



REGULAR CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, February 07, 2023 at 5:30 PM

MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, February 07, 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 Pro Tem Ricky Thurman
Council Member LeAnn Durfey
Council Member Lonn Reisman
Council Member Bob Newby
Council Member David Baskett
Council Member Gerald Cook
Council Member Mark McClinton

COUNCIL ABSENT:

Mayor Doug Svien
Council Member Justin Haschke

OTHERS ATTENDING:

Jason M. King, City Manager
Randy Thomas, City Attorney
Sarah Lockenour, City Secretary

CALL TO ORDER

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

PLEDGES OF ALLEGIANCE

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

INVOCATION

Curt Plaxco with the Stephenville Minister's Alliance voiced the invocation.

MAY 6, 2023 ELECTION

Consider Approval of the Order of Election for the May 6, 2023 General Election

MOTION by Bob Newby, second by Gerald Cook, to approve the Order of Election for the May 6, 2023, General Election. MOTION CARRIED unanimously.

Consider Approval of Contract with Erath County for Election Services

MOTION by David Baskett, second by LeAnn Durfey, to approve the contract with Erath County for Election Services. MOTION CARRIED unanimously.

CITIZENS GENERAL DISCUSSION

No one came forward for discussion.

REGULAR AGENDA

1. Consider Approval of Acquisition of New Phone System

City Manager Jason King presented this item at tonight's Regular City Council meeting. Staff recommends the acquisition of the cloud based GoTo Phone system to replace the aging on premise Mitel system. The Mitel system has already reached end of life and will reach end of support in June 2023. The current support cost for the Mitel system is approximately \$5,800/year. The initial cost of GoTo Phone will be \$7,715.50 and the monthly, ongoing cost will be \$1,544.40/month. \$10,000 was included in the FY22-23 adopted budget. The difference in cost can be absorbed in the regular IT budget.

MOTION by Mark McClinton, second by David Baskett, to approve the acquisition of the new phone system as presented by Mr. King. MOTION CARRIED unanimously.

2. Consider Approval of the 377 Elevated Storage Tank Logo

City Manager Jason King presented this item at tonight's Regular City Council meeting. At the City Council meeting July 5, 2022, Council approved Professional Services Agreement with Provenance Engineering for the 377 Elevated Storage Tank Rehabilitation Project. The city has given Stephenville ISD the opportunity to put their logo on the elevated storage tank. At this time, the City needs a back up plan for the design if Stephenville ISD does not want their logo on the storage tank. Mr. King is seeking authorization to negotiate on behalf of the city for the logo design on the 377 Elevated Storage Tank if Stephenville ISD turns down the opportunity.

MOTION by Lonnn Reisman, second by LeAnn Durfey, to authorize Jason King to negotiate on behalf of the city for the logo design on the 377 Elevated Storage Tank if Stephenville ISD turns the opportunity down. MOTION CARRIED unanimously.

3. 2022 Stephenville Police Department Racial Profiling Report

Dan Harris, Chief of Police, presented the council with the 2022 Stephenville Police Department Racial Profiling Report, as compiled by Dr. Alex Del Carmen, PhD, Del Carmen Consulting. Dr. Del Carmen's audit found that the Stephenville Police Department is in compliance and adheres to the Texas Racial Profiling Law and its requirements.

Summary of Findings (pg.26) The most recent Texas Racial Profiling Law requires that police departments perform data audits in order to validate the data being reported. Consistent with this requirement, the Stephenville Police Department has engaged del Carmen Consulting, LLC in order to perform these audits in a manner consistent with normative statistical practices. As shown in Table 6, the audit performed reveals that the data is valid and reliable. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement. While considering the findings produced as a result of this analysis, it is recommended that the Stephenville Police Department should continue to collect and evaluate additional information on motor vehicle

contact data (i.e., reason for probable cause searches, contraband detected), which may prove to be useful when determining the nature of the contacts police officers are making with all individuals. As part of this effort, the Stephenville Police Department should continue to: 1) Perform an independent analysis on contact and search data in the upcoming year. 2) Commission data audits in 2023 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported. The comprehensive data analysis included in this report serves as evidence that the Stephenville Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of Tier 2 data, and ensures that the practice of racial profiling will not be tolerated.

MOTION by Gerald Cook, second by Bob Newby, to accept the 2022 Stephenville Police Department Racial Profiling Report as presented. MOTION CARRIED unanimously.

Council expressed their gratitude for the work of Chief Harris and the entire Stephenville Police Department.

PLANNING AND ZONING COMMISSION

Steve Killen, Director of Development Services

4. PUBLIC HEARING

Case Nos.: RZ2023-001 and RP2023-001

Applicant Andrew Hansen of Swiss Management, LLC, representing John Wayland is Requesting a Rezone of Property Located at 3050 W Washington, Parcel R44948, being 13.836 Acres out of 40.740 Acres, A0613 PEARSON HENRY of the City of Stephenville, Erath County, Texas from Retail & Commercial Business (B-2) to Multi-Family Residential District (R-3) with Simultaneous Platting

Director of Development Services Steve Killen presented this item at tonight's Regular City Council meeting. The Planning and Zoning Commission convened on January 18, 2023, and by a unanimous vote, recommended he City Council approve the rezone request. If zoning request is approved, the Conveyance Plat will also be approved.

Mayor Pro Tem opened the Public Hearing at 5:56 PM.

Andrew Hanson of 457 PR 807, Stephenville, addressed the Council in favor of the rezoning.

No one addressed the Council in opposition of the rezoning.

Mayor Pro Tem closed the Public Hearing at 5:59 PM

4. Consider Approval of Ordinance No. 2023-O-04 Rezoning Property Located at 3050 W Washington, Parcel R44948, being 13.836 Acres out of 40.740 Acres, A0613 PEARSON HENRY of the City of Stephenville, Erath County, Texas from (B-2) Retail & Commercial Business to (R-3) Multi-Family Residential District with Simultaneous Platting

MOTION by Gerald Cook to table this item. Gerald Cook withdrew his MOTION.

MOTION by Gerald Cook to deny the approval of Ordinance No. 2023-O-04 rezoning property located at 3050 w Washington, Parcel R44948, being 13.836 acres out of 40.740 acres, a0613 Pearson Henry of the city of Stephenville, ERATH county, Texas from (B-2) Retail & Commercial Business to (R-3) Multi-Family Residential District with simultaneous platting. MOTION FAILED due to lack of second.

MOTION by David Baskett, second by Bob Newby, to approve Ordinance No. 2023-O-04 rezoning property located at 3050 w Washington, Parcel R44948, being 13.836 acres out of 40.740 acres, a0613 Pearson Henry of the city of Stephenville, ERATH county, Texas from (B-2) Retail & Commercial Business

to (R-3) Multi-Family Residential District with simultaneous platting. MOTION CARRIED with a 4:2 vote. Gerald Cook and LeAnn Durfey voted in opposition.

6. PUBLIC HEARING

Case No.: AS2023-001

Abandonment of 20-foot Alleyway Located in Block 8 of the Cage Addition of the City of Stephenville Authorized by Section 95.51 of the Code of Ordinances and the Sale of the Same

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

On January 3, 2023, the City Council initiated action to abandon an alleyway located East of Ivy, West of Bates and South of Elm. The Planning and Zoning Commission conducted the public hearing January 18, 2023. Several adjacent parcels were recently rezoned to R-3, Multifamily District, each of which are owned by a sole property owner. Parcel R28924, 380 Elm, is owned by another party. A 12" sanitary sewer line traverses the alley at 1273 Ivy, Parcel R28921. If approved for sale, any purchaser of the property will be required to honor the existing easement.

The Planning and Zoning Commission convened on January 18, 2023, and by unanimous vote, recommended the City Council abandon a portion of a 20-foot alleyway in the Cage Addition. The portion of alleyway to be abandoned is East of Ivy, West of Bates and South of Elm.

Mayor Pro Tem opened the Public Hearing at 6:09 PM.

No one addressed the Council in favor or in opposition of Case No.: AS2023-001

Mayor Pro Tem closed the Public Hearing at 6:10 PM.

7. Consider Approval of an Ordinance 2023-O-05 Abandoning a 20-foot Alleyway Located in Block 8 of the Cage Addition of the City of Stephenville Authorized by Section 95.51 of the Code of Ordinances and Authorizing the Sale of the Same

MOTION by Mark McClinton, second by Gerald Cook, to approve Ordinance 2023-O-05 abandoning a 20-foot alleyway located in Block 8 of the Cage Addition of the City of Stephenville authorized by Section 95.51 of the Code of Ordinances and authorizing the sale of the same. MOTION CARRIED unanimously.

PUBLIC WORKS COMMITTEE

Mark McClinton, Chair

8. Public Works Committee Report from January 17, 2023

Public Works Committee Chair Mark McClinton and Public Works Director Nick Williams presented the committee report from January 17, 2023 at tonight's Regular City Council meeting.

Agenda Item 1: Jacobs/CH2M OMI Proposed Agreement Amendment for FY 2023-2023.

The proposed amendment to the wastewater treatment plant operations agreement was discussed. It was noted the calculated, contractual rate of 8.52% was negotiated down to 3.50%. The overall increase is 10.5%, largely due to increases to the pass-through, rebateable items for sludge hauling and treatment chemical costs, results in an annual WWTP operational cost of \$934,636. It was noted \$63,678 would be made up in additional revenues to cover the cost between the proposed amount and the \$870,958 amount budgeted.

Following discussion, a motion was made by Mr. Thurman, seconded by Mrs. Durfey, to forward a positive recommendation to the full council to approve the annual operations agreement amendment as presented.

The committee voted to forward a positive recommendation to the full council to approve the annual operations agreement amendment as presented.

Agenda Item 2: Lillian 1 MG GST – Additional Repairs

The proposed agreement with Texas Aquastore, Inc. to perform repairs to the Lillian Ground Storage Tank was presented. It was noted there was \$7,508 in savings from the original project to perform repairs to the sides of the tank and that the corrosion and holes in the floor of the tank was not evident until the tank was completely taken offline, drained, and cleaned. The proposed \$129,965 will be covered by savings from the 377 Elevated Storage Tank Rehabilitation Project. It was noted the specialty panels have an approximate 36-week lead time from the date of order.

Following discussion, a motion was made by Mr. Thurman, seconded by Mrs. Durfey, to forward a positive recommendation to the full council to award the agreement as presented.

The committee voted unanimously to forward a positive recommendation to the full council to award the agreement with Texas Aquastore, Inc. as presented.

Agenda Item 3: Graham – 100 Block – TxDOT Transfer of Public Roadway

A history of the brick paving on the 100 Block of Graham Avenue, on the east side of the Erath County Courthouse, was covered. It was noted the city, in partnership with TxDOT, advance funded \$2,000,000 to replace aging utilities with the project. It was also noted that the \$11,735.67 deficit between project savings and the installation of the brick pavement would come from the FY22-23 annual street capital fund balance. A draft resolution was also presented council to transfer ownership of the 100 block of Graham Ave. from TxDOT to the City of Stephenville for review.

Following discussion, a motion was made by Mr. Baskett, seconded by Mrs. Durfey, to forward a positive recommendation to the full council to approve the transfer of ownership of the 100 block of Graham Avenue from TxDOT to the City of Stephenville as presented.

The committee voted unanimously to forward a positive recommendation to the full council to transfer ownership of the 100 block of Graham Avenue from TxDOT to the City of Stephenville as presented.

9. Consider Approval of Proposed Amendment to Annual Operations Agreement Amendment with Jacobs/CH2M OMI for Wastewater Treatment Plant Operations

Public Works Committee Chair Mark McClinton and Public Works Director Nick Williams presented this item in the Public Works Committee Report at tonight's Regular City Council Meeting.

MOTION by Mark McClinton, second by LeAnn Durfey, to approve the proposed amendment to the annual operations agreement amendment with Jacobs/CH2M OMI for Wastewater Treatment Plant operations as presented. MOTION CARRIED unanimously.

10. Consider Approval of the Transfer of the 100 Block of South Graham from TxDOT to City of Stephenville

Public Works Committee Chair Mark McClinton and Public Works Director Nick Williams presented this item in the Public Works Committee Report at tonight's Regular City Council Meeting.

MOTION by Mark McClinton, second by Gerald Cook, to approve the transfer of the 100 block of South Graham from TxDOT to City of Stephenville through Resolution No. 2023-R-04. MOTION CARRIED unanimously.

11. Consider Approval of Professional Service Agreement for Evaluation of Sanitary Sewer Basin 4-North

Public Works Director Nick Williams presented this item at tonight’s Regular City Council Meeting.

The City of Stephenville entered into a Sanitary Sewer Overflow Agreement with the Texas Commission on Environmental Quality in 2009. Terms of participation require the city to conduct an evaluation of the sanitary sewer collection system. In exchange for participation, the TCEQ withholds formal enforcement of penalties associated with Notices of Violation. The TCEQ defines a sanitary sewer overflow as “an unauthorized discharge of untreated wastewater from a collection system or its components (e.g., manhole, lift station, or cleanout) prior to reaching a treatment facility.” Overflows normally occur due to structural blockages such as debris, offset joints or partially collapsed lines. Maintenance-related issues such as root intrusion, sedimentation, and grease build-up are also significant contributors to overflow events. Nine of the ten collection system basins identified have been previously evaluated. Pipeline Analysis has performed the previous evaluations of the sanitary sewer collection system with consistency in data collection and reporting.

Staff recommends approval of the proposed professional services agreement with Pipeline Analysis, LLC. to perform an Evaluation of Sanitary Sewer Basin Four - North as allocated in the FY 22-23 budget.

The FY 22-23 adopted budget allocated \$56,725.00 to complete a sanitary sewer evaluation survey for Sewer Basin 4-N. The agreement proposes to complete the project for \$56,721.30; under budget by \$3.70. A moderate amount of staff time will be required to administer the agreement and coordinate the work.

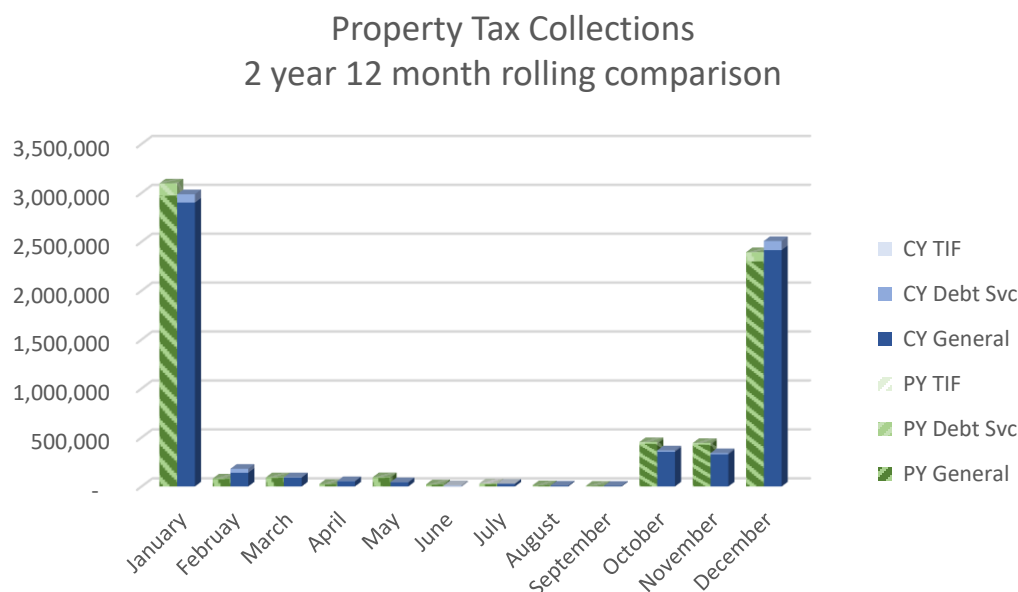
MOTION by Mark McClinton, second by LeAnn Durfey, to approve the professional service agreement for the evaluation of sanitary sewer basin 4-North with Pipeline Analysis as presented. MOTION CARRIED unanimously.

FINANCIAL REPORTS

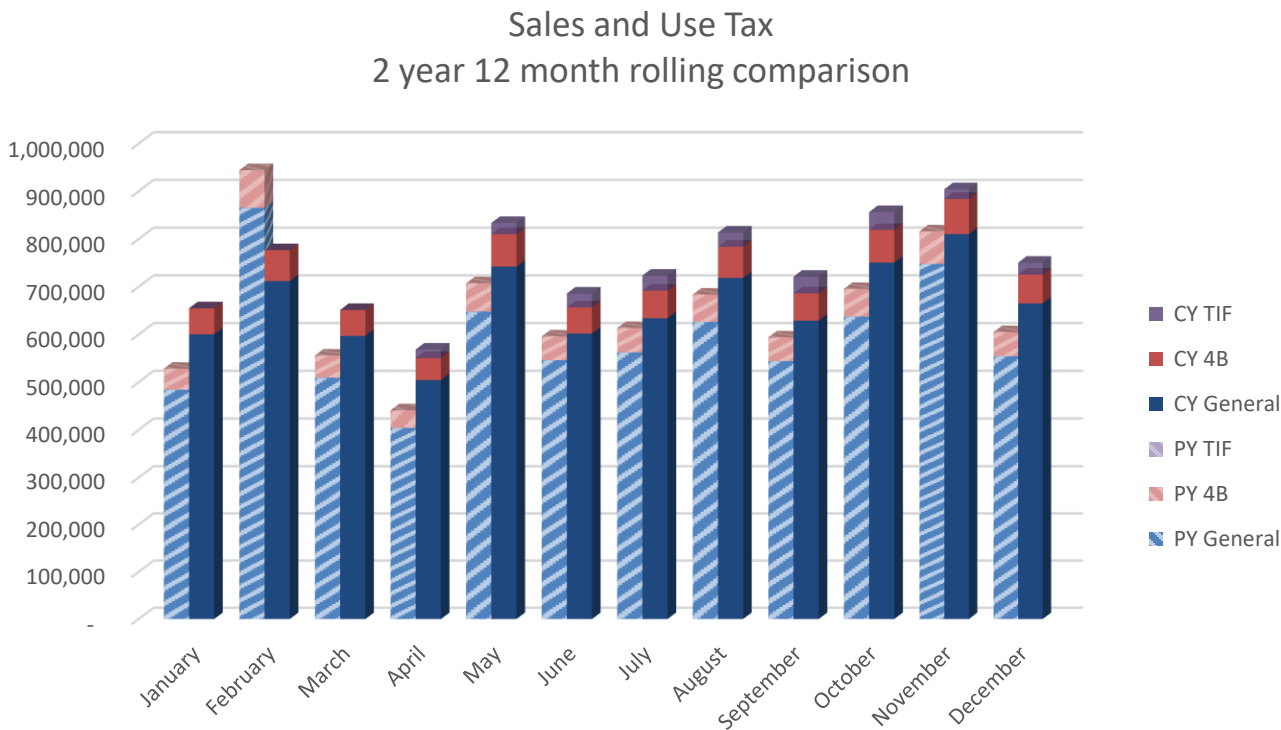
Monica Harris, Director of Finance

12. Monthly Budget and Quarterly Investment Report for the Period Ending December 31, 2022

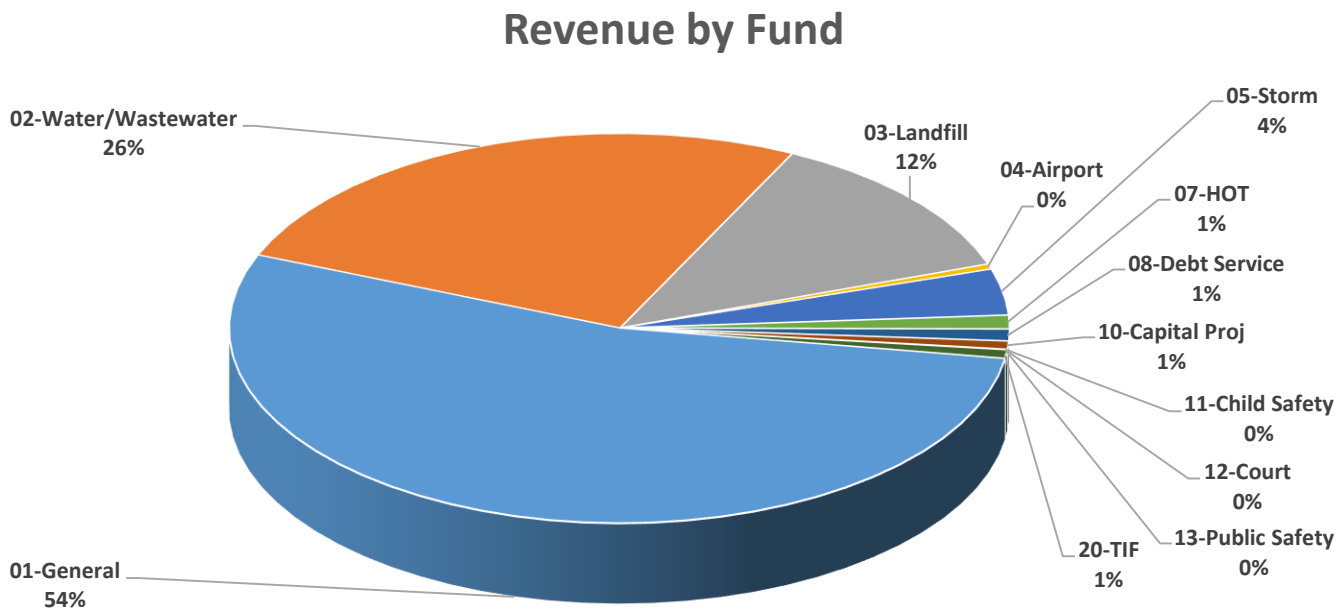
In reviewing the financial statements ending December 31, 2022, the financial indicators are overall as or better than anticipated.



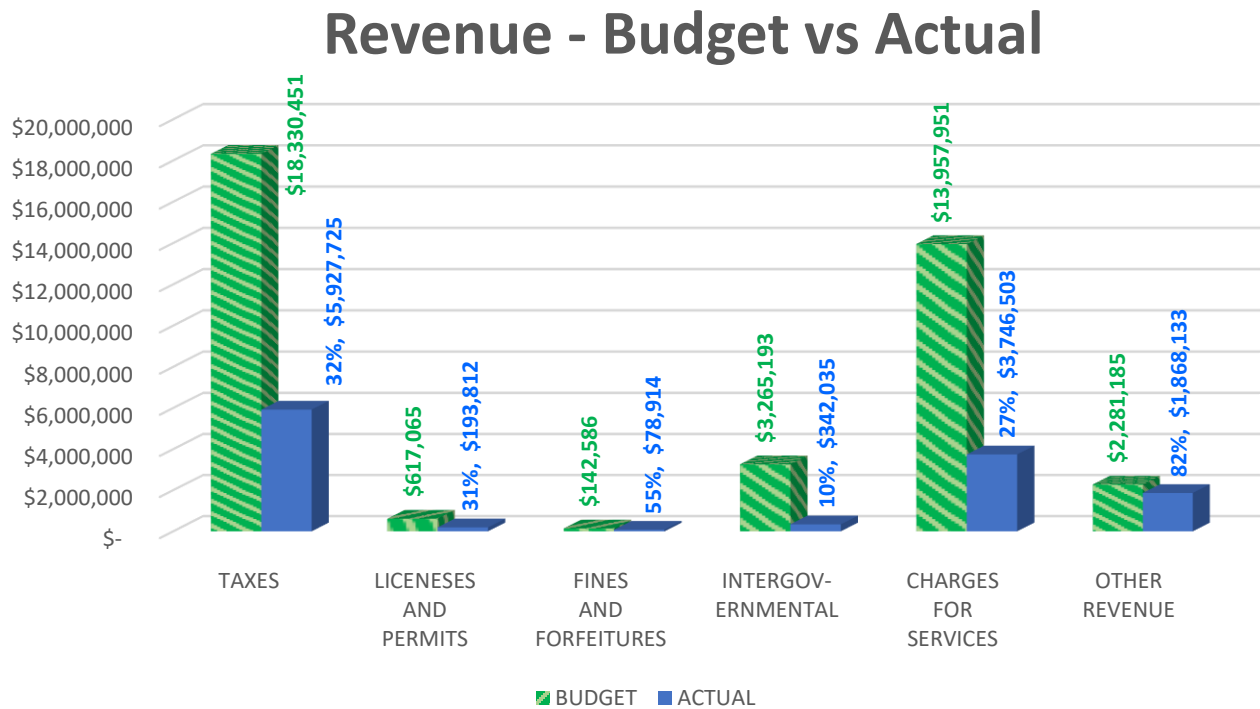
We received \$2.5 million in property taxes in the month of December, resulting in \$75K decrease over funds collected last fiscal year to date. The amount collected is almost 44% of budget, which is \$294K less than anticipated.



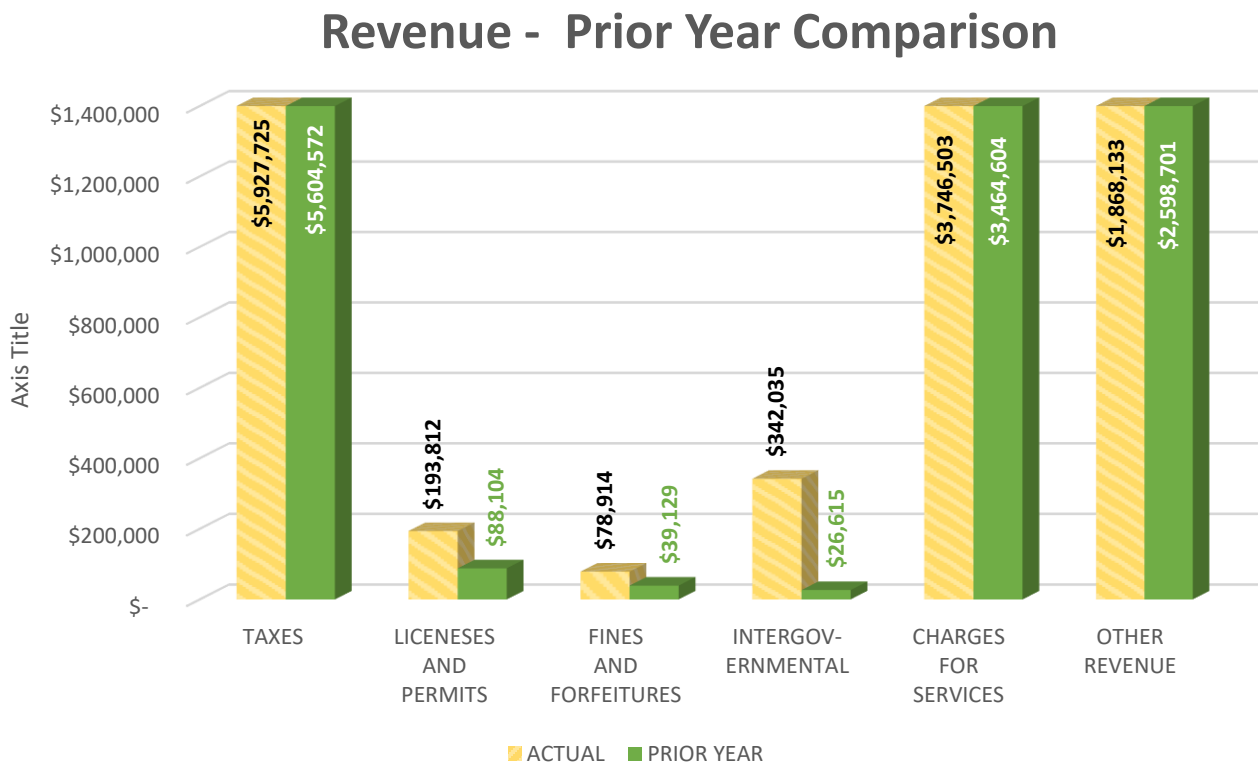
We received \$751K in sales tax in December, resulting in \$395K or 19% more than the funds collected last fiscal year to date. The amount collected is 28% of the \$9 million budget, which is \$168K higher than anticipated.



Most of the revenue received to date is in the General Fund at 54%, Water/Wastewater Fund at 26%, and Landfill at 12%.

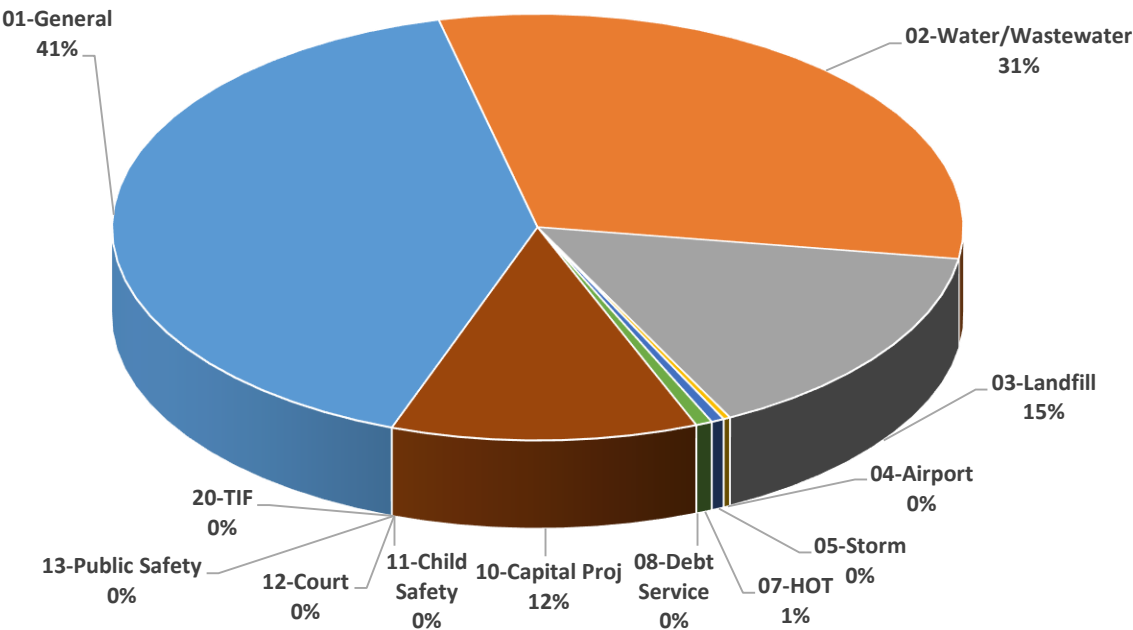


We have received 31% of the total budgeted revenues, which is over \$1.6 million more than anticipated due to charges for services, debt proceeds, and interest income.



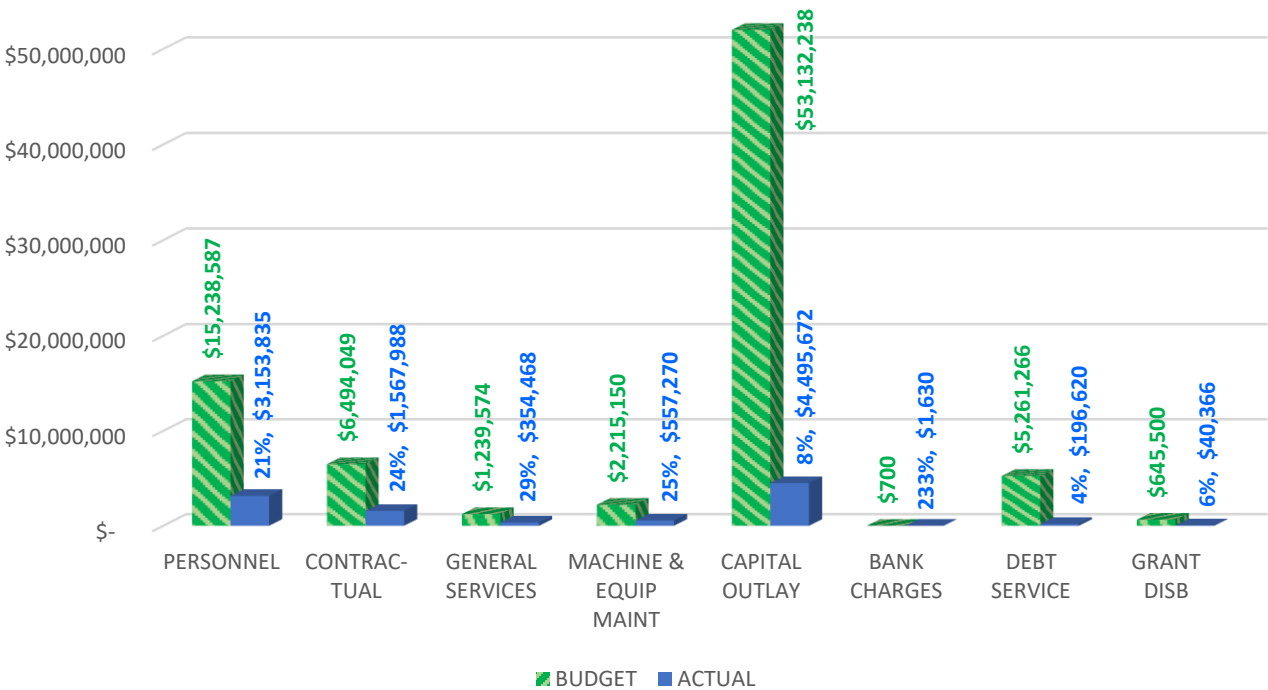
We received \$335K more in revenue than last year largely due to taxes, intergovernmental revenue, and charges for services.

Expenditures by Fund



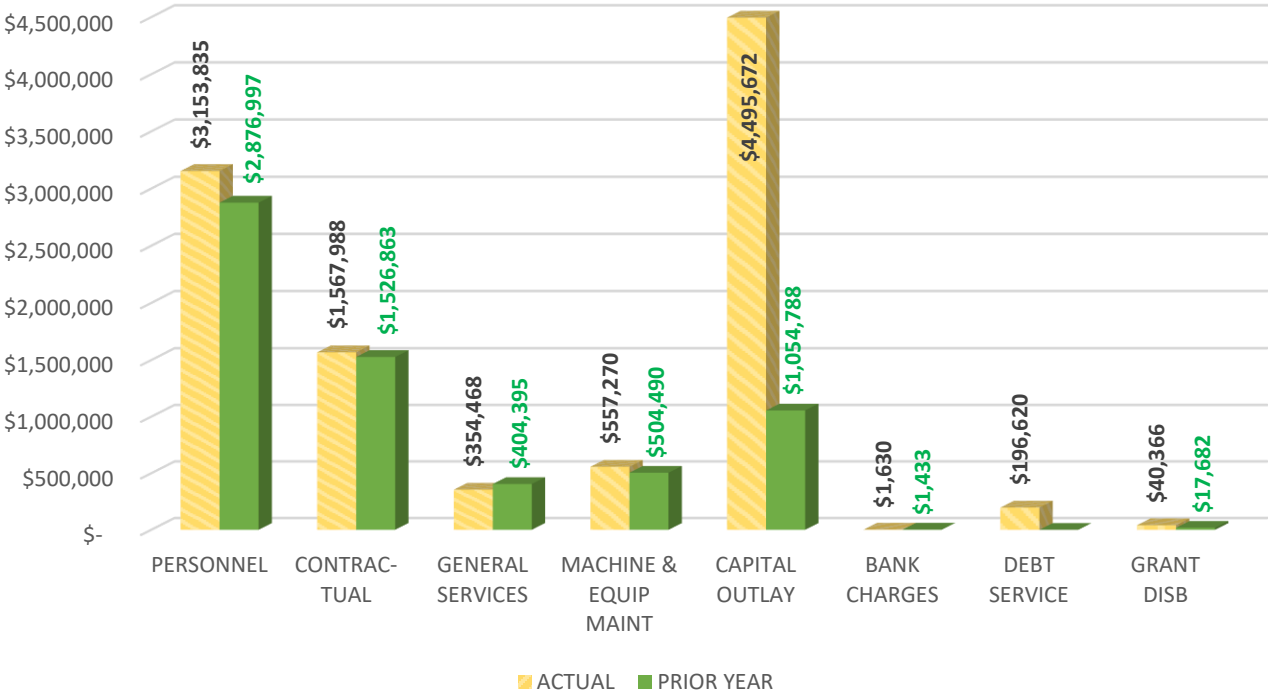
Most of the expenditures are in the General Fund at 41%, Water/Wastewater at 31%, and Landfill at 15%.

Expenditures - Budget vs Actual



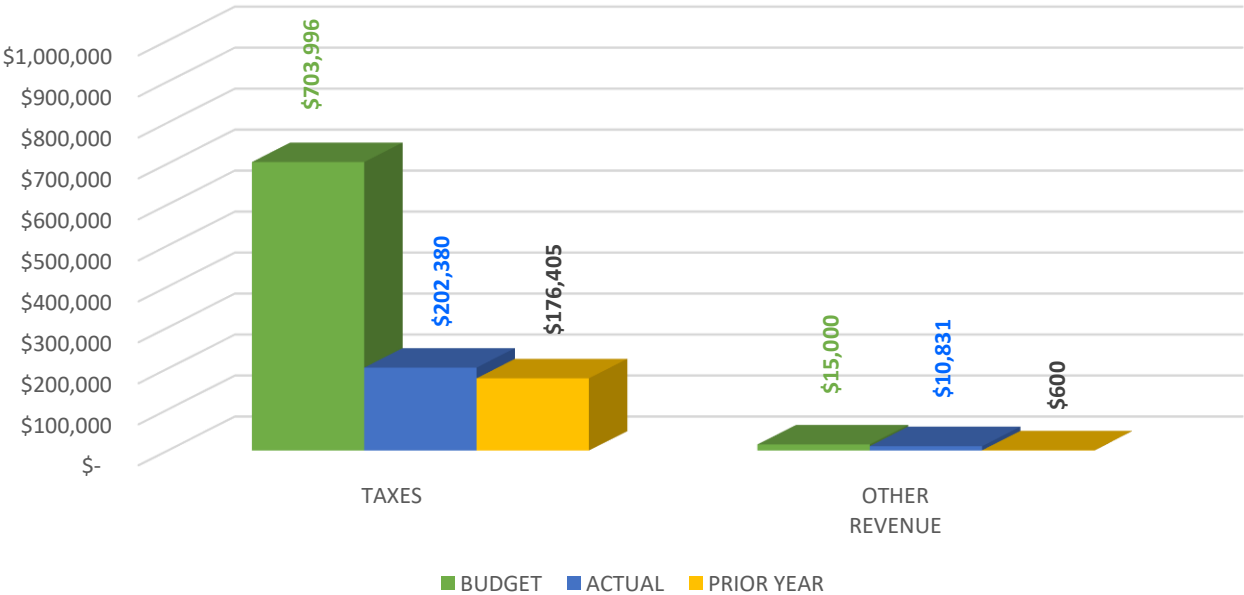
We have expended 12% of the total budgeted expenditures, which is \$9 million less than anticipated due to personnel and capital projects.

Expenditures - Prior Year Comparison

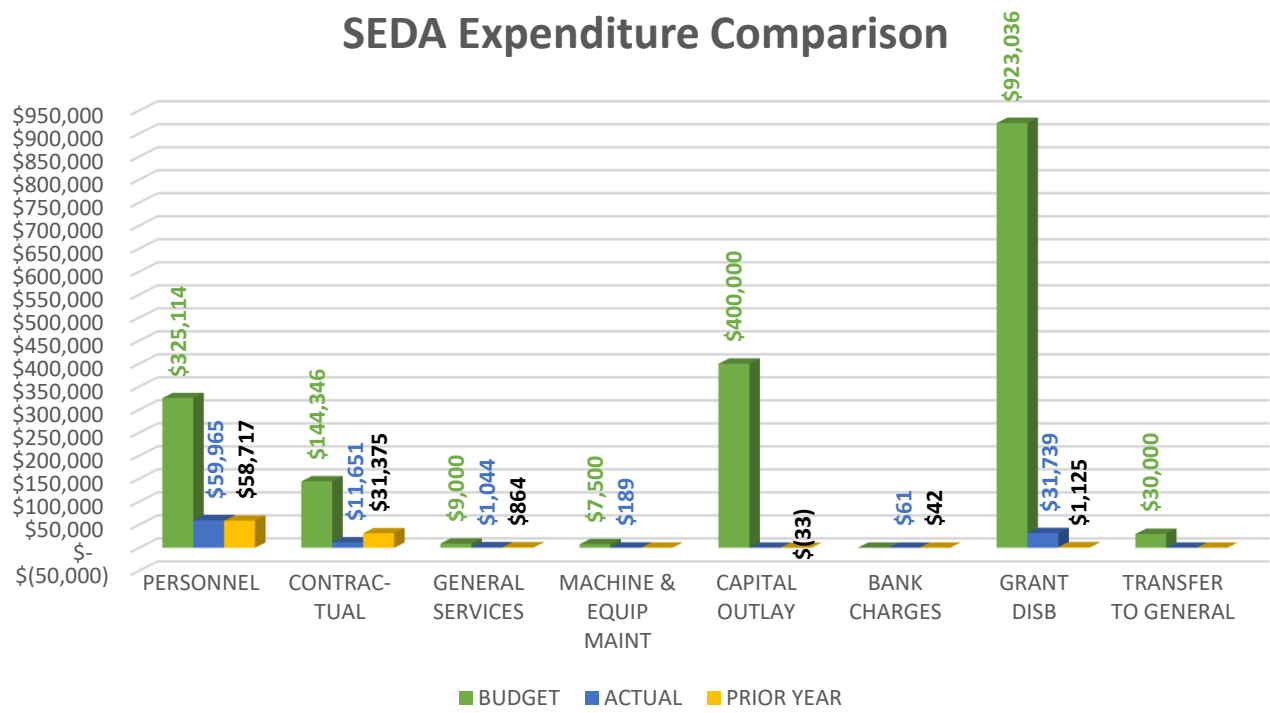


We spent almost \$4 million more in expenditures than last year, the bulk of which is personnel and capital outlay.

SEDA Revenue Comparison



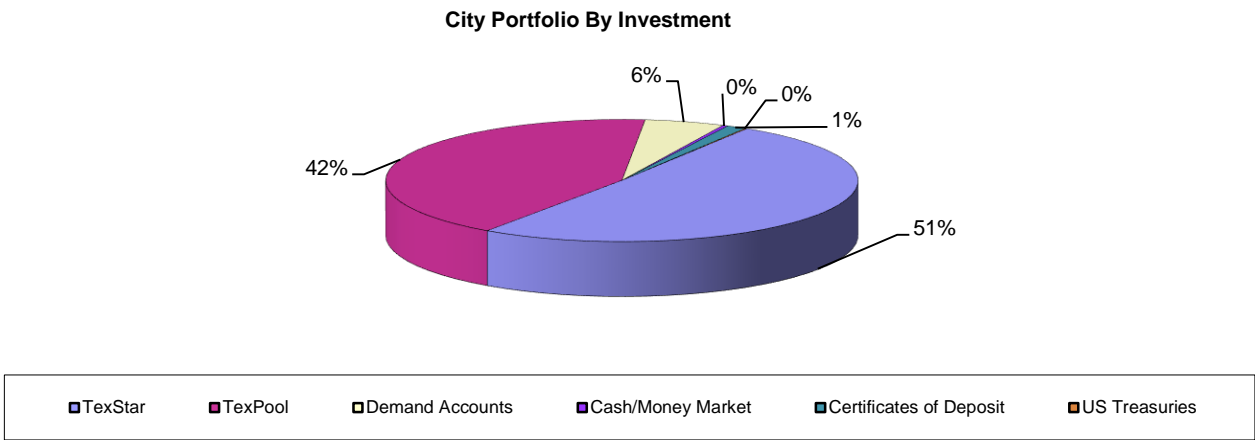
SEDA has received an overall 30% of budgeted revenue through December, which is \$36,000 more than last year and \$37,000 more than anticipated.



SEDA has spent an overall 6% of budgeted expenditures, which is \$12,000 more than last year due to grant disbursements but \$338K less than anticipated.

The City of Stephenville’s total market value of cash and investments on December 31, 2022, was \$72,268,454. This is allocated 6% in demand accounts, less than 1% in cash/money market accounts, 1% in Certificates of Deposits, less than 1% in US Treasuries, 51% in TexStar investment pool, and 42% in TexPool investment pool.

We earned \$623K in interest for the quarter. The average yield to maturity for all account types for the quarter was 2.41%. The average yield to maturity for investment accounts for the quarter was 2.66%. The average yield to maturity for a 3-month treasury bill for the quarter was 4.04%.



STEPHENVILLE ECONOMIC DEVELOPMENT AUTHORITY REPORT

Jeff Sandford, Executive Director

SEDA Executive Director Jeff Sandford addressed the Council and spoke on the ongoing projects of SEDA. He gave a birthday and historical run down of February 7.

CONSENT AGENDA

13. Consider Approval of Minutes - January 3, 2023 - Regular Meeting

14. Consider Approval of Minutes - January 17, 2023 - Special Meeting

15. Consider Approval of Minutes - January 27, 2023 - Special Meeting

16. Consider Approval to Sell Auction Items

MOTION by Mark McClinton, second by Bob Newby, to approve the Consent Agenda items. MOTION CARRIED unanimously.

COMMENTS BY CITY MANAGER

City Manager Jason King thanked all City staff that helped and worked during the January 30- February 4 ice storm. Mr. King announced City Hall will be closed February 20 to observe President's Day and a Council Committee meeting will be held February 21 at 5:30 PM. Finally, Mr. King reminded everyone that the deadline to apply for the May 6, 2023, General Election is February 17 at 5:00 PM.

COMMENTS BY COUNCIL MEMBERS

LeAnn Durfey congratulated Chief Harris and the Stephenville Police Department on their Racial Profiling Report. She thanked the Street Department for all their hard work during the ice storm.

Lonn Reisman congratulated Chief Harris and the Stephenville Police Department on their Racial Profiling Report.

David Baskett thanked all who worked during the ice storm event. He announced that the trail on Floral Street has been repaired and is back open as of today.

Gerald Cook echoed the gratitude of fellow council members regarding the ice storm. He encouraged all to be very proud of our city and remember that even if we do not always get along, it is ok. We always come together in the end.

Mark McClinton gave a special thanks to the Street Department staff for their efforts during the ice storm.

Mayor Pro Tem recessed the Regular City Council meeting at 6:37 PM and convened the Executive Session at 6:39 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

17. Section 551.071 Consultation with Attorney - to consult over a pending or contemplated litigation or a settlement offer

Mayor Pro Tem adjourned the Executive Session at 6:50 PM and reconvened the Regular City Council meeting at 6:52 PM.

ACTION TAKEN ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF NECESSARY

ADJOURN

Mayor Pro Tem adjourned the Regular City Council meeting at 6:52 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