chief, training captain, and fire marshal to division chiefs. This action would allow a more focused and consistent management of the functional areas of “administration, operations, and prevention. The Chief also recommended the elimination, through attrition, of the battalion chief rank on the shifts and would allow the current captains to manage the day-to-day operations with the oversight of the operations division chief.

Chairman Thurman reported that the Personnel Committee had met on June 28<sup>th</sup> and unanimously voted to recommend the proposed reorganization in the Fire Department.

MOTION by Daron Trussell, second by Ricky Thurman, to approve the Fire Department reorganization as presented.

MOTION CARRIED with a unanimous vote.

### **PUBLIC HEALTH AND SAFETY COMMITTEE**

Bob Newby, Chair

#### **20. Consider Approval of Re-write of Axon Enterprises Contract for Body Worn Cameras, Fleet Cameras, Interview Room Cameras and Evidence.com Subscriptions**

Police Chief Dan Harris, Jr. presented a proposal to the Public Health and Safety Committee to re-write the current SPD Axon contract to include unlimited data storage with additional infrastructure refresh and additions. Currently the SPD contract provides a set amount of storage of 9TB. In the last two years, SPD has greatly exceeded this amount, currently at 19TB. He explained that the contract re-write is for 5 years with unlimited storage. In addition, the contract includes a refresh of all current body worn cameras and docks with new equipment, increasing the number body worn cameras from 26 to 46, installation of new fleet cameras and additional licenses. The current year contract amount is the budgeted amount of \$58,775.45 with an increase to \$76,258.58 for years two through five.

The Public Health and Safety Committee met on July 21<sup>st</sup> and unanimously voted to recommend to the Council the approval of the Axon Contract Re-Write as presented.

MOTION by Daron Trussell, second by LeAnn Durfey, to approve the Axon Contract Re-Write as presented.

MOTION CARRIED with a unanimous vote.

### **FINANCIAL REPORTS**

Monica Harris, Director of Finance

#### **21. Monthly Budget Report for the period Ending May 31, 2022**



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

In reviewing the financial statements ending May 31, 2022, the financial indicators are overall as or better than anticipated.

**Property Tax**

We received \$49K in property taxes in the month of May, resulting in \$61K or .93% increase over funds collected last fiscal year to date. The amount collected is 97.77% of budget, which is \$919 more than anticipated.

**Sales Tax**

We received \$834K in sales tax in May, resulting in \$559K or 11.09% more than the funds collected last fiscal year to date. The amount collected is 76.44% of the \$7.3 million budgeted, which is 10.54% or \$772K higher than anticipated.

**Revenue (Budgetary comparison)**

The target budget for operating revenue is \$21.3 million. We received \$24.1 million in operating revenue fiscal year to date, resulting in \$2.8 million over the target budget due to sales taxes, franchise tax, hotel occupancy tax, sports venue tax, service charges, insurance proceeds, sale of assets, and donations.

**Expenditures (Budgetary comparison)**

The target budget for operating expenditures is \$14.9 million. We expended \$14.4 million in operating expenditures fiscal year to date, resulting in \$495K under the target budget; 63% of the \$472K variance in the general fund is salary savings.

**Revenue (Prior year comparison)**

Operating revenue received last year was \$21.3 million as compared to the current year's \$24.1 million, resulting in a \$2.8 million increase due to property tax, sales taxes, mixed drinks tax, franchise taxes, hotel occupancy taxes, sports venue taxes, service charges, building and food service permits, insurance proceeds, sale of assets, and donations.

**Expenditures (Prior year comparison)**

Operating expenditures last year were \$13.5 million as compared to the current year's \$14.4 million, resulting in a \$859K increase due to personnel, outside professional services, utilities, fuel, and maintenance.

Collection of revenues from Airbnb's and Vrbo properties were discussed.

**STEPHENVILLE ECONOMIC DEVELOPMENT AUTHORITY REPORT**

Jeff Sandford, Executive Director

Mr. Sandford was unable to attend tonight's meeting.

**CONSENT AGENDA**

- 22. Approval of Minutes - June 7, 2022 Regular City Council Meeting**
- 23. Approval of Minutes - June 21, 2022 Special City Council Meeting**
- 24. Approval of Minutes - June 28, 2022 City Council Work Session**
- 25. Approval of Minutes - June 28, 2022 Special City Council Meeting**
- 26. Approval of Minutes - June 30, 2022 Special City Council Meeting**
- 27. Texas State Interoperable Channel Plan (TSICP)**

MOTION by Mark McClinton, second by David Baskett, to approve the Consent Agenda as presented.

MOTION CARRIED by unanimous vote.



## COMMENTS BY CITY MANAGER

Thursday, July 14 – Concert in the Park – The Bellamy Brothers

Tuesday, July 19 – Council Committees Meeting

Thursday, July 21 – Concert in the Park – Ricky Skaggs

## COMMENTS BY COUNCIL MEMBERS

Justin Haschke reminded Council to please be aware of action taken that will require budget adjustments.

Daron Trussell expressed appreciation for everyone's hard work on the July 4<sup>th</sup> festivities.

Ricky Thurman stated that it was always good when citizens showed up and voiced concerns. He was concerned that many had received inadequate information with the worst being reported on social media.

David Baskett echoed Mr. Thurman's comments about citizen's voicing concerns without arguments. He stated that there were two sides of the issue and in the end, the City must be fiscally responsible.

Gerald Cook also echoed Mr. Thurman and Mr. Baskett and hoped everyone could see the big picture. The City did plan to build a Senior Citizens Center. Mr. Cook also thought the July 4<sup>th</sup> festivities were amazing and it was wonderful to see young children everywhere.

Mayor Svien stated that the City was doing nothing illegal or unethical with their plans to build the Senior Citizens Center on the property on N. Vine. Not all the information the citizens had heard was accurate, but the Council was willing to listen. He reported that Mayor Pro Tem Thurman had spent 40-50 hours of research within the last few days about saving the tree. The Council would make the best decision for the City.

The Mayor also praised the July 4<sup>th</sup> festivities and stated that it was great to see the increase in numbers of people at the parade.

## ADJOURN

With no further business to come before the City Council, the Mayor adjourned the meeting at 7:15 PM.

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Doug Svien, Mayor

ATTEST:

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Terri Johnson, Interim City Secretary