



REGULAR CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, September 06, 2022 at 5:30 PM

MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, September 06, 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 Doug Svien
Council Member LeAnn Durfey
Council Member Justin Haschke
Council Member Ricky Thurman
Council Member David Baskett
Council Member Gerald Cook
Council Member Mark McClinton

COUNCIL ABSENT: Council Member Bob Newby

OTHERS ATTENDING: Jason M. King, City Manager
Randy Thomas, City Attorney
Terri Johnson, Interim City Secretary

CALL TO ORDER

The Mayor 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 of America and the State of Texas.

INVOCATION

Curt Plaxco, Pastor at the Church of the Nazarene and President of the Stephenville Minister's Alliance led the invocation.

PRESENTATIONS AND RECOGNITIONS

Presentation of Check from B T Rhodes with Waste Connections

B T Rhodes, Account Manager with Waste Connections presented a check for \$10,000 to the Stephenville Parks and Recreation Department to help fund the Inclusive Playground being constructed. These proceeds came from the 2nd Annual Golf Tournament held for this playground.

Acknowledge Receipt of Donation to Stephenville Police Department

Police Chief Dan Harris acknowledged the receipt of a donation of \$30,000 to the Stephenville Police Department from Country Music Recording Artist Koe Wetzel. He reported that Wetzel held a pop-up concert at a local facility and wanted the proceeds to benefit the SPD. Harris reported that the funds will be used for upgraded body armor for all officers and members of the Stephenville Police Department. Chief Harris thanked Council Member Durfey for her all of her help.

Proclamation for Constitution Week, September 17-23, 2022

Mayor Svien read a proclamation naming the week of September 17-23, 2022 as Constitution Week, requested by the Local Chapter of the Daughters of the American Revolution. Some of the members of the local chapter were in attendance.

CITIZENS GENERAL DISCUSSION

The following citizens were given three (3) minutes to speak to the City Council:

- 1) Joe Carter, 244 N Vine Street, gave handouts to the Council and discussed the proposed parking plan and the effect it would have on the tree. The handout listed questions that he would the Council to answer.
- 2) Bobbie Carter, 244 N. Vine Street, spoke on the big old live oak tree on the Vine Street location for the new Senior Citizens Center. She presented statements about the history of three pre-settlement and still-living live oak trees that had possibly been here for 250 years or more. Two are within the City limits and one is located outside the City limits on Hy 108 North.
- 3) Kim Roberts, 625 CR 180, spoke to the Council on issues with the construction of the new Senior Citizens Center further damaging the tree, as well as pros/cons of the location, parking and accessibility.
- 4) Carol Dismukes, 1892 FM 2481, Bluff Dale, asked the Council to please choose another location for the Senior Center in order to protect the roots of the tree.
- 5) Meghan Peoples, 610 N. Park Street, Dublin, read an email from Courtney Blevins with the Texas Forest Service at Texas A&M University. The email addressed the potential development impact on the large historic Live Oak tree at 244 North Vine Street.

Mayor Svien thanked all of the speakers for their comments and announced that alternative sites were being discussed.

REGULAR AGENDA

1. Consider Approval of Resolution Naming Stage at Birdsong Amphitheater

The Mayor read Resolution #2022-R-16 naming the stage at the Birdsong Amphitheater in honor of Doug Montgomery.

Motion by Mayor Svien, second by LeAnn Durfey to approve Resolution #2022-R-16 naming the stage at the Birdsong Amphitheater in honor of Doug Montgomery. MOTION CARRIED unanimously.

Mr. Montgomery was in attendance and made a few remarks about his passion for bringing live music to the community. His family was in attendance and photos were taken.

Mayor Svien moved Item #9 up on the agenda.

9. Consider Approval of Contract with Retail Strategies

LeAnn Durfey introduced Jenn Gregory and Courtney Hall with Retail Strategies.

Courtney Hall explained that Retail Strategies was a community development firm, and they would like to partner with the City of Stephenville for the Downtown area.

The cost of the partnership would be \$45,000 for the first year which would include development and implementation of a five-year plan. Each following year would be an additional \$25,000. There would be no penalty at any time if the City ended the partnership.

Motion by LeAnn Durfey, second by David Baskett to approve the partnership with Retail Strategies for a total of three (3) years at a cost of \$45,000 for the first year plus \$25,000 for each additional year to be paid out of Tourism funds. MOTION CARRIED unanimously.

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

City Manager Jason King explained that the Annual TML Conference is held the first week of October and in the past the City Council has moved their October Regular Meeting scheduled for the first Tuesday of each month to another date. He recommended that the Tuesday, October 4th Regular City Council Meeting be moved to Tuesday, October 11th.

MOTION by Mark McClinton, second by Gerald Cook, to move the Regular City Council Meeting from October 4th to October 11th. MOTION CARRIED unanimously.

3. Consider Approval of an Order Cancelling the November 8, 2022 Special Election

Interim City Secretary announced that she had forwarded a Certification of Unopposed Candidates to the Mayor and Council. There was only one person applying for a place on the ballot for the Special Election in November to fill the unexpired term of Council Member, Place 3. She recommended that the Council cancel the election.

MOTION by Mayor Svien, second by Mark McClinton, to cancel the November 8, 2022 Special Election. MOTION CARRIED unanimously.

4. Consider Approval of the City of Stephenville and SISD School Resource Officer Annual Memorandum of Understanding 2022-2023

Chief Harris spoke on this item and stated that there were no changes from last year's agreement. The SISD School Board approved this Memorandum of Understanding at their meeting on August 15, 2022. The mission of the SRO program under this agreement is to place community policing officers in designated schools within the SISD. This MOU is valid for the 2022-2023 school year.

He reported that the City will provide one patrol car for each SRO and one that is equipped for K-9 operations. In addition, the City will provide uniforms and equipment along with required training. All personnel costs and recurring K-9 equipment is the responsibility of the SISD.

Mayor Svien asked if this was an adequate number of officers and Chief Harris reported that SISD would like to have one per school. He also stated that the Guardian Program would be utilized this year.

MOTION by Ricky Thurman, second by Mark McClinton, to approve the City of Stephenville and SISD School Resource Officer Annual Memorandum of Understanding 2022-2023. MOTION CARRIED unanimously.

5. Consider Engaging United Cooperative Services to Provide the Electrical Service for the 536 Wellfield

Nick Williams, Public Works Director, explained that the 536 Wellfield Wells Project includes the construction of five (5) deep water production supply wells. United Cooperative Service is the electric service provider for this area. The work consists of pole installation and 7,000 LF of three-phase overhead electric line and fifteen transformers to service five water wells.

The electrical construction project has an estimated timeline of 10 weeks and was estimated to cost \$210,000. The budgetary estimate document provided by United Cooperative Services is for \$171,397.39. The wellfield funds are available from proceeds from the sale of bonds in April 2022 and the wellfield project continues to remain within budget.

MOTION by Mark McClinton, second by Gerald Cook, to approve engaging United Cooperative Services to provide the electrical service for the wellfield on the 536-acre site as presented. MOTION CARRIED unanimously. (Justin Haschke had stepped away from the meeting for a short period and was not present to vote on this item.)

6. Consider Granting United Cooperative Services easements to provide the electrical service for the 536 Wellfield

Mr. Williams explained that these easements were necessary to allow USC to have the ability to access the lines for maintenance and to ensure an efficient response during any emergency conditions. The Cooperative will own the electric infrastructure.

He reported that the easement agreement had been reviewed by the City Attorney.

MOTION by Mark McClinton, second by David Baskett, to grant United Cooperative Services easements to provide the electrical service for the wellfield on the 536-acre site. MOTION CARRIED unanimously.

7. Consider Approval of Sixth Amendment with Waste Connections for Fuel Surcharge Table

Public Works Director Williams told the Council that the existing agreement with Waste Connections utilized a fuel surcharge/refund schedule with a top average monthly price of \$5.00 per gallon. Because fuel prices have risen above \$5.00 per gallon, the proposed amendment simply extends the existing fuel surcharge/refund schedule.

The agreement proposes a minimum \$65 fee to the customer for repair or replacement of damaged containers, not to exceed replacement cost. The fee is not applicable when damage results from events outside the control of the customer. If approved by Council, the Fee Schedule will be modified accordingly.

Sean Dowden, District Manager for Waste Connections was present and answered questions from the Council.

MOTION by Mark McClinton, second by David Baskett, to approve the sixth amendment with Waste Connections for the Fuel Surcharge Table as presented. MOTION CARRIED unanimously.

8. Consider Approval of Budget Amendments for Fiscal Year ending September 30, 2022 (This item removed by the Mayor.)

9. This item was moved up on the agenda to follow Item #1.

10. Consider Approval of Appointments to Council Committees

Mayor Svien announced that Lonn Reismann would be sworn in sometime in November as Council Member for Place 3. At that time, the Mayor will appoint him as Chair of the Nominations Committee. Current Interim Chair for the Parks and Leisure Services Committee David Baskett will become the permanent chair of that committee.

Mr. Reismann will also serve on Parks and Leisure Services Committee, the Public Health and Safety Committee, and the Tourism and Visitors Bureau Committee after he has been sworn in as a member of the City Council.

PLANNING AND ZONING COMMISSION

Steve Killen, Director of Development Services

11. PUBLIC HEARING

Case No.: RZ2022-015

Applicant Kellie Welch is requesting a rezone of property located at 689 Race, Parcel R32534, being BLOCK 1; LOT 1A of MILLICAN & OTT ADDITION to the City of Stephenville, Erath County, Texas from Single Family Residential District (R-1) to Integrated Housing (R-2.5)

Development Services Director Steve Killen reviewed this item for the Council. Future land use for this parcel is single family; however, current lot dimensions (approximately 50x105) do not meet the minimum lot dimensions required for R-1 zoning (75x100). The intended project will include the removal/demolition of an existing structure and construction of a duplex style home. The P&Z Commission met on August 17, 2022 and by a unanimous vote, recommended the City Council approve the rezoning request.

The Mayor opened the Public Hearing at 6:17 PM.

No one addressed the Council regarding this issue and the Mayor closed the Public Hearing at 6:17 PM.

11. Consider Approval of Ordinance Rezoning Property Located at 689 Race, Parcel R32534, Being Block 1, Lot 1A, of Millican & Ott Addition to the City of Stephenville, Erath County, Texas, from Single Family District (R-1) to Integrated Housing District (R-2.5)

MOTION by Mark McClinton, second by Gerald Cook, to approve Ordinance No. 2022-O-25 rezoning property located at 689 Race, Parcel R32534, being Clock 1, Lot 1A, of Millican & Ott Addition to the City of Stephenville, Erath County, Texas, from Single Family District (R-1) to Integrated Housing District (R-2.5). MOTION CARRIED by a unanimous vote.

12. Consider Approval of Ordinance Amending Permitted Uses within the Industrial Zoning District

Director Killen gave a brief background on this issue and reported that the Planning & Zoning Commission held a public hearing on August 17, 2022. No public comment was received. After discussion among the Commission members, the P&Z voted to deny the proposed revisions to amend permitted used within the Industrial Zoning District to allow alcohol sales.

He explained there were three (3) alternatives that the City Council could take:

- 1) Accept the recommendation from the Planning and Zoning Commission

- 2) Overturn the Planning and Zoning Commission and approve the proposed revisions to the Industrial District
- 3) Reassign the task to the Planning and Zoning Commission

MOTION by Gerald Cook, second by Mark McClinton to overturn the Planning and Zoning Commission and approve Ordinance No. 2022-O-26 amending the permitted uses within the Industrial Zoning District. MOTION CARRIED by a unanimous vote.

TOURISM AND VISITORS BUREAU COMMITTEE

LeAnn Durfey, Chair

- 14. Tourism and Visitors Bureau Committee Report** (The Mayor removed this item from the agenda.)

PARKS AND LEISURE SERVICES COMMITTEE

David Baskett, Interim Chair

- 15. Parks and Leisure Services Committee Report**

- 16. Consider Approval of Techline Sports Lighting as the Contractor for City Park Light Pole and Athletic Field Light Project**

David Baskett, Interim Chair of the Parks and Leisure Services Committee, called on Daron Trussell, Director of Parks and Leisure Services to present this item.

Mr. Trussell reported that at the Council Committee meeting held on August 16th, the Parks and Leisure Services Committee had unanimously recommended approval of awarding this project to Techline Sports Lighting as the contractor for the City Park Light Pole and Athletic Field Lighting project. The total cost for this project for seven (7) athletic fields is \$1,017,000 and will consist of brand-new LED lighting on each field. The money will come from the Sports Venue funding of \$2 million.

MOTION by David Baskett, second by LeAnn Durfey to approve Techline Sports Lighting as the contractor for City Park Light Pole and Athletic Field Lighting project. MOTION CARRIED unanimously.

PUBLIC WORKS COMMITTEE

Mark McClinton, Chair

- 17. Consider Approval of Professional Services Agreement Landfill Permit Application**

Public Works Committee Chair Mark McClinton reported that the Committee met on August 16, 2022 to consider this item.

Public Works Director Nick Williams explained that a professional services agreement from Biggs and Mathews, Inc. was presented to provide for an application for a "Limited Scope Amendment" permit application to recover unused air space by expanding the Type IV waste disposal area and thereby extending the life of the landfill. He noted that the increased life of the landfill would be 50+ years depending on the volume of waste received. The cost of \$80,000 will be absorbed from the approximately \$1.3 million Landfill Fund balance.

The Public Work Committee voted unanimously to forward a positive recommendation to the full council for approval of the professional services agreement with Biggs and Mathews, Inc. as presented.

MOTION by Mark McClinton, second by Ricky Thurman, to accept the Professional Services Agreement with Biggs and Mathews, Inc. for the Landfill Permit Application at a cost of \$80,000. MOTON CARRIED unanimously.

DEVELOPMENT SERVICES COMMITTEE

Gerald Cook, Chair

- 18. Development Services Committee Report**

Development Services Committee Chair Gerald Cook reported that the Committee had discussed the impact of amending the permitted uses in Industrial Zoning Districts to include alcohol sales at their meeting held August 16, 2022. No action was taken by the Committee.

FINANCIAL

REPORTS

Monica Harris, Director of Finance

19. Monthly Budget Report for the Period Ending July 31, 2022

Finance Director Monica Harris presented the following:

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

- **Property Tax**
We received \$28K in property taxes in the month of July, resulting in \$28K or .42% increase over funds collected last fiscal year to date. The amount collected is 98.08% of budget, which is \$107K less than anticipated.
- **Sales Tax**
We received \$723K in sales tax in July, resulting in \$759K or 12.14% more than the funds collected last fiscal year to date. The amount collected is 95.67% of the \$7.3 million budgeted, which is 15.3% or \$1.12 million higher than anticipated.
- **Revenue (Budgetary comparison)**
The target budget for operating revenue is \$24.9 million. We received \$28.7 million in operating revenue fiscal year to date, resulting in \$3.8 million over the target budget due to sales taxes, franchise tax, hotel occupancy tax, sports venue tax, service charges, insurance proceeds, sale of assets, and donations.
- **Expenditures (Budgetary comparison)**
The target budget for operating expenditures is \$18.5 million. We expended \$18.1 million in operating expenditures fiscal year to date, resulting in \$390K under the target budget.
- **Revenue (Prior year comparison)**
Operating revenue received last year was \$25 million as compared to the current year's \$28.7 million, resulting in a \$3.7 million increase due to property tax, sales taxes, mixed drinks tax, franchise taxes, hotel occupancy taxes, sports venue taxes, service charges, building and food service permits, interest, insurance proceeds, sale of assets, and donations.
- **Expenditures (Prior year comparison)**
Operating expenditures last year were \$16.5 million as compared to the current year's \$18.1 million, resulting in a \$1.56 million increase due to personnel, outside professional services, utilities, fuel, and maintenance.

Mayor Svien discussed the increase in sales tax revenue.

STEPHENVILLE ECONOMIC DEVELOPMENT AUTHORITY REPORT

Jeff Sandford, Executive Director

SEDA Executive Director Jeff Sandford addressed the Council and spoke on the “why” people do things. He briefly talked about his “why” which was the influence his father had on his life and career. He stated that “Today in History” was the date his father had passed away.

CONSENT AGENDA

- 20. Consider Approval of Minutes - August 2, 2022 Regular City Council Meeting**
- 21. Consider Approval of Minutes - August 16, 2022 City Council Work Session**
- 22. Consider Approval of Minutes - August 16, 2022 Special City Council Meeting**
- 23. Consider Approval of Minutes - August 17, 2022 City Council Work Session**
- 24. Consider Approval of Minutes - August 23, 2022 Special City Council Meeting**
- 25. Consider Approval of Minutes - August 30, 2022 Special City Council Meeting**
- 26. Consider Approval of Renewal for Yearly Microsoft Software Licensing Agreement**
- 27. Consider Approval of Award of Contract to Vulcan Materials for the Purchase of Aggregate, Hot Mix and Flexible Base Material for FY 2022-2023**
- 28. Consider Approval of Award of Bid for the Food Inspection Service Contract to Brad Hodges Inspections for FY 2022-2023**
- 29. Consider Approval of Resolution Establishing Technically Based Local Limits Required by TCEQ for Wastewater Discharges**
- 30. Consider Approval of a Change Order to the System Purchase Agreement between the City and L3 Harris**
- 31. Consider Renewal of Utility Easement Agreements with the Texas A&M University System**
- 32. Consider Approval of Award of 2022 Chip Seal Project to Jay Mills Contracting**

MOTION by Mark McClinton, second by David Baskett, to approve the Consent Agenda items as presented. MOTION CARRIED unanimously.

COMMENTS BY CITY MANAGER

Upcoming September events mentioned by City Manager Jason King included:

- Stephenville High School Homecoming
- Tarleton vs. TCU football game
- Tarleton Family Weekend
- Cowboy Capital of the World PRCA Rodeo

He also reported that the Farmer’s Market would be held in October.

COMMENTS BY COUNCIL MEMBERS

Council Member Durfey announced that Moo-La’s 50th Birthday Party will be held on September 23rd and she expressed appreciation to the City’s First Responders.

Council Member Justin Haschke had stepped away from the meeting.

Council Member Thurman agreed with Mrs. Durfey’s appreciation of First Responders.

Council Member Baskett expressed his appreciation for assistance from the Fire Department and EMS for members of his family.

Mayor Svien recessed the regular meeting at 6:40 PM in order to go into Executive Session.

He convened the Executive Session at 6:48 PM. Council Member Durfey left the meeting at 6:48 PM.

Council Member Haschke arrived back at the meeting at 6:51 PM and Council Member Durfey returned at 7:07 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

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 551.074 Personnel Matters to deliberate the appointment, employment, evaluations, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: **City Secretary**

The Executive Session was adjourned at 7:39 PM.

Mayor Svien reconvened the regular meeting at 7:40 PM.

ACTION TAKEN ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF NECESSARY

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 David Baskett, second by Ricky Thurman to enter into a contract for the purchase of real property located at 902 Wolfe Nursery Road for potential Senior Center location between Stephenville Doctors LLC and the City of Stephenville. MOTION CARRIED by a unanimous vote. Council Member Haschke was not present for the vote.

ADJOURN

With no further business at hand, the Mayor adjourned the meeting at 7:41 PM.

/s/ Doug Svien

Doug Svien, Mayor

ATTEST:

/s/ Terri Johnson

Terri Johnson, Interim City Secretary