



REGULAR CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, January 02, 2024 at 5:30 PM

MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, January 02, 2024, 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 Lon Reisman
Council Member Bob Newby
Council Member Maddie Smith
Council Member David Baskett
Council Member Brandon Greenhaw
Council Member Mark McClinton

COUNCIL ABSENT: Council Member Justin Haschke

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 Brandon Greenhaw led the pledges to the flags of the United States and the State of Texas.

INVOCATION

Invocation voiced by Mayor Doug Svien.

PRESENTATIONS AND RECOGNITIONS

Presentation of the West End Cemetery Historical Designation

Marla Bush and friends received this Historical Designation from the Texas Historical Commission. Marla gave a brief history of the West End Cemetery and recognized and thanked all that helped her with this designation.

CITIZENS GENERAL DISCUSSION

No one addressed the Council at this time.

PLANNING AND ZONING COMMISSION

Steve Killen, Director of Development Services

1. Case No.: AS2023-002

Abandonment of a Portion of Saint Felix Street, from West Turner Street to West Tarleton Street of the Groesbeck & McClelland Addition of the City of Stephenville

Director of Development Services Steve Killen presented this item to Council.

The City has previously abandoned streets near and through the Tarleton State University Campus for campus expansion or improvements. Chapter 95 of the City of Stephenville Code of Ordinances allows for the abandonment of streets and alleys by petition or council initiative.

On November 7, 2023, the Stephenville City Council initiated the abandonment and sale of the portion of Saint Felix Street, from West Turner Street to West Tarleton Street, in the City of Stephenville; through Resolution 2023-R-16.

The Planning and Zoning Commission convened on December 20, 2023, and by a vote of 6:1 recommended the City Council abandon the street as presented.

2. PUBLIC HEARING Case No.: AS2023-002

The Mayor opened a Public Hearing for Case No. AS2023-002 at 5:40 PM.

No one spoke in favor or against.

The Public Hearing closed at 5:40 PM.

3. Consider Approval of Ordinance Abandoning Portion of Saint Felix Street, from West Turner Street to West Tarleton Street of the Groesbeck & McClelland Addition of the City of Stephenville

MOTION by David Baskett, second by LeAnn Durfey, to approve Case No. AS2023-002 as presented. MOTION CARRIED unanimously, with Council Member Reisman abstaining due to a conflict of interest.

4. Case No.: AS2023-003

Abandonment of a Portion of Saint Peter Street, from West Washington Street to West Tarleton Street of the Groesbeck & McClelland Addition of the City of Stephenville

Director of Development Services Steve Killen presented this item to Council.

The City has previously abandoned streets near and through the Tarleton State University Campus for campus expansion or improvements. Chapter 95 of the City of Stephenville Code of Ordinances allows for the abandonment of streets and alleys by petition or council initiative.

On November 7, 2023, the Stephenville City Council initiated the abandonment and sale of the portion of Saint Peter Street, from West Washington Street to West Tarleton Street, in the City of Stephenville; through Resolution 2023-R-15.

The Planning and Zoning Commission convened on December 20, 2023, and by a vote of 6:1 recommended the City Council abandon the street as presented.

5. PUBLIC HEARING Case No.: AS2023-003

The Mayor opened a Public Hearing for Case No. AS2023-003 at 5:41 PM.

No one spoke in favor or against.

The Public Hearing closed at 5:41 PM.

6. Consider Approval of Ordinance Abandoning of a Portion of Saint Peter Street, from West Washington Street to West Tarleton Street of the Groesbeck & McClelland Addition of the City of Stephenville

MOTION by David Baskett, second by LeAnn Durfey, to approve Case No. AS2023-003 as presented. MOTION CARRIED unanimously, with Council Member Reisman abstaining due to a conflict of interest.

7. Case No.: AS2023-004

Abandonment of a Portion of Jones Street, from North Cain Street to North Lillian Street of the College Heights Addition of the City of Stephenville

Director of Development Services Steve Killen presented this item to Council.

The City has previously abandoned streets near and through the Tarleton State University Campus for campus expansion or improvements. Chapter 95 of the City of Stephenville Code of Ordinances allows for the abandonment of streets and alleys by petition or council initiative.

On November 7, 2023, the Stephenville City Council initiated the abandonment and sale of the portion of Jones Street, from North Cain Street to North Lillian Street, in the City of Stephenville; through Resolution 2023-R-18.

The Planning and Zoning Commission convened on December 20, 2023, and by a vote of 6:1, recommended the City Council abandon the street as presented.

8. PUBLIC HEARING Case No.: AS2023-004

The Mayor opened a Public Hearing for Case No. AS2023-004 at 5:41 PM.

No one spoke in favor or against.

The Public Hearing closed at 5:41 PM.

9. Consider Approval of Ordinance Abandoning a Portion of Jones Street, from North Cain Street to North Lillian Street of the College Heights Addition of the City of Stephenville

MOTION by David Baskett, second by LeAnn Durfey, to approve Case No. AS2023-004 as presented. MOTION CARRIED unanimously, with Council Member Reisman abstaining due to a conflict of interest.

10. Case No.: AS2023-005

Abandonment of a Portion of Cain Street, from West Jones Street to West Vanderbilt Street of the College Heights Addition of the City of Stephenville

Director of Development Services Steve Killen presented this item to Council.

The City has previously abandoned streets near and through the Tarleton State University Campus for campus expansion or improvements. Chapter 95 of the City of Stephenville Code of Ordinances allows for the abandonment of streets and alleys by petition or council initiative.

On November 7, 2023, the Stephenville City Council initiated the abandonment and sale of the portion of Cain Street, from West Jones Street to West Vanderbilt Street, in the City of Stephenville; through Resolution 2023-R-19.

The Planning and Zoning Commission convened on December 20, 2023, and by a vote of 5:2, recommended the City Council abandon the street as presented.

11. PUBLIC HEARING Case No.: AS2023-005

The Mayor opened a Public Hearing for Case No. AS2023-005 at 5:43 PM.

No one spoke in favor or against.

The Public Hearing closed at 5:43 PM.

12. Consider Approval of Ordinance Abandoning a Portion of Cain Street, from West Jones Street to West Vanderbilt Street of the College Heights Addition of the City of Stephenville

MOTION by David Baskett, second by LeAnn Durfey, to approve Case No. AS2023-005 as presented. MOTION CARRIED unanimously, with Council Member Reisman abstaining due to a conflict of interest.

13. Case No.: AS2023-006

Abandonment of a Portion of Vanderbilt Street, from North Cain Street to North Neblett Street of the College Heights Addition of the City of Stephenville

Director of Development Services Steve Killen presented this item to Council.

The City has previously abandoned streets near and through the Tarleton State University Campus for campus expansion or improvements. Chapter 95 of the City of Stephenville Code of Ordinances allows for the abandonment of streets and alleys by petition or council initiative.

On November 7, 2023, the Stephenville City Council initiated the abandonment and sale of the portion of Vanderbilt Street, from North Cain Street to North Neblett Street, in the City of Stephenville; through Resolution 2023-R-20.

The Planning and Zoning Commission convened on December 20, 2023, and by a vote of 4:3, recommended the City Council NOT abandon the street as initiated.

14. PUBLIC HEARING Case No.: AS2023-006

The Mayor opened a Public Hearing for Case No. AS2023-006 at 5:44 PM.

No one spoke in favor or against.

The Public Hearing closed at 5:44 PM.

15. Consider Approval of Ordinance Abandoning a Portion of Vanderbilt Street, from North Cain Street to North Neblett Street of the College Heights Addition of the City of Stephenville

MOTION by David Baskett, second by LeAnn Durfey, to approve Case No. AS2023-006 as presented. MOTION CARRIED 6:1, with Council Member Reisman abstaining due to a conflict of interest and Council Member McClinton voting no.

16. Case No.: AS2023-007

Abandonment of a Portion of Neblett Street, from West Jones Street to West Vanderbilt Street of the College Heights Addition of the City of Stephenville

Director of Development Services Steve Killen presented this item to Council.

The City has previously abandoned streets near and through the Tarleton State University Campus for campus expansion or improvements. Chapter 95 of the City of Stephenville Code of Ordinances allows for the abandonment of streets and alleys by petition or council initiative.

On November 7, 2023, the Stephenville City Council initiated the abandonment and sale of the portion of Neblett Street, from West Jones Street to West Vanderbilt Street, in the City of Stephenville; through Resolution 2023-R-21.

The Planning and Zoning Commission convened on December 20, 2023, and by a vote of 4:3, recommended the City Council NOT abandon the street as presented.

17. PUBLIC HEARING Case No.: AS2023-007

The Mayor opened a Public Hearing for Case No. AS2023-006 at 5:44 PM.

No one spoke in favor or against.

The Public Hearing closed at 5:44 PM.

18. Consider Approval of Ordinance Abandoning a Portion of Neblett Street, from West Jones Street to West Vanderbilt Street of the College Heights Addition of the City of Stephenville

MOTION by David Baskett, second by Bob Newby, to approve Case No. AS2023-007 as presented. MOTION CARRIED 6:1, with Council Member Reisman abstaining due to a conflict of interest and Council Member McClinton voting no.

19. Case No.: RZ2023-008

Applicant Kimberly Hammon is Requesting a Rezone for Property Located at 252 E Tarleton, being Parcel R29602, Acres 0.227, S2600 CITY ADDITION; BLOCK 63; LOT 22 of the City of Stephenville, Erath County, Texas from Neighborhood Business (B-1) to Central Business District (B-3)

Director of Development Services Steve Killen presented this item to Council.

The property has current zoning of B-1, Neighborhood Business. The Future Land Use for this property is designated as B-3, Central Business District. The applicant is requesting a rezone to Central Business District (B-3) which will allow her to market the current dwelling that is on the property as either a Bed and Breakfast or a rental unit.

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

20. PUBLIC HEARING Case No.: RZ2023-008

The Mayor opened a Public Hearing for Case No. RZ2023-008 at 5:47 PM.

No one spoke in favor or against.

The Public Hearing closed at 5:47 PM.

21. Consider Approval of Ordinance Rezoning a Property Located at 252 E Tarleton, being Parcel R29602, Acres 0.227, S2600 CITY ADDITION; BLOCK 63; LOT 22 of the City of Stephenville, Erath County, Texas from Neighborhood Business (B-1) to Central Business District (B-3)

MOTION by Mark McClinton, second by LeAnn Durfey, to approve Ordinance No. 2024-O-07 rezoning a property located at 252 E Tarleton, being Parcel R29602, Acres 0.227, S2600 CITY ADDITION; BLOCK 63; LOT 22 of the City of Stephenville, Erath County, Texas from Neighborhood Business (B-1) to Central Business District (B-3). MOTION CARRIED unanimously.

22. Case No.: SV2023-003

Applicant Niraj Patel, Representing DNJ’s Investment, LLC, is Requesting an Appeal for a Subdivision Waiver Denial Regarding Section 155.6.11 – Sidewalk Requirements, to be Constructed at 3015 Northwest Loop, Parcel R63719, Acres 2.730, S2600 CITY ADDITION;, BLOCK 161;, LOT 1; of the City of Stephenville, Erath County, Texas

Director of Development Services Steve Killen presented this item to Council.

On October 9, 2023, Niraj Patel representing DNJ Investment, LLC submitted Minor Subdivision Waiver requests from Subdivision Ordinance Sec. 155.6.11. – Sidewalks and Sec. 155.6.04(M) – Curb & Gutter. On October 19, 2023, Mr. Patel was informed that the Curb and Gutter waiver request was approved, but the Sidewalk waiver request was denied. Subsequently on November 21, 2023, Mr. Patel submitted a letter to the City Manager requesting an appeal to the Minor Subdivision Waiver denial. Section (J) of the Sidewalk Subdivision Ordinance Sec. 155.6.11. allows for an appeal to be submitted within thirty (30) calendar days following the denial decision.

The Planning and Zoning Commission convened on December 20, 2023, and by a vote of 3:4, recommended the City Council deny the appeal. The appeal process states “The Commission shall recommend to the City Council to affirm, modify or reverse the previous decision by simple majority vote.” Based on the rule of procedure for the Planning and Zoning Commission, the case moves forward without a recommendation as the motion did not receive the number of votes required.

23. PUBLIC HEARING Case No.: SV2023-003

The Mayor opened a Public Hearing for Case No. SV2023-003 at 5:49 PM.

No one spoke in favor or against.

The Public Hearing closed at 5:49 PM.

24. Consider Approval of Appeal for a Subdivision Waiver Denial Regarding Section 155.6.11 – Sidewalk Requirements, to be Constructed at 3015 Northwest Loop, Parcel R63719, Acres 2.730, S2600 CITY ADDITION;, BLOCK 161;, LOT 1; of the City of Stephenville, Erath County, Texas

MOTION by Mark McClinton, second by David Baskett, to deny the appeal for a Subdivision Waiver Denial. MOTION CARRIED unanimously.

NOMINATIONS COMMITTEE

Maddie Smith, Chair

25. Consider Approval of Nominations to Citizen Boards and Commissions

Nominations Committee Chair Maddie Smith presented these nominations to Council.

Tourism and Visitors Bureau Advisory Board

Nominee Kayleigh Caamano of 110 Hassler Drive was interviewed by Council. MOTION by Maddie Smith, second by David Baskett, to approve the appointment of Kayleigh Caamano to Place 4 of the Tourism and Visitors Bureau Advisory Board. MOTION CARRIED unanimously.

Nominee Brooke Wells of 580 Alexander Road was interviewed by Council. MOTION by Maddie Smith, second by Brandon Greenhaw, to approve the appointment of Brooke Wells to Place 6 of the Tourism and Visitors Bureau Advisory Board. MOTION CARRIED unanimously.

Planning and Zoning Commission

Nominee James Stephenson of 135 Blue Jay was interviewed by Council. MOTION by Maddie Smith, second by Lonni Reisman, to approve the appointment of James Stephenson to Alternate 2 of the Planning and Zoning Commission. MOTION CARRIED unanimously.

Parks and Leisure Services Advisory Board

MOTION by Maddie Smith, second by Brandon Greenhaw, to approve the appointment of John Briese to Place 1 of the Parks and Leisure Services Advisory Board. MOTION CARRIED unanimously.

MOTION by Maddie Smith, second by Brandon Greenhaw, to approve the appointment of Woody Gill to Place 2 of the Parks and Leisure Services Advisory Board. MOTION CARRIED unanimously.

MOTION by Maddie Smith, second by David Baskett, to approve the appointment of Debby Watson to Place 3 of the Parks and Leisure Services Advisory Board. MOTION CARRIED unanimously.

MOTION by Maddie Smith, second by David Baskett, to approve the appointment of Rhea Marrs to Place 4 of the Parks and Leisure Services Advisory Board. MOTION CARRIED unanimously.

FINANCIAL REPORTS

Monica Harris, Director of Finance

26. Monthly Budget Report for the Period Ending November 30, 2023

Director of Finance Monica Harris presented the monthly budget report as follows:

In reviewing the financial statements ending November 30, 2023, the financial indicators are overall as or better than anticipated.

Property Tax Collections: We received \$393K in property taxes in the month of November, resulting in a \$17K increase over the funds collected last fiscal year to date. The amount collected is 10% of the \$7.3 million budget, which is \$256K less than anticipated.

Sales and Use Tax: We received \$914K in sales tax in November, resulting in \$57K or 3% more than the funds collected last fiscal year to date. The amount collected is 19% of the \$9.4 million budget, which is \$157K higher than anticipated.

Revenue (by fund): Of the \$6 million revenue received to date, 50% was received in the General Fund, 38% was received in the Water/Wastewater Fund and 4% was received in the Landfill Fund.

Revenue (Budget vs. Actual): We received 15% of the total budgeted revenues through November, which is \$490K more than anticipated due to permits, charges for services, court fines, and investment income.

Revenue (Prior Year Comparison): We received \$1 million less revenue through November than last fiscal year to date due to debt proceeds received in the Landfill Fund in the prior year.

Expenditures (by fund): Of the \$6.6 million spent to date, 51% was expended in the General Fund, 43% was expended in the Water/Wastewater Fund, and 5% was expended in the Landfill Fund.

Expenditures (Budget vs. Actual): We have expended 10% of the total budgeted expenditures through November, which is \$4.3 million less than anticipated due to personnel, contractual and capital outlay.

Expenditures (Prior Year Comparison): We spent \$363K less in expenditures through November than last fiscal year to date due to contractual expenditures and capital outlay.

SEDA Revenue Comparison: SEDA has received an overall 21% of budgeted revenue through November, which is \$8K more than last fiscal year to date and \$25K more than anticipated due to taxes and interest income.

SEDA Expenditure Comparison: SEDA has spent an overall 3% of budgeted expenditures through November, which is \$1K less than last fiscal year to date due to contractual expenditures and \$222K less than anticipated due to contractual, capital outlay and grant disbursements.

STEPHENVILLE ECONOMIC DEVELOPMENT AUTHORITY REPORT

Jeff Sandford, Executive Director

This item was pulled from the agenda by Mayor Doug Svien.

CONSENT AGENDA

27. Consider Approval of Minutes from December 5, 2023

28. Consider Approval of Auction Items

29. Consider Award of Utility Crew Truck

30. Consider Award of Street Department Truck

31. Consider Award of Utility Production Truck

MOTION by Mark McClinton, second by LeAnn Durfey, to approve the consent agenda items. MOTION CARRIED unanimously.

COMMENTS BY CITY MANAGER

- The City will be closed January 15 in observance of Martin Luther King Jr. Day
- Starting January 17-February 16 we are open to file for a place on the ballot with the City Secretary for the upcoming election in May.

COMMENTS BY COUNCIL MEMBERS

LeAnn Durfey –

- New banners will be going up downtown!
- Good luck to all participating in the Erath County Junior Livestock Show this week.

Lonn Reisman –

- Thank you to everyone who participated in Angel Tree or Shop with a Cop.

Bob Newby –

- Thank you to everyone who supported me and my family during recent health issues.

David Baskett –

- Happy New Year!

Mark McClinton –

- Shout out to Nick Williams on holding a local dealership to a budgeted price from last year.

Mayor Svien recessed the Regular City Council Meeting at 6:05 PM and convened the Executive Session at 6:09 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

32. Section 551.087. Deliberation Regarding Economic Development Negotiations - Project Feather

33. Section 551.087. Deliberation Regarding Economic Development Negotiations - Front Porch

- 34. Section 551.072 Deliberation Regarding Real Property** - to deliberate the purchase, exchange, lease, or value of real property: **Groesbeck & McClelland Addition (x2)**
- 35. Section 551.072 Deliberation Regarding Real Property** - to deliberate the purchase, exchange, lease, or value of real property: **College Heights Addition (x4)**

Mayor Svien adjourned the Executive Session at 6:20 PM and reconvened the Regular City Council Meeting at 6:22 PM.

ACTION TAKEN ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF NECESSARY

- 34. Section 551.072 Deliberation Regarding Real Property** - to deliberate the purchase, exchange, lease, or value of real property: **Groesbeck & McClelland Addition (x2)**

MOTION by Mark McClinton, second by Maddie Smith, to authorize the City Manager to negotiate the sale of real property located in Groesbeck & McClelland Addition as discussed in Executive Session. MOTION CARRIED unanimously.

- 35. Section 551.072 Deliberation Regarding Real Property** - to deliberate the purchase, exchange, lease, or value of real property: **College Heights Addition (x4)**

MOTION by Mark McClinton, second by LeAnn Durfey, to authorize the City Manager to negotiate the sale of real property located in College Heights Addition as discussed in Executive Session. MOTION CARRIED unanimously.

ADJOURN

The Mayor adjourned the Regular City Council meeting at 6:22 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