



REGULAR CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, November 02, 2021 at 5:30 PM

MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, November 2, 2021, in the City Hall Council Chambers, 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 Brady Pendleton
- Council Member Ricky Thurman
- Council Member Alan Nix
- Council Member Gerald Cook
- Mayor Pro Tem Brandon Huckabee

COUNCIL ABSENT:

OTHERS ATTENDING:

- Allen Barnes, City Manager
- Randy Thomas, City Attorney
- Staci King, City Secretary

CALL TO ORDER

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

PLEDGES OF ALLEGIANCE

Council member Gerald Cook led the Pledges of Allegiance to the United States and Texas flags.

INVOCATION

Curt Plaxco, Stephenville Church of the Nazarene, led the invocation.

PROCLAMATIONS AND RECOGNITIONS

Recognition of Animal Services Officer Casie Randolph

Chief Harris presented Stephenville Animal Services Officer Casie Randolph with a Certificate of Commendation for her quick response and brave actions.

“On September 28, 2021, Ms. Randolph was off-duty when she drove up on the scene of a fatality vehicle crash. Upon checking the occupants of the vehicle, she found a small child who was injured and had a restricted airway. Ms. Randolph stabilized the child's airway and stayed with her until emergency responders arrived. Erath County Fire Investigator Chris Brooks credits the child's survival to Ms. Randolph's extraordinary actions.”

1. Proclamation in Recognition of TubaChristmas

Mayor Svien read the following proclamation:

WHEREAS, TUBACHRISTMAS concerts as conceived in 1974 by renowned tubist HARVEY G. PHILLIPS have become an annual holiday tradition in cities throughout the world; and

WHEREAS, TUBACHRISTMAS brings together tuba and euphonium players of all ages to present public concerts of traditional Christmas carols; and

WHEREAS, TUBACHRISTMAS concerts are presented free for the enjoyment of the public audience; and WHEREAS, TubaChristmas Coordinator James Woodward has brought this unique holiday event conducted by former Stephenville ISD Band Directors Jim Perry, Jim Alexander, and Wendell Gideon to our fair city.

NOW, THEREFORE, I, Doug Svien, Mayor of the City of Stephenville, do hereby proclaim Sunday, November 28, 2021 as TUBACHRISTMAS DAY throughout the City of Stephenville and encourage all our citizens to attend and enjoy this annual TUBACHRISTMAS concert being presented at the Clyde H Wells Fine Arts Center at Tarleton State University on November 28, 2021 at 5:30 p.m.

CITIZENS GENERAL DISCUSSION

No one came forward to address the council.

PLANNING AND ZONING COMMISSION

Steve Killen, Director of Development Services

2. PUBLIC HEARING

Case No.: RZ2021-015 & RP2021-007

Applicant is Requesting a Rezoning of the Properties Located at 1083 West Frey and 1065 West Frey, Being Parcel Nos. R32260 and R32261, legally described as Block 5, Lot 1 and Block 5, Lot 2 (pt of) of the Kight Second Addition, respectively, of the City of Stephenville, Erath County, Texas, from Single Family Residential District (R-1) to Integrated Housing District (R-2.5), with a Simultaneous Replat as Allowed by City of Stephenville Code of Ordinances, Section 155.4.03

Steve Killen, Director of Development Services, briefed the council on Case Nos. RZ2021-015 and RP2021-007. On October 20, 2021, the Planning and Zoning Commission voted 6-1 to recommend approval of the rezone with simultaneous replatting.

Mayor Svien opened the public hearing.

Dell Burdick, developer, spoke in favor of the rezone and replat.

Mayor Svien closed the public hearing.

2. Consider Approval of an Ordinance Rezoning the Properties Located at 1083 West Frey and 1065 West Frey, Being Parcel Nos. R32260 and R32261, legally described as Block 5, Lot 1 and Block 5, Lot 2 (pt of) of the Kight Second Addition, respectively, of the City of Stephenville, Erath County, Texas, from Single Family Residential District (R-1) to Integrated Housing District (R-2.5), with a Simultaneous Replat as Allowed by City of Stephenville Code of Ordinances, Section 155.4.03

MOTION by Daron Trussell, second by Brandon Huckabee, to approve Ordinance No. 2021-O-36 rezoning the properties located at 1085 and 1065 West Frey Street from Single-Family Residential District (R-1) to Integrated Housing District (R-2.5). MOTION CARRIED by unanimous vote.

MOTION by Daron Trussell, second by Brandon Huckabee, to approve a replat of the properties located at 1085 and 1065 West Frey Street. MOTION CARRIED by unanimous vote.

4. PUBLIC HEARING

Case No.: RZ2021-016

Applicant is Requesting a Rezone of a Property Located at 110 Clark Lane, Being Parcel No. R63366, Legally Described as Block 85, Lot 1 & 2A of the City Addition of the City of Stephenville, Erath County, Texas, from Multiple Family Residential District (R-3) to Integrated Housing District (R-2.5)

Steve Killen, Director of Development Services, briefed the council on Case No. RZ2021-016. On October 20, 2021, the Planning and Zoning Commission voted unanimously to recommend approval of the rezone request.

Mayor Svien opened the public hearing.

Taylor Kanute, developer, spoke in favor of the rezone.

Mayor Svien closed the public hearing.

5. Consider Approval of an Ordinance Rezoning the Property Located at 110 Clark Lane, Being Parcel No. R63366, Legally Described as Block 85, Lot 1 & 2A of the City Addition of the City of Stephenville, Erath County, Texas, from Multiple Family Residential District (R-3) to Integrated Housing District (R-2.5)

MOTION by Brandon Huckabee, second by Gerald Cook, to approve Ordinance No. 2021-O-37 rezoning the property located at 110 Clark Lane from Multiple Family Residential District (R-3) to Integrated Housing District (R-2.5). MOTION CARRIED by unanimous vote.

6. PUBLIC HEARING

Case No.: RZ2021-017

Applicant is Requesting a Rezone of the Property Located at 683 W Tarleton, Being Parcel No. R29685, Legally Described as Block 3, Lots 1B and 2B (pts of), Park Place Addition and Block 69, Lot 4B (pt of), City Addition of the City of Stephenville, Erath County, Texas, from Retail and Commercial Business District (B-2) to Multiple Family Residential District (R-3)

Steve Killen, Director of Development Services, briefed the council on Case No. RZ2021-017. This request does not conform to the City's Future Land Use Plan. On October 20, 2021, the Planning and Zoning Commission voted 4-3 to recommend denying the rezone request.

Mayor Svien opened the public hearing.

Tom Hines, 729 W. Tarleton, spoke in opposition to the rezone.

Mayor Svien closed the public hearing.

7. Consider Approval of an Ordinance Rezoning the Property Located at 683 W Tarleton, Being Parcel No. R29685 and Legally Described as Block 3, Lots 1B and 2B (pts of), Park Place Addition and Block 69, Lot 4B (pt of), City Addition of the City of Stephenville, Erath County, Texas, from Retail and Commercial Business District (B-2) to Multiple Family Residential District (R-3)

MOTION by Brandon Huckabee, second by Brady Pendleton, to approve Case No. RZ2021-017. MOTION FAILED by the following votes:

Ayes: Brandon Huckabee, Ricky Thurman

Noes: LeAnn Durfey, Justin Haschke, Daron Trussell, Brady Pendleton, Alan Nix, Gerald Cook

8. PUBLIC HEARING

Case No.: PD2021-002

Applicant is Requesting a Rezone of a Property Located at 525 W Collins, Being Parcel No. R33237 and Legally Described as Block 6, Lots 1 and 2 of the Shapard & Collins Addition, and A0032 of the John

Blair Survey of 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 Case No. PD2021-002. On October 20, 2021, the Planning and Zoning Commission voted unanimously to recommend approving the rezone request.

Mayor Svien opened the public hearing.

No one came forward to speak in favor of or opposition to the rezone.

Mayor Svien closed the public hearing.

9. Consider Approval of an Ordinance Rezoning the Property Located at 525 W Collins, Being Parcel No. R33237 and Legally Described as Block 6, Lots 1 and 2 of the Shapard & Collins Addition, and A0032 of the John Blair Survey of the City of Stephenville, Erath County, Texas, from Industrial District (I) to Planned Development District

MOTION by Ricky Thurman, second by Gerald Cook, to approve Ordinance No. 2021-O-38 rezoning the property located at 525 W. Collins from Industrial District (I) to Planned Development District (PD).

MOTION CARRIED by unanimous vote.

10. PUBLIC HEARING

Amendments to the City of Stephenville Code of Ordinances, Chapter 154 *Sign Regulations*, as it Relates to Murals

Steve Killen, Director of Development Services, briefed the council on the proposed changes to the Sign Ordinance in relation to murals. The Development Services Committee met on August 31, 2021 and recommended the ordinance be amended to increase the limitation relating to words and/or symbols to 15%. The Planning and Zoning Commission met on October 20, 2021 and unanimously voted to recommend the change.

Mayor Svien opened the public hearing.

No one came forward to speak in favor of or opposition to the proposed amendment.

Mayor Svien closed the public hearing.

11. Consider Approval of an Ordinance Amending the City of Stephenville Code of Ordinances, Chapter 154 *Sign Regulations*, as it Relates to Murals

MOTION by Brandon Huckabee, second by Daron Trussell, to approve Ordinance No. 2021-O-39 amending Chapter 154 *Sign Regulations* as presented. MOTION CARRIED by unanimous vote.

TOURISM AND VISITORS BUREAU COMMITTEE

LeAnn Durfey, Chair

12. Tourism and Visitors Bureau Committee Report

LeAnn Durfey, chair, gave the committee report. No action taken.

DEVELOPMENT SERVICES COMMITTEE

Brandon Huckabee, Chair

13. Committee Report – October 19, 2021

Brandon Huckabee, chair, gave the committee report.

14. Consider Approval of an Ordinance Amending the City of Stephenville Code of Ordinances, Section 155.1.09 Extraterritorial Jurisdiction (ETJ)

Steve Killen, Director of Development Services, briefed the council on proposed changes to Section 155.1.09 *Extraterritorial Jurisdiction (ETJ)*. On October 19, 2021, the Development Services Committee voted 3-1 to repeal this section of the Code of Ordinances, which makes Chapter 155 applicable to properties within the City's ETJ.

MOTION by Brandon Huckabee, second by Daron Trussell, to approve Ordinance No. 2021-O-40 repealing Section 155.1.09 *Extraterritorial Jurisdiction (ETJ)* from the City of Stephenville Code of Ordinances. MOTION CARRIED with Alan Nix casting a dissenting vote.

NOMINATIONS COMMITTEE

Gerald Cook, Chair

15. Committee Report - November 2, 2021

Gerald Cook, chair, gave the committee report.

16. Consider Approval of Request for Allocation of Funds for Seasonal and Special Event Items for Downtown

MOTION by Gerald Cook, second by LeAnn Durfey, to approve the allocation of \$10,000 to be used for special event and seasonal decorations for downtown. MOTION CARRIED by unanimous vote.

PERSONNEL COMMITTEE

Ricky Thurman, Chair

17. Personnel Committee Report

Ricky Thurman, chair, gave the committee report. No action taken.

PUBLIC HEALTH AND SAFETY COMMITTEE

Brady Pendleton, Chair

18. Committee Report - October 19, 2021

Brady Pendleton, chair, gave the committee report.

19. Consider Approval of a Memorandum of Understanding with Stephenville ISD for School Resource Officers for 2021-2022

MOTION by Brady Pendleton, second by LeAnn Durfey, to approve a Memorandum of Understanding with Stephenville ISD. MOTION CARRIED by unanimous vote.

FINANCE COMMITTEE

Justin Haschke, Chair

20. Finance Committee Report - October 19, 2021

Justin Haschke, chair, gave the committee report.

21. Consider Approval of the Purchase of a Pre-Owned Ambulance

MOTION by Justin Haschke, second by Ricky Thurman, to approve the purchase of a pre-owned ambulance. MOTION CARRIED by unanimous vote.

FINANCIAL REPORTS

Monica Harris, Director of Finance

22. Monthly Budget Report for the Period Ending September 30, 2021

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

In reviewing the financial statements ending September 30, 2021, the financial indicators are as or better than anticipated.

Property Tax – We received \$7K in property taxes in the month of September, resulting in \$143K or 2.19% increase over funds collected through last September. The \$6.65 million collected fiscal year to date is 99.94% of budget, which is .06% or \$4,096 less than anticipated.

Sales Tax - We received \$593K in sales tax in September, resulting in \$1.2 million or 19.29% more than the funds collected through last September. The \$7.5 million collected fiscal year to date is 20.64% or \$1,288,266 more than \$6.24 million budgeted.

Revenue (Budgetary comparison) - The target budget for operating revenue is \$29.3 million. We received \$29.3 million in revenue fiscal year to date, resulting in \$1,254 under the target budget due to property taxes.

Expenditures (Budgetary comparison) - The target budget for operating expenditures is \$21.9 million. We expended \$20.2 million fiscal year to date, resulting in \$1.7 million under the target budget.

Revenue (Prior year comparison) - Operating revenue received last year was \$27.9 million as compared to the current year's \$29.3 million, resulting in a \$1.4 million increase due to property tax, sales taxes, and service charges.

Expenditures (Prior year comparison) - Operating expenditures last year were \$19.4 million as compared to the current year's \$20.2 million, resulting in a \$770K increase due to costs associated with COVID-19 prevention, damage claims, wages, recreation supplies, professional fees, special events, tournament expenses, credit card fees, maintenance, advertising, Moo-la fest and gateway planning.

Investments - The total market value of cash and investments on September 30, 2021 was \$45,313,838. This is allocated 1% in demand accounts, 38% in TexStar investment pool, and 61% in TexPool investment pool. We earned \$2,111.05 in interest for the quarter. The average yield to maturity for all account types for the quarter was 0.03%. The average yield to maturity for investment accounts for the quarter was 0.02%. The average yield to maturity for a 3-month treasury bill for the quarter was .05%.

STEPHENVILLE ECONOMIC DEVELOPMENT AUTHORITY REPORT

Jeff Sandford, Executive Director, gave the report.

CONSENT

23. Approve Minutes - October 4, 2021 Regular City Council Meeting
24. Approve Request to Sell City Property via Online Auction
25. Authorize Expenditure for Annual Microsoft Licensing Fees
26. Approval of EMS Billing and Collection Services by Specialized Billing and Collections Systems of Texas
27. Authorize Expenditure for Incode 10 Software Maintenance
28. Authorize Expenditure for Online and Voice Response Transaction Fees for Utility Billing and Court Payments
29. Authorize Expenditure for Purchase of Skid Steer for Street Department
30. Authorize Expenditure for Purchase of a Compact Excavator for Water Department
31. Authorize Expenditure for Purchase of Aqua Metric Meter Reading Software
32. Authorize Payment to Upper Leon River Municipal Water District for FY2021-2022 Raw Water Charges
33. Approve Amendment No. 10 with Freese and Nichols, Inc. for Development Review Services
34. Approve Resolution No. 2021-O-21 Authorizing the Financing and Purchase of a Tractor, Mowers, and Related Equipment

MOTION by Brady Pendleton, second by Daron Trussell, to approve the consent agenda as presented.
MOTION CARRIED by unanimous vote.

COMMENTS BY CITY MANAGER

- *Council Committee Meetings - Tuesday, November 16
- *Nominations Committee Meeting - Tuesday, November 30
- *Regular City Council Meeting - Tuesday, December 7

- *Arts, Crafts, and Gift Show - Friday and Saturday, November 5-6
- *Farmer's Market - Saturday, November 6
- *Applications for Citizen Boards and Commissions due Friday, November 19 by 5:00 p.m.
- *City Offices Closed Thursday and Friday, November 25 and 26 for Thanksgiving
- *ChristmasVille Parade - Saturday, November 27

COMMENTS BY COUNCIL MEMBERS

LeAnn Durfey expressed her appreciation to those involved in bringing events or activities to Stephenville over the next few weeks.

Ricky Thurman wanted to remind everyone of upcoming events: Dancing for the Stars, benefitting Big Brothers Big Sisters of Erath County; Ministerial Alliance Community Thanksgiving Service; ChristmasVILLE Parade. He encouraged citizens to apply for Citizen Boards and Commissions.

Gerald Cook also encouraged citizens to apply for Citizen Boards and Commissions.

Brandon Huckabee thanked ASO Randolph for her heroism in a critical situation.

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

35. **Section 551.087 Deliberation Regarding Economic Development Negotiations - Project Blue**
36. **Section 551.072 Deliberation Regarding Real Property - to deliberate the purchase, exchange, lease, or value of real property, to wit: 291 Clinton**
37. **Section 551.072 Deliberation Regarding Real Property - to deliberate the purchase, exchange, lease, or value of real property, to wit: 2 acres out of the JS Riggs Survey**
38. **Section 551.071 Consultation with Attorney - Pending or Contemplated Litigation**

ACTION TAKEN ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF NECESSARY

Section 551.072 Deliberation Regarding Real Property - to deliberate the purchase, exchange, lease, or value of real property, to wit: 291 Clinton

MOTION by Brandon Huckabee, second by Brady Pendleton, to approve the bid for 291 Clinton. MOTION CARRIED by unanimous vote.

Section 551.072 Deliberation Regarding Real Property - to deliberate the purchase, exchange, lease, or value of real property, to wit: 2 acres out of the JS Riggs Survey

MOTION by Brandon Huckabee, second by Gerald Cook, to authorize staff to initiate the sale of property by sealed bid, with a minimum bid of \$40,000. MOTION CARRIED by unanimous vote

ADJOURN

The meeting was adjourned at 6:28 p.m.

Doug Svien, Mayor

ATTEST:

Staci L. King, City Secretary