



City of Stephenville - Regular City Council Meeting

Tuesday, March 5, 2019 at 5:30 PM

The City Council of the City of Stephenville, Texas, convened on Tuesday, March 5, 2019, at 5:30 PM, in the Council Chambers at City Hall, 298 West Washington Street, for the purpose of a Regular Business 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 Mark McClinton
Council Member Carla Trussell
Mayor Pro Tem Brady Pendleton
Council Member Rhett Harrison
Council Member Alan Nix
Council Member Sherry Zachery
Council Member Brandon Huckabee

COUNCIL ABSENT:

OTHERS ATTENDING:

Allen L. Barnes, City Manager
Staci L. King, City Secretary
Randy Thomas, City Attorney

I. Call to Order

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

II. Pledges of Allegiance

Battalion Chief Chuck Elliot led the pledges of allegiance.

III. Invocation by David Bearden, Graham Street Church of Christ

IV. Regular Agenda

1. Citizens' General Discussion

Michael Martin, 8845 FM 205, Senior Citizens Advisory Board Chairman, addressed the council wanting clarification on the role of the advisory board. Mayor Svien suggested Mr. Martin meet with Nominations Committee Chair Rhett Harrison and that the Nominations Committee meet to consider clarifying the role of advisory boards.

2. Rotary Youth Leadership Awards Leadership Camp - Burton Smith

Mr. Burton Smith informed the council that, after 18 years of being hosted at Texas Woman's University, the Rotary Youth Leadership Awards Leadership Camp will now be hosted in Stephenville at Tarleton State University in June. The camp will include various activities such as a mock city council meeting and community service projects. The community service project for this year will be held at the Collins Street park on the Bosque River Trail. The Rotary Club is providing \$3,000 in landscaping materials that will

be matched by the City of Stephenville. The camp will take place the last weekend in June and will be attended by 135-150 high school juniors and seniors.

3. **Parks and Leisure Services Update**

Jen Basham, Director of Parks and Leisure Services, presented council with an update of programs and services.

4. **Consider Approval of Professional Services Agreement with David Pettit Economic Development, LLC Relating to the Creation of Tax Increment Reinvestment Zone (TIRZ)**

Council member Nix asked for clarification on what funds from a TIRZ could be spent on. It was explained that state law outlines what monies from a TIRZ can be spent on and that those monies must be reinvested in the designated.

Council member Zachary wanted to see maps of the areas that would be designated as a TIRZ before entering into a contract to create any TIRZs. Allen Barnes, City Manager, explained that while the city has three proposed zones, the contract includes the evaluation of those zones. He stated that once evaluated, David Pettit Economic Development, LLC, may advise the city that the proposed zones should be adjusted or changed completely.

Mayor Svien explained that the reason this issue has been brought to the council so quickly is that there is a developing project for which the city should create a TIRZ, which requires a strict timeline for creation and implementation. He also explained that by contracting for the creation of three TIRZs, the associated fees would be less per TIRZ.

Mayor Svien tabled this item until after executive session so that the council could discuss this item in relation to Project CS.

MOTION by Carla Trussell, second by Brandon Huckabee, to approve a contract with David Pettit Economic Development, LLC, for the creation of three TIRZs; TIRZ 1 being created immediately and TIRZ 2 and 3 to be completed within the next three years; the total cost not to exceed \$75,000.

MOTION CARRIED by unanimous vote.

V. **Planning and Zoning Commission**

Jeremy Allen, Director of Planning and Development Services

1. **Planning and Zoning Commission Report**

Jeremy Allen, Director of Planning and Development Services, gave the Planning and Zoning Commission Report.

2. **PUBLIC HEARING**

CASE NO. ZA2019-001: Consider an Amendment the Zoning Ordinance by adding "Sweepstakes Facility" as a Conditional Use (Special Use Permit) in the Permitted Uses within the Retail and Commercial Business District (B-2).

Mayor Svien opened the public hearing at 6:15 p.m.

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

Mayor Svien closed the public hearing at 6:16 p.m.

3. **Consider Ordinance No 2019-O-__ Adding "Sweepstakes Facility" as a Special Use Permit within the Retail and Commercial Business District (B-2)**

The Planning and Zoning Commission voted against adding "Sweepstakes Facility" as a Special Use Permit within the Retail and Commercial Business District (B-2). Randy Thomas, City Attorney, advised council that this was an illegal operation in his opinion.

MOTION by Alan Nix, second by Rhett Harrison, to uphold the Planning and Zoning Commission's ruling to not amend the zoning ordinance.

MOTION CARRIED by unanimous vote.

4. **PUBLIC HEARING**

CASE NO. SV2019-001: Applicant Alex Fambro is requesting a subdivision waiver from the City of Stephenville Zoning Ordinance 155.6.11.A Sidewalk Requirements to be constructed at 942 Bluebonnet

Mayor Svien opened the public hearing at 6:21 p.m.

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

Mayor Svien closed the public hearing at 6:21 p.m.

5. **Consider Approval of a Waiver from the City of Stephenville Zoning Ordinance Section 155.6.11 Sidewalks**

The Planning and Zoning Commission Council member voted 6-3 in favor of the waiver.

Council member Mark McClinton expressed concern over granting waivers to the subdivision ordinance; he felt that the city needed to enforce what was in place. Council member Alan Nix agreed. Council member Brandon Huckabee felt that it was a common-sense decision to grant the waiver because there are no other sidewalks in the area.

MOTION by Brady Pendleton, second by Carla Trussell, to approve a waiver from the City of Stephenville Zoning Ordinance Section 155.6.11 *Sidewalks*.

MOTION CARRIED by the following votes:

Ayes: Carla Trussell, Brady Pendleton, Rhett Harrison, Sherry Zachery, and Brandon Huckabee

Noes: Mark McClinton and Alan Nix

6. **PUBLIC HEARING**

CASE NO.: ZA2019-002: Consider an Amendment to the Stephenville Zoning Ordinance "Sign Regulations" Section 154.12 -11 Prohibited Signs and Repealing Section 154.21.3.D to Remove a Special Exception for Off-premises Signs (Billboards).

Mayor Svien opened the public hearing at 6:27 p.m.

Tommy Roberts, Lamar Outdoor Advertising, addressed the council and stated that he felt it was probably a good idea to take a short break and revisit the ordinance. He felt it would give the council and citizens time to decide where they would want billboards and weigh the benefits versus the aesthetics of billboards.

No one else came forward to address the council.

Mayor Svien closed the public hearing at 6:16 p.m.

7. **Consider Approval of Ordinance No. 2019-O-03 Amending Section 154.12-11 and Repealing Sections 154.21.3.D and 154.12-55 of the City of Stephenville Zoning Ordinance**

The Planning and Zoning Commission voted 9-1 to amend the sign ordinance by disallowing billboards.

MOTION by Brandon Huckabee, second by Mark McClinton, to approve Ordinance No. 2019-O-03.

MOTION CARRIED by unanimous vote.

VI. Tourism and Visitors Bureau Committee

Carla Trussell, Chair

1. **Committee Report**

Carla Trussell, Chair, gave the committee report.

2. **Consider Hotel Occupancy Tax Application for the SOX Baseball Tournament**

Keith Phillips, representative of SOX Baseball, stated that this is their 6th year for the tournament and that this would be the largest tournament they have hosted so far with 530 participants and family members in town on Saturday and Sunday.

MOTION by Carla Trussell, second by Sherry Zachery, to approve the Hotel Occupancy Tax Fund Application for the SOX Baseball Tournament in the amount of \$1,800.

MOTION CARRIED by unanimous vote.

3. **Consider Hotel Occupancy Tax Application for X-Treme Roping Cowboy Classic**

MOTION by Carla Trussell, second by Sherry Zachery, to approve the Hotel Occupancy Tax Fund Application for X-Treme Roping Cowboy Classic in the amount of \$2,000.

MOTION CARRIED by unanimous vote.

4. **Consider Hotel Occupancy Tax Application for X-Treme Roping Cinco de Mayo Classic**

MOTION by Carla Trussell, second by Rhett Harrison, to approve the Hotel Occupancy Tax Fund Application for X-Treme Roping Cinco de Mayo Classic in the amount of \$1,000.

MOTION CARRIED by unanimous vote.

VII. Planning and Development Services Committee

Brandon Huckabee, Chair

1. **Committee Report**

Brandon Huckabee, Chair, gave the committee report.

2. **Consider Request from Habitat for Humanity for Waiver of Landfill Fees for 754 W. Sloan**

MOTION by Brandon Huckabee, second by Mark McClinton, to approve the request from Habitat for Humanity for a waiver of landfill fees for 754 W. Sloan not to exceed \$1,500.

MOTION CARRIED. by the following votes:

Ayes: Mark McClinton, Brady Pendleton, Rhett Harrison, and Brandon Huckabee

Noes: Carla Trussell, Alan Nix, and Sherry Zachery

3. **Consider Request from Habitat for Humanity for Waiver of Permit Fees for 244 W. Walnut**

MOTION by Brandon Huckabee, second by Mark McClinton, to approve a request from Habitat for Humanity for a waiver of permit fees for the project at 244 W. Walnut.

MOTION CARRIED by unanimous vote.

VIII. Nominations Committee Report

Rhett Harrison, Chair

1. **Committee Report**

Rhett Harrison, Chair, gave the committee report.

2. **Consider Adoption of an Official Logo for the City of Stephenville**

MOTION by Rhett Harrison, second by Alan Nix, to adopt the official city logo.

MOTION CARRIED by unanimous vote.

3. **Consider Approval of the City of Stephenville's "Road to Success" Strategy Map**

MOTION by Rhett Harrison, second by Sherry Zachery, to approve the City of Stephenville "Road to Success" Strategy Map.

MOTION CARRIED by unanimous vote.

IX. Parks and Leisure Services Committee Report

Sherry Zachery, Chair

1. **Committee Report**

Sherry Zachery, Chair, gave the committee report. The committee met in executive session to discuss the acquisition of real property - no action was taken.

X. Personnel Committee

Sherry Zachery, Chair

1. **Committee Report**

Sherry Zachery, Chair, gave the committee report.

2. **Consider Approval of Amendments to the City of Stephenville Personnel Policies and Procedure Manual**

MOTION by Sherry Zachery, second by Brandon Huckabee, to approve the changes to the City of Stephenville Personnel Policies and Procedures Manual.

MOTION CARRIED by unanimous vote.

XI. Public Health and Safety Committee

Brady Pendleton, Chair

1. **Committee Report**

Brady Pendleton, Chair, gave the committee report.

2. **Consider Approval of Ordinance No. 2019-O-04 Amending the Parking Ordinance**

MOTION by Brady Pendleton, second by Alan Nix, to approve Ordinance No. 2019-O-04 amending the Parking Ordinance.

MOTION CARRIED by unanimous vote.

XII. Public Works Committee

Alan Nix, Chair

1. Committee Report

Alan Nix, Chair, gave the committee report.

2. Consider Approval of a Contract for Resident Project Representative Services for the Eastside Relief Interceptor Sewer Influent Lift Station

MOTION by Alan Nix, second by Mark McClinton, to approve a contract with Parkhill Smith and Cooper for Resident Project Representative Services for the Eastside Relief Interceptor Sewer Influent Lift Station.

MOTION CARRIED by unanimous vote.

3. Consider Approval of a Professional Services Agreement for 2020 TxDOT Pavement and Utility Coordination Project

MOTION by Alan Nix, second by Mark McClinton, to approve a Professional Services Agreement with Burns and McDonnell Engineering for the 2020 TxDOT Pavement and Utility Coordination Project.

MOTION CARRIED by unanimous vote.

XIII. MONTHLY BUDGET REPORT

Monica Harris, Director of Finance

Monthly Budget Report for the Period Ending January 31, 2019

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

In reviewing the financial statements ending January 31, 2019, the financial indicators are as or better than expected.

- Property Tax - We received \$2.88 million in property taxes in the month of January, resulting in a \$292K or 5.4% increase over funds collected through January last year.
- Sales Tax - We received \$518K in sales tax in January, resulting in \$8K under the target budget for January. We received \$42K or 2.3% more than last year.
- HOT Funds -We received \$44K in Hotel Occupancy Tax revenue through January. Last year we received \$74K in Hotel Occupancy Tax revenue due to more early payments. We spent \$53K in Hotel Occupancy Tax funds through January as compared to \$22K last year due to wages and advertising.
- Revenue (Budgetary comparison) -The target budget for operating revenue is \$8.5 million. We received \$11.9 million in revenue through January, resulting in \$3.4 million over budget. This is a result of property taxes; which were due by January 1st and delinquent if not paid by January 31st.
- Expenditures (Budgetary comparison) - The target budget for operating expenditures is \$6.8 million. We expended \$6.3 million through January, resulting in \$499K under budget.
- Revenue (Prior year comparison) - Operating revenue received last year was \$11.3 million as compared to the current year's \$11.9 million, resulting in a \$519K increase due to property taxes, sales taxes, and investment interest.
- Expenditures (Prior year comparison) - Operating expenditures last year were \$6.1 million as compared to the current year's \$6.3 million, resulting in a \$152K increase. Additional expenditures included the Balanced Scorecard Training, the salary survey, the special

election, outside professional fees, maintenance, Child Safety grants, wages and advertising in the HOT Fund, and wages and economic development programs in the SEDA Fund.

- New Programs - A purchase order has been issued for the rescue jacks. The water, sewer, and storm management plans are still in progress, as are the Eastside Sewer and the Garfield Tank rehabilitation.

XIV. Stephenville Type B Economic Development Authority Update

Jeff Sandford, Executive Director, stated that SEDA has been utilizing Retail Coach to target specific locations in the city to gather data for future development. He stated that there are currently two LOIs (letters of interest) in Project CS, and in other developments. He expressed SEDA's support in the creation of Tax Increment Reinvestment Zones (TIRZ).

XV. CONSENT

1. City Council Minutes

- Regular City Council Meeting - 05 Feb 2019
- Special City Council Meeting - 12 Feb 2019
- City Council Work Session - 12 Feb 2019

2. Consider Approval of Order of Election (Amended)

3. Consider Acceptance of the Stephenville Fire Department's 2018 Racial Profiling Report

4. Consider Approval of Resolution No. 2019-R-08 Accepting the Garfield Ground Storage Tank Rehabilitation Project

5. Consider Approval of Resolution No. 2019-R-09 Accepting of the 10-Inch Water Meter Replacement Project

MOTION by Mark McClinton, second by Carla Trussell, to approve the consent agenda as presented.

MOTION CARRIED by unanimous vote.

XVI. Comments by City Administrator

- Council Committee Meetings - Tuesday, March 19 at 5:30 p.m.
- Last Day to Register to Vote - Thursday, April 4
- Early Voting Begins Monday, April 22

XVII. Comments by Council members

Mark McClinton wanted to remind everyone about the Zonta Penny Auction and Tastings on the Trail.

Carla Trussell wanted to remind everyone about the Heirloom Plant Fair at the museum and Rajun' Cajun.

Alan Nix said "Happy birthday, Texas" in honor of Texas Independence Day.

Brandon Huckabee wanted to remind everyone about the hamburger lunch for Backpack Buddies.

XVIII. 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

1. **Section 551.072 - Deliberations About Real Property**
2. **Section 551.087 - Deliberation Regarding Economic Development Negotiations**
 1. **Project CS**
3. **Section 551.074 - Personnel Matters**
Annual Evaluations
 1. **City Manager**
 2. **City Secretary**
 3. **City Attorney**

XIX. Action taken on items discussed in executive session (if necessary)

No action was taken.

XX. Adjourn

The meeting was adjourned at 9:55 p.m.

ATTEST:



Staci L. King, City Secretary





Doug Svien, Mayor