



REGULAR CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, November 01, 2022 at 5:30 PM

MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, November 01, 2022, 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 Justin Haschke (arrived at 5:34 PM)
Council Member Bob Newby
Council Member David Baskettt
Council Member Gerald Cook
Council Member Mark McClinton

COUNCIL ABSENT:

Mayor Doug Svien

OTHERS ATTENDING:

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

CALL TO ORDER

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

PLEDGES OF ALLEGIANCE

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

INVOCATION

Pastor Melissa Castleberry of The Church at Greens Creek voiced the invocation.

PRESENTATIONS AND RECOGNITIONS

Proclamation for Stephenville Lions Club Centennial Celebration

Mayor Pro Tem read the following proclamation:

*WHEREAS, was organized on October 13, 1922, with 16 fully accredited Lions in the cage to make up the Charter;
and*

WHEREAS the first consideration of the Club was the street proposition for good, graveled streets throughout the City of Stephenville; and

WHEREAS the Stephenville Lions Club established the “Milk Cow Scholarship” in 1927 for James Earl Rudder while he attended John Tarleton Agricultural College. This scholarship enabled him to stay at Tarleton and complete degree; and

WHEREAS the Club presented basketballs and backstops to the City’s Recreation Department in 1963. The Club installed a Lion’s head drinking fountain in the Stephenville City Park in 1972; and

WHEREAS, Lions Club International was named as Knights of the Blind in the crusade against darkness by Helen Keller in 1925. The Stephenville Lions Club regularly hosts free vision screenings and collects eyeglasses to further this mission at the local level; and

WHEREAS the Stephenville Lions Club hosts their annual Spooktacular Race and residential flag program to raise funds for the Club to provide eye exams and glasses to those in need; and

WHEREAS, the Stephenville Lions Club has been serving the upbuilding of this community for over 100 years; and

NOW, THEREFORE, I, Ricky Thurman, Mayor Pro Tem of the City of Stephenville, on behalf of the Stephenville City Council and the residents of the City of Stephenville, do hereby proclaim and celebrate the 100th ANNIVERSARY OF THE STEPHENVILLE LIONS CLUB. And encourage all citizens of the City of Stephenville and Erath County to join us in celebrating 100 years of service from the Stephenville Lions Club!

The Proclamation was accepted by Gary Sult, Tail Twister and Texas Lions Camp Board Chair; Kim Reed, Director; Kari Haile, First Vice President; Matt Underwood, Immediate Past President.

CITIZENS GENERAL DISCUSSION

Announcement of Public Meeting for Linebarger Goggan Blair & Sampson, LLP

No one came forward for the Public Meeting for Linebarger Goggan Blair & Sampson, LLP.

REGULAR AGENDA

1. Consider Adopting Resolution for Landfill Compactor Financing

City Manager Jason King presented Resolution No. 2022-R-20 to enter into a Financing Agreement by and between Government Capital Corporation and the city of Stephenville for the purpose of financing Landfill Compactor and Equipment.

MOTION by Mark McClinton, seconded by LeAnn Durfey, to approve the Resolution No. 2022-R-20 as presented by Mr. King. MOTION CARRIED unanimously.

2. Consider Approval of Proposal for Repair of the Lillian 1MG Ground Storage Tank

Public Works Director Nick Williams presented this item at tonight’s Regular Council Meeting. The city maintains a 1 MG GST at the Lillian pump station. The tank is an above ground, glass-lined, bolted steel-panel tank. The tank was installed in 2001 and has developed leaks around some of the caulked joints. Texas Aquastore, Inc of Sherman, Texas submitted a proposal for the repair totaling \$102,492.00. Texas Aquastore, Inc. is the exclusive dealer for this tank. The FY22-23 adopted budget includes \$110,000 for these repairs. This amount is \$7,508.00 under the approved budget.

MOTION by Mark McClinton, seconded by Gerald Cook, to approve the proposal from Texas Aquastore, Inc. as presented. MOTION CARRIED unanimously.

3. Consider Approval to Purchase Budgeted Street Department Dump Truck

Public Works Director Nick Williams presented this item at tonight’s Regular Council Meeting. The city utilizes dump trucks as a core piece of equipment for routine maintenance hauling tree trimmings, rock base, asphalt, ditch excavation, and other materials as well as when sanding roads in preparation for weather events. A quote was received from Premier Truck Group of Fort Worth, Texas for the purchase of a Freightliner dump truck in the amount of \$108,990.00. The street department has worked with Premier to develop the specifications for the selection of this critical piece of equipment.

The FY22-23 adopted budget includes \$115,000 for the dump truck. The total purchase cost of the machine is \$108,990 leaving a positive balance of \$6,010.

MOTION by David Baskett, seconded by Mark McClinton, to approve the purchase as presented. MOTION CARRIED unanimously.

PLANNING AND ZONING COMMISSION

Steve Killen, Director of Development Services

4. PUBLIC HEARING

Case No.: RZ2022-016 Applicant Beau Mayo is requesting a rezone of property located at 0 Bates, Parcel R29961, being BLOCK 92; LOT 3 (E PT. OF) of CITY ADDITION to the City of Stephenville, Erath County, Texas from Industrial District (I) to Multi-family Residential District (R-3).

Mayor Pro Tem opened the Public Hearing at 5:43 PM.

Beau Mayo spoke IN FAVOR of the rezone. The following spoke AGAINST the rezone:

Charlie Phan

Terry Adams

Debbie Watson

Mayor Pro Tem closed the Public Hearing at 5:51 PM.

4. Consider Approval of Ordinance Rezoning Property Located at 0 Bates, Parcel R29961, being Block 92, Lot 3 (E Pt.) of the City Addition to the City of Stephenville, Erath County, Texas from Industrial District (I) to Multi-family Residential District (R-3)

MOTION by Justin Haschke, seconded by LeAnne Durfey, to approve Ordinance No. 2022-O-33 rezoning property located at 0 Bates, Parcel R29961, being Block 92, Lot 3 (E Pt.) of the City Addition to the City of Stephenville, Erath County, Texas from Industrial District (I) to Multi-family Residential District (R-3).

MOTION CARRIED unanimously.

6. PUBLIC HEARING

Case No.: RZ2022-017 Applicant Beau Mayo is requesting a rezone of property located at 378 Elm, Parcel R28920, being BLOCK 8; LOT 1&2 (E&70) of the CAGE ADDITION to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3).

Mayor Pro Tem opened the Public Hearing at 5:54 PM.

No one addressed the Council regarding this case and the Mayor Pro Tem closed the Public Hearing at 5:55 PM.

7. Consider Approval of Ordinance Rezoning Property Located at 378 Elm, Parcel R28920, being Block 8, Lots 1 & 2 (E &70) of the Cage Addition to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3)

MOTION by David Baskett, seconded by Justin Haschke, to approve Ordinance No. 2022-O-34 rezoning property located at 378 Elm, Parcel R28920, being Block 8, Lots 1 & 2 (E &70) of the Cage Addition to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3). MOTION CARRIED unanimously.

8. PUBLIC HEARING

Case No.: RZ2022-018 Applicant Beau Mayo is requesting a rezone of property located at 1273 Ivy, Parcel R28921, being BLOCK 8; LOTS 3,4,5,6,7 &8 of the CAGE ADDITION to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3).

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

No one addressed the Council regarding this case and the Mayor Pro Tem closed the Public Hearing at 5:56 PM.

9. **Consider Approval of Ordinance Rezoning Property Located at 760 College Farm Rd, Parcel R29950, 0.809 acres out of 5.490 acres, being BLOCK 91; LOT 1 & 3; & BLOCK 88; LOT 2, HOUSE & BARNS, of the CITY ADDITION to the City of Stephenville, Erath County, Texas from Industrial (I) to Multi-family Residential District (R-3).**

Due to a clerical error, the action was incorrect. The action item considered was as follows:

Consider Approval of Ordinance Rezoning Property Located at 1273 Ivy, Parcel R28921, being BLOCK 8; LOTS 3,4,5,6,7 &8 of the CAGE ADDITION to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3).

Motion by Gerald Cook, seconded by LeAnn Durfey, to approve Ordinance No. 2022-O-35 rezoning property located at 1273 Ivy, Parcel R28921, being BLOCK 8; LOTS 3,4,5,6,7 &8 of the CAGE ADDITION to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3). MOTION CARRIED unanimously.

10. PUBLIC HEARING

Case No.: RZ2022-019 Applicant Beau Mayo is requesting a rezone of property located at 1275 Ivy, Parcel R28919, being BLOCK 8; LOTS 1&2 (W70 OF 1&2) of the CAGE ADDITION to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3).

Mayor Pro Tem opened the Public Hearing at 5:59 PM.

No one addressed the Council regarding this case and the Mayor Pro Tem closed the Public Hearing at 5:59 PM.

11. **Consider Approval of Ordinance Rezoning Property Located at 1275 Ivy, Parcel R28919, being BLOCK 8; LOTS 1&2 (W70 of 1&2) of the CAGE ADDITION to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3)**

MOTION by Gerald Cook, seconded by David Baskett, to approve Ordinance 2022-O-36 rezoning property located at 1275 Ivy, Parcel R28919, being BLOCK 8; LOTS 1&2 (W70 of 1&2) of the CAGE ADDITION to the City of Stephenville, Erath County, Texas from One and Two-Family Residential District (R-2) to Multi-family Residential District (R-3). MOTION CARRIED unanimously.

12. PUBLIC HEARING

Case No.: RZ2022-021 Applicant Ophelia Mosbey is requesting a rezone of property located at 760 College Farm Rd, Parcel R29950, 0.809 acres out of 5.490 acres, being BLOCK 91; LOT 1 & 3; & BLOCK

88; LOT 2, HOUSE & BARNS, of the CITY ADDITION to the City of Stephenville, Erath County, Texas from Industrial (I) to Multi-family Residential District (R-3).

This item was pulled from the Agenda by Development Services Director Steve Killen.

13. **Consider Approval of Ordinance Rezoning Property Located at 760 College Farm Rd, Parcel R29950, 0.809 acres out of 5.490 acres, being BLOCK 91; LOT 1 & 3; & BLOCK 88; LOT 2, HOUSE & BARNS, of the CITY ADDITION to the City of Stephenville, Erath County, Texas from Industrial (I) to Multi-family Residential District (R-3).**

This item was pulled from the Agenda by Development Services Director Steve Killen.

14. PUBLIC HEARING

Case No.: RZ2022-024 Applicant Mindy Scrivner is requesting a rezone of property located at 3141 Bob White, Parcel R39977, being BLOCK 1; LOTS 6 & 7; & MH, of the S5530 QUAIL RUN SUBDIVISION to the City of Stephenville, Erath County, Texas from Single Family Residential District (R-1) to Integrated Housing District (R-2.5).

Mayor Pro Tem opened the Public Hearing at 6:02 PM.

No one addressed the Council regarding this case and the Mayor Pro Tem closed the Public Hearing at 6:03 PM.

15. **Consider Approval of Ordinance Rezoning Property Located at 3141 Bob White, Parcel R39977, being BLOCK 1; LOTS 6 & 7; & MH, of the S5530 QUAIL RUN SUBDIVISION to the City of Stephenville, Erath County, Texas from Single Family Residential District (R-1) to Integrated Housing District (R-2.5).**

MOTION by Mark McClinton, seconded by Bob Newby, to approve Ordinance 2022-O-37 rezoning property located at 3141 Bob White, Parcel R39977, being BLOCK 1; LOTS 6 & 7; & MH, of the S5530 QUAIL RUN SUBDIVISION to the City of Stephenville, Erath County, Texas from Single Family Residential District (R-1) to Integrated Housing District (R-2.5). MOTION CARRIED unanimously.

16. **Consider Approval of Revision to Chapter 154.20.2.K of the City's Zoning Ordinance**

Development Services Committee reviewed this revision at the Committee meeting September 20, 2022 with a unanimous vote to move to Planning and Zoning Commission. Planning and Zoning Commission reviewed this revision at the Commission meeting October 19, 2022 with a unanimous vote to move to Council.

MOTION by Gerald Cook, seconded by Mark McClinton, to approve Ordinance 2022-O-38 revising Chapter 154.20.2.K of the City's Zoning Ordinance. MOTION CARRIED unanimously.

DEVELOPMENT SERVICES COMMITTEE

Gerald Cook, Chair

17. **Development Services Committee Report**

Development Services Committee Chair Gerald Cook reported that the Committee met on October 18, 2022, to discuss TIRZ 1D, 1E, and 2. MOTION by Mark McClinton, seconded by David Baskett, for the three TIRZ items to be moved forward to Public Hearing on November 15, 2022. MOTION CARRIED unanimously by Committee.

On October 18, 2022, the Committee also discussed the ordinance relating to the MultiFamily Permitting and Inspection Program. MOTION by Mark McClinton, seconded by Gerald Cook, to move the ordinance with a positive recommendation forward to Council. MOTION CARRIED with David Baskett opposed.

18. **Consider Action Relating to the Multifamily Permitting and Inspection Program Funded for FY 2022-2023**

MOTION by Gerald Cook, seconded by Mark McClinton, to pull this item from tonight's agenda and send back to Committee for further discussion. MOTION CARRIED unanimously.

PERSONNEL COMMITTEE

Ricky Thurman, Chair

19. Personnel Committee Report

Personnel Committee Chair Ricky Thurman reported that the Committee met on October 18, 2022, to discuss the Performance Evaluation and Pay Policy. MOTION by Gerald Cook, seconded by Mark McClinton, to move the Policy forward to Council with a positive recommendation. MOTION CARRIED unanimously.

20. Consider Approval of Performance Evaluation and Pay Policy

MOTION by Ricky Thurman, seconded by Mark McClinton, to approve the Performance Evaluation and Pay Policy as presented. MOTION CARRIED unanimously.

Ricky Thurman thanked all Directors and staff who worked on this policy.

PUBLIC HEALTH AND SAFETY COMMITTEE

Bob Newby, Chair

21. Public Health and Safety Committee Report

Stephenville Fire Department Division Chief Scott Brinkley reported that the Committee met on October 18, 2022, to consider the contract for EMS billing with Emergicon, LLC. The city received proposals from two EMS collection firms on September 23, 2022. The proposals were evaluated and ranked based on specific weighted criteria, including experience, references, billing and collections history, reports, as well as rates and expenses. The review committee ranked each proposal independently and the results were compiled for rankings. Although the submittals were from capable firms, the submittal by Emergicon, LLC ranked the highest due the firm's experience, references, and rates.

MOTION BY Bob Newby, seconded by LeAnn Durfey to move the contract to full Council. Committee CARRIED MOTION unanimously.

22. Consider a New Contract Award for EMS Billing and Collections

MOTION by Bob Newby, seconded by LeAnn Durfey to approve contract with Emergicon, LLC as presented to Council. MOTION CARRIED unanimously.

FINANCE COMMITTEE

Justin Haschke, Chair

23. Finance Committee Report

Finance Committee Chair Justin Haschke reported that the Committee met October 18, 2022, to consider the Municipal Court Collections contract with Linebarger Goggin Blair and Sampson LLP. At the Council Committee meeting Mark McClinton made a MOTION, seconded by David Baskett, to move the contract to full council. MOTION CARRIED unanimously.

24. Consider and Possible Action to Enter into a Collection Contract with Linebarger Goggin Blair and Sampson LLP to Collect Delinquent Municipal Court Fines and Fees Pursuant to Article 103.0031 Texas Code of Criminal Procedure

Carrie Pickering and Billy Rogers with Linebarger Goggin Blair and Sampson LLP addressed the Council on the process and background of the firm on collections.

MOTION by Mark McClinton, seconded by Gerald Cook, to enter into the contract as presented for Municipal Court Collections with Linebarger Goggin Blair and Sampson LLP. MOTION CARRIED unanimously.

25. Consider and Possible action to Adopt a Resolution Authorizing Municipal Court to add a Collection Fee pursuant to Article 103.0031 Texas Code of Criminal Procedure

MOTION by Justin Haschke, seconded by LeAnn Durfey and David Baskett, to approve Resolution 2022-R-21. MOTION CARRIED by the following roll-call vote:

AYES: LeAnn Durfey, Justin Haschke, Bob Newby, Ricky Thurman, David Baskett, Gerald Cook, Mark McClinton

NOES: none

26. Consider and Possible Action to Adopt Memorandum Approving Contract with Linebarger Goggan Blair & Sampson LLP, ie Adopt the "Action Approving Contract"

MOTION by Ricky Thurman, seconded by Gerald Cook, to adopt the memorandum as presented. MOTION CARRIED unanimously.

FINANCIAL REPORTS

Monica Harris, Director of Finance

27. Monthly Budget Report and Quarterly Investment Report for the period Ending September 30, 2022

Finance Director Monica Harris presented the following:

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

• Property Tax

We received \$6K in property taxes in the month of September, resulting in \$59K or .88% increase over funds collected last fiscal year to date. The amount collected is 98.83% of budget, which is \$80K less than anticipated.

• Sales Tax

We received \$721K in sales tax in September, resulting in \$1 million or 13.5% more than the funds collected last fiscal year to date. The amount collected is 116.61% of the \$7.3 million original budget and 102.42% of the \$8.3 amended budget. This is 16.61% or \$1.2 million higher than anticipated based upon the original budget.

• Revenue (Budgetary comparison)

The target budget for operating revenue is \$33.3 million. We received \$34.1 million in operating revenue fiscal year to date, resulting in \$790K over the target budget due to sales taxes, franchise tax, hotel occupancy tax, sports venue tax, service charges, building permits, and fines and forfeitures.

• Expenditures (Budgetary comparison)

The target budget for operating expenditures is \$23.9 million. We expended \$22.8 million in operating expenditures fiscal year to date, resulting in \$1.1 million under the target budget.

• Revenue (Prior year comparison)

Operating revenue received last year was \$29.9 million as compared to the current year's \$34.1 million, resulting in a \$4.2 million increase due to property tax, sales taxes, mixed drinks tax,

franchise taxes, hotel occupancy taxes, sports venue taxes, service charges, building permits, fines and forfeitures, and interest.

- **Expenditures (Prior year comparison)**

Operating expenditures last year were \$20.4 million as compared to the current year's \$22.8 million, resulting in a \$2.33 million increase due to personnel, outside professional services, utilities, fuel, grant disbursements and maintenance.

- **Investments**

The total market value of cash and investments on September 30, 2022 was \$73,633,469. This is allocated 2% in demand accounts, 2% in Certificates of Deposits, less than .25% in US Treasuries, 49% in TexStar investment pool, and 47% in TexPool investment pool. We earned \$352,054 in interest for the quarter. The average yield to maturity for all account types for the quarter was 1.71%. The average yield to maturity for investment accounts for the quarter was 1.79%. The average yield to maturity for a 3-month treasury bill for the quarter was 2.67%.

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 wished LeAnn Durfey 'Happy Birthday' and gave a run down on the history of November 1.

Ricky Thurman congratulated Jeff Sandford on receiving the Community Economic Development Award.

CONSENT AGENDA

28. Consider Approval to Sell Auction Items

29. Consider Approval of Minutes - October 11, 2022 Regular Meeting

30. Consider Approval of Minutes - October 18, 2022 Special Meeting

31. Consider approval of online and voice response transaction fees for utility billing and court with Tyler Technologies

MOTION by Mark McClinton, seconded by Justin Haschke, to approve the Consent Agenda items.
MOTION CARRIED unanimously.

COMMENTS BY CITY MANAGER

City Manager Jason King announced upcoming holiday closures for the city: November 11, 2022 and November 24-25, 2022. Mr. King invited all to join the Stephenville Downtown Merchants Holiday Open House will be November 11, 2022 from 5:30 to 8:30 PM and the ChristmasVille Celebration and Light Parade November 26, 2022 from 9:00 AM to 8:00 PM. He announced a survey on the Stephenville Main Street Facebook account and encouraged all to participate. Finally, Mr. King announced a new iPhone/Android App that will be available soon that will allow citizens to handle business with the city.

COMMENTS BY COUNCIL MEMBERS

LeAnn Durfey encouraged all to come out to the upcoming holiday events downtown Stephenville. She announced the downtown area will start looking more like Christmas as decorations begin to go up. LeAnn congratulated Tarleton State University on its record attendance of over 20,000 at the Homecoming football game October 29, 2022.

Mark McClinton encouraged all to get out and vote.

Ricky Thurman reminded that the Stephenville ISD football game has been moved to Thursday night this week. He shared that the Big Brothers Big Sisters Dancing with the Stars fundraiser event is Thursday night and tickets are still available for those who wish to support. Ricky encouraged all to go vote – early voting is through Friday, November 4. Finally, Ricky thanked all City Staff for their support and hard work the last few weeks with all of the extra events.

The Mayor Pro Tem recessed the Regular meeting at 6:44 PM and convened the Executive Session at 6:48 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 Pearl**
- 33. Section 551.087 Deliberation Regarding Economic Development Negotiations - Project Mod**
- 34. Section 551.072 Deliberation Regarding Real Property - to deliberate the purchase, exchange, lease, or value of real property, to wit: real property located in Doss Addition**
- 35. Section 551.072 Deliberation Regarding Real Property - to deliberate the purchase, exchange, lease, or value of real property, to wit: real property located in City Addition (2 properties)**

The Mayor Pro Tem adjourned the Executive Session at 7:39 PM and reconvened the Regular meeting at 7:41 PM.

ACTION TAKEN ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF NECESSARY

- 33. Section 551.087 Deliberation Regarding Economic Development Negotiations - Project Mod**
MOTION by Mark McClinton, seconded by LeAnn Durfey to enter into the parking lot lease agreement for Project Mod. MOTION CARRIED unanimously.
- 34. Section 551.072 Deliberation Regarding Real Property - to deliberate the purchase, exchange, lease, or value of real property, to wit: real property located in Doss Addition**
MOTION by Mark McClinton, seconded by Gerald Cook to terminate the contract on real property in Doss Addition. MOTION CARRIED unanimously.

ADJOURN

The Mayor Pro Tem adjourned the Regular meeting at 7:42 PM.

Doug Svien, Mayor

ATTEST:

Sarah Lockenour City Secretary