



REGULAR CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, September 07, 2021 at 5:30 PM

MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, September 7, 2021, in the City Hall Council Chambers, 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 Daron Trussell
Council Member Ricky Thurman
Council Member Alan Nix
Council Member Gerald Cook
Mayor Pro Tem Brandon Huckabee

COUNCIL ABSENT: Council Member Brady Pendleton

OTHERS ATTENDING: Allen Barnes, City Manager
Randy Thomas, City Attorney
Staci King, City Secretary

CALL TO ORDER

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

PLEDGES OF ALLEGIANCE

Mayor Pro Tem Brandon Huckabee led the Pledge of Allegiance to the United States and Texas flags.

INVOCATION

Wayne Hancock, Cross Timbers Church of Christ, gave the invocation.

PRESENTATIONS

1. Presentation of Award to Stephenville Parks and Recreation and Stephenville ISD by the Texas Amateur Athletic Federation

Mark Lord, Executive Director, presented the TAAF Contributor's Award to Kelly Magin, Interim Superintendent, on behalf of Stephenville ISD for their partnership with Stephenville Parks and Recreation. TAAF members may nominate a non-member to be recognized for their contribution, cooperation, and support of youth recreation.

2. Presentation of Donation from Saint-Gobain Abrasives for Inclusive Playground Equipment

This item was removed from the agenda.

CITIZENS GENERAL DISCUSSION

Courtney Roach addressed the council regarding safety regulations of playscapes in the county. Allen Barnes, City Manager, told Ms. Roach to contact his office and he would assist her in making contact with the appropriate official in the county.

REGULAR AGENDA

3. Consider Approval of Changing the Date of the October Regular City Council Meeting

MOTION By Daron Trussell, second by Brandon Huckabee, to change the October Regular City Council Meeting date from Tuesday, October 5, 2021 to Monday, October 4, 2021. MOTION CARRIED by unanimous vote.

4. Consider Approval of an Ordinance Amending the City of Stephenville Policy and Procedure Manual with the Adoption of Chapter 4.13 Mental Health Leave Policy

Dan Harris, Chief of Police, presented the proposed policy to council. Senate Bill 1356 was codified and became effective September 1, 2021. It requires that police agencies create a policy to specify mental health leave for peace officers involved in traumatic events while on duty. Staff proposed a policy that would also make mental health leave available to EMTs, fire fighters, telecommunications officers, and other public safety employees that respond to traumatic events.

This item was referred to the Personnel Committee for further review.

FY 2021-2022 BUDGET

5. PUBLIC HEARING

Fiscal Year 2021-2022 Budget

Mayor Svien opened the public hearing. No one came forward to speak in favor of or opposition to the proposed FY2021-2022 budget. Mayor Svien closed the public hearing.

6. Consider Approval of an Ordinance Adopting the Fiscal Year 2021-2022 Budget

MOTION by Justin Haschke, second by LeAnn Durfey, to approve Ordinance No. 2021-O-26 adopting the Fiscal Year 2021-2022 budget. MOTION CARRIED by unanimous vote.

7. Consider Approval of an Ordinance Adopting the Fiscal Year 2021-2022 Fee Schedule

MOTION by Justin Haschke, second by Brandon Huckabee, to approve Ordinance No. 2021-O-27, adopting the Fiscal Year 2021-2022 fee schedule. MOTION CARRIED by unanimous vote.

PLANNING AND ZONING COMMISSION

Steve Killen, Director of Development Services

8. PUBLIC HEARING

Case No.: RP2021-005

Applicant is Requesting Approval of a Preliminary Replat of the Property Located at 555 Dublin Street, Parcel No. R73140, being Block 72 and 73 (pts of) of the City Addition of the City of Stephenville, Erath County, Texas

Mr. Killen briefed the Council on Case No. RP2021-005. Barron Stark Engineers, representing applicant 555 Dublin Avenue LLC, submitted a preliminary plat and appropriate submittal documents to staff. The plat meets the requirements for recordation and is currently under review by city staff. The Planning and Zoning Commission met on August 18, 2021, and made a unanimous, positive recommendation.

Mr. Killen stated that staff was recommending approval of the replat. He explained that if the replat was denied, it must be denied with conditions and the relevant section of state law must be cited.

Mayor Svien opened the public hearing.

Those speaking in opposition to the replat:

Cassie Petty, 975 Mesquite
Suzanne Stratmann, 955 Mesquite
Noni Reed, 1008 Counts
Brandy Prieto, 1010 Counts

Those speaking in favor of the replat:

None.

Mayor Svien closed the public hearing.

9. Consider Approval of a Preliminary Replat of the Property Located at 555 Dublin Street, Parcel No. R73140, being Block 72 and 73 (pts of) of the City Addition of the City of Stephenville, Erath County, Texas

MOTION by Gerald Cook, second by LeAnn Durfey, to table the replat until September 14, 2021. MOTION FAILED by the following votes:

Ayes: LeAnn Durfey, Alan Nix, Gerald Cook
Noes: Justin Haschke, Daron Trussell, Ricky Thurman, Brandon Huckabee

MOTION by Brandon Huckabee, second by Ricky Thurman, to approve Case No. RP2021-005. MOTION CARRIED with Alan Nix and Gerald Cook casting dissenting votes.

10. PUBLIC HEARING

Case No.: RP2021-006

Applicant is Requesting a Preliminary Replat of the Property Located at 0 South Harbin Drive, Parcel No. R73763, being Block 19, Lot 15 of the South Side Addition of the City of Stephenville, Erath County, Texas

Mr. Killen briefed the Council on Case No. RP2021-006. On July 21, 2021, the City Council approved rezoning the property to Planned Development District (PD) contingent upon the approval of the preliminary plat. The Planning and Zoning Commission met on August 18, 2021, and made a unanimous, positive recommendation.

Mr. Killen stated that staff was recommending approval of the replat. He explained that if the replat was denied, it must be denied with conditions and the relevant section of state law must be cited.

Mayor Svien opened the public hearing.

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

Mayor Svien closed the public hearing.

11. Consider Approval of a Preliminary Replat of the Property Located at 0 South Harbin Drive, Parcel No. R73763, being Block 19, Lot 15 of the South Side Addition of the City of Stephenville, Erath County, Texas

MOTION by Brandon Huckabee, second by Alan Nix, to approve Case No. RP2021-006. MOTION CARRIED by unanimous vote.

12. PUBLIC HEARING

Amending the City of Stephenville Code of Ordinances by the Addition of a New Zoning District to be Classified as *Integrated Housing District (R-2.5)*

Mr. Killen briefed the Council on the proposed zoning district. The Development Services Committee was tasked with reviewing Multiple-Family Residential District (R-3) to determine if changes could be made to allow for integration of trending housing choices while maintaining the integrity of existing neighborhoods.

The Development Services Committee met on July 22, 2021 and forwarded a proposed zoning district to be called the *Integrated Housing District (R-2.5)*. The Planning and Zoning Commission met on August 18, 2021, and made a unanimous positive recommendation for the creation of the *Integrated Housing District (R-2.5)*.

Mayor Svien opened the public hearing. No one came forward to speak in favor of or opposition to the Integrated Housing District (R-2.5). Mayor Svien closed the public hearing.

13. Consider Approval of an Ordinance Amending the City of Stephenville Code of Ordinances by the Addition of a New Zoning District to be Classified as *Integrated Housing District (R-2.5)*

MOTION by Brandon Huckabee, second by Gerald Cook, to adopt Ordinance No. 2021-O-28 creating Integrated Housing District (R-2.5) with the following changes:

- 1) The addition of Downtown District (DT) to Section 5.8.A
- 2) All front setbacks be set at 15 feet.

MOTION CARRIED with Alan Nix casting a dissenting vote.

14. PUBLIC HEARING

Amending the City of Stephenville Code of Ordinances, Chapter 154.05.6 *Multiple-Family Residential District (R-3)*

Mr. Killen briefed the Council on the proposed amendments to *Multiple Family Residential District (R-3)*. The creation of the *Integrated Housing District (R-2.5)* allows for changes to R-3 zoning to form two distinct zoning types. The Planning and Zoning Commission met on August 18, 2021, and made a unanimous positive recommendation for changes to R-3 zoning.

Mayor Svien opened the public hearing. No one came forward to speak in favor of or opposition to the amendments to the *Multiple Family Residential District (R-3)*. Mayor Svien closed the public hearing.

15. Consider Approval of an Ordinance Amending the City of Stephenville Code of Ordinances, Chapter 154.05.6 *Multiple-Family Residential District (R-3)*

MOTION by Brandon Huckabee, second by Daron Trussell to approve Ordinance No. 2021-O-29 amending Chapter 154.05.6 *Multiple-Family Residential District (R-3)*. MOTION CARRIED with Alan Nix casting a dissenting vote.

DEVELOPMENT SERVICES COMMITTEE

Brandon Huckabee, Chair

16. Development Services Committee Report - August 31, 2021

Brandon Huckabee, chair, gave the committee report. No action.

NOMINATIONS COMMITTEE

Gerald Cook, Chair

17. Committee Report - September 7, 2021

Gerald Cook, chair, gave the committee report.

18. Consider Approval of Appointments to the Senior Citizens Advisory Board

MOTION by Gerald Cook, second by Alan Nix, to make the following appointments:

Place 3 – Debbie Watson

Place 6 – Dana Worrell

MOTION CARRIED by unanimous vote.

FINANCE COMMITTEE

Justin Haschke, Chair

19. Finance Committee Report - August 17, 2021

Justin Haschke, chair, have the committee report. No action.

FINANCIAL REPORTS

20. Monthly Budget Report for the Period Ending July 31, 2021

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

In reviewing the financial statements ending July 31, 2021, the financial indicators are as or better than anticipated.

Property Tax - We received \$32K in property taxes in the month of July, resulting in \$146K or 2.25% increase over funds collected through last July. The \$6.62 million collected fiscal year to date is 99.64% of budget, which is fundamentally the 99.67% anticipated.

Sales Tax - We received \$614K in sales tax in July, resulting in \$1.04 million or 20.03% more than the funds collected through last July. The \$6.25 million collected fiscal year to date is 100.17% of the \$6.24 million budgeted, which is higher than the 80.91% anticipated.

HOT Funds - Lodging establishments have reported \$376K in Hotel Occupancy Taxes through July, as compared to the \$311K through last July. We have received \$82K of sports venue tax through July. We spent \$395K in Hotel Occupancy Tax funds through fiscal year to date as compared to \$142K last year due to the Day Tripper contract, gateway planning, and Moo-la fest.

Revenue (Budgetary comparison) - The target budget for operating revenue is \$24.2 million. We received \$25 million in revenue fiscal year to date, resulting in \$829K over the target budget due to sales taxes and service charges.

Expenditures (Budgetary comparison) - The target budget for operating expenditures is \$17.4 million. We expended \$16.4 million fiscal year to date, resulting in \$1 million under the target budget.

Revenue (Prior year comparison) - Operating revenue received last year was \$23.7 million as compared to the current year's \$25 million, resulting in a \$1.3 million increase due to property tax, sales taxes, and service charges.

Expenditures (Prior year comparison) - Operating expenditures last year were \$15.46 million as compared to the current year's \$16.42 million, resulting in a \$959K increase due to costs associated with COVID-19 prevention, damage claims, wages, recreation supplies, professional fees, advertising, Moo-la fest and gateway planning.

STEPHENVILLE ECONOMIC DEVELOPMENT AUTHORITY REPORT

Jeff Sandford, Executive Director

This item was removed from the agenda.

CONSENT

- 21. Approval of Minutes - August 3, 2021 Regular City Council Meeting**
- 22. Approval of Minutes - August 10, 2021 Special City Council Meeting**
- 23. Approval of Minutes - August 10, 2021 Council Work Session**
- 24. Approval of Minutes - August 31, 2021 Council Work Session**

25. **Approval of Interlocal Agreement between the North Central Texas Emergency Communications District and City of Stephenville**
26. **Approve Sale of City Property via Online Auction**
27. **Accept Bid for Utility Billing Services**
28. **Renewal of Food Inspection Services**
29. **Accept Bid for Street Renovation Materials**
30. **Approval of a Resolution Accepting the 2021 Pavement Maintenance - MicroSurfacing Project**
31. **Approval of a Resolution Accepting the 2021 Pavement Maintenance - Chip Seal Project**
34. **Approval Phase III Eastside Sewer - Professional Services Agreement Amendment**
35. **Approval of 536 Lease Agreement Renewal with Wesley Wood Cattle Company**

Items No. 32 and 33 were removed from the consent agenda.

MOTION By Justin Haschke, second by Daron Trussell, to approve the consent agenda. MOTION CARRIED by unanimous vote.

32. Approval of Professional Services Agreement with Hardin and Associates to Conduct Customer Service Inspections

Nick Williams, Director of Public Works, briefed council on the Professional Services Agreement. He explained that the agreement would assist in establishing a comprehensive backflow prevention/cross-contamination control program to ensure TCEQ compliance in the water system.

MOTION by Ricky Thurman, second by Alan Nix, to approve a Professional Services Agreement with Hardin and Associates. MOTION CARRIED by unanimous vote.

33. Approval of Long Street Reconstruction - Professional Services Agreement

Nick Williams, Director of Public Works, gave additional information and answered Council's questions regarding the reconstruction of Long Street.

MOTION by Justin Haschke, second by LeAnn Durfey, to approve a Professional Services Agreement with Freese and Nichols, Inc. for the reconstruction of Long Street. MOTION CARRIED by unanimous vote.

COMMENTS BY CITY MANAGER

- Tuesday, September 14 – Special City Council Meeting to Adopt the Tax Rate
- Tuesday, September 21 – Council Committee Meetings
- Tuesday, September 28 – Council Work Session

COMMENTS BY COUNCIL MEMBERS

Justin Haschke sent thoughts and prayers to the Hughes Family and their brothers and sisters in the Stephenville Fire Department.

Ricky Thurman commended Kelli Votypka, Director of Parks and Leisure Services, for thinking outside of the box to find creative funding mechanisms for her department.

Gerald Cook reminded everyone of the 9/11 Ceremony at Tarleton in honor of the 20th anniversary.

Brandon Huckabee thanked everyone who attended the council meeting. He encouraged citizens to ask questions and reach out to him any time. He also expressed his condolences for the Hughes family.

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

36. Section 551.087 *Deliberation Regarding Economic Development Negotiations - Project Blue*
37. Section 551.087 *Deliberation Regarding Economic Development Negotiations - Project Rooftop*
38. Section 551.072 *Deliberation Regarding Real Property - to deliberate the purchase, exchange, lease, or value of real property - 800 block N. Lillian Street*
39. Section 551.074 *Personnel Matters - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Municipal Court Judge*
40. Section 551.074 *Personnel Matters - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Fire Chief*

Mayor Svien called the meeting into executive session at 7:19 p.m.

Mayor Svien called the meeting into regular session at 9:21 p.m.

ACTION TAKEN ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF NECESSARY

Section 551.087 *Deliberation Regarding Economic Development Negotiations - Project Blue*

MOTION by Justin Haschke, second by LeAnn Durfey, to authorize staff to negotiate economic development incentives with Project Blue. MOTION CARRIED by unanimous vote.

Section 551.087 *Deliberation Regarding Economic Development Negotiations - Project Rooftop*

MOTION by Daron Trussell, second by Brandon Huckabee, to authorize staff to negotiate development incentives with Project Rooftop. MOTION CARRIED by unanimous vote.

Section 551.072 *Deliberation Regarding Real Property - to deliberate the purchase, exchange, lease, or value of real property - 800 block N. Lillian Street*

MOTION by Justin Haschke, second by Brandon Huckabee, to exchange the 800 block of North Lillian Avenue for consideration as discussed in executive session. MOTION CARRIED by unanimous vote, with Council Member Trussell abstaining due to a conflict of interest.

Section 551.074 *Personnel Matters - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Municipal Court Judge*

MOTION by Ricky Thurman, second by Alan Nix, to approve the renewal of a contract with Richard Petronis for Municipal Court Judge for a period of two years. MOTION CARRIED by unanimous vote.

Section 551.074 *Personnel Matters - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: Fire Chief*

No action taken.

ADJOURN

The meeting was adjourned at 9:21 p.m.





Doug Svien, Mayor

ATTEST:



Staci L. King, City Secretary

AFFIDAVIT OF CONFLICT OF INTEREST

STATE OF TEXAS §

COUNTY OF ERATH §

RE: Agenda Item No. 36, September 7, 2021

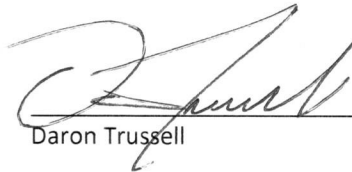
I, Daron Trussell, as a local public official for the City of Stephenville make this affidavit and hereby on oath state the following: I and/or a person or persons related to me in the first degree by consanguinity or affinity, have/has a substantial interest in a business entity that would be peculiarly affected by a vote or decision of the Stephenville City Council as those terms are defined in the Local Government Code, Section 171.004:

I, Daron Trussell, have a substantial interest in this business entity or real property for the following reasons: (check all which are applicable)

- Ownership of 10% or more of the voting stock or shares of the business entity.
- Ownership of either 10% or more of the voting stock or shares or of the fair market value of the business entity or owns \$15,000 or more of the fair market value of the business entity.
- Funds received from the business entity exceed 10% of gross income for the previous year.
- Real property is involved and have an equitable or legal ownership with a fair market value of \$2,500 or more.
- Related to a person in the first degree by consanguinity or affinity having a substantial interest in the business entity or property that would be affected by a decision of the public body of which I am a member.

Upon filing of this affidavit with the City Secretary's Office, I affirm that I will abstain from voting on any decision involving this business entity or real property and from any further participation on this matter whatsoever. I understand under Section 171.003 that a local public official commits an offense if he/she knowingly violates Section 171.004; acts as surety for a business entity that has work, business, or a contract with the governmental entity; or acts as surety on any official bond required of an officer to the governmental entity; and that an offense under this section is a Class A misdemeanor, which carries a penalty of a fine not to exceed four thousand dollars (\$4,000.00), or confinement in jail for a term not to exceed one (1) year, or both.

Signed this the 7th day of September, 2021.

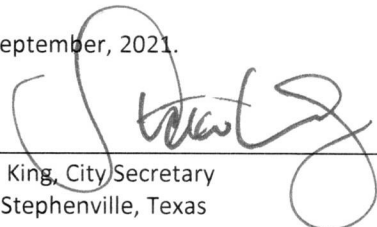


Daron Trussell

BEFORE ME, the undersigned authority, this day personally appeared Daron Trussell, and on oath stated that the facts hereinabove stated are true to the best of his/her knowledge or belief.

SWORN to and subscribed before me on this the 7th day of September, 2021.





Staci L. King, City Secretary
City of Stephenville, Texas