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## REGULAR CITY COUNCIL MEETING

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City Hall Council Chambers, 298 West Washington Street  
Tuesday, April 04, 2023 at 5:30 PM

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### MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, April 04, 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 Bob Newby  
Council Member Ricky Thurman  
Council Member David Baskett  
Council Member Gerald Cook  
Council Member Mark McClinton

**COUNCIL ABSENT:** Council Member Lon Reisman

**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

Councilman Gerald Cook led the pledges to the flags of the United States and the State of Texas.

### INVOCATION

Rev. Jim DeGraw from Grace Fellowship voiced the invocation.

### PRESENTATIONS AND RECOGNITIONS

1. Presentation of Donation from Keep Stephenville Beautiful  
Keep Stephenville Beautiful presented the City of Stephenville a donation of \$5000.00 for the Stephenville Parks and Recreation all inclusive playground.

## 2. Proclamation Recognizing Stop the Silence and Sexual Assault Awareness Month

Mayor Svien read the following proclamation:

***Whereas,** National Crime Victims' Rights Week was established in 1981 by President Ronald Reagan as part of an effort to bring attention and support to victims of crime and is being observed the week of April 23-29, 2023 with the theme of "Survivor Voices: Elevate. Engage. Effect Change." to recognize victims of crime in the United States. National Crime Victims' Rights Week provides an opportunity to recommit to ensuring that accessible, appropriate, and trauma-informed services are offered to all victims of crime; and*

***Whereas,** in 1983, April was designated National Child Abuse Prevention Month, and our community acknowledges that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, nurturing environment; and*

***Whereas,** National Sexual Assault Awareness month was first nationally recognized in April 2001 as an effort to bring awareness about sexual assault and educate communities and individuals on prevention of sexual violence; and*

***Whereas,** our community has dedicated individuals and organizations who work daily to counter the problems and provide resources to victims of violent crimes, child abuse and neglect, and sexual assault; and*

***Whereas,** since the passage of the Victims of Crime Act in 1984, and through the dedicated work of advocates, lawmakers, and victims service providers, there is a growing array of services and resources available to victims and their loved ones; and*

***Whereas,** Stop the Silence has been created to combine awareness of these causes in Erath County.*

***NOW, THEREFORE,** reaffirming this, the City of Stephenville, City of Dublin, Erath County and Tarleton State University commit to creating a victim service and criminal justice response that assists all victims of crimes throughout the year; and do hereby proclaim the week of April 23-29, 2023 as Crime Victims' Rights Week.*

The Proclamation was accepted by Laura Gabino, Executive Director of Cross Timbers Family Service.

### CITIZENS GENERAL DISCUSSION

No one came forward to address Council.

### REGULAR AGENDA

#### 1. Consider Approval of Variance Request from the City of Stephenville Code of Ordinances, Section 130.16 Sale of Alcoholic Beverages for Don Nico's Restaurant, located at 966 W. Washington

City Secretary Sarah Lockenour presented this item at tonight's Regular Council Meeting.

On March 16, 2023, the City Secretary's Office was contacted in reference to alcohol sales at Don Nico's Restaurant, located at 966 W. Washington. Chapter 130.16 of the City of Stephenville Code of Ordinances prohibits the sale of alcohol within 300 feet of a school, hospital, or church. It further states that "In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections." The GIS Manager prepared a map measuring the distance from Don Nico's Restaurant to Central Elementary School using the

parameters of the ordinance; Don Nico's Restaurant was found to be 151 feet from Central Elementary School.

Chapter 130, Section 16.4 of the Ordinance allows for the City Council to grant a variance to the distance requirements "if it determines that the enforcement of the regulations in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on the applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or, for any other reason the City Council determines, after consideration of the health, safety, and welfare of the public and the equities of the situation, that the variance is in the best interest of the community."

Venigno Mascorro, owner of Don Nico's Restaurant has requested that the Council consider granting a variance in accordance with Chapter 130.16(4) to allow for the sale of alcohol.

There was a variance to the code approved March 3, 2009, which allowed Don Nico's to obtain their TABC N/FB (Private Club Registration/Food and Beverage) Permit that expires September 13, 2023.

MOTION by Mark McClinton, second by Ricky Thurman, to approve the variance request for Don Nico's Restaurant as presented. MOTION CARRIED unanimously.

## **2. Consider Approval of Opioid Settlement with the State of Texas Office of the Attorney General**

City Manager Jason King presented this item at tonight's Regular City Council Meeting.

The Texas Attorney General has presented Settlement Participation Forms related to the agreements dated November 22, 2022, related to the Allergan Settlement; December 9, 2022 related to the CVS Settlement, December 9, 2022 related to the Walgreens Settlement; and November 14, 2022 related to the Walmart Settlement.

MOTION by David Baskett, second by LeAnn Durfey to approve the Opioid Settlement Participation Forms as presented. MOTION CARRIED unanimously.

## **PLANNING AND ZONING COMMISSION**

Steve Killen, Director of Development Services

### **3. WITHDRAWN: Case No.: RZ2023-002**

**Applicant Wayne Wooley, Representing Triple W Remodeling, LLC and JPW Consulting Co, is Requesting a Rezone of Property Located at 911 E Lewis Dr., Parcel R29808, Being S2600 CITY ADDITION; BLOCK 76; LOT 5-R of the City of Stephenville, Erath County Texas from One-And-Two-Family Residential (R-2) to Integrated Housing District (R-2.5)**

Director of Development Services Steve Killen presented this item at tonight's Regular Council Meeting.

Applicant Wayne Wooley withdrew his request to rezone property located at 911 E Lewis Dr. on March 30, 2023.

No further action at this time.

### **4. PUBLIC HEARING**

**Case No.: PD2022-009**

**Applicant Joel Allen, Representing Pecan Landing, LLC, is Requesting a Rezone of Property Located at 0 Forest Rd, Parcel R77510, Being 36.77 Acres, A0515 MOTLEY WILLIAM, of the City of Stephenville,**

**Erath County, Texas from Single Family (R-1) and One-and-Two Family (R-2) to Planned Development (PD)**

Director of Development Services Steve Killen presented this item at tonight's Regular Council Meeting.

The applicant presented the Conceptual Plan on September 20, 2022. On March 15, 2023, the applicant presented the Planned Development to the Planning and Zoning Commission. The Commission voted 4 to 1 to recommend the City Council approve the Development Plan and rezoning request.

Applicant Joel Allen addressed Council regarding the request.

Mayor opened the Public Hearing at 5:59 PM.

Thomas Hailey of 120 Greenbriar, Stephenville, addressed the Council to express concerns regarding the rezoning due to traffic and possible flooding issues.

Mayor closed the Public Hearing at 6:02 PM.

5. **Consider Approval of Ordinance Rezoning Property Located at 0 Forest Rd, Parcel R77510, Being 36.77 Acres, A0515 MOTLEY WILLIAM, of the City of Stephenville, Erath County, Texas from Single Family (R-1) and One-and-Two Family (R-2) to Planned Development (PD)**

MOTION by Gerald Cook, second by Justin Haschke, to approve Ordinance No. 2023-O-08 rezoning property located at 0 Forrest Rd, Parcel R77510, being 36.77 acres, A0515 MOTLEY WILLIAM, of the city o Stephenville, Erath County, Texas from Single Family (R-1) and One-and-Two Family (R-2) to Planned Development (PD). MOTION CARRIED unanimously.

**DEVELOPMENT SERVICES COMMITTEE**

Gerald Cook, Chair

6. **Development Services Committee Report from March 21, 2023**

Development Services Committee Chair Gerald Cook presented these items at tonight's Regular Council Meeting.

AGENDA ITEM NO. 1: Discuss Ordinance Adopting Extended Hours for the Sale and Offer to Sell Mixed Alcoholic Beverages by a Holder of a Mixed Beverages Late Hours Permit

On February 21, Mr. King, City Manager, provided an overview of a recent inquiry by a local business owner involving the sale of Mixed Beverages to extend business hours. Mr. King stated the City Council could consider an ordinance to allow extended hour sales. Such an ordinance would be for all properly licensed establishments.

The Committee requested additional information from the Police Department on how extended hours could impact public safety.

On March 21, 2023, Chief Dan Harris of the Stephenville Police Department provided an overview of data related to DWI arrests and service calls related to businesses engaging in services related to the sale of alcohol. The Development Services discussed the possibility of allowing alcohol related businesses to extend operations by 1 hour. The consensus was to not take action that would result in any modification to the current requirements.

No formal action was taken.

AGENDA ITEM NO. 2: Recommendation to Approve Contract for Professional Services to Update the City's Comprehensive and Thoroughfare Plans

Last Fiscal Year, the City Council allotted funding to engage consulting services to update the City's Comprehensive and Thoroughfare Plans. A Request-for-Proposals was issued with a submittal due date of February 15, 2023. Five firms submitted packets and a four-member Panel was formed to evaluate the submittals. The Panel selected the top three firms and conducted virtual interviews on March 3, 2023. On March 7, 2023, the City Council authorized staff to enter negotiations with specific instructions as follows:

1. To pursue negotiations with two firms, Verdunity and Lionheart Places. Verdunity will be contacted to perform the fiscal analyses/cost impacts of our current and future development trends. Lionheart will perform the remaining components of the plan.
2. If Verdunity and Lionheart decline a joint effort project, staff will be authorized to enter negotiations with the selected firm to perform the entire project.

Lionheart Places, LLC, has added a fiscal analyses component. Total cost, within the scope of the contracted services, will be \$310,000.

**7. Approve Contract to Update Comprehensive and Thoroughfare Plans**

Development Services Committee Chair Gerald Cook presented these items in the Development Services Committee Report at tonight's Regular Council Meeting.

MOTION by Gerald Cook, second by Mark McClinton, to approve the contract to update the Comprehensive and Thoroughfare Plan as presented in the Committee Report. MOTION CARRIED unanimously.

**TOURISM AND VISITORS BUREAU COMMITTEE**

LeAnn Durfey, Chair

**8. Tourism & Visitors Bureau Committee Report from March 21, 2023**

Tourism and Visitors Bureau Manager Michaela Bierman presented these items at tonight's Regular Council Meeting.

AGENDA ITEM NO. 1: HOT Funds Application - City Limits Sports Academy Tournaments

Staff presented the HOT Funds Application for City Limits Sports Academy Baseball Tournaments to the committee. The tournaments will be held in both City Limits Sports Academy facilities and the City of Stephenville Baseball Fields. An application has been submitted for each tournament (5 tournaments) each requesting \$3,800.00, resulting in a total of \$19,000.

Each application has the same information listed except for the dates. These are the dates for this season's tournaments:

- March 25-26
- April 15-16
- May 20-21

- June 10-11

- July 8-9

Attendance is estimated at total of 380 teams participating this summer. The tournaments are all day events for both days, resulting in teams and families staying in hotels, and eating and shopping locally. A questionnaire will be sent out to the hotels, retail shops, and restaurants from the organizer. Additionally, a post-event report will be given to the organizer to measure the impact of the tournaments.

MOTION by Gerald Cook, second by Bob Newby, to forward the HOT Funds Application to full Council with a positive recommendation. MOTION CARRIED unanimously.

AGENDA ITEM NO. 2: HOT Funds Application - Joe Beaver's Jr. Superstar Roping

Staff presented the HOT Funds Application for Joe Beaver's Jr. Superstar Roping to the committee. Established in 2010, this roping event will take place on April 7-9, 2023, at the 377 Arena. The initial amount of HOT Funds requested is \$15,000-30,000. However, the amount discussed to fund the event is \$5,000. In the Tourism budget, there is \$5,000 available in the 'Undesignated Grant Funds' line item.

According to the HOT Funds Application, this event will host 450+ contestants, with an attendance estimated at 1,000 people, and an estimated amount of 200 people staying in local hotels. This event will be measured by the number of entries and stall rentals at 377 Arena. Additionally, a post-event report will be given to the organizer to measure the impact of the event.

MOTION by Bob Newby, second by Lon Reisman, made the motion to forward the HOT Funds Application with the recommendation of a \$5000 award to full council with a positive recommendation. MOTION CARRIED 3:1 with Gerald Cook opposed.

**9. Consider Approval of HOT Funds Application(s) - City Limits Sports Academy**

Tourism and Visitors Bureau Manager Michaela Bierman presented these items in the Tourism and Visitors Bureau Committee Report at tonight's Regular Council Meeting.

MOTION by LeAnn Durfey, second by David Baskett, to approve the HOT Funds applications for City Limit Sports Academy for the full amount requested, \$3800.00 per tournament for five tournaments with the requirement of the post event survey be completed by the recipient. MOTION CARRIED unanimously.

**10. Consider Approval of HOT Funds Application - Joe Beaver's Superstars Roping**

Tourism and Visitors Bureau Manager Michaela Bierman presented these items in the Tourism and Visitors Bureau Committee Report at tonight's Regular Council Meeting.

MOTION by LeAnn Durfey, second by Bob Newby, to approve the HOT Funds application submitted for Joe Beaver's Superstars Roping in the amount of \$5000.00 with the requirement of the post event survey to be completed by the recipient. MOTION CARRIED 6:2 with Gerald Cook and Ricky Thurman opposed.

**NOMINATIONS COMMITTEE**

Lon Reisman, Chair

**11. Nominations Committee Report from March 21, 2023**

Nominations Committee member David Baskett presented this item at tonight's Regular Council meeting.

AGENDA ITEM NO. 1: Discuss Charter Review Committee

The Nominations Committee met on March 21, 2023, to discuss building a Charter Review Committee. The following nominations were made:

Charter Review Committee

Lonn Reisman

LeAnn Durfey

David Baskett

Bob Newby

Scott Allen

Rhett Harrison

Metta Collier

Rick Gann

MOTION by LeAnn Durfey, second by David Baskett, to move the nomination of the Charter Review Committee to full Council as presented. MOTION CARRIED unanimously.

**12. Consider Approval of the Charter Review Committee**

Nominations Committee member David Baskett presented this item in the Nominations Committee Report at tonight's Regular Council meeting.

MOTION by David Baskett, second by LeAnn Durfey, to approve the Charter Review Committee as presented in the Committee Report. MOTION CARRIED 7:1, with Ricky Thurman opposed.

**FINANCE COMMITTEE**

Justin Haschke, Chair

**13. Finance Committee Report from March 21, 2023**

Finance Committee Chair Justin Haschke presented this item at tonight's Regular Council meeting.

AGENDA ITEM NO. 1: Consider Approval to Enter into an Agreement for ClearGov Capital Budgeting, Digital Budget Book, and Transparency Software Subscription

Staff presented the ClearGov software subscription proposal for 5.5 years with a cost for FY 22-23 of \$8,700 and total cost over the contract of \$101,080. MOTION by Mark McClinton, second by David Baskett, to forward the agreement to full Council with a positive recommendation. MOTION CARRIED unanimously.

City Council approved the agreement at the Special Council Meeting held the same night.

## FINANCIAL REPORTS

Monica Harris, Director of Finance

### 14. Monthly Budget Report for the Period Ending February 28, 2023

In reviewing the financial statements ending February 28, 2023, the financial indicators are overall as or better than anticipated.

**Property Tax** - We received \$306K in property taxes in the month of February, resulting in a \$425K increase over funds collected last fiscal year to date. The amount collected is almost 94% of the budget, which is \$135K less than anticipated.

**Sales and Use Tax** - We received \$889K in sales tax in February, resulting in \$602K or 17% more than the funds collected last fiscal year to date. The amount collected is 46% of the \$9 million budget, which is \$352K higher than anticipated.

**Revenue (by Fund)** - Most of the revenue received to date is in the General Fund at 60%, Water/Wastewater Fund at 25%, and Landfill at 8%.

**Revenue (Budget vs. Actual)** - We have received 55% of the total budgeted revenues, which is over \$2.4 million more than anticipated due to taxes, charges for services, investment income, and debt proceeds.

**Revenue (Prior Year Comparison)** - We received \$1.4 million more in revenue than last year due to taxes and charges for services.

**Expenditures (by fund)** - Most of the expenditures are in the Water/Wastewater Fund at 43%, the General Fund at 36%, and the Landfill Fund at 8%.

**Expenditures (Budget vs. Actual)** - We have expended 24% of the total budgeted expenditures, which is more than \$16 million less than anticipated due to personnel, contractual and capital projects.

**Expenditures (Prior Year Comparison)** - We spent almost \$8.5 million more in expenditures than last year, the bulk of which is personnel, capital outlay, and debt service.

**SEDA Revenue Comparison** - SEDA has received an overall 49% of budgeted revenue through February, which is \$25,000 more than last year and \$58,000 more than anticipated.

**SEDA Expenditure Comparison** - SEDA has spent an overall 19% of budgeted expenditures, which is \$145,000 more than last year due to grant disbursements but \$428K less than anticipated due to capital outlay and grant disbursements.

## STEPHENVILLE ECONOMIC DEVELOPMENT AUTHORITY REPORT

Jeff Sandford, Executive Director

SEDA Executive Director Jeff Sandford addressed the Council and spoke on the ongoing developments of SEDA and growth of Stephenville. He also gave a historical recap of April 4 in history.

## CONSENT AGENDA

15. Consider Approval of Minutes - March 7, 2023 - Regular Meeting

16. Consider Approval of Minutes - March 21, 2023 - Special Meeting

17. Consider Approval to Formalize Easement for Existing Oncor Lines - East Road and East S. Loop



18. Consider Approval to Formalize Easement for Existing Oncor Lines - FM 205 at Old Granbury Road
19. Consider Approval of Expenditure for Shield Grant Program
20. Consider Approval of Expenditure for Motorola/Spillman CAD/RMS Annual Maintenance Cost

MOTION by Mark McClinton, second by Gerald Cook, to approve Consent Agenda items. MOTION CARRIED unanimously.

#### COMMENTS BY CITY MANAGER

City Manager Jason King announced the closure of City offices in observance of Good Friday, April 7, 2023. He announced a Special City Council meeting April 11 at 9:00am and the Council Committee meeting April 18 at 5:30 PM. Mr. King announced several upcoming events in Stephenville including the Larry Joe Taylor Texas Music Festival April 24-29, 2023, and the filming for 1883: The Bass Reeves Story will commence the beginning of May. Mr. King shared himself and the Mayor will attend TX-21 and the Aviation Conference later in April.

#### COMMENTS BY COUNCIL MEMBERS

LeAnn Durfey shared Thursday, April 6, 2023, is the last day to register to vote.

Justin Haschke shared Early Voting for the 2023 General Election begins April 24, 2023.

Bob Newby wished all a Happy Easter.

Ricky Thurman congratulated the Stephenville High School Yellow Jacket Soccer Team for reaching the Regional Quarter Finals and wished luck to the Stephenville Bees Soccer who will play in the regional tournament starting Friday.

David Baskett shared a good Samaritan story of City staff going above and beyond for a citizen and commented on how great Stephenville community is. He also asked all to keep the McKinney family in their prayers.

Gerald Cook shared sentiments with David about keeping the McKinney family in our prayers and commented on how well the community came together to support the McKinney family in such a tragic time. Mr. Cook shared his thoughts on how great it is that the Stephenville community is really moving forward.

Mark McClinton gave a shoutout to Nick Williams, Harold Sandel, Jason King, and the Building Department Staff who went above and beyond to help a citizen in need.

Doug Svien gave a shout out and shared appreciation to Delisi Communication for all their work on recent projects. He also shared his appreciation for the great City Council that Stephenville has.

Mayor Svien recessed the Regular City Council Meeting at 6:53 PM and convened the Executive Session at 7:03 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

21. **Section 551.074 Personnel Matters** to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: **Director of Administrative Services**
22. **Section 551.072 Deliberation Regarding Real Property** - to deliberate the purchase, exchange, lease, or value of real property, to wit: real property located in **Roberts Matthews Survey**
23. **Section 551.071 Consultation with Attorney** - to Consult Over a Pending or Contemplated Litigation

The Mayor adjourned the Executive Session at 7:35 PM and reconvened the Regular City Council Meeting at 7:35 PM.

**ACTION TAKEN ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF NECESSARY**

- 21. Section 551.074 Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Director of Administrative Services**

MOTION by Ricky Thurman, second by Bob Newby, to approve the salary for the Director of Administrative Services as presented in Executive Session. MOTION CARRIED unanimously.

- 22. Section 551.072 Deliberation Regarding Real Property - to deliberate the purchase, exchange, lease, or value of real property, to wit: real property located in Roberts Matthews Survey**

MOTION by Mark McClinton, second by Ricky Thurman, to approve and authorize staff to move forward on land acquisitions using any means necessary including eminent domain for the Airport Runway Expansion Project. MOTION CARRIED unanimously.

**ADJOURN**

Mayor Svien adjourned the Special City Council Meeting at 7:37 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.*

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Doug Svien, Mayor

ATTEST:

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Sarah Lockenour, City Secretary