



REGULAR CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, February 04, 2025 at 5:30 PM

AGENDA

CALL TO ORDER

PLEDGES OF ALLEGIANCE

INVOCATION

PRESENTATIONS AND RECOGNITIONS

Presentation of Check from Waste Connection - Trash to Treasure Golf Tournament

Presentation of SPD Lifesaving Award – Officer Dillon Scott

CITIZENS GENERAL DISCUSSION

REGULAR AGENDA

- [1.](#) Consider Approval of Contract with Erath County for Election Services
- [2.](#) Order 2025 General Election
- [3.](#) Consider Approval of an Assessment Resolution for Steering Committee of Cities Served by Oncor
- [4.](#) 2024 Stephenville Police Department Racial Profiling Report
- [5.](#) Consider Approval of Proposal by Techline Sports Lighting
6. Consider Award of Public Works On-Call Contract

PLANNING AND ZONING COMMISSION

Steve Killen, Director of Development Services

- [7.](#) Applicant Jason Nitschke, Representing Horton Commercial Properties, LLC., is Requesting a Rezone for Property Located at 791 N Clinton Ave, being Parcel R33319 of S5700 Shapard & Collins; Block 14, Lots 12 & 13 of the City of Stephenville, Erath County, Texas from Multifamily (R-3) to Integrated Housing (R-2.5)
- 8. PUBLIC HEARING**
Case No.: RZ2025-001
- [9.](#) Consider Approval of Ordinance Rezoning Property Located at 791 N Clinton Ave, being Parcel R33319 of S5700 Shapard & Collins; Block 14, Lots 12 & 13 of the City of Stephenville, Erath County, Texas from Multifamily (R-3) to Integrated Housing (R-2.5)
- [10.](#) Applicant Shannon Hammon, Representing Team S&K Enterprises, LLC., is Requesting a Rezone for Property Located at 230 Tarleton, being Parcel R78009 of S2600 City Addition, Block 63, Lot 23 of the City of Stephenville, Erath County, Texas from Neighborhood Business (B-1) to Central Business District (B-3)

11. PUBLIC HEARING

Case No.: RZ2025-002

- [12.](#) Consider Approval of Ordinance Rezoning Property Located at 230 Tarleton, being Parcel R78009 of S2600 City Addition, Block 63, Lot 23 of the City of Stephenville, Erath County, Texas from Neighborhood Business (B-1) to Central Business District (B-3)
- [13.](#) Applicant Zane Cole is Requesting a Waiver from Section 155.6.11 Relating to Sidewalk Requirements for Property Located at 185 W Park St, being Parcel R31466 of S3500 Frey First Addition, Block35, Lot 7 and 8
- 14. Consider Approval of Waiver from Section 155.6.11 Relating to Sidewalk Requirements for Property Located at 185 W Park St
- [15.](#) Applicant Zane Cole is Requesting a Waiver from Section 155.6.04 Relating to Curb and Gutter Requirements for Property Located at 185 W Park St., Being Parcel R31466 of S3500 Frey First Addition, Block35, Lot 7 and 8
- 16. Consider Approval of Waiver from Section 155.6.04 Relating to Curb and Gutter Requirements for Property Located at 185 W Park St.

PUBLIC WORKS COMMITTEE

Alan Nix, Chair

- 17. Public Works Committee Report from January 21, 2025
- 18. Consider Approval of Infrastructure Partnership with Habitat for Humanity for Drew Street
- 19. Consider Approval of Annual Amendment for Wastewater Treatment Plant Operations

DEVELOPMENT SERVICES COMMITTEE

Gerald Cook, Chair

- [20.](#) Development Services Committee Report from January 21, 2025

NOMINATIONS COMMITTEE

Maddie Smith, Chair

- [21.](#) Nominations Committee Report from January 21, 2025
- 22. Consider Nominations for Citizen Boards and Commissions

TOURISM AND VISITORS BUREAU COMMITTEE

LeAnn Durfey, Chair

- [23.](#) Tourism and Visitors Bureau Advisory Committee Report from January 21, 2025
- 24. Consider Nomination for Western Heritage Advisory Board - Ex-Officio Member

FINANCIAL REPORTS

Monica Harris, Director of Finance

- 25. Monthly Budget Report for the Period Ending December 31, 2024
- 26. Quarterly Investment Report for the Period Ending December 31, 2024

STEPHENVILLE ECONOMIC DEVELOPMENT AUTHORITY REPORT

Jeff Sandford, Executive Director

CONSENT AGENDA

- [27.](#) Consider Approval of Minutes - January 7, 2025 (Work Session)

[28.](#) Consider Approval of Minutes - Regular Meeting January 7, 2025

[29.](#) Consider Approval of Minutes - Special Meeting January 21, 2025

COMMENTS BY CITY MANAGER

COMMENTS BY COUNCIL MEMBERS

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

30. Section 551.071 Consultation with Attorney - to Consult Over a Pending or Contemplated Litigation

ACTION TAKEN ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF NECESSARY

ADJOURN

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.

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact City Hall at 254-918-1287 within 48 hours prior to the meeting to request such assistance.

**ELECTION SERVICES CONTRACT
WITH THE COUNTY ELECTIONS OFFICER
STATE OF TEXAS, COUNTY OF ERATH**

THIS CONTRACT made by and between the City of Stephenville, hereinafter referred to as “Political Subdivision,” and Lana Stevens, County Election Officer for Erath County, Texas hereinafter referred to as “Contracting Officer,” and by authority of Section 31.092(b), Texas Election Code, for the conduct and supervision of the May 3, 2025 City/School Election. THIS AGREEMENT is entered into in consideration of the mutual covenants and promises hereinafter set out:

Political Subdivision is holding an election for the selection of certain elected officers (at the expense of Political Subdivision).

The County owns an electronic voting system, the ES&S ExpressVote System (Version 6.1.1.0), which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122 as amended and is compliant with the accessibility requirements set forth by Texas Election Code Section 61.012. Political Subdivision desires to use the County’s electronic voting system and to compensate the County for such use.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED as follows:

DUTIES AND SERVICES OF “CONTRACTING OFFICER”

The Contracting Officer shall be responsible for performing the following duties and shall furnish the following services and equipment.

- (a) Contact the designated polling places and arrange for their use in the election.
- (b) Procure and distribute election kits and all necessary election supplies.
- (c) Procure all necessary voting machines and equipment, transport machines and equipment to and from the vote centers and prepare the voting machine and equipment for use at the vote centers. Perform all testing as required by law.
- (d) Work with ES&S Service Bureau to program ballot on behalf of Political Subdivision. The Contracting Officer may enter into a separate election’s services contract with another political subdivision for an election conducted on the same day. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Each Political Subdivision will furnish a list of candidates and/or propositions showing the order and the exact manner in which they are to appear on the official ballot, including

titles and text in each language in which the ballot is to be printed as soon after the filing period as possible.

(e) Serve as early voting clerk and provide deputy early voting clerks to assist with the early voting. As Early Voting Clerk, the Contracting Officer, shall receive applications for early voting ballots to be voted by mail. Any requests for early voting ballots to be voted by mail received by the Political Subdivision shall be forwarded immediately to the Contracting Officer, for processing.

(f) Notify the Political Subdivision of the date, time, and place of the election school and arrange for a facility for holding the school.

(g) Publish the legal notice of date, time, and place of the test of the electronic tabulating equipment and conduct such test.

(h) Be responsible for accumulating votes cast at each of the vote centers. In accordance with TEC, Chapter 127.151:

Accumulation Station Manager: Lana Stevens, Elections Administrator

Station Supervisor: Tara Arredondo, Assistant Elections Administrator

The Contracting Officer will prepare the unofficial canvass reports after all precincts have been counted and will deliver a copy of the unofficial canvass to the Political Subdivision as soon as possible after all returns have been tabulated. All participating authorities shall be responsible for the official canvass of their respective elections.

The Contracting Officer shall be responsible for conducting the post-election manual recount required by Section 127.201 of the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to each participating authority and the Secretary of State's Office.

(i) Assist in the general overall supervision of the election and provide advisory services in connection with the decisions to be made and the actions to be taken by the officers of the Subdivision who are responsible for holding the election.

DUTIES AND SERVICES OF "POLITICAL SUBDIVISION"

(a) Political Subdivision will furnish a list of candidates and/or propositions showing the order and the exact manner in which they are to appear on the official ballot, including titles and text in each language in which the ballot is to be printed as soon after the filing period as possible.

(b) Publish and Post Notice of Election.

(c) Political Subdivision will provide copies of the Order of Election, Cancellation of Election, official canvass, and any other notices or orders regarding the Election made by the Political Subdivision

FEES

(a) The Contracting Officer will be responsible to pay the early voting judges/clerks, Election Day judges/clerks, and the ballot board. If more than one entity is holding an election on the same date the election judge/clerk costs will be divided by the participants. The Political Subdivision will receive a statement for their portion of the costs as applicable, including a summary and copies of all invoices. The number of election judges used will vary depending on the number and type of election(s) being held, but the number of judges will never be less than three per location.

(b) Political Subdivision shall be responsible for paying a rental fee of voting machines during the election(s) at a rate of 3% of the purchase price of the equipment. This fee will be paid individually; it is not split between entities sharing the election. This includes the ExpressVote machines (ballot marking device), DS200s (scanner), laptops (electronic voter registration list) and ElectionWare (reports software) needed to conduct the election.

(c) ES&S will program and code the ballot for the election and bill Erath County. The Contracting Officer will then bill the Political Subdivision for their portion of the election.

(d) Contracting Officer will provide absentee ballot services to mail and process absentee ballots. The fee for the service is \$350.00, \$.68 per packet for postage, and \$2.56 per ballot packet processed.

(e) Political Subdivision will be charged the actual cost of publishing the Notice of Logic and Accuracy Test, or their portion of the fee if multiple entities are holding an election on the same day.

(f) There will also be a mileage fee and supply kit fee. If more than one entity is holding an election on the same date, these fees will be divided between the participants.

(g) An administrative fee of ten percent (10%) of the total cost of the election will be charged for overall supervision by the Contracting Officer.

(h) With the exception of the rental fee, if multiple entities share an election, the percentage of the election cost paid by the Political Subdivision will be based on the number of registered voters within that entity. The Contracting Officer will include the percentage calculations with the statement and invoice copies.

GENERAL CONDITIONS

(a) Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the election is to be filed, the place at which any function is to be carried out, the officers who conduct the official canvass of the election returns, the officer to serve as custodian of the voted ballots or other election records, or any other nontransferable function specified by section 31.096 of the Texas Election Code.

(b) The Contracting Officer is the agent of the Political Subdivision for the purposes of contracting with third parties with respect to the election expenses within the scope of the Contracting Officer's duties, and the Contracting Officer is not liable for the failure to pay a claim.

(c1) Unless otherwise agreed in the contract between the parties, where the Political Subdivision or Contracting Officer fails to perform one or more of its contractual duties, the consequences set out in this clause will follow if and to the extent that that party establishes: (1) that its failure to perform was caused by an impediment beyond its reasonable control and (2) that it could not reasonably have avoided or overcome the effects of the impediment.

(c2) The party invoking this clause shall be presumed to have established the conditions described in the preceding paragraph in the case of the occurrence of one or more of the following impediments: war (whether declared or not), armed conflict or the serious threat of the same (including but not limited to hostile attack, blockade, military embargo), hostilities, invasion, act of a foreign enemy, extensive military mobilization, civil war, riot, rebellion, revolution, military or usurped power, insurrection, civil commotion or disorder, mob violence, act of civil disobedience, act of terrorism, sabotage or piracy; plague, epidemic, pandemic, outbreaks of infectious disease or any other public health crisis, including quarantine, social distancing, isolation or other behavioral restrictions; act of authority whether lawful or unlawful, compliance with any law or governmental order, rule, regulation or direction, curfew restriction, expropriation, compulsory acquisition, seizure of works, requisition, nationalization; act of God or natural disaster such as but not limited to violent storm, cyclone, typhoon, hurricane, tornado, earthquake, landslide, flood, damage or destruction by lightning, drought; explosion, fire, destruction of machines, equipment and of any kind of installation, prolonged breakdown of transport, telecommunication or electric current; shortage or inability to obtain critical material or supplies to the extent not subject to the reasonable control of the subject party ("force majeure event").

(c3) This provision shall become effective only if the party failing to perform notifies the other party within a reasonable time of the extent and nature of the Force Majeure event, limits delay in performance to that required by the Event, and takes all reasonable steps to minimize damages and resume performance.

(c4) If the party failing to perform does not prove an impediment listed above, they are subject to a penalty fee due to the other party equal to the rental cost of the equipment and all expenses accrued up to that time/date.

(c5) If the party failing to perform does prove a Force Majeure event, the Political Subdivision will be responsible for all expenses accrued up to the time/date of the Force Majeure event.

(d) The Contracting Officer shall have this contract approved by Commissioners' Court of Erath County.

(e) Only the actual expenses directly attributable to the Contract may be charged (Section 31.00(b), Texas Election Code).

By signing this agreement, Political Subdivision is acknowledging that the Contracting Officer may enter into a separate election's services contract with another political subdivision for an election conducted on the same day.

IN WITNESS WHEREOF, the parties hereto acting under authority of their respective governing bodies have caused this Contract to be duly executed in several counterparts, each of which shall constitute an original as of the ____ day of _____, 2025.

City of Stephenville

Attest

Lana Stevens, Elections Administrator

Date

STAFF REPORT



SUBJECT: Order of Election for May 3, 2025 General Election

DEPARTMENT: Administration

STAFF CONTACT: Sarah Lockenour, City Secretary

RECOMMENDATION:

Staff requests Council approve the Order of Election for the City of Stephenville General Election to be held of Saturday, May 3, 2025, for the purpose of electing the following:

- Council Member Place 1
- Council Member Place 3
- Council Member Place 5
- Council Member Place 7

The City of Stephenville plans to contract with Erath County for this election.

ORDER OF 2025 GENERAL ELECTION FOR THE CITY OF STEPHENVILLE, TEXAS

An election is hereby ordered to be held on Saturday, May 3, 2025, for the purpose of electing the following:

- Council Member - Place 1
- Council Member - Place 3
- Council Member - Place 5
- Council Member - Place 7

EARLY VOTING HOURS

April 22-25 Tuesday – Friday 8:00 am – 5:00 pm

EXTENDED HOURS: April 28-29 Monday – Tuesday 7:00 am – 7:00 pm

EARLY VOTING LOCATIONS

NEW ERATH COUNTY ANNEX (MAIN)

222 E College St.
Stephenville, TX 76401

DUBLIN ANNEX

219 S Grafton
Dublin, TX 76446

ELECTION DAY HOURS

Saturday, May 3, 2025 - 7:00 am – 7:00 pm

****VOTE CENTERS (Erath County voters can vote at any one of the following locations on Election Day, regardless of where you reside in Erath County)****

ELECTION DAY VOTING LOCATIONS

NEW ERATH COUNTY ANNEX

222 E College St,
Stephenville, TX 76401

DUBLIN ANNEX

219 S Grafton
Dublin, TX 76446

TEXAS A&M AGRILIFE RESEARCH & EXTENSION CENTER

1229 N US Hwy 281
Stephenville, TX 76401

TEXAS BANK

988 Wolfe Nursery Rd.
Stephenville, TX 76401

Applications for ballot by mail shall be mailed to:

Gwinda Jones, County Election Officer
222 E College St.
Stephenville, Texas 76401
(254) 965-1482
vote@co.erath.tx.us
www.co.erath.tx.us/184/Elections

Applications for Ballots by Mail (ABBM)s must be received no later than the close of business on **Tuesday, April 22, 2025.**

Federal Post Card Applications (FPCAs) must be received no later than the close of business on **Tuesday, April 22, 2025.**

Ordered this 4th day of February 2025, by the City Council of the City of Stephenville, Texas.

Doug Svien, Mayor

ATTEST:

Sarah Lockenour, City Secretary



STAFF REPORT

SUBJECT: Assessment Resolution for Steering Committee of Cities Served by Oncor
DEPARTMENT: Administration
STAFF CONTACT: Jason King, City Manager

PURPOSE OF THE RESOLUTION

The City of Stephenville is a member of a 169-member city coalition known as the Steering Committee of Cities Served by Oncor (Steering Committee). The resolution approves the assessment of a eleven cent (\$0.11) per capita fee to fund the activities of the Steering Committee.

WHY THE RESOLUTION IS NECESSARY

The Steering Committee undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric distribution rates and services within the city. The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, ERCOT, the courts, and the Legislature on electric utility regulation matters for over three decades.

The Steering Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company, LLC within the City. Steering Committee representation is also strong at ERCOT. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

EXPLANATION OF "BE IT RESOLVED PARAGRAPHS"

- I. The City is currently a member of the Steering Committee; this paragraph authorizes the continuation of the City's membership.
- II. This paragraph authorizes payment of the City's assessment to the Steering Committee in the amount of eleven cents (\$0.11) per capita, based on the population figure for the City as shown in the latest TML Directory of City Officials.
- III. This paragraph requires payment of the 2025 assessment be made and a copy of the resolution be sent to the Steering Committee.

PAYMENT OF ASSESSMENT

A copy of the resolution should be mailed with payment of the fee to Brandi Stigler, Steering Committee of Cities Served by Oncor, Mail Stop 63-0300, PO Box 90231, Arlington, Texas 76004. Checks should be made payable to: **Steering Committee of Cities Served by Oncor, c/o City of Arlington**

RESOLUTION NO. 2025-R-_____

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF ELEVEN CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

WHEREAS, the City of Stephenville is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the city; and

WHEREAS, the Steering Committee of Cities Served By Oncor (Steering Committee) has historically intervened in Oncor rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and

WHEREAS, the City is a member of the Steering Committee; and

WHEREAS, the Steering Committee functions under the direction of an Executive Committee which sets an annual budget and directs interventions before state and federal agencies, courts and legislatures, subject to the right of any member to request and cause its party status to be withdrawn from such activities; and

WHEREAS, the Steering Committee at its December 2024 meeting set a budget for 2025 that compels an assessment of eleven cents (\$0.11) per capita; and

WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS.

I.

That the City is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the City of Stephenville and protect the interests of the customers of Oncor Electric Delivery Company, LLC, residing and conducting business within the City limits.

II.

The City is further authorized to pay its assessment to the Steering Committee of eleven cents (\$0.11) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

III.

A copy of this Resolution and the assessment payment check made payable to "Steering Committee of Cities Served by Oncor, c/o City of Arlington" shall be sent to Brandi Stigler, Steering Committee of Cities Served by Oncor, Mail Stop 63-0300, PO Box 90231, Arlington, Texas 76004.

PASSED AND APPROVED this 4th day of February 2025.

Doug Svien, Mayor

ATTEST:

Sarah Lockenour, City Secretary

Reviewed by Jason King,
City Manager

Randy Thomas, City Attorney
Approved as to form and legality

Oncor Cities Steering Committee

C/O City of Arlington
Attn: Brandi Stigler
PO Box 90231
Arlington, TX 76004

Item 3.
Invoice

| Date | Invoice # |
|------------|-----------|
| 12/30/2024 | 25-137 |

| |
|----------------------|
| Bill To |
| City of Stephenville |

| Item | Population | Per Capita | Amount |
|--|------------|------------|-------------------------|
| 2025 Membership Assessment | 21,946 | 0.11 | 2,414.06 |
| Please make check payable to: Oncor Cities Steering Committee and mail to Oncor Cities Steering Committee, C/O City of Arlington, Attn: Brandi Stigler, PO Box 90231, Arlington, Texas 76004 | | | Total \$2,414.06 |



STEPHENVILLE

Police Department

RACIAL PROFILING REPORT

2024



DEL CARMEN
Consulting, LLC.
LAW ENFORCEMENT EXPERTS

"Dr. Alex del Carmen's work on racial profiling exemplifies the very best of the Sandra Bland Act, named after my daughter. My daughter's pledge to fight for injustice is best represented in the high quality of Dr. del Carmen's reports which include, as required by law, the data analysis, audits, findings and recommendations. I commend the agencies that work with him as it is clear that they have embraced transparency and adherence to the law."

-Quote by Geneva Reed (Mother of Sandra Bland)

January 19, 2025

Stephenville City Council
298 W. Washington St.
Stephenville, TX 76401



Dear Distinguished Members of the City Council,

The Texas Racial Profiling Law was enacted by the Texas Legislature in 2001, with the intent of addressing the issue of racial profiling in policing. During the last calendar year, the Stephenville Police Department, in accordance with the law, has collected and reported traffic and motor vehicle related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified, and additional requirements were implemented. Further, in 2017 the Sandra Bland Act was passed and signed into law (along with HB 3051, which introduced new racial and ethnic designations). The Sandra Bland Law currently requires that law enforcement agencies in the state collect additional data and provide a more detailed analysis. I am pleased to report that all of these requirements have been met by the Stephenville Police Department and are included in this report.

In this annual report, you will find three sections with information on motor vehicle-related contacts. In addition, when applicable, documentation is included which demonstrates the way the Stephenville Police Department has complied with the Texas Racial Profiling Law. In section one, you will find the table of contents. Section two documents compliance by the Stephenville Police Department relevant to the requirements established in the Texas Racial Profiling Law. That is, you will find documents relevant to the training of all police personnel on racial profiling prevention and the institutionalization of the compliment and complaint processes, as required by law.

Section three contains statistical data relevant to contacts (as defined by the law) which were made during motor vehicle stops that took place between 1/1/24 and 12/31/24. Further, this section includes the Tier 2 form, which is required to be submitted to TCOLE (Texas Commission on Law Enforcement) and the law enforcement agency's local governing authority by March 1 of each year. The data in this report has been fully analyzed and compared to information derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report.

In the last section of the report, you will find the original draft of the Texas Racial Profiling Law, SB1074, as well as the Sandra Bland Act (current law). Also in this section, a list of requirements relevant to the Racial Profiling Law, as established by TCOLE is included. The findings in this report support the Stephenville Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

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Public Education on Responding to Compliments and Complaints

Informing the Public on the Process of Filing a Compliment or Complaint with the Stephenville Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a compliment or racial profiling complaint. In an effort to comply with this particular component, the Stephenville Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a compliment and complaint on a racial profiling violation by a Stephenville Police Officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes.

It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

All Stephenville Police Officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Stephenville Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Stephenville has been included in this report.

It is important to recognize that the Chief of the Stephenville Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Stephenville Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

Racial Profiling Course 3256

Texas Commission on Law Enforcement

September 2001

Racial Profiling 3256

Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting - audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs
2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) - see legislation 77R-SB1074



1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)

1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)

1. Stop & Frisk doctrine
2. Stopping and briefly detaining a person
3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
6. New York v. Belton, 453 U.S. 454 (1981)



2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.

- A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.
- B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole.
- C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.
- D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop.
- E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources.

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.

- A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements
- B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)
- C. A typical traffic stop resulting from racial profiling
1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
 2. The driver and passengers are questioned about things that do not relate to the traffic violation
 3. The driver and passengers are ordered out of the vehicle
 4. The officers visually check all observable parts of the vehicle
 5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
 6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)



3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

- A. Drug courier profile (adapted from a profile developed by the DEA)
1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
 2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
 3. Vehicle is rented
 4. Driver is a young male, 20-35
 5. No visible luggage, even though driver is traveling
 6. Driver was over-reckless or over-cautious in driving and responding to signals
 7. Use of air fresheners
- B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

- A. Thinking about the totality of circumstances in a vehicle stop
- B. Vehicle exterior
1. Non-standard repainting (esp. on a new vehicle)
 2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
 3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
 4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)
- C. Pre-stop indicators
1. Not consistent with traffic flow
 2. Driver is overly cautious, or driver/passengers repeatedly look at police car
 3. Driver begins using a car- or cell-phone when signaled to stop
 4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)
- D. Vehicle interior
1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
 2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074:



Report on Compliments and Racial Profiling Complaints



Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/24-12/31/24 based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.



A check above indicates that the Stephenville Police Department has not received any complaints, on any members of its police services, for having violated the Texas Racial Profiling Law during the time period of 1/1/24-12/31/24.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

| Complaint Number | Alleged Violation | Disposition of the Case |
|-------------------------|--------------------------|--------------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
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| | | |
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|-----------------------------|
| Additional Comments: |
| |
| |
| |
| |
| |

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA

TOTAL STOPS: 7,312

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

| | |
|------------------|-------|
| City Street | 5,062 |
| US Highway | 1,376 |
| State Highway | 753 |
| County Road | 108 |
| Private Property | 13 |

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

| | |
|-----|-------|
| Yes | 680 |
| No | 6,632 |

RACE OR ETHNICITY

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 23 |
| Asian/Pacific Islander | 54 |
| Black | 326 |
| White | 5,566 |
| Hispanic/Latino | 1,343 |

GENDER

Female Total: 2,932

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 6 |
| Asian/Pacific Islander | 19 |
| Black | 99 |
| White | 2,335 |
| Hispanic/Latino | 473 |

Male Total: 4,380

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 17 |
| Asian/Pacific Islander | 35 |
| Black | 227 |
| White | 3,231 |
| Hispanic/Latino | 870 |

REASON FOR STOP?

Violation of Law Total: 46

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 2 |
| White | 33 |
| Hispanic/Latino | 11 |

Pre-existing Knowledge Total: 55

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 3 |
| White | 38 |
| Hispanic/Latino | 14 |

Moving Traffic Violation Total: 5,117

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 19 |
| Asian/Pacific Islander | 49 |
| Black | 227 |
| White | 3,929 |
| Hispanic/Latino | 893 |

TIER 2 DATA

Vehicle Traffic Violation Total: 2,094

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 4 |
| Asian/Pacific Islander | 5 |
| Black | 94 |
| White | 1,566 |
| Hispanic/Latino | 425 |

Contraband (in plain view) Total: 3

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 0 |
| White | 2 |
| Hispanic/Latino | 1 |

WAS SEARCH CONDUCTED?

| | YES | NO |
|-------------------------------|------------|--------------|
| Alaska Native/American Indian | 1 | 22 |
| Asian/Pacific Islander | 1 | 53 |
| Black | 45 | 281 |
| White | 270 | 5,296 |
| Hispanic/Latino | 94 | 1,249 |
| TOTAL | 411 | 6,901 |

Probable Cause Total: 124

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 1 |
| Black | 24 |
| White | 72 |
| Hispanic/Latino | 27 |

Inventory Total: 137

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 11 |
| White | 92 |
| Hispanic/Latino | 34 |

REASON FOR SEARCH?

Consent Total: 110

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 1 |
| Asian/Pacific Islander | 0 |
| Black | 7 |
| White | 77 |
| Hispanic/Latino | 25 |

Incident to Arrest Total: 37

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 3 |
| White | 27 |
| Hispanic/Latino | 7 |

TIER 2 DATA

WAS CONTRABAND DISCOVERED?

| | YES | NO |
|-------------------------------|------------|------------|
| Alaska Native/American Indian | 0 | 1 |
| Asian/Pacific Islander | 0 | 1 |
| Black | 22 | 23 |
| White | 116 | 154 |
| Hispanic/Latino | 40 | 54 |
| | | |
| TOTAL | 178 | 233 |

Did the finding result in arrest?

| | YES | NO |
|-------------------------------|-----------|------------|
| Alaska Native/American Indian | 0 | 0 |
| Asian/Pacific Islander | 0 | 0 |
| Black | 9 | 13 |
| White | 33 | 83 |
| Hispanic/Latino | 13 | 27 |
| | | |
| TOTAL | 55 | 123 |

DESCRIPTION OF CONTRABAND

Drugs Total: 122

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 17 |
| White | 75 |
| Hispanic/Latino | 30 |

Currency Total: 1

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 1 |
| White | 0 |
| Hispanic/Latino | 0 |

Weapons Total: 13

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 0 |
| White | 12 |
| Hispanic/Latino | 1 |

Alcohol Total: 44

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 3 |
| White | 34 |
| Hispanic/Latino | 7 |

TIER 2 DATA

Stolen Property Total: 1

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 0 |
| White | 1 |
| Hispanic/Latino | 0 |

Other Total: 15

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 2 |
| White | 9 |
| Hispanic/Latino | 4 |

RESULT OF THE STOP

Verbal Warning Total: 197

| | |
|-------------------------------|-----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 8 |
| White | 158 |
| Hispanic/Latino | 31 |

Written Warning Total: 5,215

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 16 |
| Asian/Pacific Islander | 34 |
| Black | 224 |
| White | 4,090 |
| Hispanic/Latino | 851 |

Citation Total: 1,594

| | |
|-------------------------------|-------|
| Alaska Native/American Indian | 6 |
| Asian/Pacific Islander | 19 |
| Black | 69 |
| White | 1,111 |
| Hispanic/Latino | 389 |

Written Warning and Arrest Total: 61

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 5 |
| White | 43 |
| Hispanic/Latino | 13 |

Citation and Arrest Total: 15

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 2 |
| White | 10 |
| Hispanic/Latino | 3 |

Arrest Total: 230

| | |
|-------------------------------|-----|
| Alaska Native/American Indian | 1 |
| Asian/Pacific Islander | 1 |
| Black | 18 |
| White | 154 |
| Hispanic/Latino | 56 |

TIER 2 DATA

ARREST BASED ON

Violation of Penal Code Total: 181

| | |
|-------------------------------|-----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 13 |
| White | 124 |
| Hispanic/Latino | 44 |

Violation of Traffic Law Total: 70

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 1 |
| Black | 4 |
| White | 53 |
| Hispanic/Latino | 12 |

Violation of City Ordinance Total: 6

| | |
|-------------------------------|---|
| Alaska Native/American Indian | 0 |
| Asian/Pacific Islander | 0 |
| Black | 1 |
| White | 5 |
| Hispanic/Latino | 0 |

Outstanding Warrant Total: 49

| | |
|-------------------------------|----|
| Alaska Native/American Indian | 1 |
| Asian/Pacific Islander | 0 |
| Black | 7 |
| White | 25 |
| Hispanic/Latino | 16 |

Was physical force used resulting in bodily injury during the stop?

| | YES | NO |
|-------------------------------|----------|--------------|
| Alaska Native/American Indian | 0 | 23 |
| Asian/Pacific Islander | 0 | 54 |
| Black | 0 | 326 |
| White | 1 | 5,565 |
| Hispanic/Latino | 0 | 1,343 |
| | | |
| TOTAL | 1 | 7,311 |

Tables Illustrating Motor Vehicle Related Contact Data

Table 1. Citations and Warnings

| Race/ Ethnicity | All Contacts | Citations | Verbal Warning | Written Warning | Contact Percent | Citation Percent | Verbal Percent | Written Percent |
|---------------------------------------|--------------|-----------|----------------|-----------------|-----------------|------------------|----------------|-----------------|
| Alaska Native/ American Indian | 23 | 6 | 0 | 16 | 0% | 0% | 0% | 0% |
| Asian/ Pacific Islander | 54 | 19 | 0 | 34 | 1% | 1% | 0% | 1% |
| Black | 326 | 71 | 8 | 224 | 4% | 4% | 4% | 4% |
| White | 5,566 | 1,121 | 158 | 4,090 | 76% | 70% | 80% | 78% |
| Hispanic/ Latino | 1,343 | 392 | 31 | 851 | 18% | 24% | 16% | 16% |
| TOTAL | 7,312 | 1,609 | 197 | 5,215 | 100% | 100% | 100% | 100% |



Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access.

| Race/Ethnicity | Contact Percentage | Households with Vehicle Access |
|--------------------------------------|--------------------|--------------------------------|
| Alaska Native/American Indian | 0% | 0% |
| Asian/Pacific Islander | 1% | 0% |
| Black | 4% | 3% |
| White | 76% | 86% |
| Hispanic/Latino | 18% | 10% |
| TOTAL | 100% | 99% |

Table 3. Motor Vehicle Searches and Arrests.

| Race/Ethnicity | Searches | Consent Searches | Arrests |
|--------------------------------------|----------|------------------|---------|
| Alaska Native/American Indian | 1 | 1 | 1 |
| Asian/Pacific Islander | 1 | 0 | 1 |
| Black | 45 | 7 | 25 |
| White | 270 | 77 | 207 |
| Hispanic/Latino | 94 | 25 | 72 |
| TOTAL | 411 | 110 | 306 |

Table 4. Instances Where Peace Officers Used Physical Force Resulting in Bodily Injury

| Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury | Arrest | Location of Stop | Reason for Stop |
|---|--------|------------------|--------------------------|
| | | | |
| 1 | 4/5/24 | U.S. Highway | Moving Traffic Violation |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Table 5. Search Data

| Race/Ethnicity | Searches | Contraband Found Yes | Contraband Found No | Arrests | Percent Searches | Percent Contraband Found | Percent No Contraband | Percent Arrest |
|-------------------------------|----------|----------------------|---------------------|---------|------------------|--------------------------|-----------------------|----------------|
| | | | | | | | | |
| Alaska Native/American Indian | 1 | 0 | 1 | 1 | 0% | 0% | 0% | 0% |
| Asian/Pacific Islander | 1 | 0 | 1 | 1 | 0% | 0% | 0% | 0% |
| Black | 45 | 22 | 23 | 25 | 11% | 12% | 10% | 8% |
| White | 270 | 116 | 154 | 207 | 66% | 65% | 66% | 68% |
| Hispanic/Latino | 94 | 40 | 54 | 72 | 23% | 22% | 23% | 24% |
| | | | | | | | | |
| TOTAL | 411 | 178 | 233 | 306 | 100% | 100% | 100% | 100% |

Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/24-12/31/24.

| Audit Data | Number of Data Audits Completed | Date of Completion | Outcome of Audit |
|-------------------|--|---------------------------|-----------------------------|
| 1 | 1 | 03/01/24 | Data was valid and reliable |
| 2 | 1 | 06/01/24 | Data was valid and reliable |
| 3 | 1 | 09/01/24 | Data was valid and reliable |
| 4 | 1 | 12/01/24 | Data was valid and reliable |

| |
|-----------------------------|
| ADDITIONAL COMMENTS: |
| |
| |
| |

Table 7. Instance Where Force Resulted in Bodily Injury.

| Race/Ethnicity | Number | Percent |
|-------------------------------|---------------|----------------|
| Alaska Native/American Indian | 0 | 0% |
| Asian/Pacific Islander | 0 | 0% |
| Black | 0 | 0% |
| White | 1 | 100% |
| Hispanic/Latino | 0 | 0% |
| TOTAL | 1 | 100% |

Table 8. Reason for Arrests from Vehicle Contact

| Race/ Ethnicity | Violation of Penal Code | Violation of Traffic Law | Violation of City Ordinance | Outstanding Warrant | Percent Penal Code | Percent Traffic Law | Percent City Ordinance | Percent Warrant |
|--------------------------------|-------------------------|--------------------------|-----------------------------|---------------------|--------------------|---------------------|------------------------|-----------------|
| | | | | | | | | |
| Alaska Native/ American Indian | 0 | 0 | 0 | 1 | 0% | 0% | 0% | 2% |
| Asian/ Pacific Islander | 0 | 1 | 0 | 0 | 0% | 1% | 0% | 0% |
| Black | 13 | 4 | 1 | 7 | 7% | 6% | 17% | 14% |
| White | 124 | 53 | 5 | 25 | 69% | 76% | 83% | 51% |
| Hispanic/ Latino | 44 | 12 | 0 | 16 | 24% | 17% | 0% | 33% |
| | | | | | | | | |
| TOTAL | 181 | 70 | 6 | 49 | 100% | 100% | 100% | 100% |

Table 9. Contraband Hit Rate

| Race/ Ethnicity | Searches | Contraband Found Yes | Contraband Hit Rate | Search Percent | Contraband Percent |
|--------------------------------|----------|----------------------|---------------------|----------------|--------------------|
| | | | | | |
| Alaska Native/ American Indian | 1 | 0 | 0% | 0% | 0% |
| Asian/ Pacific Islander | 1 | 0 | 0% | 0% | 0% |
| Black | 45 | 22 | 49% | 11% | 12% |
| White | 270 | 116 | 43% | 66% | 65% |
| Hispanic/Latino | 94 | 40 | 43% | 23% | 22% |

Analysis and Interpretation of Data

As previously noted, in 2001, the Texas Legislature passed Senate Bill 1074, which eventually became the Texas Racial Profiling Law. This particular law came into effect on January 1, 2002, and required all police departments in Texas to collect traffic-related data and report this information to their local governing authority by March 1 of each year. This version of the law remained in place until 2009, when it was modified to include the collection and reporting of all motor vehicle-related contacts in which a citation was issued, or an arrest was made. Further, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individuals before detaining them. In addition, it became a requirement that agencies report motor vehicle-related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year. The purpose in collecting and disclosing this information is to determine if police officers in any particular municipality are engaging in the practice of racially profiling minority motorists.

One of the main requirements of the law is that police departments interpret motor vehicle-related data. Even though most researchers would likely agree that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is in fact very difficult to determine if individual police officers are engaging in racial profiling from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

As referenced earlier, in 2009 the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1, 2010. The changes included, but are not limited to, the re-definition of a contact to include motor vehicle-related contacts in which a citation was issued, or an arrest was made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. The 2009 law also required adding "Middle Eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1 of each year.

In 2017, the Texas Legislators passed HB 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that came in contact with police. In addition, the Sandra Bland Act (SB 1849) was passed and became law. Thus, the most significant legislative mandate (Sandra Bland Act) in Texas history regarding data requirements on law enforcement contacts became law and took effect on January 1, 2018. The Sandra Bland Act not only currently requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

1. A comparative analysis of the information compiled (under Article 2.133):

- a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;*
- b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;*
- c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.*

2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

In an effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Stephenville Police Department commissioned the analysis of its 2024 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2024 motor vehicle-related data. This particular analysis measured, as required by law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians, who came in contact with police in the course of a motor vehicle-related contact and were either issued a ticket, citation, or warning or an arrest was made. Also included in this data were instances when a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest, and use of physical force resulting in bodily injury.

The analysis on the data performed in this report, was based on a comparison of the 2024 motor vehicle contact data with a specific baseline. When reading this particular analysis, one should consider that there is disagreement in the literature regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Stephenville Police Department agreed with our recommendation to rely in part, as a baseline measure, on the Fair Roads Standard. This particular baseline is established on data obtained through the U.S. Census Bureau (2020) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It should be noted that the census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless whether they are among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only, thus excluding individuals who may have come in contact with the Stephenville Police Department in 2024 but live outside city limits. In some jurisdictions the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

In 2002, major civil rights groups in Texas expressed their concern and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). In essence this constitutes a comparison that may result in ecological fallacy. Despite this risk, as noted earlier, the Stephenville Police Department accepted the recommendation to utilize this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the city of Stephenville.

Tier 2 (2024) Motor Vehicle-Related Contact Analysis

When examining the enhanced and more detailed Tier 2 data collected in 2024, it was evident that most motor vehicle-related contacts were made with Whites, followed by Hispanics. Of those who came in contact with police, most tickets or citations were issued to Whites and Hispanics; this was followed by Blacks. However, in terms of written warnings, most of these were issued to Whites, followed by Hispanics.

While reviewing searches and arrests, the data showed that most searches took place among Whites. When considering all searches, most were consented by Whites and Hispanics, while most custody arrests were also of Whites. Overall, most searches did not result in contraband; of those that produced contraband, most were of Whites; this was followed by Hispanics. Of the searches that did not produce contraband, most were of Whites. Most arrests were made of Whites. Most of the arrests that originated from a violation of the penal code involved Whites. Overall, the police department reports one instance where force was used that resulted in bodily injury.

Comparative Analysis

A comprehensive analysis of the motor vehicle contacts made in 2024 to the census data relevant to the number of “households” in Stephenville who indicated in the 2020 census that they had access to vehicles, produced interesting findings. Specifically, the percentage of Whites and American Indians who came in contact with police was the same or lower than the percentage of White and American Indian households in Stephenville that claimed in the last census to have access to vehicles. The opposite was true of Blacks, Hispanics, and Asians. That is, a higher percentage of Blacks, Hispanics, and Asians came in contact with police than the percentage of Black, Hispanic, and Asian households in Stephenville that claimed in the last census to have access to vehicles. It should be noted that the percentage difference among Black and Asian contacts with households is of less than 3%; thus, deemed by some as statistically insignificant.

The comprehensive analysis of the searches resulting in contraband shows that the most significant contraband hit rate is of Blacks. This was followed by Whites and Hispanics. This means that among all searches performed in 2024, the most significant percentage of these that resulted in contraband was among Blacks. The lowest contraband hit rate was among Asians and American Indians.

Summary of Findings

As previously noted, 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 2025 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 performed 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 accepted or tolerated.

Checklist

The following requirements were met by the Stephenville Police Department in accordance with The Texas Racial Profiling Law:

- ✓ Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- ✓ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Stephenville Police Department from engaging in racial profiling.
- ✓ Implement a process by which an individual may file a complaint regarding racial profiling violations.
- ✓ Provide public education related to the compliment and complaint process.
- ✓ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ✓ Collect, report and analyze motor vehicle data (Tier 2).
- ✓ Commission Data Audits and a Search Analysis.
- ✓ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ✓ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2025.
- ✓ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.

Legislative & Administrative



TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person’s race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer’s best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide and analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops

including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the

policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled

during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and
(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling;
and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) [~~7~~] the date of conviction; and

(9) [~~8~~] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law

(H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

- (A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);
- (B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);
- (C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);
- (D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION _____. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a),(b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle~~[traffic]~~ stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, ~~[or]~~ Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle ~~[traffic]~~ stops in which a citation is issued and to arrests made as a result of ~~[resulting from]~~ those ~~[traffic]~~ stops, including information relating to:
 - (A) the race or ethnicity of the individual detained; and
 - (B) whether a search was conducted and, if so, whether the individual ~~[person]~~ detained consented to the search; and
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit ~~[to the governing body of each county or~~

~~municipality served by the agency]~~ an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle ~~[traffic]~~ stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle ~~[traffic]~~ stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE ~~[TRAFFIC AND PEDESTRIAN]~~ STOPS. (a) In this article, "race[:

~~{(1) "Race~~] or ethnicity" has the meaning assigned by Article 2.132(a).

~~[(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]~~

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance ~~[regulating traffic or who stops a pedestrian for any suspected offense]~~ shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any ~~[each]~~ person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop ~~[traffic law or ordinance alleged to have been violated or the suspected offense];~~

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description ~~[the type]~~ of the contraband or evidence ~~[discovered];~~

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle ~~[existed and the facts supporting the existence of that probable cause];~~

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop~~[, including a description of the warning or a statement of the violation charged].~~

SECTION _____. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[, "pedestrian] stop" has the meaning assigned by Article 2.132(a) ~~[means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].~~

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each ~~[local]~~ law enforcement agency shall submit a report containing the incident-based data ~~[information]~~ compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency ~~[in a manner approved by the agency].~~

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities ~~[determine the prevalence of racial profiling by peace officers employed by the agency];~~ and

(B) examine the disposition of motor vehicle ~~[traffic and pedestrian]~~ stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from ~~[the]~~ stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic or pedestrian]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle [~~traffic and pedestrian~~] stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle [~~traffic and pedestrian~~] stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle [~~traffic and pedestrian~~] stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle [~~traffic and pedestrian~~] stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle [~~traffic or pedestrian~~] stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based

data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION _____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and

(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION _____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; ~~and~~
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION _____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

- (a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:
 - (1) this chapter;

(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure;
or

(3) a commission rule.

SECTION _____. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) ~~[of a particular descent, including Caucasian, African, Hispanic,]~~ Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino ~~[, Native American, or Middle Eastern descent]~~.

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian;

(2) ~~[of a particular descent, including Caucasian, African, Hispanic,]~~ Asian or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino ~~[, or Native American descent]~~.

SECTION 3. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision

(1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

(1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or

(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown

otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:

(1) mental illness or intellectual disability [mental retardation] is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,] at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(a) The commission shall:

- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
- (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
- (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
- (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
- (5) revise, amend, or change rules and procedures if necessary;
- (6) provide to local government officials consultation on and technical assistance for county jails;
- (7) review and comment on plans for the construction and major modification or renovation of county jails;
- (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
- (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;
- (10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
- (11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
- (12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
- (13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;
- (14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;
- (15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;
- (16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:
 - (A) common issues concerning jail administration;
 - (B) examples of successful strategies for maintaining compliance with state law and the rules,

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [(20)] require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read

as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

- (1) appropriations of money to the fund by the legislature; and
- (2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

- (1) a suicide;
- (2) an attempted suicide;
- (3) a death;
- (4) a serious bodily injury, as that term is defined by

Section 1.07, Penal Code;

- (5) an assault;
- (6) an escape;
- (7) a sexual assault; and
- (8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report required by Subsection (a).

(c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other

than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection

(a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and

(2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this

section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

- (1) topics selected by the agency; and
- (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:
 - (A) civil rights, racial sensitivity, and cultural diversity;
 - (B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]
 - (C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and
 - (D) unless determined by the agency head to be inconsistent with the officer's assigned duties:
 - (i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and
 - (ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read

as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information

relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
- (E) the location of the stop; and
- (F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

- (A) the Texas Commission on Law Enforcement; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

- (A) the person's gender; and
- (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search

and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; [and]

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)

to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship,

available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)]. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal

Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and
(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

Senate Speaker of the House

President of the

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:
Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

Date

Governor

Chief Clerk of the House

**STEPHENVILLE
POLICE DEPARTMENT
RACIAL PROFILING POLICY**

| | | |
|---|---|------------------------|
|  | STEPHENVILLE POLICE DEPARTMENT | |
| | Policy 2.2 Professional Standards and Conduct – <i>Racial Profiling</i> | |
| | Effective Date: 02/27/2024 | Replaces: 60.17 |
| | Approved: _____  | |
| | Reference: TBP: 2.01 | |

I. POLICY

This Racial/Biased Profiling Policy is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas code of Criminal Procedure, which prohibits peace officers from engaging in racial/biased based profiling. (TBP: 2.01)

II. DEFINITIONS

Racial Biased Based Profiling. Is defined as a law enforcement-initiated action based on, but not limited to, an individual’s race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups, rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

Race or Ethnicity. Of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.

An Act Constituting Racial Profiling. Acts initiating law enforcement action, such as a traffic stop, a subject stop, a search, issuance of a citation, or an arrest based solely upon an individual’s race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups; or on the basis of racial or ethnic stereotypes, rather than upon the individual’s behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.

Subject Stop. An interaction between a peace officer and an individual who is being stopped for the purposes of an investigation in which the individual is not under arrest.

Traffic Stop. The stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance.

III. PROHIBITION

Officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes. (TBP: 2.01)

IV. COMPLAINT PROCESS, PUBLIC EDUCATION AND CORRECTIVE ACTION

- A. **Complaint Process.** Any person who believes that a peace officer employed by the City has engaged in racial profiling with respect to that person may file a complaint with the City, and no person shall be discouraged, intimidated, or coerced from filing such a complaint. The City shall accept and investigate citizen complaints alleging racial profiling by its peace officers. Such complaints shall be in writing, or the City employee, officer, or official receiving the complaint should reduce the same to writing, and should include the time, place, and details of the incident of alleged racial profiling, the identity of description of the peace officer or officers involved, and the identity and manner of contacting the complainant. Any peace officer, City employee, or City official that receives a citizen complaint alleging racial profiling shall forward the complaint to the internal affairs division within 12 hours of receipt of the complaint. Receipt of each complaint shall be acknowledged to the complainant in writing, all such complaints shall be reviewed and investigated by Internal Affairs within guidelines set forth in G.O. 204.00, and the results of the review and investigation shall be filed with the Chief of Police and with the complainant. In investigating a complaint alleging racial profiling, Internal Affairs shall seek to determine if the officer who is the subject of the complaint has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedure. A single act constituting racial profiling may not be considered a pattern of racial profiling.
- B. **Public Education.** The Police Department shall provide education to the public concerning the racial profiling complaint process. A summary of the public education efforts made during the preceding year shall be included with the annual report filed with the governing body under 414.04 below.
- C. **Corrective Action.** Any peace officer who is found, after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action, which may include reprimand, diversity, sensitivity or other appropriate training or counseling; paid or unpaid suspension, termination of employment, or other appropriate action as determined by the Chief of Police.

V. DATA COLLECTION AND ANNUAL REPORTING GUIDELINES (TBP: 2.01)

- A. The Stephenville Police Department will ensure compliance with the Legislative mandate on Racial Profiling by equipping all of its marked police vehicles with video recording

equipment and requiring their use by all officers. The Racial/Biased Base Profiling Law requires that certain information be collected and summarized in an annual report covering the period January 1 through December 31 of each year, and that the report be submitted to the Mayor and City Council, and to the Texas Commission of Law Enforcement (TCOLE), no later than March 1 of the following year. The annual report shall not include identifying information about any individual stopped or arrested and shall not include identifying information about any peace officer involved in a stop or arrest.

VI. COLLECTION, COMPILATION, ANALYSIS AND REPORTING REQUIREMENTS

- A. Each peace officer of the City shall document for each “motor vehicle” contact where a citation is issued or an arrest is made, **unless** the police vehicle the officer is operating is equipped with video equipment capable of recording the event, or the officer is equipped with a functioning body camera, **and** such equipment is operating properly and is recording the event:
1. the traffic law or ordinances alleged to have been violated or the suspected offense;
 2. whether the officer conducted a search as a result of the stop, and if so, whether the person detained consented to the search;
 3. whether any contraband was discovered in the course of the search and the type of contraband discovered;
 4. whether probable cause to search existed and the facts supporting the existence of that probable cause;
 5. whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
 6. the street address or approximate location of the stop; and
 7. whether the officer issued a citation as a result of the stop, including a description of the violation charged;
 8. whether the officer knew the race or ethnicity of the individual detained before detaining the individual.
- B. The following process will be adhered to when officers conduct traffic stops or subject stops in which the officer is not dispatched, and video recording equipment is not functioning:
1. Officers must follow established standard operation procedures and collect mandated information.
 2. Officers must checkout on every vehicle and subject stop through Dispatch.
 3. A call for service will be initiated automatically for every vehicle and subject stop. Initiating the call requires no additional action by the officer. However, the call must be cleared with a disposition code at the conclusion of the stop.

4. Special Circumstances: Overtaking/Pursuits without a vehicle stop, stopping suspect vehicles or individuals related to open calls:

- When an officer engages in overtaking or a pursuit, and the vehicle is not finally stopped, it does not qualify as a “vehicle stop” for the purposes of this program.
- An officer stopping a suspect vehicle or individual related to an open (dispatched) call should carry that stop as a part of the open call, and not as a traffic or subject stop.
- An officer that stops a subject because they witnessed an offense would open a call based on that offense, and this program would not apply.

C. Stephenville Police Department Supervisors will randomly review at least three video tapes per officer (either body camera and/or in-car camera video), at least every six months. Each recording shall be retained by the Stephenville Police Department for a minimum of ninety (90) days. Supervisors are not required to watch each incident of an entire shift; however, reviewing the footage in a manner intended to gain an understanding of that officer’s performance and adherence to policy and law is required. (TBP: 2.01)

D. The information in each report shall be analyzed and compiled in a report that covers the period January 1 through December 31 of each year and shall be submitted to the Mayor and City Council and the Texas Commission on Law Enforcement (TCOLE), no later than March 1 of the following year. Each such report shall include:

1. a comparative analysis of the information compiled by each officer under 414.05A (1)-(8) to:

- determine the prevalence of racial profiling by peace officers employed by the City; and
- examine the disposition of traffic and subject stops made by officer employed by the City, including searches resulting from such stops; and
- information relating to each complaint filed with the City alleging that a peace officer employed by the City had engaged in racial profiling.

2. The report required by 414.05 may not include identifying information about a peace officer that makes a traffic or pedestrian stop or about an individual who is stopped or arrested by an officer.

VII. POLICE CHIEF AND PEACE OFFICER TRAINING (TBP: 2.01)

A. Each peace officer employed by the City shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement (TCOLE), including legal aspects, not later than the second anniversary of the date the officer was licensed, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

- B. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Blackwood Law Enforcement Management Institute of Texas.

For additional questions regarding the information presented in this report, please contact:

Del Carmen Consulting ©
817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

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STAFF REPORT

SUBJECT: 2024 Stephenville Police Department Racial Profiling Report

DEPARTMENT: Police

STAFF CONTACT: Dan M. Harris, Jr.

RECOMMENDATION:

Present the 2024 Stephenville Police Department Racial Profiling Report

BACKGROUND:

Texas Occupations Code 1701.164 specifies that the Texas Commission on Law Enforcement collect incident-based data in accordance with the Code of Criminal Procedure 2.131 – 2.138. Chief Administrators of law enforcement agencies are required to submit a full racial profiling report to their governing body on or before March 1, 2024. The Sandra Bland Act requires that law enforcement agencies in the state collect additional data and provide a more detailed analysis.

FISCAL IMPACT SUMMARY:

N/A

ALTERNATIVES

N/A



STEPHENVILLE CITY PARK

LED PROPOSAL



| | | | |
|--------------------------------|--|---|--|
| Purchasing Co-Op / Contract #: | | BuyBoard Contract #: 677-22 (Expires 9/30/25) | |
| Project Name: | | Stephenville City Park | |
| Project City-State: | | Stephenville, TX | |
| Quote Date: | | 1/30/2025 | |
| Type of Field(s): | | Football/Softball | |
| Photometrics Per Design #: | | 30 FC Light Level / 24-20088-FB-SB-A | |
| Warranty: | | 10 Year Maintenance <u>FREE</u> | |

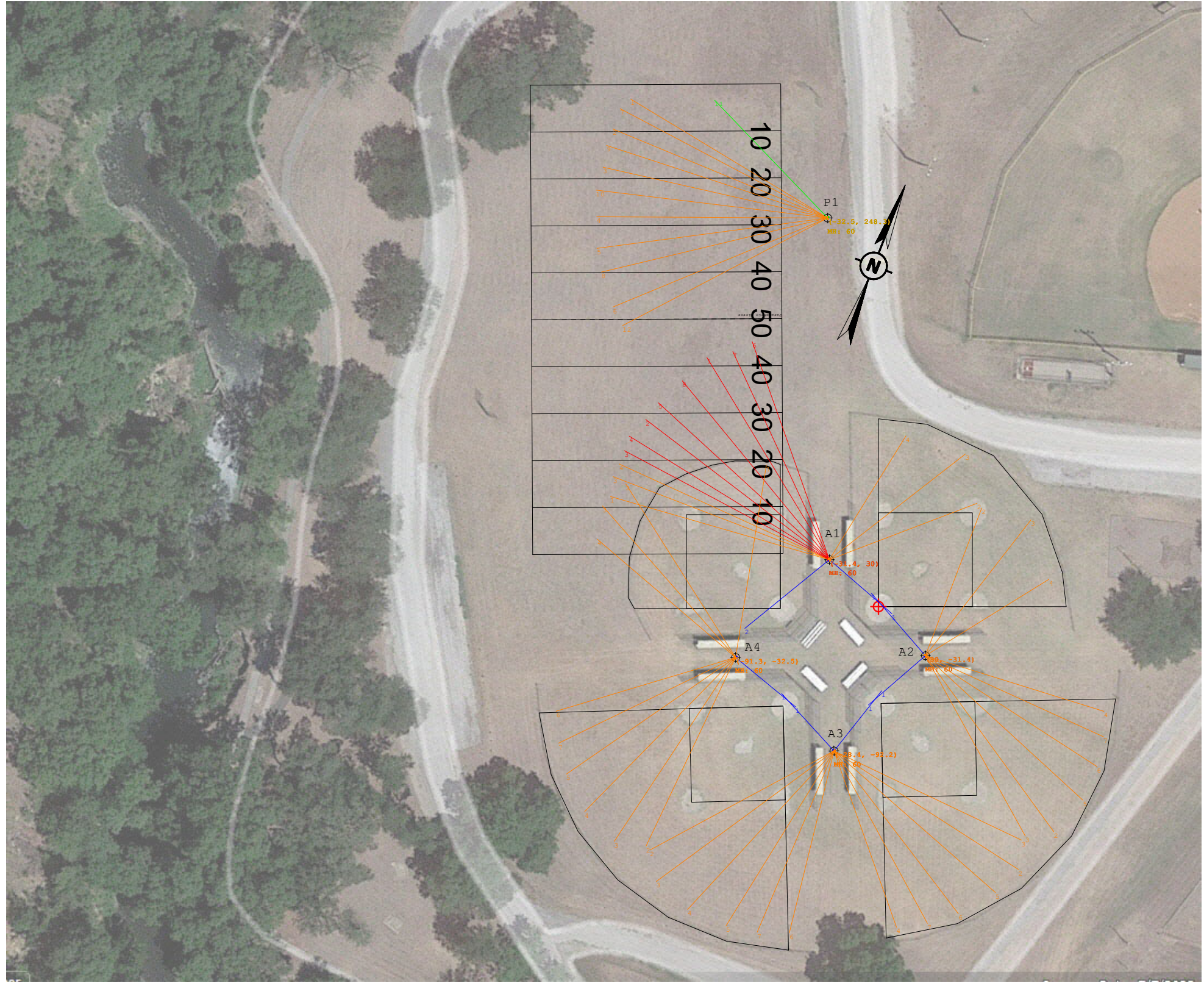
| Quantity | Description |
|----------|---|
| 5 | 60 Foot Mounting Height Steel Poles (L) |
| 2 | 11 Fixture Crossarms (7/4 back to back) |
| 1 | 12 Fixture Crossarms |
| 1 | 14 Fixture Crossarms (7/7 back to back) |
| 1 | 16 Fixture Crossarms (12/4 back to back) |
| 64 | TSL800W LED w/ Standard Visor |
| 1 | EcoLink Wireless Control System - Additional Wireless Node(s) - Wall Mount Near Contactor Cabinet |
| 64 | Prewiring for Poles and Crossarms (On/Off Controls Only) |

| |
|--|
| <p>Project Notes:</p> <ul style="list-style-type: none"> > Price includes all materials listed above (excluding adders & deducts). > Price includes delivery to jobsite. > Price firm for 45 days. > Allow 4-6 weeks for delivery. > Price does <u>NOT</u> include SALES or USE taxes. > All work to be performed that requires a license, including but not limited to electrical & plumbing will be performed by individuals currently licensed in the proper jurisdiction. |
|--|

| |
|--|
| <p>Warranty Notes:</p> <ul style="list-style-type: none"> > Seller warrants that Equipment furnished or manufactured by Seller will be free from defects in material and workmanship for a period - of <u>10 years</u> from date of shipment. > Seller will replace any defective material for the entire <u>10 year</u> period. > Techline will make every effort to maintain any component of our sports lighting system for the entirety of the warranty period. |
|--|

| |
|---|
| <p>TURNKEY Installation Notes:</p> <ul style="list-style-type: none"> > Allow 3-4 weeks for Turnkey Installation. > Pole locations must also be accessible with standard lift and not obstructed by fencing, buildings, etc. (<i>special lift & matting charges not included</i>) > Locating and marking of all PRIVATE utilities to include water, sewer, electrical, gas & irrigation is the sole responsibility of the owner/customer. Techline will not be responsible for locating these utilities. Repairing any unmarked utilities, landscaping or sod is the sole responsibility of the owner/customer. > If matting is required for access to pole locations due to wet or poor site conditions additional charges may apply. > Standard turnkey install foundations assume 2000psi soil conditions. >> (<i>Any other conditions that may be present upon installation (i.e. rock, water, etc.) that cause additional foundation design or modification - (i.e. rebar, casing, etc.) may require additional charges.</i>) <p>INCLUDES:</p> <ul style="list-style-type: none"> ✓ Demolition & Disposal of existing sports lighting system / fixtures. ✓ Auguring pole foundation holes, setting all pole stubs in holes, center/plumb/brace and backfill with 3000psi concrete ✓ Build out pole tops including mounting cross arm assemblies, mount & wire all fixtures in place, crane rental to set all pole tops in - place, fixture aiming, commissioning of controls, control training, and final clean up. ✓ Install individual conduit and wiring for each pole sized accordingly. No more than 3% voltage drop shall be allowed. ✓ All wiring to be copper type THHN. ✓ Installing controls (if supplied) based on 480V 3Ø service being available within 150' of field. ✓ All permits, fees and inspections associated with the project. ✓ All electrical installation to meet National Electric Code requirements. <p>Total Including Turnkey Install = \$229,000.00</p> |
|---|

| |
|--|
| <p>(+) ADDER Notes:</p> <ul style="list-style-type: none"> > To INCLUDE... Design #24-00088-FB-SB-B which includes (3) additional poles & install for optimal lighting <p style="text-align: center;">**ADDER #1 = \$70,000.00</p> |
|--|



*** DISCLAIMER ***
 DESIGN BASED OFF OF LATEST SATELLITE IMAGES AVAILABLE AT THE TIME OF DESIGN. ALL MESAUREMENTS/POLE LOCATIONS NEED TO BE FIELD VERIFIED FOR ACCURACY AND APPROVED BEFORE PRODUCTION CAN BEGIN."

COMPLETE BOM

| Pole Wattage Summary | |
|----------------------|-------------|
| Scene: DEFAULT | |
| Label | Total Watts |
| A1 | 12800 |
| A2 | 8800 |
| A3 | 11200 |
| A4 | 8800 |
| P1 | 9600 |
| TOTAL | 51200 |

| Pole Summary | | |
|----------------|--------|-----|
| Scene: DEFAULT | | |
| Poles | # Lums | MH |
| A1-B | 4 | 60' |
| A1-B-FB | 8 | 60' |
| A1-F | 4 | 60' |
| A2-B | 7 | 60' |
| A2-F | 4 | 60' |
| A3-B | 7 | 60' |
| A3-F | 7 | 60' |
| A4-B | 4 | 60' |
| A4-F | 7 | 60' |
| P1 | 12 | 60' |

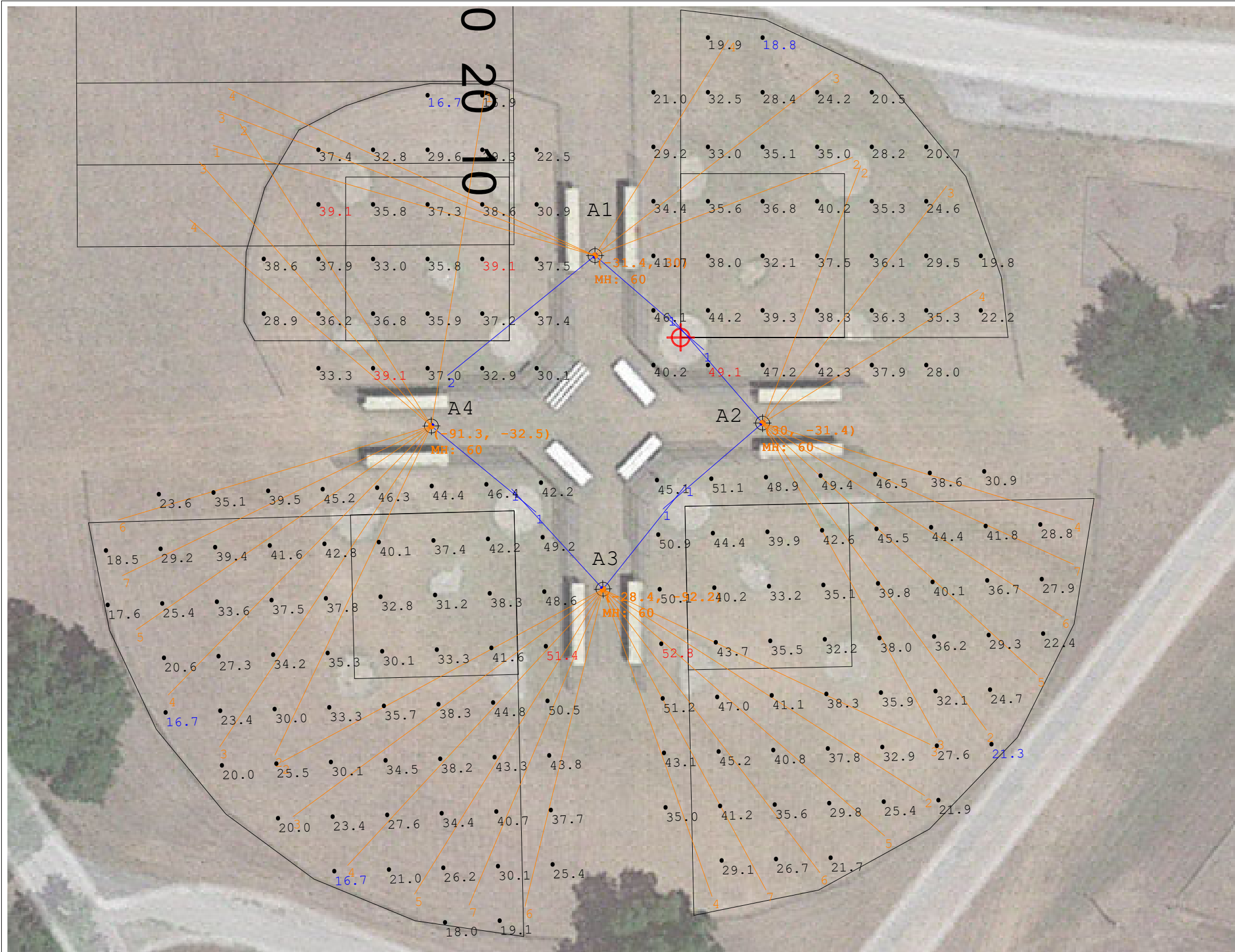
| Luminaire Schedule | | | | | |
|--------------------|-----|----------------|-------|------------|-------------|
| Scene: DEFAULT | | | | | |
| Symbol | Qty | Label | LLF | Lum. Watts | Arrangement |
| 🟡 | 48 | TSLM-SV-NLV | 0.950 | 800 | Single |
| 🟢 | 7 | TSLEW-SV-NLV | 0.950 | 800 | Single |
| 🟠 | 1 | TSLW-SV-NLV | 0.950 | 800 | Single |
| 🔴 | 8 | TSLM-SV-NLV_FB | 0.950 | 800 | Single |



City Park Phase II
 TX-City of Stephenville
 FOOTBALL/SOFTBALL
 24-20088-SB-AGI

1. THIS LIGHTING DESIGN IS BASED ON INFORMATION SUPPLIED BY OTHERS. SITE DETAILS PROVIDED HEREON ARE REPRODUCED ONLY AS A REFERENCE AND FIELD CONDITIONS MAY SIGNIFICANTLY AFFECT PREDICTED PERFORMANCE. PRIOR TO INSTALLATION, OBTAIN ALL NECESSARY PERMITS, REGULATIONS, ORDINANCES, AND LOCAL CODES. VERIFY ALL POLE LOCATIONS, ORIENTATION, MOUNTING HEIGHT, ETC. SHOULD BE COORDINATED WITH THE CONTRACTOR AND/OR SPECIFIER RESPONSIBLE FOR THE PROJECT.
 2. LUMINAIRE DATA IS TESTED TO INDUSTRY STANDARDS UNDER LABORATORY CONDITIONS. OPERATING VOLTAGE AND NOMINAL MANUFACTURING TOLERANCES OF LUMINAIRE BALLASTS AND LUMINAIRE MAY AFFECT FIELD RESULTS.
 3. COMPLIANCE TO FACILITY USE AND OPERATIONAL REQUIREMENTS IS THE RESPONSIBILITY OF THE OWNER AND/OR THE OWNER'S REPRESENTATIVE.

DRAWN BY: AMP
 Date: 4/19/2024
 SCALE: NTS
 Page M of 1
 24-20088-SB-AGI



| Pole Wattage Summary | |
|----------------------|--------------|
| Scene: BB | |
| Label | Total Watts |
| A1 | 6400 |
| A2 | 8800 |
| A3 | 11200 |
| A4 | 8800 |
| P1 | 0 |
| TOTAL | 35200 |

| Pole Summary | | |
|--------------|--------|-----|
| Scene: BB | | |
| Poles | # Lums | MH |
| A1-B | 4 | 60' |
| A1-F | 4 | 60' |
| A2-B | 7 | 60' |
| A2-F | 4 | 60' |
| A3-B | 7 | 60' |
| A3-F | 7 | 60' |
| A4-B | 4 | 60' |
| A4-F | 7 | 60' |

| Calculation Summary | | | | | | | | | | | |
|---------------------|-----------|-------|-------|------|------|---------|-------|---------|---------|------|------|
| Scene: BB | | | | | | | | | | | |
| Label | Area Size | Units | Avg | Max | Min | Max/Min | # Pts | PtSpcLr | PtSpcTb | CV | UG |
| SB #1 | 120' R | Fc | 33.19 | 49.1 | 18.8 | 2.61 | 39 | 20 | 20 | 0.25 | 1.63 |
| SB #2 | 150' R | Fc | 37.54 | 52.8 | 21.3 | 2.48 | 54 | 20 | 20 | 0.23 | 1.45 |
| SB #3 | 155' R | Fc | 33.68 | 51.4 | 16.7 | 3.08 | 62 | 20 | 20 | 0.28 | 1.58 |
| SB #4 | 95' R | Fc | 33.57 | 39.1 | 16.7 | 2.34 | 29 | 20 | 20 | 0.18 | 1.77 |

| Luminaire Schedule | | | | | |
|--------------------|-----|--------------|-------|------------|-------------|
| Scene: BB | | | | | |
| Symbol | Qty | Label | LLF | Lum. Watts | Arrangement |
| ⌘ | 37 | TSLM-SV-NLV | 0.950 | 800 | Single |
| ⌘ | 7 | TSLEW-SV-NLV | 0.950 | 800 | Single |

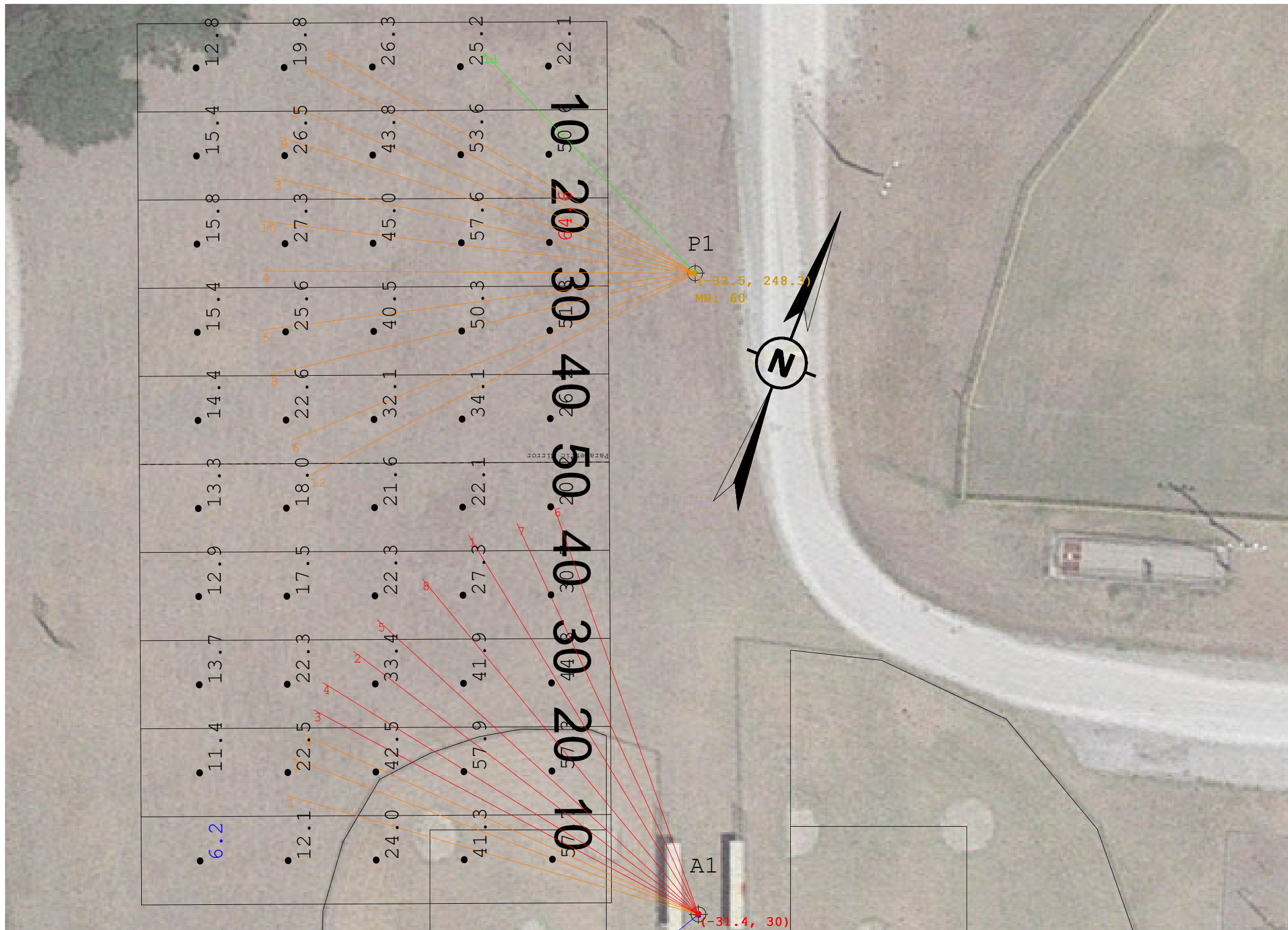
*** DISCLAIMER ***
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City Park Phase II
 TX-City of Stephenville
SWITCHING FOR SOFTBALL
 24-20088-SB.AGI

1. THIS LIGHTING DESIGN IS BASED ON INFORMATION SUPPLIED BY OTHERS. SITE DETAILS PROVIDED HEREON ARE REPRODUCED ONLY AS A REFERENCE AND FIELD CONDITIONS MAY SIGNIFICANTLY AFFECT PREDICTED PERFORMANCE. PRIOR TO INSTALLATION, OBTAIN ALL NECESSARY PERMITS, REGULATIONS, ORDINANCES, AND LOCAL CODES. VERIFY ALL DIMENSIONS, OBSTRUCTIONS, AND UTILITIES. THE CONTRACTOR AND/OR SPECIFIER IS RESPONSIBLE FOR THE PROJECT. 2. LUMINAIRE DATA IS TESTED TO INDICATE STANDARD UNDER LABORATORY CONDITIONS. OPERATING VOLTAGE AND NORMAL MANUFACTURING TOLERANCES OF LUMINAIRE AND LUMINAIRE MAY AFFECT FIELD RESULTS. 3. COMPLIANCE TO FACILITY CODE AND OTHER LOCAL REQUIREMENTS IS THE RESPONSIBILITY OF THE OWNER AND/OR THE OWNER'S REPRESENTATIVE.

DRAWN BY: AMP
 Date: 4/19/2024
 SCALE: NTS
 Page M of 1
 24-20088-SB.AGI



| Pole Wattage Summary | |
|----------------------|--------------|
| Scene: FB | |
| Label | Total Watts |
| A1 | 9600 |
| A2 | 0 |
| A3 | 0 |
| A4 | 0 |
| P1 | 9600 |
| TOTAL | 19200 |

| Pole Summary | | |
|--------------|--------|-----|
| Scene: FB | | |
| Poles | # Lums | MH |
| A1-B | 4 | 60' |
| A1-B-FB | 8 | 60' |
| P1 | 12 | 60' |



City Park Phase II
TX-City of Stephenville
SWITCHING FOR FOOTBALL
24-20088-SB.AGI

1. THIS LIGHTING DESIGN IS BASED ON INFORMATION SUPPLIED BY OTHERS. SITE DETAILS PROVIDED HEREON ARE REPRODUCED ONLY AS A REFERENCE AND FIELD CONDITIONS MAY SIGNIFICANTLY AFFECT PREDICTED PERFORMANCE. PRIOR TO INSTALLATION, CRITICAL SITE INFORMATION (POLE LOCATION, OBSTRUCTION, MOUNTING HEIGHT, ETC.) SHOULD BE COORDINATED WITH THE CONTRACTOR AND/OR SPECIFIER RESPONSIBLE FOR THE PROJECT.
 2. LUMINAIRE DATA IS TESTED TO INDICATE STANDARD UNDER LABORATORY CONDITIONS. OPERATING VOLTAGE AND NOMINAL MANUFACTURING TOLERANCES OF LUMINAIRE AND LUMINAIRE MAY AFFECT FIELD RESULTS.
 3. COMPLIANCE TO FACILITY USE AND OTHER LOCAL REQUIREMENTS IS THE RESPONSIBILITY OF THE OWNER AND/OR THE OWNER'S REPRESENTATIVE.

DRAWN BY: AMP
 Date: 4/19/2024
 SCALE: NTS
 Page M of 1
 24-20088-SB.AGI

*** DISCLAIMER ***
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| Calculation Summary | | | | | | | | | | | |
|---------------------|-------------|-------|-------|------|-----|---------|-------|---------|---------|------|------|
| Scene: FB | | | | | | | | | | | |
| Label | Area Size | Units | Avg | Max | Min | Max/Min | # Pts | PtSpcLr | PtSpcTb | CV | UG |
| FB | 300' x 160' | Fc | 30.27 | 64.6 | 6.2 | 10.42 | 50 | 30 | 30 | 0.50 | 2.57 |

| Luminaire Schedule | | | | | |
|--------------------|-----|----------------|-------|------------|-------------|
| Scene: FB | | | | | |
| Symbol | Qty | Label | LLF | Lum. Watts | Arrangement |
| | 14 | TSLM-SV-NLV | 0.950 | 800 | Single |
| | 1 | TSLEW-SV-NLV | 0.950 | 800 | Single |
| | 1 | TSLW-SV-NLV | 0.950 | 800 | Single |
| | 8 | TSLM-SV-NLV_FB | 0.950 | 800 | Single |

TSL800W

FIXTURE



Standard Visor



Extended Visor (optional)



800 WATT

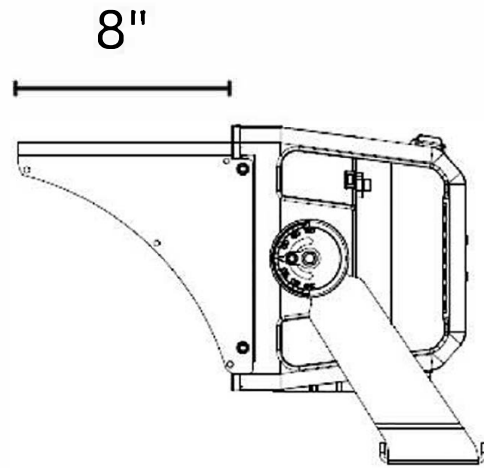
TECHNICAL DATA

| | |
|----------------------|-------------------------|
| SYSTEM WATTS | 800w |
| LUMEN OUTPUT | 120,000 |
| EFFICACY | 150 LM/W |
| EPA | 1.9 |
| WEIGHT | 45 lbs |
| BEAM ANGLE | N, M, W, EW |
| POWER FACTOR | 0.99 |
| CCT | 5700K |
| CRI | >70Ra |
| INPUT VOLTAGE | 200-480v |
| INPUT PROTECTION | 10KV Current Surge |
| DRIVER | Integral, Remote |
| IP RATING | IP65 |
| OPERATING TEMP RANGE | -40° C to +45°C |
| HOUSING MATERIAL | Alumimum, Powder Coated |

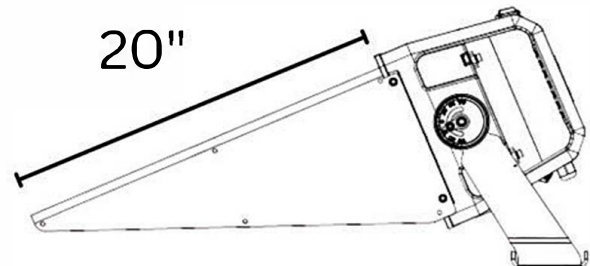
800 WATT

VISOR OPTIONS

Standard Visor



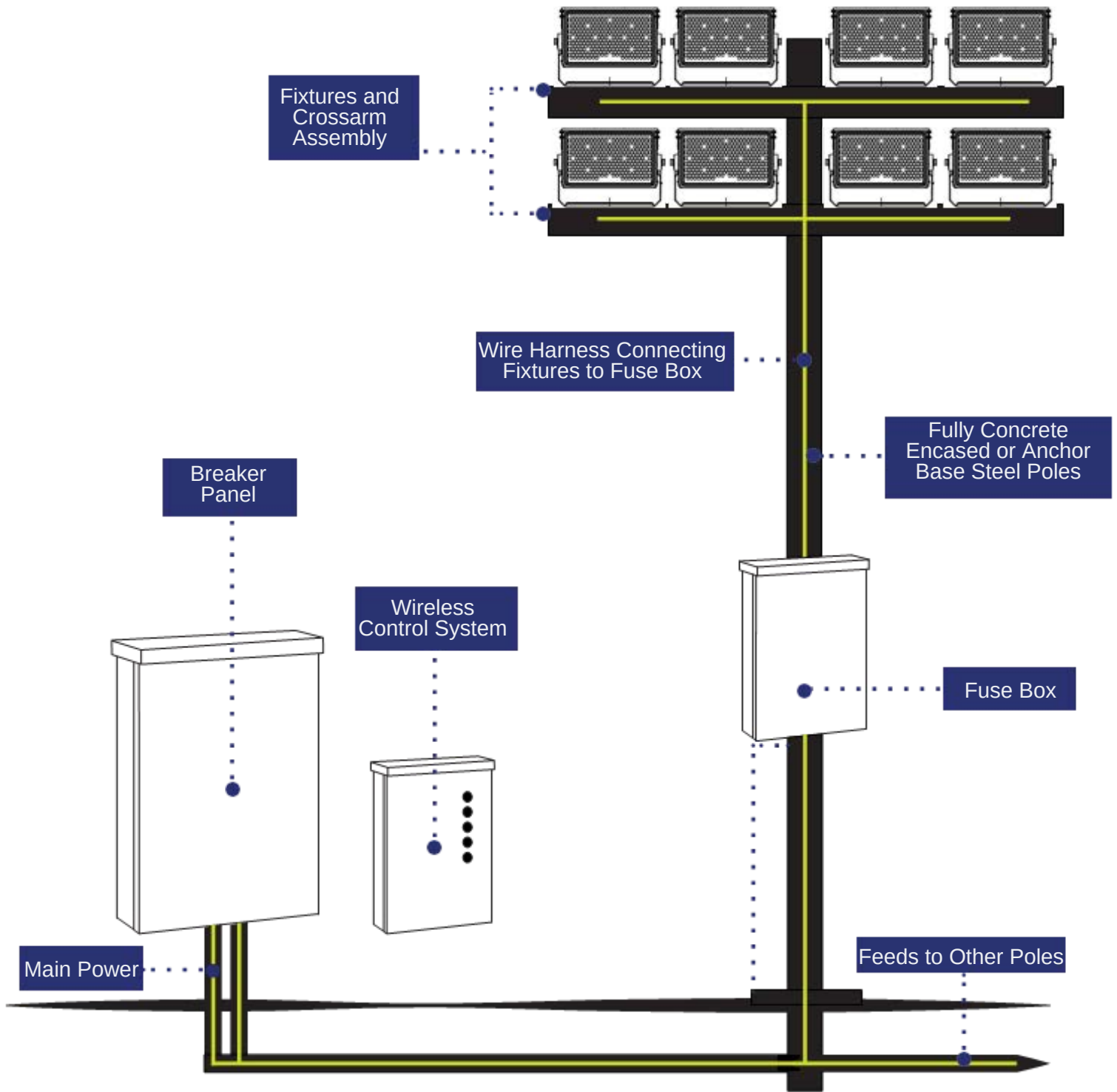
Extended Visor (optional)



Fixture Aimed at 23° Below
Horizontal

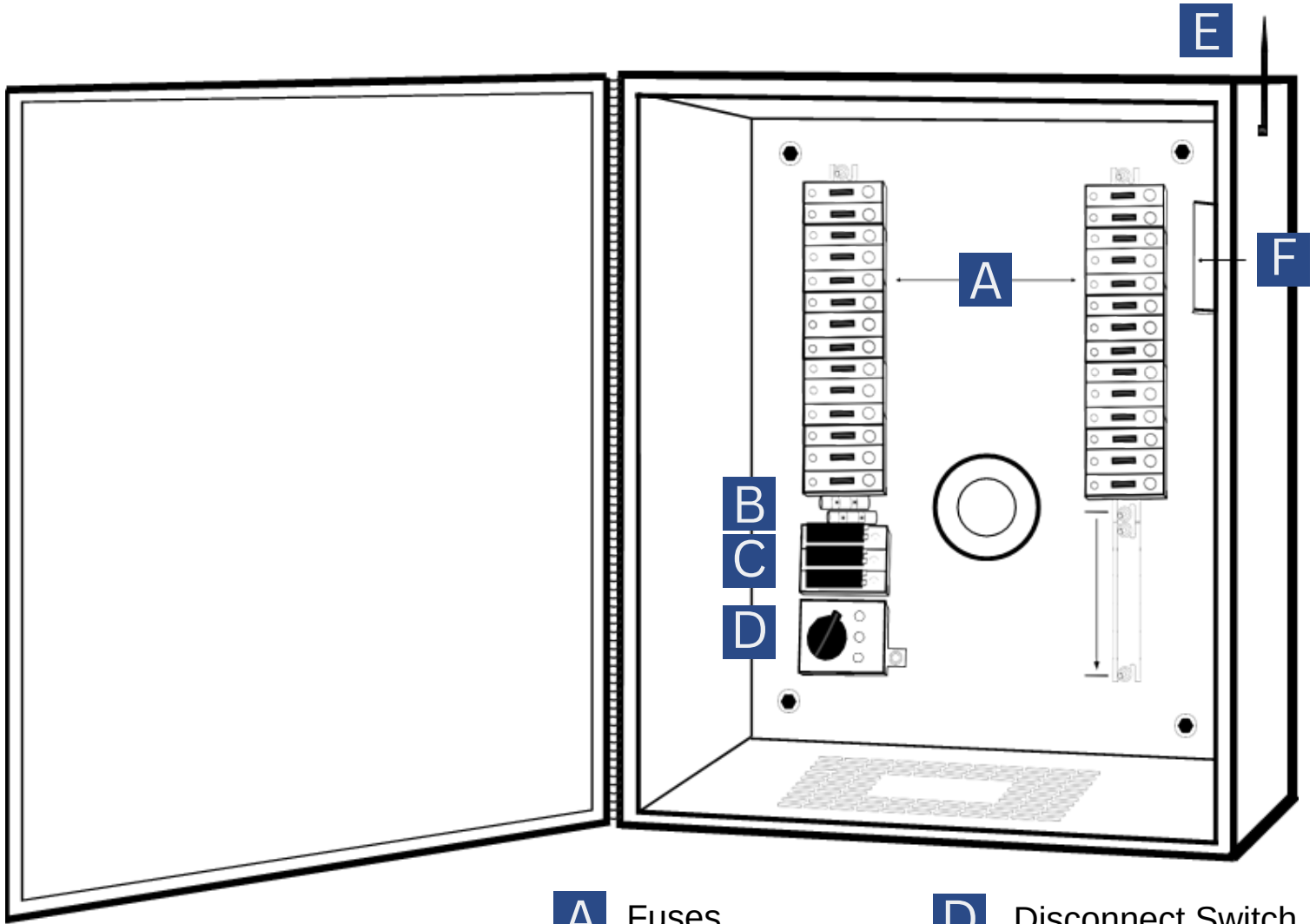
800 WATT

System Drawing



800 WATT

Fuse Box



Drawings do not designate fuse size, wiring, NEMA Box Type, distribution block information, disconnect switch size, ampacity, and surge arrester specification

Drawing depicts a typical Fuse Box (Control Enclosure)

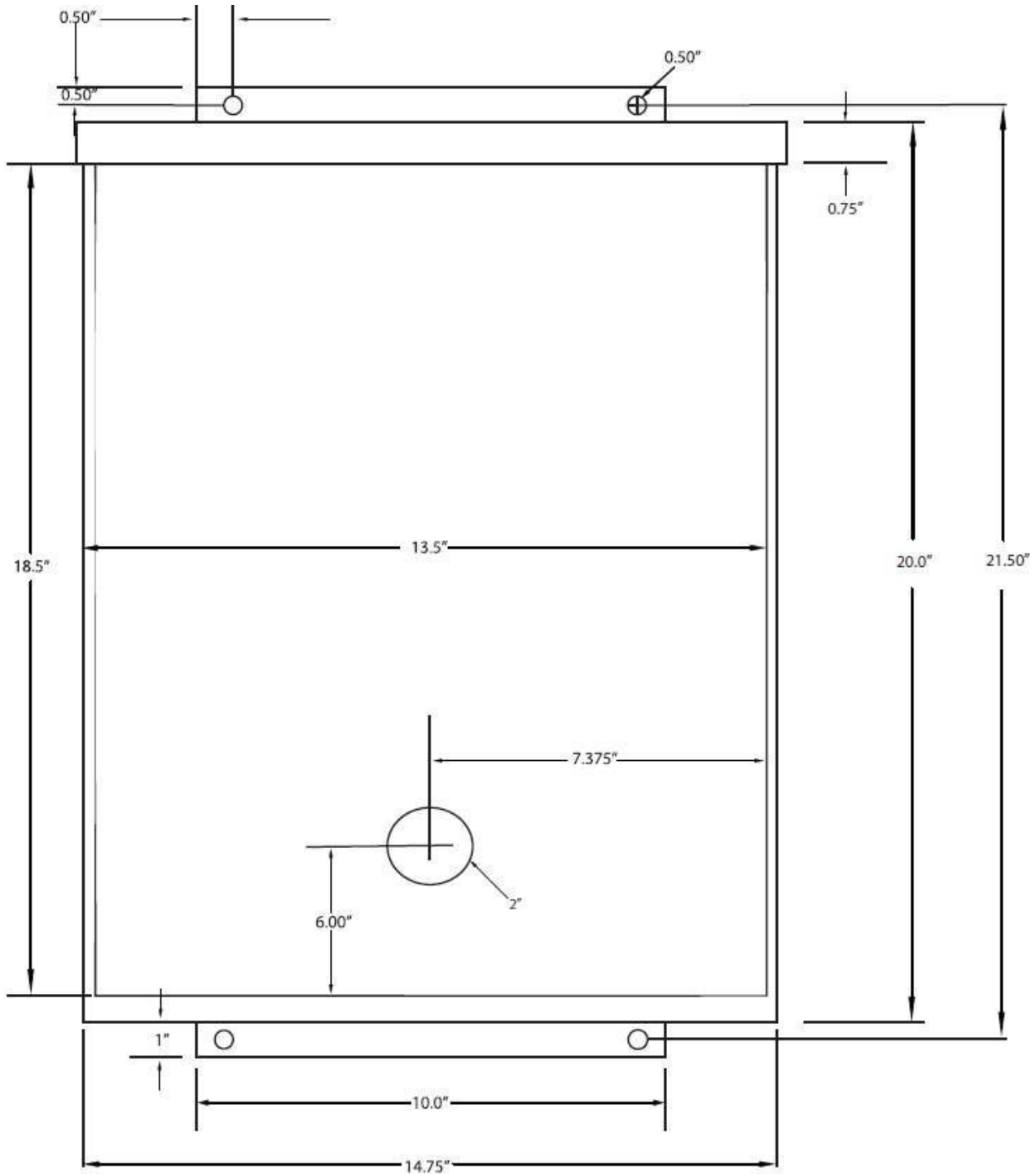
A customized Fuse Box will be Designed for any Specific Required Application

- | | | | |
|----------|--------------------|----------|----------------------------------|
| A | Fuses | D | Disconnect Switch |
| B | Ground Block | E | Wireless Antenna |
| C | Distribution Block | F | Wireless Relay Dimming-On/Off |

G * Alternate Control Option *
Simple On/Off No Dimming
Allows Digital Contactor (AirMesh Hub by Synapse)
the Ability to Remotely Turn Lights On/Off. This Option
DOES NOT allow Dimming Capability

800 WATT

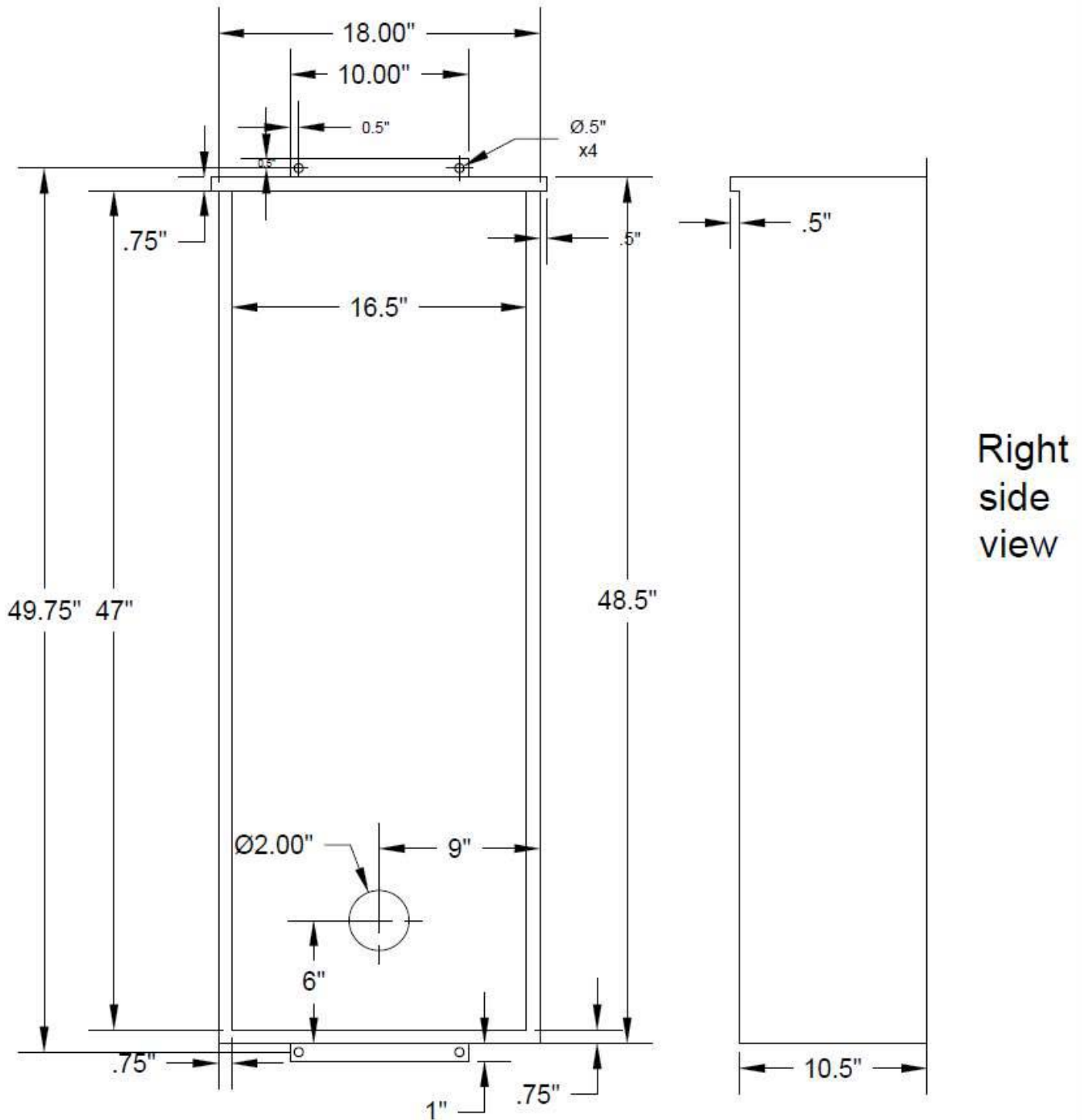
Small Box



****Drawings do not designate fuse size, wiring, NEMA box type, distribution block information, disconnect switch size, ampacity, and surge arrester specification**

800 WATT

Large Box



Right side view

****Drawings do not designate fuse size, wiring, NEMA box type, distribution block information, disconnect switch size, ampacity, and surge arrester specification**

TECHLINE 10 YEAR WARRANTY

10 Year Warranty

Techline Sports Lighting, LLC (“TSL”) will provide all materials and labor to maintain operation of your lighting system to original design criteria for 10 years. TSL products and services are guaranteed to perform on your project as detailed in this document.

TSL warrants your lighting system to be free from defects in materials and workmanship for a period of 10 years starting from date of product shipment. TSL agrees to provide labor and materials to replace defective parts or repair defects in workmanship to maintain original design performance criteria. This includes all TSL manufactured product (such as wire harnesses, drivers, luminaires, poles).

Terms & Conditions

Service under this Contract is provided by Techline Sports Lighting, LLC (“TSL”) or an authorized servicer approved by TSL. Services performed under this Contract shall consist of furnishing labor and parts necessary to restore the operation of the Covered Product(s) to original design criteria provided such service is necessitated by failure of the Covered Product(s) during normal usage.

“We”, “us” and “our” mean TSL. “You” and “your” mean the purchaser of the Covered Product(s). No one has the authority to change this Contract without the prior written approval of TSL. TSL shall not assume responsibility for their agents or assignees other than as described below. If there is a conflict between the terms of this Contract and information communicated either orally or in writing by one or more of our employees or agents, this Contract shall control.

Additional Provisions

1. **Availability of Service:** TSL Warranty support team members can receive messages 24/7 via web site, phone, fax, or email. Support team members shall be available to respond to requests from 8AM to 5PM Central Time, and services shall be rendered during these same hours in your local time zone, Monday through Friday (with the exception of national holidays). Hours of operation are subject to change without notice. TSL will exercise all reasonable efforts to perform service under this Contract, but will not be responsible for delays or failure in performing such services caused by adverse weather conditions, acts of any government, failure of transportation, accidents, riots, war, labor actions or strikes or other causes beyond its control.
2. **Determination of Repairs:** TSL will utilize any field monitoring system plus any information provided by the customer to determine when the usage of the field is materially impacted. From this information, TSL will determine needed repair and/or replacement of Covered Product(s) and parts. Repair will be with product(s) of like kind and quality. Warranty claims will be processed if fixture outages cause more than 10% of the guaranteed light levels to be affected and the field of play is materially impacted.
3. **Your Requirements Under this Contract:** Must meet all electrical and installation requirements as specified by the manufacturer. In addition, you promise and assure: full cooperation with TSL, TSL’s technicians and authorized servicers during telephone diagnosis and repair of the Covered Product(s); reasonable accessibility of the Covered Product(s); a non-threatening and safe environment for service. You agree to check fuses and replace them as needed. Electrical system must provide quality power within + / - 3% of nominal voltage. You agree to keep your Techline Sports Lighting system online. This means keeping the required control voltage to the control system at all times. Any deviation from this practice must be discussed with TSL’s Warranty Department.
4. **Service Limitations - This Contract does not cover:** Maintenance, repair or replacement necessitated by loss or damage resulting from any external causes such as, but not limited to, theft, environmental conditions, negligence, misuse, abuse, improper electrical/power supply, unauthorized repairs by third parties, attachments, damage to cabinetry, equipment modifications, vandalism, animal or insect infestation, physical damage to Covered Products parts or components, failure of existing structures, supporting electrical systems or any non-TSL equipment, or acts of God/nature (including, but not limited to: earthquake, flood, tornadoes, typhoons, hurricanes or lightning). Warranty assumes poles are accessible with a standard lift not more than 10 feet taller than the mounting height of the pole being serviced. If larger lifts are required to service poles that are inaccessible due to infrastructure or other site conditions, additional charges may apply. If other obstructions exist that impede access to the pole being serviced, such as attached cellular antenna structures, additional charges may apply.

TECHLINE 10 YEAR WARRANTY

5. Contract Limitations:

- i. Exclusions from Coverage: IN NO EVENT WILL TSL BE LIABLE FOR ANY SPECIAL, INDIRECT, INCIDENTAL OR CONSEQUENTIAL DAMAGES WHICH INCLUDE, BUT ARE NOT LIMITED TO, ANY DELAY IN RENDERING SERVICE OR LOSS OF USE DURING THE REPAIR PERIOD OF THE COVERED PRODUCT(S) OR WHILE OTHERWISE AWAITING PARTS.
 - ii. Limitation of Liability: To the extent permitted by applicable law, the liability of TSL, if any, for any allegedly defective Covered Product(s) or components shall be limited to repair or replacement of the Covered Product(s) or components at TSL's option. THIS CONTRACT IS YOUR SOLE EXPRESS WARRANTY WITH RESPECT TO THE COVERED PRODUCT(S). ALL IMPLIED WARRANTIES WITH RESPECT TO THE COVERED PRODUCT(S) INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, ARE HEREBY EXPRESSLY EXCLUDED.
 - iii. For the purposes of and by your acceptance of this Contract you acknowledge and agree that if a surety bond ("Bond") is provided the warranty and/or maintenance guarantee provided for in this Contract and any corresponding liability on behalf of the issuing surety under the Bond is limited to the first twelve (12) months of said warranty and/or maintenance guarantee coverage period. Any warranty and/or guarantee coverage period in excess of said initial 12-month period does not fall within the scope of the Bond and shall be the sole responsibility of TSL.
 - iv. TSL requires reasonable access for a crane or man lift equipment to service the lighting system. TSL will not be responsible for damage from operating the vehicle on the property when the equipment is operated in the prescribed manner over the designated access route.
 - v. TSL will make every effort to maintain any component of our sports lighting system for the entirety of the warranty period. Advances in technology and obsolescence of some components, including but not limited to; regulatory changes, cellular upgrades, and other items beyond our control, could possibly render this impossible for some components in the future. TSL will always make every effort to support our system as long as manufactured components are available.
6. **Transfer and Assignment:** Except to owners, you shall not have the right to assign or otherwise transfer your rights and obligations under this Contract except with the prior written consent of TSL; however, a successor in interest by merger, operation of law, assignment or purchase or otherwise of your entire business shall acquire all of your interests under this Contract.
 7. **Governing Law:** Unless otherwise governed by applicable state law, the Contract shall be interpreted and enforced according to the laws of the State of Texas.
 8. **Subrogation:** In the event TSL repairs or replaces any Covered Product(s), parts or components due to any defect for which the manufacturer or its agents or suppliers may be legally responsible, you agree to assign your rights of recovery to TSL. You will be reimbursed for any reasonable costs and expenses you may incur in connection with the assignment of your rights. You will be made whole before TSL retains any amounts it may recover.

Techline Sports Lighting, LLC has a team of people to ensure fulfillment of our product and services warranty and maintains financial reserves dedicated to support our fulfillment of this warranty. Please keep this document as your signed contract guaranteeing comprehensive service for the 10 year period.

Effective Date:



Techline Sports Lighting, LLC.
Rodney M. Hawthorne
President



STAFF REPORT

SUBJECT: Consider Approval of proposal by Techline Sports Lighting

DEPARTMENT: Parks and Leisure Services

STAFF CONTACT: Daron Trussell, Director of Parks and Leisure Services

RECOMMENDATION:

Staff recommends approving a proposal with Techline Sports Lighting for additional lighting at the Optimist Youth Complex.

BACKGROUND:

Techline Sports lighting installed lighting for all baseball/softball fields with Stephenville City Park in 2022/2023 and did not include the Optimist Youth Complex. At the time this complex was not in use for tournament play and was excluded from the project. Since, this complex has been added for tournament play and needs lighting to attract additional teams to Stephenville for tournaments.

FISCAL IMPACT SUMMARY:

The total project cost is \$229,000 and includes all materials, delivery and installation. The project is funded from 2022 Bond Proceeds.

STAFF REPORT



SUBJECT: Case No.: RZ2025-001

Applicant Jason Nitschke, representing Horton Commercial Properties, LLC., is requesting a Rezone for property located at 791 N Clinton Ave, being Parcel R33319 of S5700 Shapard & Collins; Block 14, Lots 12 & 13 of the City of Stephenville, Erath County, Texas from (R-3), Multifamily to (R-2.5) Integrated Housing.

DEPARTMENT: Development Services
STAFF CONTACT: Steve Killen, Director of Development Services

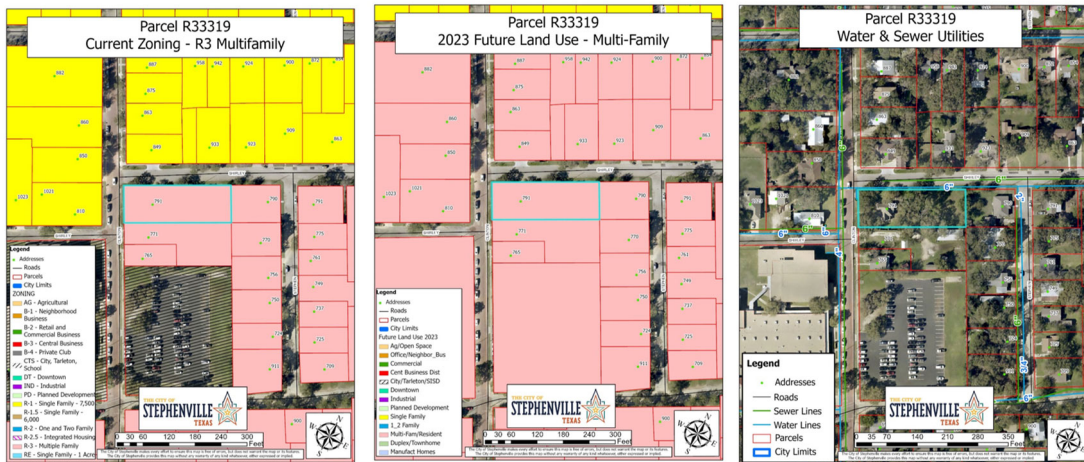
RECOMMENDATION:

The Planning and Zoning Commission convened on January 15, 2025, and by unanimous vote, recommended the City Council approve the rezone request.

BACKGROUND:

Mr. Nitschke’s conceptual plan is for duplex style structures, platted separately. If the rezone is approved, a replat will be required for the project. R-2.5 zoning allows duplexes as a use-by-right. The requested zoning will result in a lower unity density per acre than currently zoned.

PROPERTY PROFILE:





FUTURE LAND USE

Community Core

The Community Core land use accommodates a mix of uses at a medium density. Diverse housing types are encouraged to support a range of residents. Local businesses, such as grocery stores, cafes, and local offices cater to the needs of the nearby residents and parks and green spaces provide recreational opportunities.

Guiding Principles

Land Use: Land uses are characterized by a mix of uses that includes varying forms of mixed residential and commercial. Purpose-built student housing is preferred along walkable routes to campus and major corridors.

Built Form: Buildings are typically two to four stories to encourage more efficient utilization of land. Buildings are brought up to the street edge to encourage walkable urban form.

Mobility: Existing streets should be connected into the larger grid network where disconnected and substandard with street trees should be developed to promote pedestrian connectivity.

Parking: Parking should be accommodated with a mix of off-street parking, shared parking, and structured parking associated with larger developments.

Parks and Open Space: Public spaces and plazas are integrated into the development framework as well designed and highly amenitized courtyards, plaza spaces, and gardens.

\$5,500 per acre - Targeted property tax revenue per acre is high. City infrastructure spending should be directed to the Community Core to help attract new developments to these fiscally productive areas.

Sec. 154.05.8 Integrated housing district (R-2.5).

5.8.A Description. This integrated residential housing district provides for medium-density city neighborhood development. The primary land use allows for single-family dwellings, two-to-four family dwelling units, patio homes, condominiums and townhomes. Generally, this district is for developments resulting in individually platted homes or dwelling units and generally, owner occupied. Recreational, religious and educational uses are also permitted so as to contribute to the natural elements of a convenient, balanced and attractive neighborhood. Development within this district is intended to be protected from the encroachment of land activities that do not contribute to the aesthetic and functional well-being of the intended district environment. The Integrated Housing District will be applicable to all Residential Districts, B-1 Neighborhood Business District (B-1), Central Business District (B-3), and Downtown District (DT).

5.8.B Permitted Uses.

1. Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage or conservatorship. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing, or failing to prohibit residential use of a dwelling in this district by more than three unrelated individuals.
2. Two-to-four family dwellings, with each family limited as in division (1) above;
3. Townhouse dwellings, with each family limited as in division (1) above;
4. Condominium dwellings, with each family limited as in division (1) above;

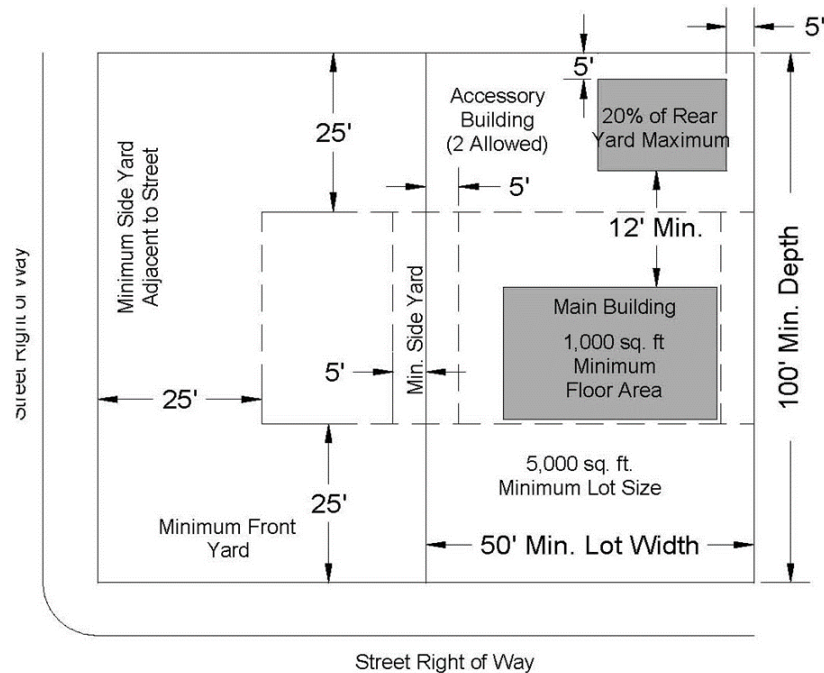
5.8.C Conditional Uses.

1. Home occupation;
2. Common facilities as the principal use of one or more platted lots in a subdivision;
3. Adult and/or children's day care centers;
4. Foster group home; and
5. Residence hall.

5.8.D Height, Area, Yard and Lot Coverage Requirements.

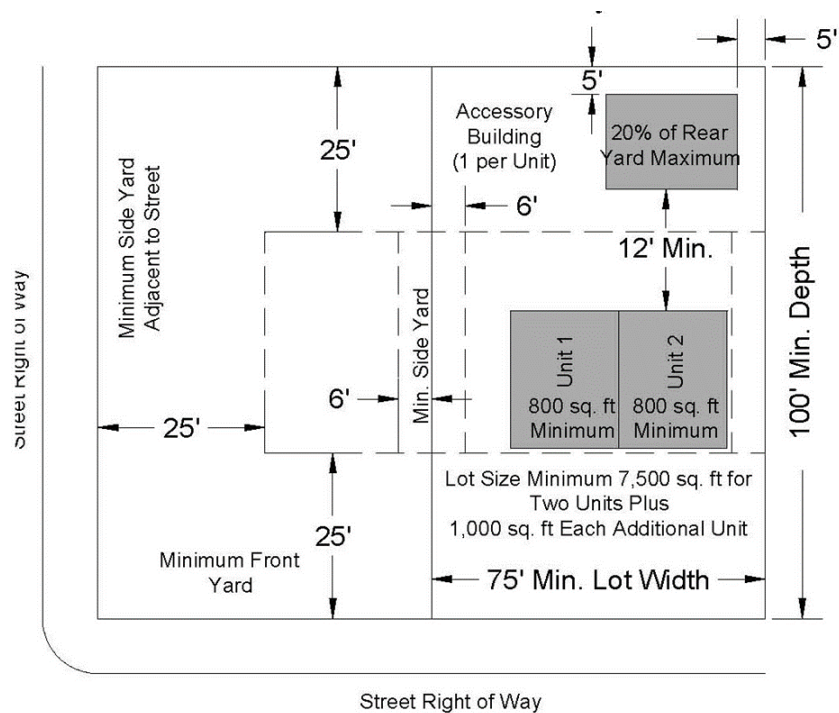
- A. Single family dwelling.
 1. Minimum lot area: 3,000 ft².
 2. Minimum lot width and lot frontage: 50 feet.
 3. Minimum lot depth: 60 feet.
 4. Minimum depth of front setback: 15 feet.

5. Minimum depth of rear setback: 15 feet.
6. Minimum width of side setback:
 - a. Internal lot: five feet.
 - b. Corner lot: 15 feet from intersecting side street.
7. Building size:
 - a. Maximum coverage as a percentage of lot area: 40%.
 - b. Single family dwelling: 1,000 ft².
8. Accessory buildings:
 - a. Maximum accessory buildings coverage of rear yard: 20%.
 - b. Maximum number of accessory buildings: one.
 - c. Minimum depth of side setback: five feet.
 - d. Minimum depth of rear setback: five feet.
 - e. Minimum depth from the edge of the main building: 12 feet.
9. Maximum height of structures: 35 feet.
10. Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



- B. Two-to-four family.
 1. Minimum lot area: 7,500 ft² for two dwelling units, plus 1,000 ft² for each additional dwelling unit.
 2. Minimum lot width and lot frontage: 75 feet.
 3. Minimum lot depth: 100 feet.
 4. Minimum depth of front setback: 15 feet.
 5. Minimum depth of rear setback: 15 feet.
 6. Minimum width of side setback:
 - a. Internal lot: six feet.

- b. Corner lot: 15 feet from intersecting side street.
7. Building size:
 - a. Maximum coverage as a percentage of lot area: 40%.
 - b. Minimum area of each dwelling unit: 800 ft².
8. Accessory buildings:
 - a. Maximum accessory building coverage of rear yard: 20%.
 - b. Maximum area of each accessory building: 200 ft².
 - c. Maximum number of accessory buildings: one per unit.
 - d. Minimum depth of side setback: five feet.
 - e. Minimum depth of rear setback: five feet.
 - f. Minimum depth from the edge of the main building: 12 feet.
9. Maximum height of structures: 35 feet.
10. Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



- C. Townhouse/Condominium.
 1. Minimum lot area: 3,000 ft² per unit.
 2. Minimum average lot width and lot frontage: 30 feet.
 3. Minimum lot depth: 100 feet.
 4. Minimum depth of front setback: 15 feet.
 5. Minimum depth of rear setback: 15 feet.
 6. Minimum width of side setback:
 - a. Internal lot: five feet.
 - b. Corner lot: 15 feet from intersecting side street.
 7. Building size:

- a. Maximum building coverage as a percentage of lot area: 40%
 - b. Minimum area of each Townhouse dwelling unit: 800 ft².
 - c. Minimum area of each Condominium of each dwelling unit: 500 ft² for one bedroom or less, plus 125 ft² of floor area for each additional bedroom.
8. Accessory buildings:
- a. Maximum accessory building coverage of rear yard: 20%.
 - b. Maximum area of each accessory building: 200 ft².
 - c. Maximum number of accessory buildings: one per unit.
 - d. Minimum depth of side setback: five feet.
 - e. Minimum depth of rear setback: five feet.
 - f. Minimum depth from the edge of the main building: 12 feet.
9. Maximum height of structures: 35 feet.
10. Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.
11. Maximum density of Townhome or Condominium Housing within the R-2.5 District shall not exceed 14 units per acres with each unit platted separately.
12. Deviations from the required standards within the R-2.5 district will be subject to site plan review by the Planning and Zoning Commission and subsequent approval by City Council. Site plans should include renderings with elevations, a finish schedule and incorporate architectural designs that complement the existing structures of the area of integration.

5.8.E Parking Regulations. Lots in this District shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in Section 154.11 *Parking spaces for vehicles* of this ordinance.

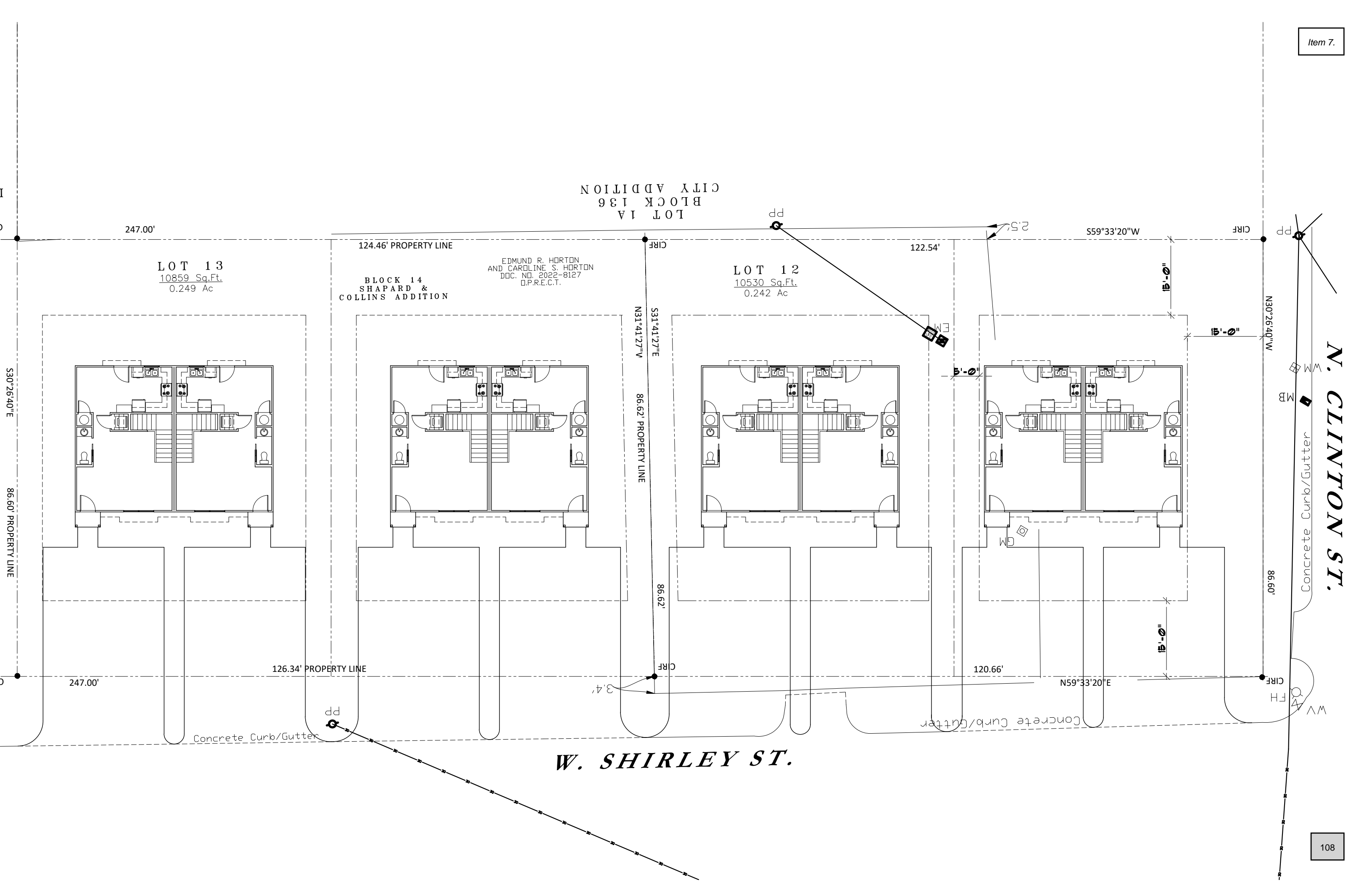
(Ord. No. 2021-O-28 , § 1, passed 9-7-2021)

FACTORS TO CONSIDER:

- Compliance with Comprehensive Plan?
- Is application consistent with Plan?
- If not, have conditions changed or new information been offered to support change?
- Surrounding Zoning and Land Use
- Infrastructure Impacts
- Size and Location of Parcel – is land large enough and in property location for proposed use?
- Reasonable Use of Property – does proposed change provide reasonable use of property?
- Zoning has great discretion – deny if applicant has not proven it is in the best interest of City to approve.

ALTERNATIVES:

- 1) Accept the recommendation of the Planning and Zoning Commission and approve the rezone request.
- 2) Deny the rezone request.

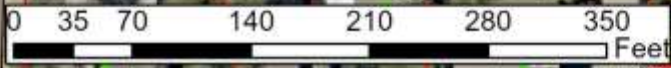


Parcel R33319 200 ft Buffer



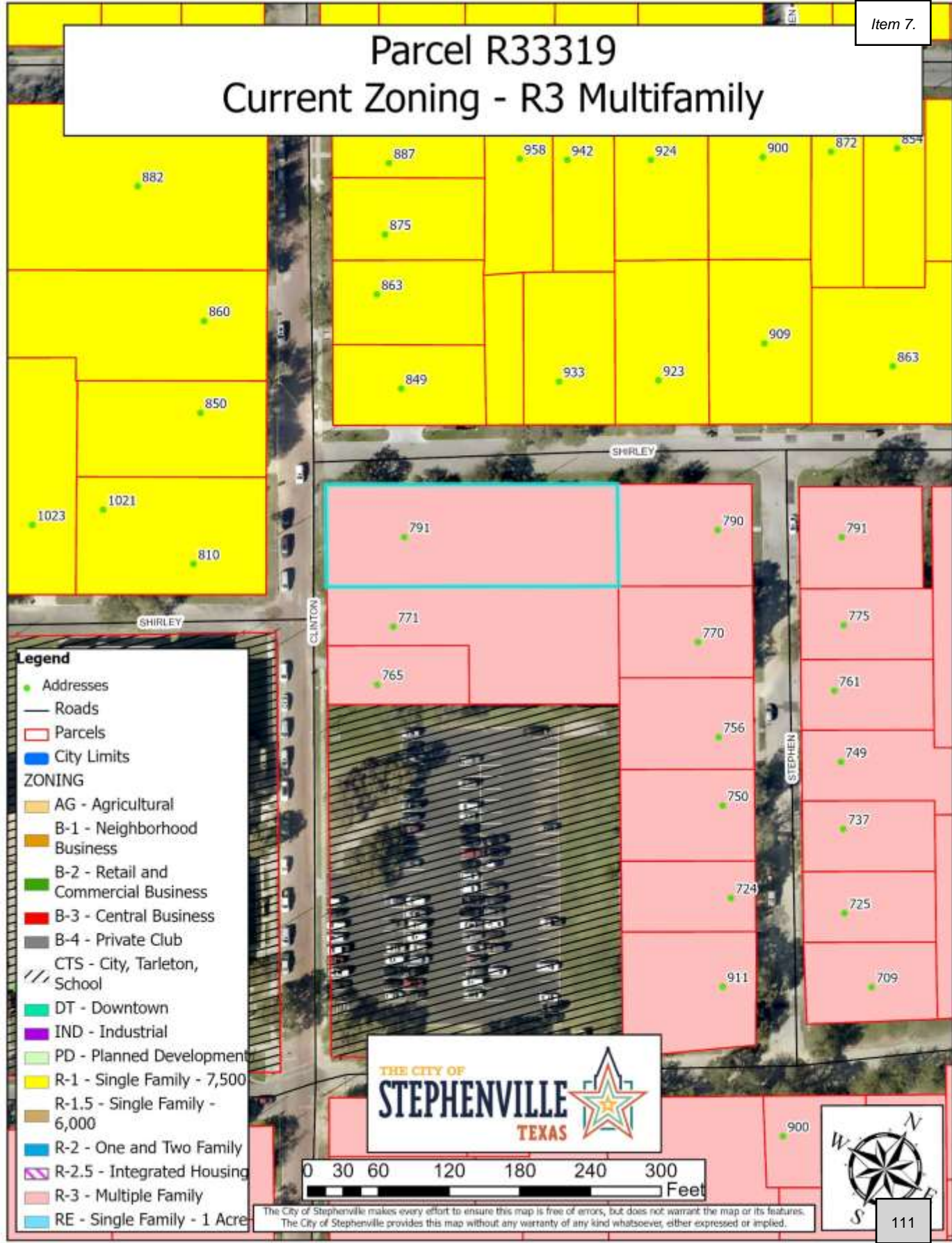
Legend

- Addresses
- Roads
- Parcels
- 200 Ft. Buffer
- City Limits



The City of Stephenville makes every effort to ensure the map is free of errors, but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either expressed or implied.

Parcel R33319 Current Zoning - R3 Multifamily

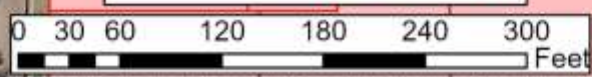


Legend

- Addresses
- Roads
- ▭ Parcels
- ▭ City Limits

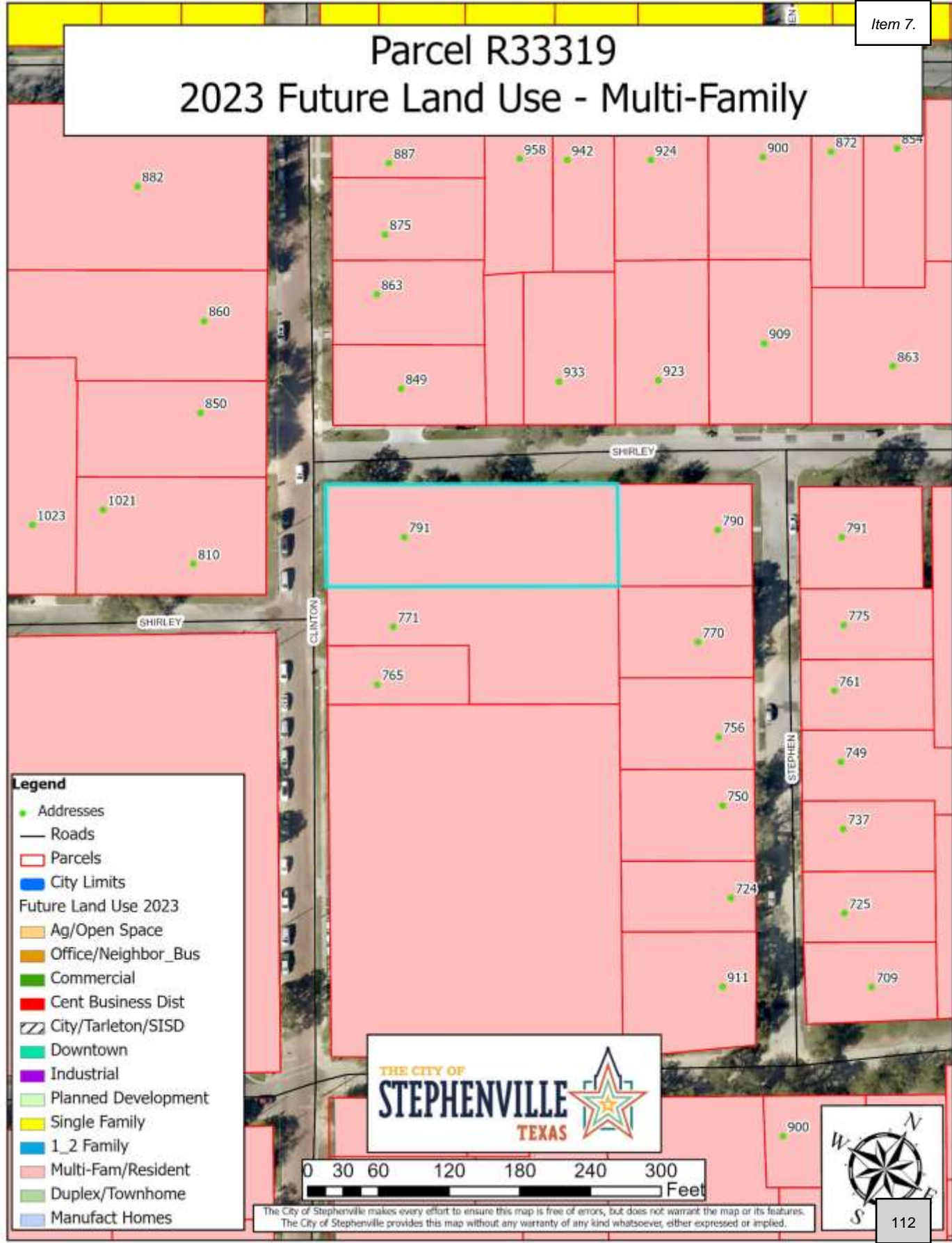
ZONING

- ▭ AG - Agricultural
- ▭ B-1 - Neighborhood Business
- ▭ B-2 - Retail and Commercial Business
- ▭ B-3 - Central Business
- ▭ B-4 - Private Club
- ▭ CTS - City, Tarleton, School
- ▭ DT - Downtown
- ▭ IND - Industrial
- ▭ PD - Planned Development
- ▭ R-1 - Single Family - 7,500
- ▭ R-1.5 - Single Family - 6,000
- ▭ R-2 - One and Two Family
- ▭ R-2.5 - Integrated Housing
- ▭ R-3 - Multiple Family
- ▭ RE - Single Family - 1 Acre

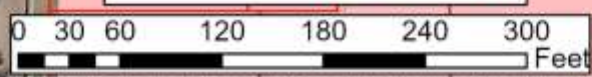


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Parcel R33319 2023 Future Land Use - Multi-Family



- Legend**
- Addresses
 - Roads
 - ▭ Parcels
 - ▭ City Limits
 - Future Land Use 2023**
 - ▭ Ag/Open Space
 - ▭ Office/Neighbor_Bus
 - ▭ Commercial
 - ▭ Cent Business Dist
 - ▭ City/Tarleton/SISD
 - ▭ Downtown
 - ▭ Industrial
 - ▭ Planned Development
 - ▭ Single Family
 - ▭ 1_2 Family
 - ▭ Multi-Fam/Resident
 - ▭ Duplex/Townhome
 - ▭ Manufact Homes



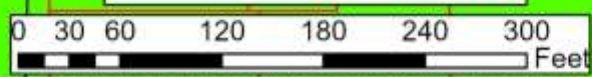
The City of Stephenville makes every effort to ensure this map is free of errors, but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either expressed or implied.

Parcel R33319 2050 Future Land Use - Community Core



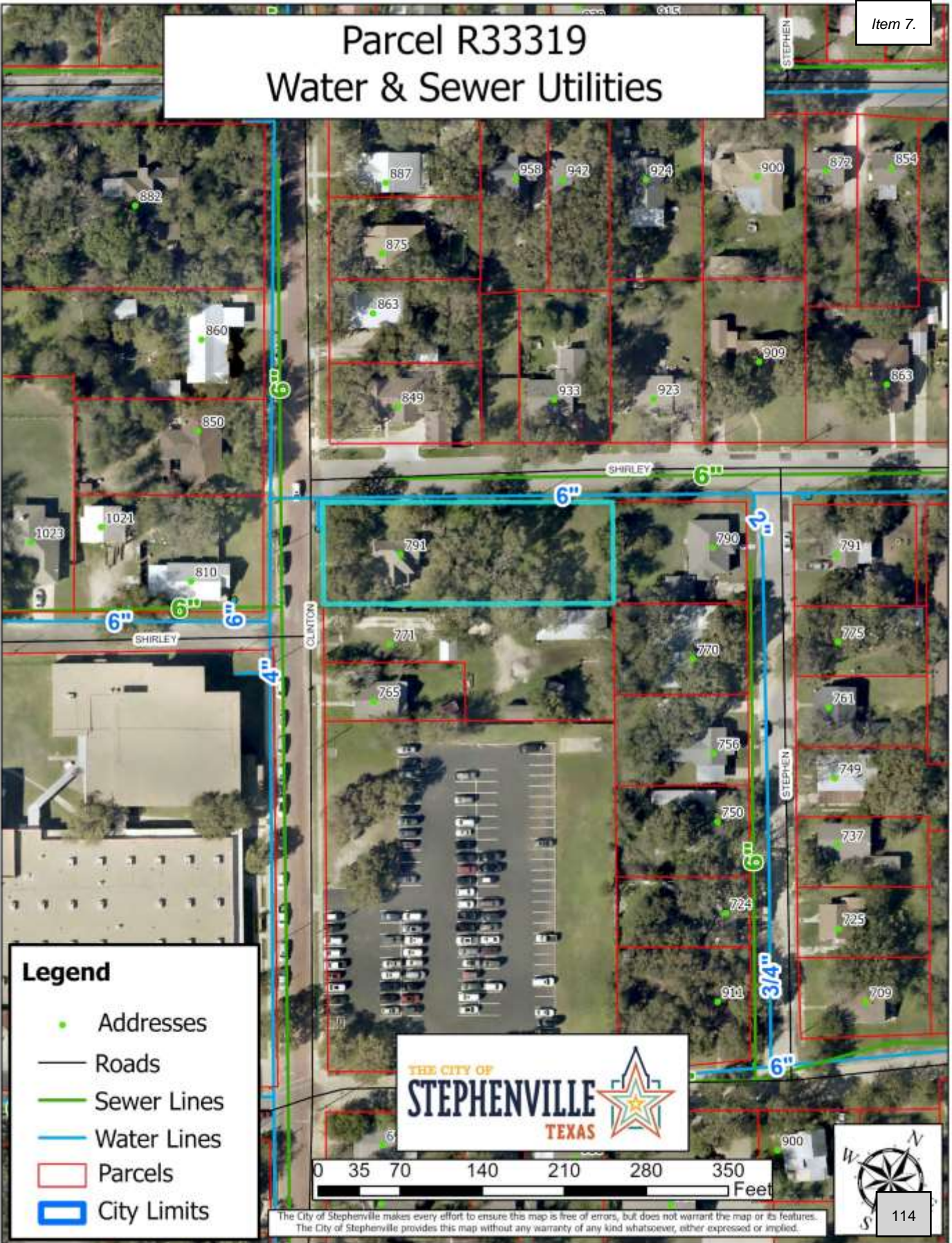
Legend

- Addresses
- Roads
- ▭ Parcels
- ▭ City Limits
- Future Land Use 2050
- ▭ Community Core
- ▭ Complete Neighborhood
- ▭ Open Space/Hazard
- ▭ Rural
- ▭ Special District
- ▭ Town Center Mixed Use



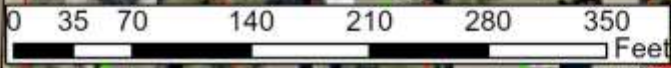
The City of Stephenville makes every effort to ensure this map is free of errors, but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either expressed or implied.

Parcel R33319 Water & Sewer Utilities



Legend

- Addresses
- Roads
- Sewer Lines
- Water Lines
- ▭ Parcels
- ▭ City Limits



The City of Stephenville makes every effort to ensure the map is free of errors, but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either expressed or implied.



Parcel ID R33319

200 Ft Buffer

Address

Item 7.

| Parcel ID | Parcel Address | Parcel Owner | Owner Address | City | State | Zip Code |
|------------|----------------|---|-----------------------|--------------|-------|------------|
| R000030306 | 750 STEPHEN | BALDRIDGE WILLAIM DAVID | 750 N STEPHEN AVE | STEPHENVILLE | TX | 76401 |
| R000033314 | 958 FREY | BALL OLIVIA & ASHTON BALL | 958 W FREY | STEPHENVILLE | TX | 76401 |
| R000033313 | 942 W FREY | BARRERA ROBERTO ARAMBULA | 942 W FREY | STEPHENVILLE | TX | 76401 |
| R000061369 | 860 CLINTON | CARLSON NICHOLAS E & NANCY C LEFFEL CARLSON | 860 N CLINTON | STEPHENVILLE | TX | 76401 |
| R000030305 | 756 STEPHEN | CONNALLY BRANDI NICOLE AND BREANN CONNALLY | PO BOX 31 | COOLIDGE | TX | 76635 |
| R000033317 | 935 SHIRLEY | COUNCIL ALTON B & DIANA J | 933 SHIRLEY | STEPHENVILLE | TX | 76401 |
| R000033315 | 933 SHIRLEY | COUNCIL ALTON BILLIE & DIANA JOHNST | 933 W SHIRLEY | STEPHENVILLE | TX | 76401-0000 |
| R000030775 | 810 CLINTON | ENA PG, LLC - 810 CLINTON SERIES | 6125 LUTHER LANE #257 | DALLAS | TX | 75225 |
| R000033320 | 790 STEPHEN | H&H UNLIMITED LLC | 849 N CLINTON | STEPHENVILLE | TX | 76401 |
| R000033323 | 863 CLINTON | HANGIN G LAND & CATTLE CO LLC | PO BOX 39 | DUBLIN | TX | 76446 |
| R000030304 | 770 STEPHEN | HOOPER SCOTT & SHELLIE HOOPER | 849 N CLINTON ST | STEPHENVILLE | TX | 76401 |
| R000033316 | 849 N CLINTON | HOOPER SCOTT & SHELLIE HOOPER | 849 N CLINTON | STEPHENVILLE | TX | 76401 |
| R000033319 | 791 CLINTON | HORTON COMMERCIAL PROPERTIES, LLC | 2445 NORTHWEST LOOP | STEPHENVILLE | TX | 76401 |
| R000033310 | 863 W SHIRLEY | JACKSON THOMAS L & WILMA | 863 W SHIRLEY | STEPHENVILLE | TX | 76401-3140 |
| R000033325 | 923 SHIRLEY | KITCHENS JOEL | 923 W SHIRLEY | STEPHENVILLE | TX | 76401 |
| R000030782 | 850 N CLINTON | LANDEROS LUIS A & SHANNEL J | 850 CLINTON | STEPHENVILLE | TX | 76401 |
| R000030303 | 775 STEPHEN | LIDE AARON HENRY & HALYN BAUER LIDE | 210 MAURICE LN | CHINA SPRING | TX | 76633 |
| R000030302 | 761 STEPHEN | LIDE AARON HENRY & HALYN BAUER LIDE | 210 MAURICE LN | CHINA SPRING | TX | 76633 |
| R000033322 | 875 N CLINTON | MCEACHRAN GINA RENEE | 875 N CLINTON | STEPHENVILLE | TX | 76401 |
| R000033312 | 909 SHIRLEY | RENFIELD LLC | 115 N GRAHAM ST #202 | STEPHENVILLE | TX | 76401 |
| R000030296 | 771 CLINTON | RENFIELD LLC | 115 N GRAHAM ST #202 | STEPHENVILLE | TX | 76401 |
| R000033324 | 924 FREY | RESENDIZ JONATHAN CHAINE & OTONIEL CHAINE | 924 W FREY | STEPHENVILLE | TX | 76401 |
| R000030297 | 765 CLINTON | SALAZAR FIDEL | 1076 VANDERBILT | STEPHENVILLE | TX | 76401 |
| R000030298 | 1067 CLINTON | STEPHENVILLE ISD | 2655 W OVERHILL DR | STEPHENVILLE | TX | 76401-0000 |
| R000030840 | 1067 W JONES | STEPHENVILLE ISD | 2655 W OVERHILL DR | STEPHENVILLE | TX | 76401-0000 |
| R000030788 | 882 CLINTON | SULT GREGORY R & KELLY M | 882 N CLINTON | STEPHENVILLE | TX | 76401-0000 |
| R000033321 | 791 N STEPHEN | TACKETT BEN WILLIAM | 791 N STEPHEN AVE | STEPHENVILLE | TX | 76401 |
| R000033282 | 749 STEPHEN | WEEMS SHELIA L (LIFE ESTATE) | 749 N STEPHENS | STEPHENVILLE | TX | 76401 |

ORDINANCE NO. 2025-O-_____

AN ORDINANCE REZONING THE LAND DESCRIBED MULTIFAMILY (R-3) TO INTEGRATED HOUSING (R-2.5)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS, THAT:

All that lot, tract or parcel of land legally described as follows:

791 N Clinton Ave, being Parcel R33319 of S5700 Shapard & Collins; Block 14, Lots 12 & 13 of the City of Stephenville, Erath County, Texas

is hereby rezoned and the zoning classification changed from the classification of Multifamily (R-3) to Integrated Housing (R-2.5) in accordance with the Zoning Ordinance of the City of Stephenville.

PASSED AND APPROVED this the 4th day of February 2025.

Doug Svien, Mayor

ATTEST:

Sarah Lockenour, City Secretary

Reviewed by Jason King,
City Manager

Randy Thomas, City Attorney
Approved as to form and legality

STAFF REPORT



SUBJECT: Case No.: RZ2025-002

Applicant Shannon Hammon, representing Team S&K Enterprises, LLC., is requesting a Rezone for property located at 230 Tarleton, being Parcel R78009 of S2600 City Addition, Block 63, Lot 23 of the City of Stephenville, Erath County, Texas from (B-1), Neighborhood Business to (B-3) Central Business District.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

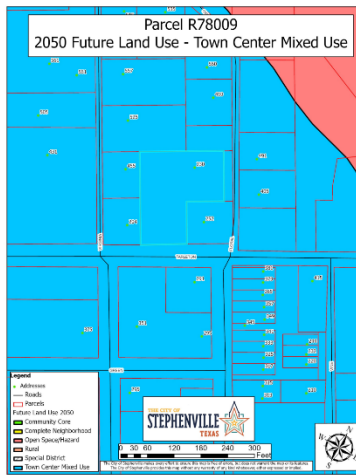
RECOMMENDATION:

The Planning and Zoning Commission convened on January 15, 2025, and by unanimous vote, recommended the City Council approve the rezone request.

BACKGROUND:

The applicant is requesting a rezone to allow for the highest and best use for future development. In 2023, an amended plat was submitted and approved. Also, in December 2023, the adjacent property, known as 252 E Tarleton, was recommended for rezoning from B-1 to B-3. The City Council subsequently approved the rezone of that property in 2024.

PROPERTY PROFILE:



Ave 1

FUTURE LAND USE

Town Center Mixed-Use

The Town Center Mixed-Use land use encourages a mix of uses including residential, purpose-built student housing, offices, retail, and recreational at higher densities. These areas are hubs for commerce, entertainment, education, and culture, with numerous offices, shops, restaurants, theaters, and art galleries.





Guiding Principles

Land Use: Land uses are characterized by mixed-use developments. Commercial is encouraged on ground floors that face major corridors. Purpose-built student housing that contributes to walkability is encouraged in the Town Center Mixed-Use category.

Built Form: Building height and mass should be compatible with adjacent buildings and development quality (architecture and landscaping) should be of a higher standard.

Mobility: New developments should create a well-connected network of streets, typically in a grid pattern, to support multiple modes of transportation and enhance walkability on pedestrian paths and sidewalks.

Parking: Accommodated through on-street parking, shared parking, and structured parking, and away from primary pedestrian pathways. Individual surface lots for each parcel should not be required.

Amenities: New developments should provide amenities such as parks, plazas, open spaces, and other place-making elements or ensure access to existing amenities.

\$7,000 per acre - Targeted property tax revenue per acre is high. City infrastructure spending should be directed to Town Centers to help attract new developments to these highly productive areas.

101

138 | Southville 2020

Sec. 154.06.3. Central business district (B-3).

6.3.A Description. The Central Business District is intended to encourage the redevelopment of the downtown business area, which includes the historic courthouse, all types of offices, retail business and residences. The varying land uses included in the Central Business District are compatible with existing uses to preserve the integrity of the Central Business District and deter urban deterioration. This district also facilitates the maintenance of the area and provides for the vibrant interaction between retail, service, residential and citizens citywide.

6.3.B Permitted Uses.

- (1) Accessory building to main use;
- (2) Antique shop/art gallery—sales in building;
- (3) Auto parking lot or building (commercial);
- (4) Bakery—Retail;
- (5) Banks or other financial institutions;
- (6) Bed and breakfast/boarding house;
- (7) Bicycle sales and rental;
- (8) Church, temple or mosque;
- (9) Civic or community center;
- (10) Cleaning and pressing—small shop, pickup and delivery;
- (11) College or university;
- (12) Condominium;
- (13) Convenience/grocery store (without pumps);
- (14) Department store;
- (15) Drapery, needlework or weaving shop;
- (16) Farmers market;
- (17) Florist;
- (18) Fraternal organization, lodge or civic club;

- (19) Furniture or appliance store;
- (20) Handcraft shop;
- (21) Health club, weight and aerobic center;
- (22) Home occupation;
- (23) Hotels and motels;
- (24) Household appliance service and repair (no outside storage);
- (25) Kiosk;
- (26) Laboratory (medical);
- (27) Micro brewery;
- (28) Multi-family dwelling (five more units);
- (29) Municipal facilities/state facilities/federal facilities;
- (30) Office—professional and general administration;
- (31) Park, playground, public community recreation center;
- (32) Personal service shop (beauty/barber shop and the like);
- (33) Pet shop—small animals within building (no boarding);
- (34) Railroad or bus passenger station;
- (35) Registered family home (six + six children);
- (36) Restaurant or cafeteria—without drive-in service;
- (37) Restaurant with alcoholic beverage service;
- (38) Retail shops;
- (39) Retirement housing complex;
- (40) Sale of alcohol as licensed by the Texas Alcoholic Beverage Commission;
- (41) Schools—private/parochial;
- (42) Schools—public;
- (43) Single family dwelling;
- (44) Studio for photographer, musician, artist and the like;
- (45) Studio for radio and television;
- (46) Tattoo parlor/body piercing studio;
- (47) Theater—indoor;
- (48) Townhouse; and
- (49) Two-four family dwelling.

6.3.C Conditional Uses (Special Use Permit required).

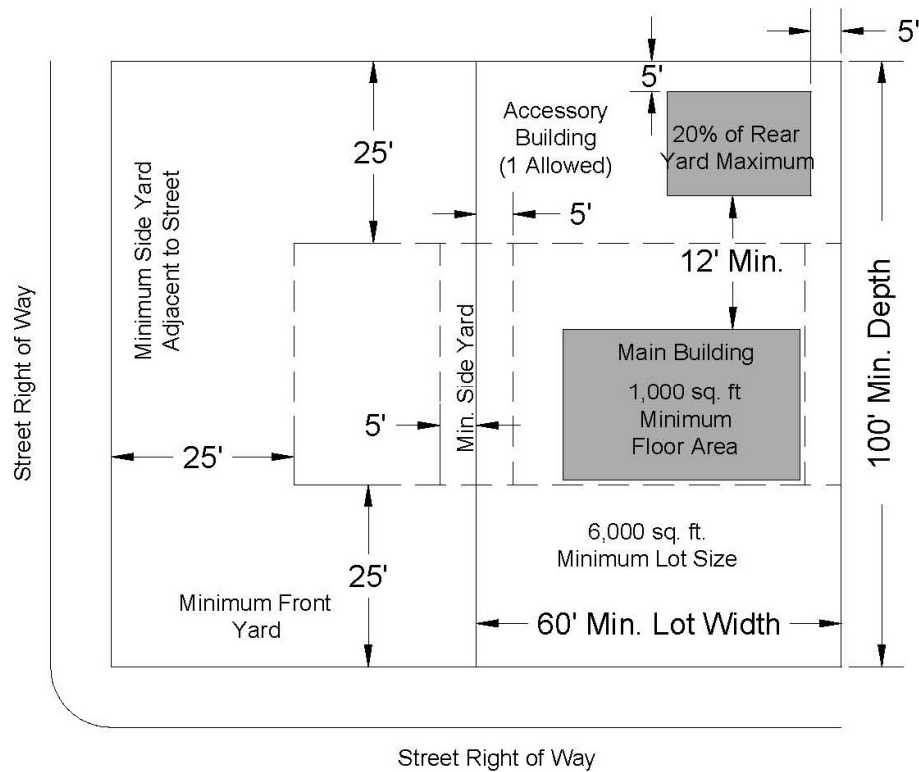
- (1) Assisted living center;
- (2) Auto parts sales;
- (3) Automobile service station and car care center;
- (4) Clinic;
- (5) Day care center (12 or more children);
- (6) Hospital—general acute care (human);
- (7) Printing;

- (8) Plumbing shop;
- (9) Scientific and research laboratories;
- (10) Storage, sale or repair of furniture and appliances (inside building);
- (11) Tobacco shop;
- (12) Tool and equipment rental shop; and
- (13) Trade and commercial schools.

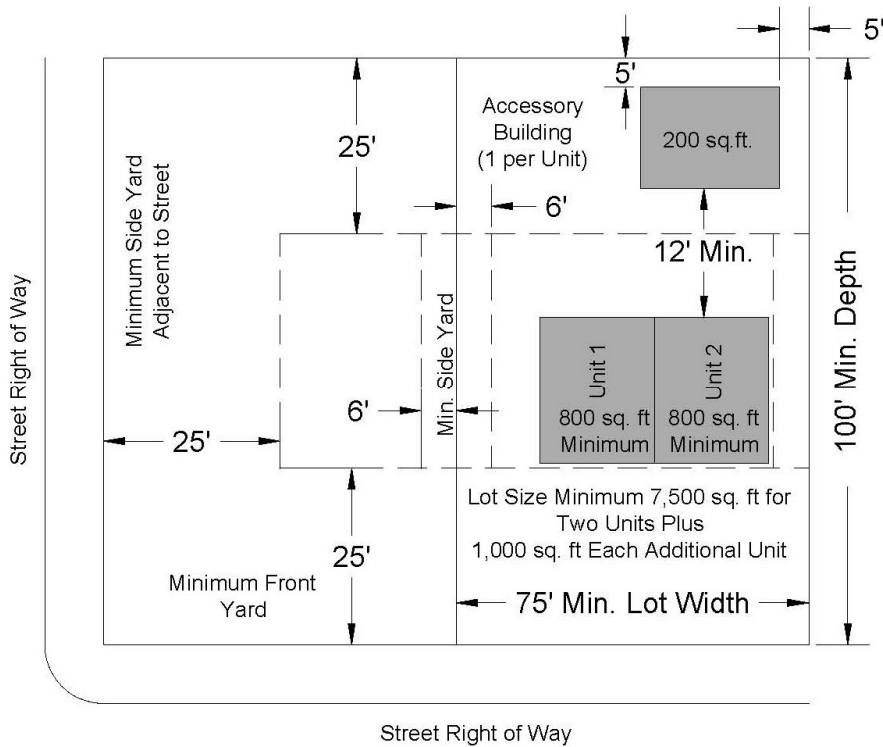
6.3.D Height, Area, Yard and Lot Coverage Requirements.

(A) *Single family dwelling.*

- (1) Maximum density: one dwelling unit per lot.
- (2) Minimum lot area: 6,000 ft².
- (3) Minimum lot width and lot frontage: 60 feet.
- (4) Minimum lot depth: 100 feet.
- (5) Minimum depth of front setback: 25 feet.
- (6) Minimum depth of rear setback: 25 feet.
- (7) Minimum width of side setback:
 - (a) Internal lot: five feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (8) Building size:
 - (a) Maximum coverage as a percentage of lot area: 40%.
 - (b) Minimum area of main building: 1,000 ft².
- (9) Accessory buildings:
 - (a) Maximum accessory building coverage of rear yard: 20%.
 - (b) Maximum number of accessory buildings: one.
 - (c) Minimum depth of side setback: five feet.
 - (d) Minimum depth of rear setback: five feet.
 - (e) Minimum depth from the edge of the main building: 12 feet.
- (10) Maximum height of structures: 35 feet.
- (11) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.

(B) *Two-four family dwelling.*

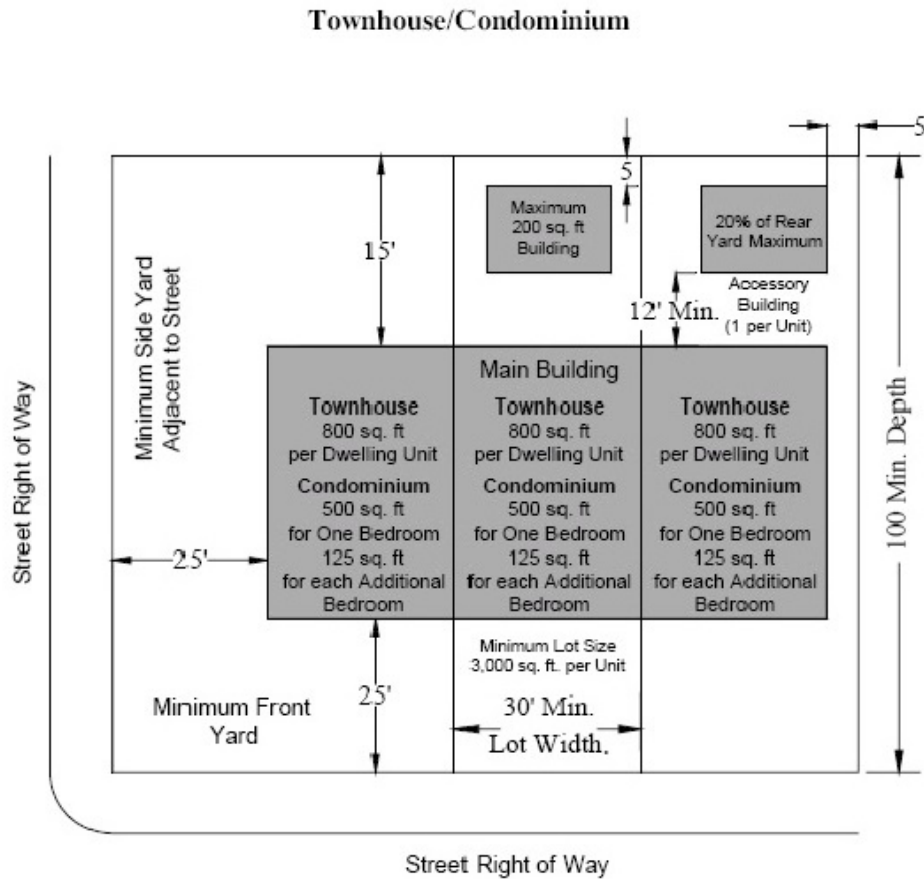
- (1) Minimum lot area: 7,500 ft for two dwelling units, plus 1,000 ft for each additional dwelling unit.
- (2) Minimum lot width and lot frontage: 75 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 25 feet.
- (6) Minimum width of side setback:
 - (a) Internal lot: six feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
 - (a) Maximum coverage as a percentage of lot area: 40%.
 - (b) Minimum area of each dwelling unit: 800 ft².
- (8) Accessory buildings:
 - (a) Maximum accessory building coverage of rear yard: 20%.
 - (b) Maximum area of each accessory building: 200 ft².
 - (c) Maximum number of accessory buildings: one per unit.
 - (d) Minimum depth of side setback: five feet.
 - (e) Minimum depth of rear setback: five feet.
 - (f) Minimum depth from the edge of the main building: 12 feet.
- (9) Maximum height of structures: 35 feet.
- (10) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples, and mosques may not exceed 75 feet, if the building is set back from each yard line at least



(C) *Townhouse/Condominium.*

- (1) Minimum lot area: 3,000 ft² per unit.
- (2) Minimum average lot width and lot frontage: 30 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum width of rear setback: 15 feet.
- (6) Minimum width of side setback:
 - (a) Internal lot: five feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:
 - (a) Maximum main building coverage as a percentage of lot area: 40%
 - (b) Minimum area of each Townhouse dwelling unit: 800 ft².
 - (c) Minimum area of each Condominium of each dwelling unit: 500 ft² for one bedroom or less, plus 125 ft² of floor area for each additional bedroom.
- (8) Accessory buildings:
 - (a) Maximum accessory building coverage of rear yard: 20%.
 - (b) Maximum area of each accessory building: 200 ft².
 - (c) Maximum number of accessory buildings: one per unit.
 - (d) Minimum depth of side setback: five feet.
 - (e) Minimum depth of rear setback: five feet.
 - (f) Minimum depth from the edge of the main building: 12 feet.
- (9) Maximum height of structures: 35 feet.

- (10) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.

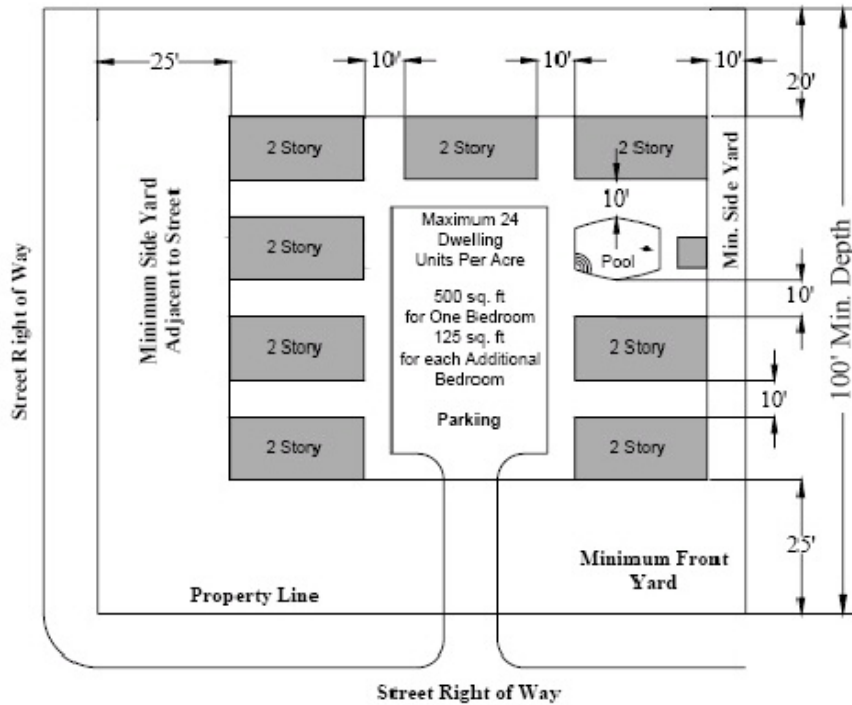


(D) *Multiple family dwellings.*

- (1) Minimum lot area: maximum density of 24 dwelling units per acre, which includes parking, access and all other area improvements.
- (2) Minimum lot depth: 100 feet.
- (3) Minimum depth of front setback: 25 feet.
- (4) Minimum depth of rear setback: 20 feet.
- (5) Minimum width of side setback:
 - (a) Internal lot: ten feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (6) Building size: Minimum area of each dwelling unit: 500 ft² for one bedroom or less plus 125 ft² of floor area for each additional bedroom.
- (7) Maximum height of structures: 35 feet.
- (8) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.

6.3.D Height, Area, Yard and Lot Coverage Requirements

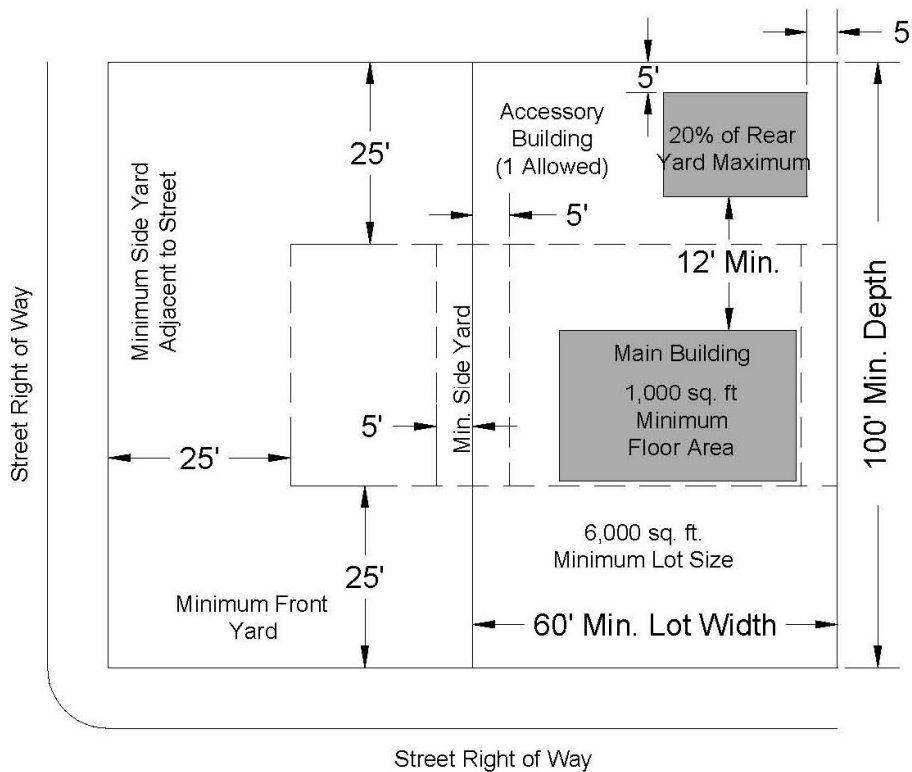
Multiple-Family Dwelling



Note: Building size for a multiple family dwellings shall have a minimum area for efficiency or one bedroom unit at 350 feet squared. All other dwelling units shall have a minimum of 800 feet squared.

(E) *All other uses.*

- (1) Maximum density: There is no maximum density requirement.
- (2) Minimum lot area: There is no minimum area requirement.
- (3) Minimum lot width: There is no minimum width requirement.
- (4) Minimum lot depth: There is no minimum depth requirement.
- (5) Minimum depth of front setback: There is no front setback requirement.
- (6) Minimum depth of rear setback: There is no minimum rear setback requirement unless the lot abuts upon a Residential District, then a minimum ten feet is required.
- (7) Minimum width of side setback:
 - (a) Internal lot: There is no minimum side setback requirement unless the lot abuts upon a Residential District, then a minimum five feet is required.
 - (b) Corner lot: There is no setback requirement.
- (8) Building Size: there are no minimum size regulations.
- (9) Maximum height of structures: No building shall exceed 75 feet.
- (10) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



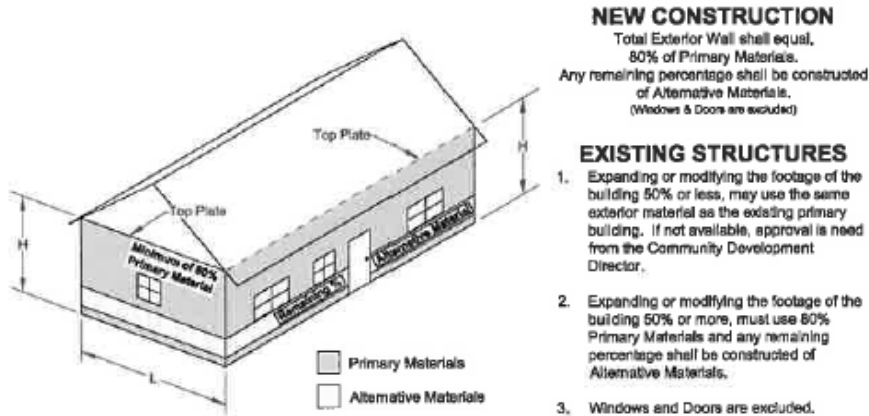
Note: No rear or side yard except when the lot abuts upon a Residential District, then the minimum setback for rear yard is ten feet and side yard is five feet.

6.3.E Parking Regulations.

- (1) A Single-Family, B-3 District lot shall provide a minimum of two vehicle parking spaces, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in Section 11 the Parking Regulations of this ordinance.
- (2) A Two-Four-Family, B-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit and meet all the pertinent requirements contained in Section 11 the Parking Regulations of this ordinance.
- (3) A Townhouse/Condominium, B-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit and meet all the pertinent requirements contained in Section 11 the Parking Regulations of this ordinance.
- (4) A Multiple Family, B-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit and meet all the pertinent requirements contained in Section 11 the Parking Regulations of this ordinance.
- (5) All uses permitted in the B-3 District: See Section 11 for Parking Regulations.

6.3.F Type of Construction.

- (1) The exterior walls of all new dwellings to the top plate, shall be constructed of at least 80% of the total exterior walls of primary materials, excluding doors, windows, and porches. See Section 10.E(1): Exterior Building Material Standard—Primary Materials.
- (2) Any remaining exterior walls of all new dwellings shall construct the remaining exterior walls of alternative materials. See Section 10.E(2): Exterior Building Material Standard—Alternative Materials.
- (3) Existing dwellings expanding the total square footage of the building 50% or less, or modifying the exterior walls, may use the same exterior construction material as the existing primary building. If the material is not available, similar material may be used if approved by the Community Development Director.
- (4) Existing dwellings expanding the total square footage of the building more than 50%, or proposing to use a material inconsistent with the primary structure for any expansion, must meet the 80% minimum primary materials, Section 10.E: Exterior Building Material Standard, for the total exterior walls of the structure.



6.3.G Sign Regulation. See Section 12 for Sign Regulations.

6.3.H Exceptions to Use, Height and Area Regulations. See Section 10.

6.3.I Garbage Regulations. Central Business District businesses will provide a serviceable area specifically for refuse collection designed for refuse canisters. Each designated canister area will be nine feet wide and eight feet deep (72 square feet), with a cement slab base. If the location of the cement slab is adjacent to a residential district, the slab must be at least five feet from the property line. The refuse area will be enclosed on three sides by a privacy fence. Approach areas will meet the requirements of Subsection 6.3.J.

6.3.J Loading and Unloading Regulations. All loading, unloading and maneuvering of vehicles connected with the activity must be on the premises and will not be permitted in any street. Loading and unloading areas must be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced.

(Am. Ord. 2007-24, passed 12-4-2007; Am. Ord. 2008-13, passed 7-1-2008; Am. Ord. 2009-23, passed 12-1-2009; Am. Ord. 2011-26, passed 12-6-2011; Am. Ord. No. 2018-O-25 , § 1, 8-7-2018; Ord. No. 2021-O-17 , §§ 1, 4, passed 6-1-2021; Ord. No. 2021-O-32 , § 1, passed 8-3-2021)

FACTORS TO CONSIDER:

- Compliance with Comprehensive Plan?
- Is application consistent with Plan?
- If not, have conditions changed or new information been offered to support change?
- Surrounding Zoning and Land Use
- Infrastructure Impacts
- Size and Location of Parcel – is land large enough and in property location for proposed use?
- Reasonable Use of Property – does proposed change provide reasonable use of property?
- Zoning has great discretion – deny if applicant has not proven it is in the best interest of City to approve.

ALTERNATIVES:

- 1) Accept the recommendation of the Planning and Zoning Commission and approve the rezone request.
- 2) Deny the rezone request.

OWNERS CERTIFICATE

Now therefore know all men by these presents:

That, Kimberly Hammon, owner, does hereby adopt this plat designating the herein described property as LOT 23, BLOCK 63 of the City of Stephenville, Erath County, Texas. The easements shown thereon are hereby reserved for the purposes as indicated. No buildings, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or placed upon, on, or across the easements shown. Said easements being hereby reserved for the mutual use and enjoyment of all public utilities using or desiring to use the same. Any, and all public utility shall have the right to remove or keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way encumber or interfere with the construction, maintenance, efficiency of its respective system on the easements and all public utilities shall at all times have full right of ingress and egress to or from and upon reconstructing, inspecting, and maintaining, respective systems without the necessity at any time of procuring the permission of anyone.

Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and/or for any maintenance and service required or ordinarily performed by that utility. The easements dedicated are for the specific use of installing and maintaining water, sewer, electrical, natural gas, telephone, fiber or cablevision lines, and are not intended to be used for garbage dumpsters, the collection of garbage, or for the use of garbage vehicles in any manner.

This plat approved, subject to all platting ordinances, rules, regulations and resolutions of The City of Stephenville, Erath County, Texas.

Witness my hand, This the 14th day of November 2023

Kimberly Hammon Authorized Signature of Owner

STATE OF TEXAS COUNTY OF Erath

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Kimberly Hammon, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he (she) (they) executed the same for the purposes and consideration therein expressed and in the capacity stated.

GIVEN under my hand and seal of office this 14th day of November 2023.



Signature of Notary Public, Kelsey Goates

STATE OF TEXAS \$ KNOW ALL MEN BY THESE PRESENTS: COUNTY OF ERATH \$

I, Gwinda Jones, Clerk of the County Court of Erath County, do hereby certify that the foregoing instrument in writing, with its certificate of authentication was filed for record and duly recorded in my office this the 16th day of November 2023 at 9:15 o'clock A.M. in the Official Public Records of Erath County in Document No. 2023-6533 Cabinet B Slide 353A

TO CERTIFY WHICH, WITNESS my hand and seal at the County Court of Erath County, at my office in Erath, Texas, the date last shown above written.



BY: Gwinda Jones Clerk of County Court of Erath County, Texas

BY: Charlotte White Deputy

ADDRESS: 404 NORTH FLORAL AVENUE & 210 TARLETON STREET STEPHENVILLE, TX 76401

NOTE: THIS PROPERTY IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL FLOOD ZONE) ACCORDING TO F.L.R.M. PANEL: 845304306; EFFECTIVE NOVEMBER 16, 2011

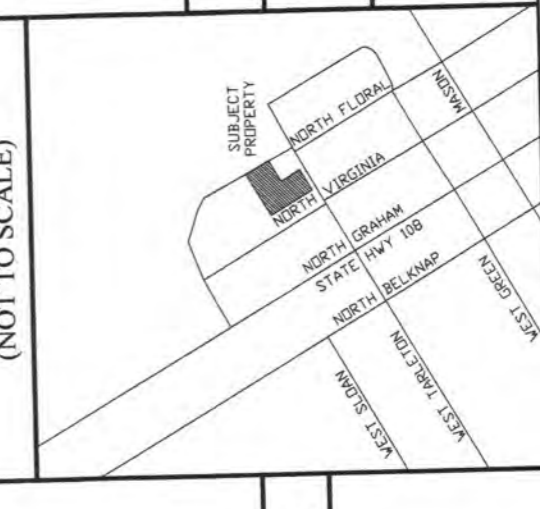
BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, NAD83 NORTH CENTRAL TX ZONE, US SURVEY FOOT

NOTE: ALL DISTANCES ARE SURFACE DISTANCES

NOTE: FUTURE NEW CONSTRUCTION MAY BE REQUIRED TO COMPLY WITH RIGHT-OF-WAY DEDICATION AND SETBACK REQUIREMENTS

CURRENT ZONING: B-1 - NEIGHBORHOOD BUSINESS DISTRICT

VICINITY MAP (NOT TO SCALE)



SURVEYOR'S CERTIFICATE THIS is to certify that I, MATTHEW K. PRICE, A Registered Professional Land Surveyor of the State of Texas, have platted the above property from an actual survey on the ground and that all lot corners, angle points, and points of curve will be properly marked on the ground, and that this plat correctly represents that survey made by me or under my direct supervision on NOVEMBER 2, 2023.

Matthew K. Price Surveyor, R.P.L.S. No. 6284 16510.CRD JN231186

OWNER/DEVELOPER

Kimberly B. Hammon P.O. Box 1132 Stephenville, TX 76401

SURVEYOR

Matthew K. Price Price Surveying, LP FIRM# 10194051 1100 E Washington Street Stephenville, TX 76401 254-965-5489

11/16/2023 Date of Approval

11/16/2023 Date

EAST TARLETON STREET (PAVED) (50' R.O.W.)

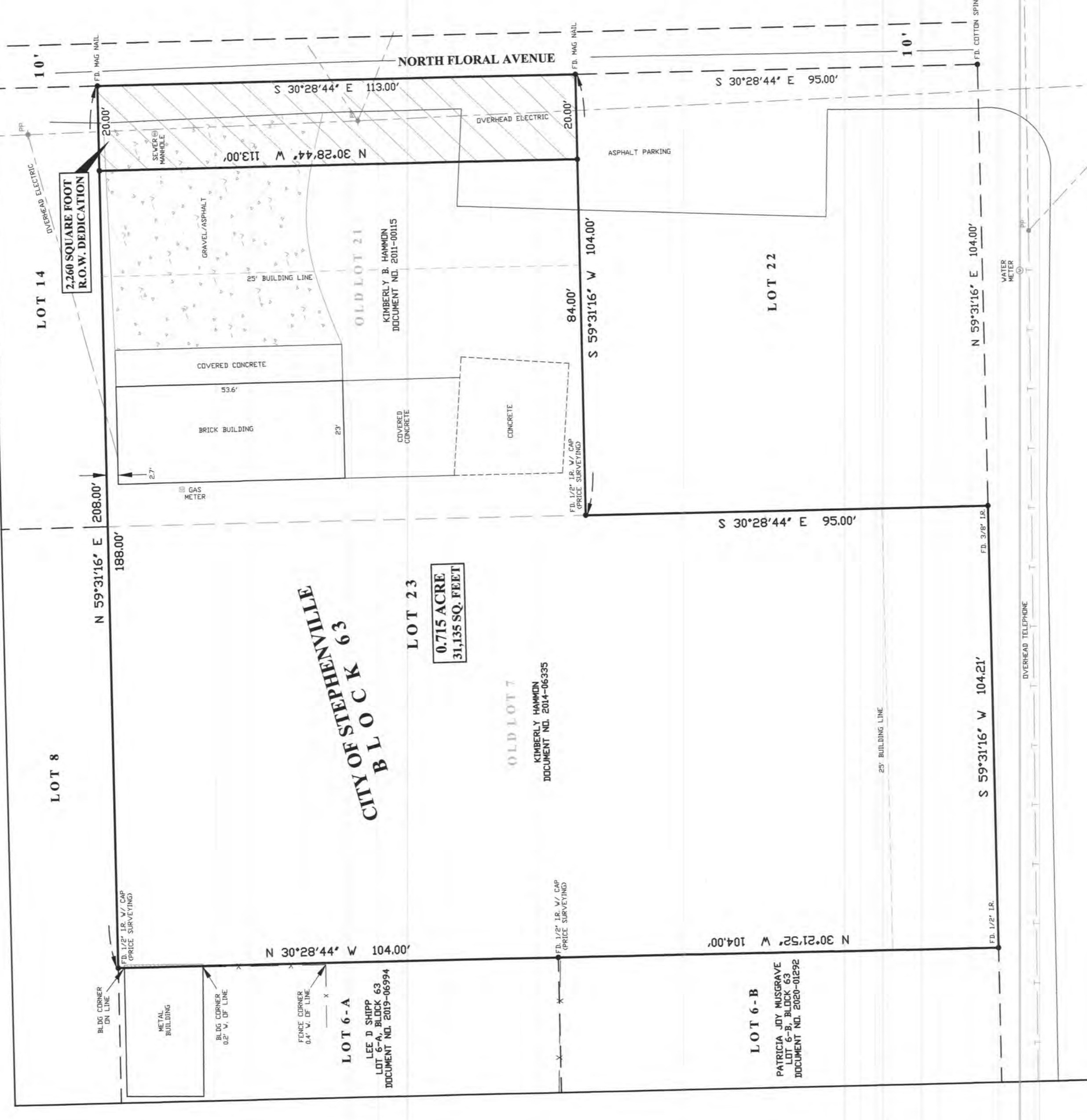
CITY OF STEPHENVILLE ERATH COUNTY, TEXAS

Director of Development Services

John Hill



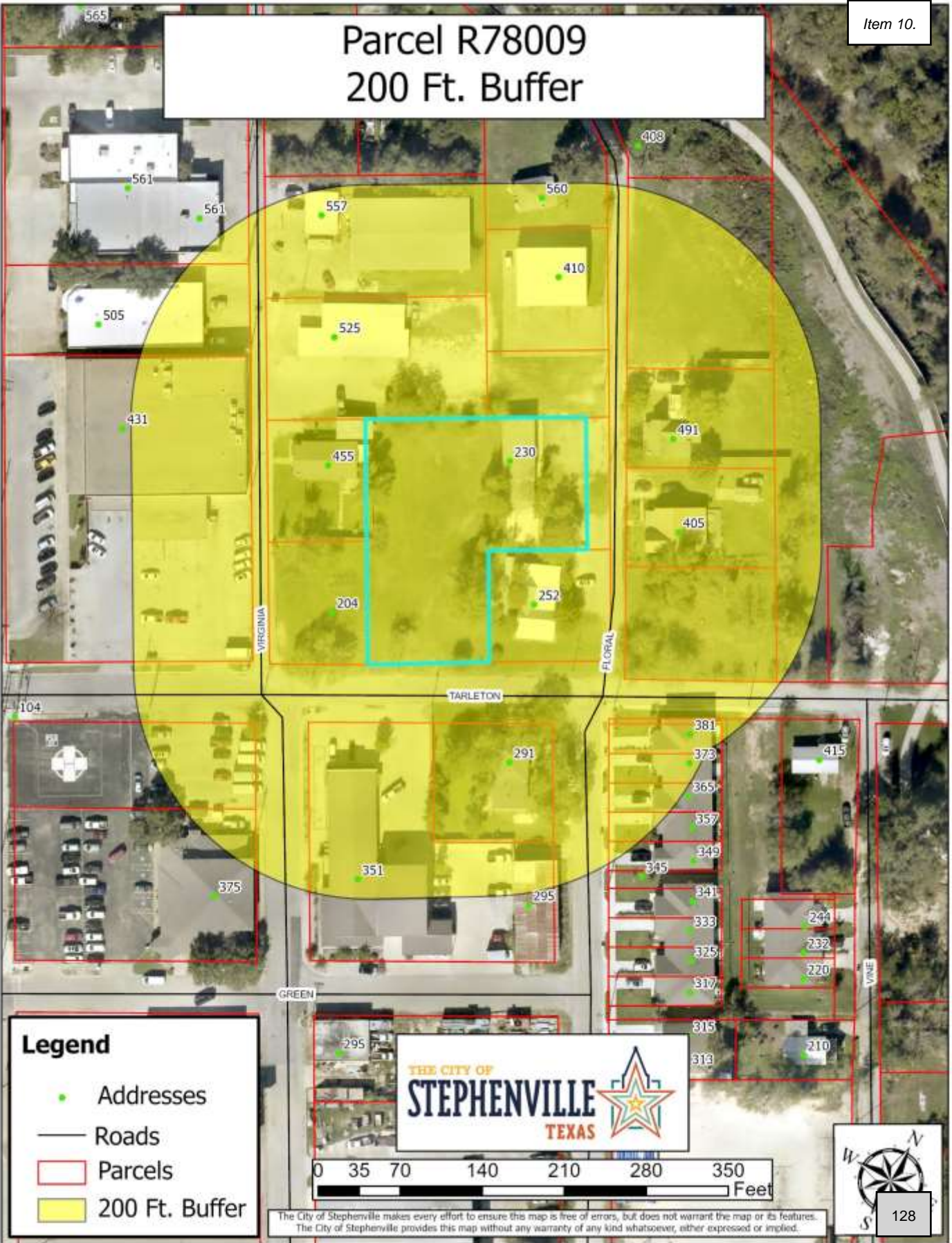
Attest: Gwinda Jones City Clerk



BLOCK 55

THE CITY OF STEPHENVILLE

Parcel R78009 200 Ft. Buffer



Legend

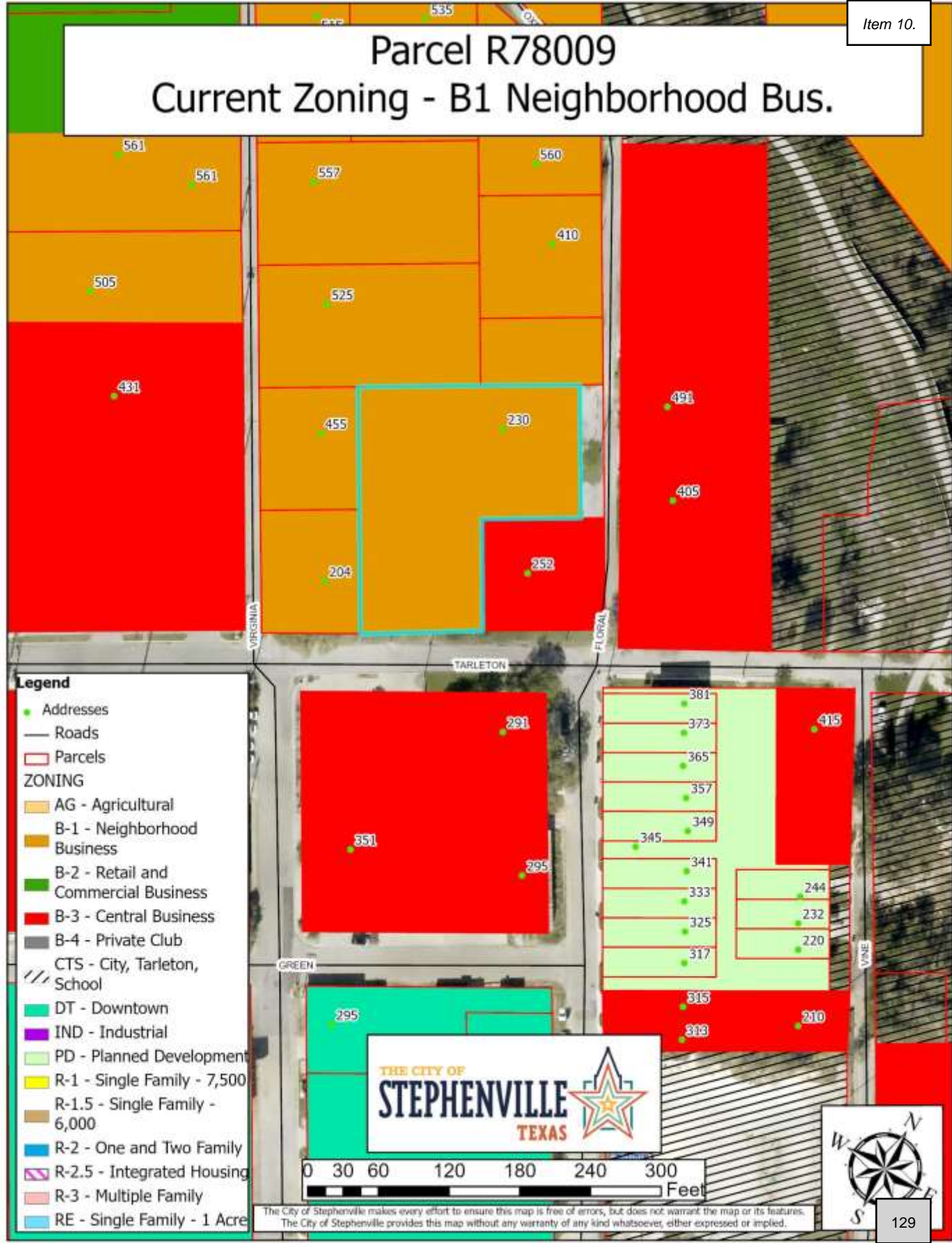
- Addresses
- Roads
- ▭ Parcels
- 200 Ft. Buffer



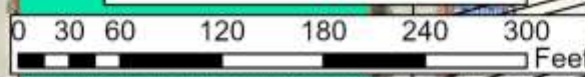
The City of Stephenville makes every effort to ensure this map is free of errors, but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either expressed or implied.



Parcel R78009 Current Zoning - B1 Neighborhood Bus.

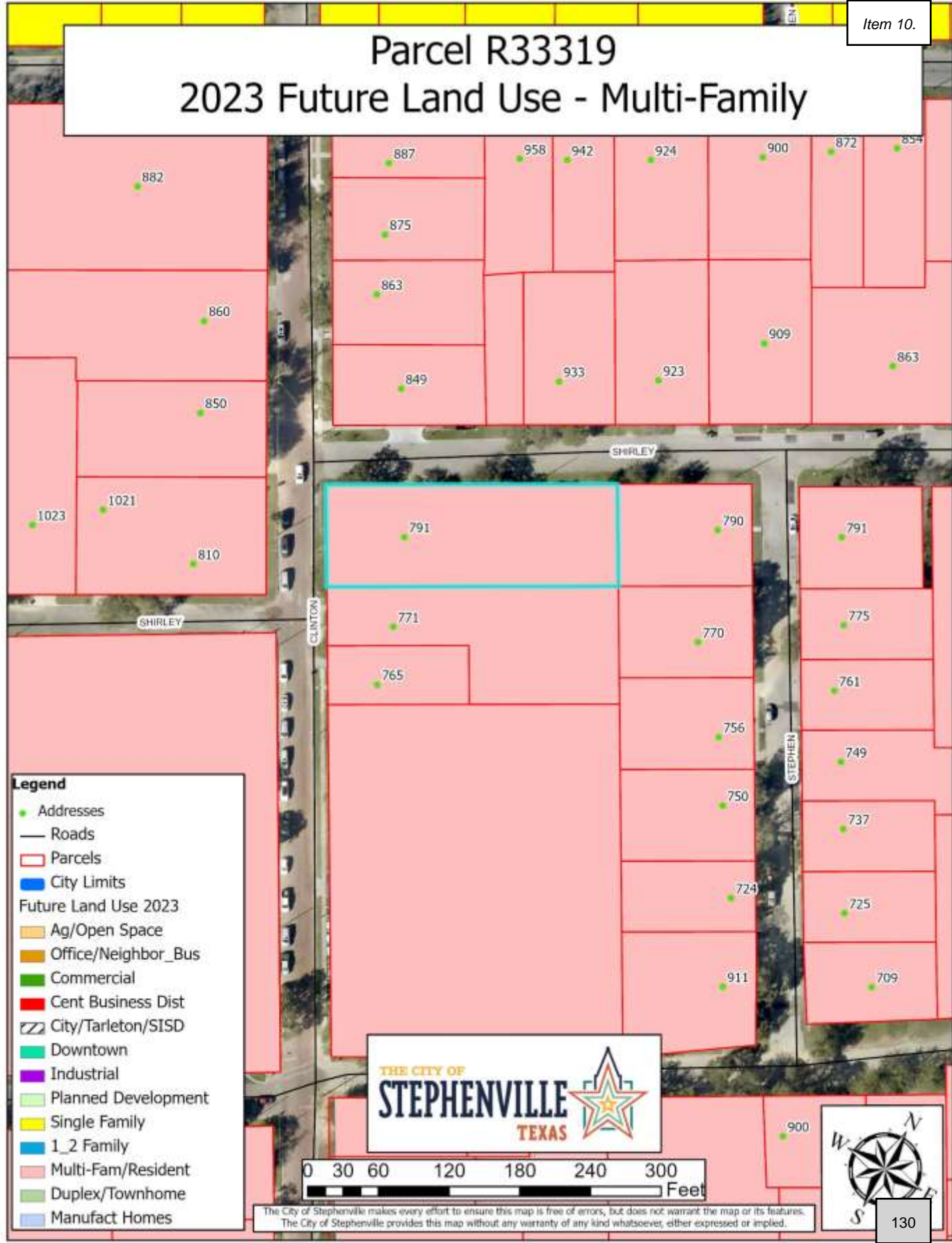


- Legend**
- Addresses
 - Roads
 - ▭ Parcels
- ZONING**
- AG - Agricultural
 - B-1 - Neighborhood Business
 - B-2 - Retail and Commercial Business
 - B-3 - Central Business
 - B-4 - Private Club
 - CTS - City, Tarleton, School
 - DT - Downtown
 - IND - Industrial
 - PD - Planned Development
 - R-1 - Single Family - 7,500
 - R-1.5 - Single Family - 6,000
 - R-2 - One and Two Family
 - R-2.5 - Integrated Housing
 - R-3 - Multiple Family
 - RE - Single Family - 1 Acre

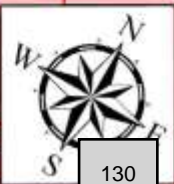
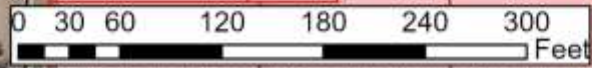


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Parcel R33319 2023 Future Land Use - Multi-Family

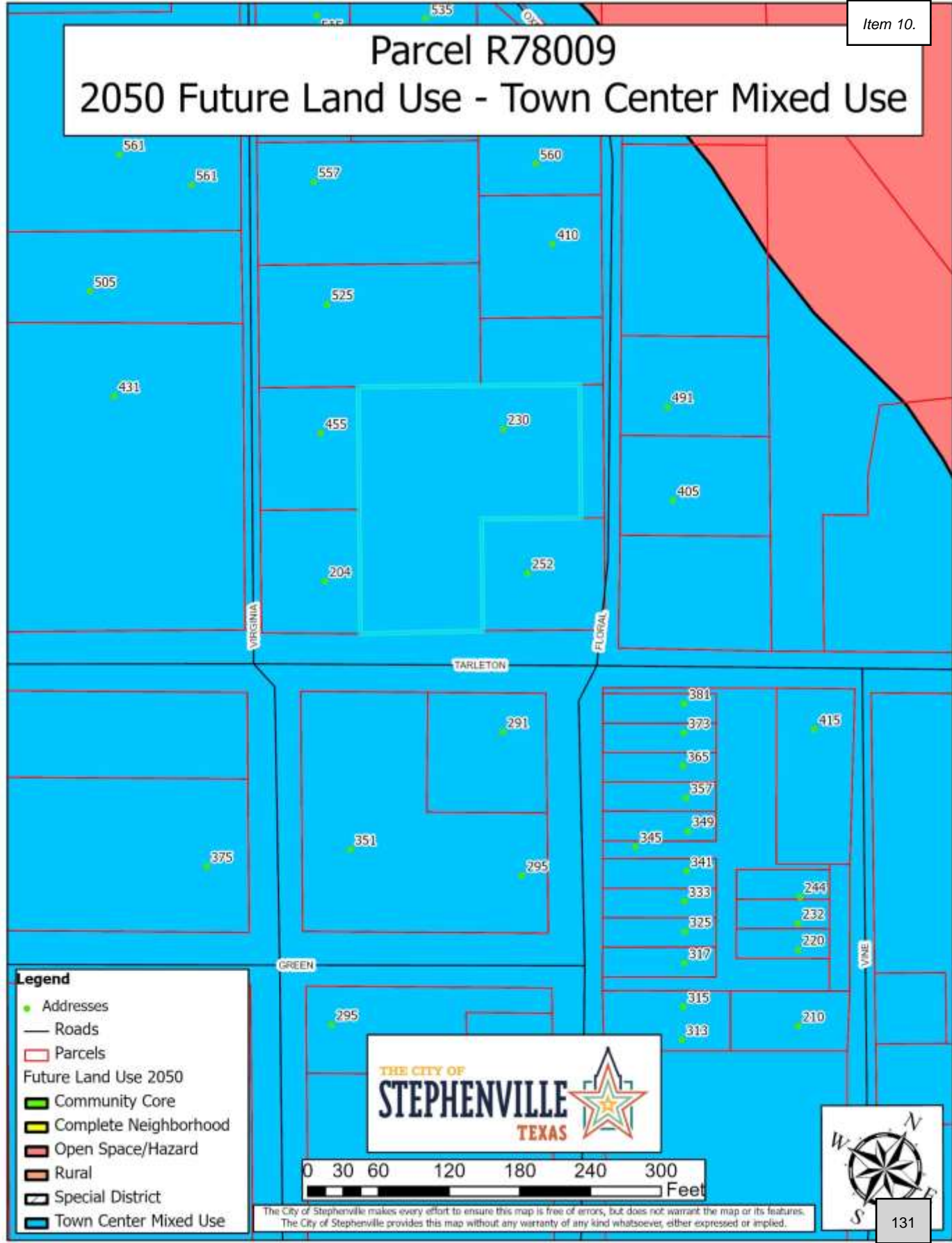


- Legend**
- Addresses
 - Roads
 - ▭ Parcels
 - ▭ City Limits
 - Future Land Use 2023**
 - ▭ Ag/Open Space
 - ▭ Office/Neighbor_Bus
 - ▭ Commercial
 - ▭ Cent Business Dist
 - ▭ City/Tarleton/SISD
 - ▭ Downtown
 - ▭ Industrial
 - ▭ Planned Development
 - ▭ Single Family
 - ▭ 1_2 Family
 - ▭ Multi-Fam/Resident
 - ▭ Duplex/Townhome
 - ▭ Manufact Homes



The City of Stephenville makes every effort to ensure this map is free of errors, but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either expressed or implied.

Parcel R78009 2050 Future Land Use - Town Center Mixed Use

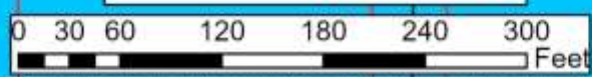


Legend

- Addresses
- Roads
- ▭ Parcels

Future Land Use 2050

- Community Core
- Complete Neighborhood
- Open Space/Hazard
- Rural
- Special District
- Town Center Mixed Use



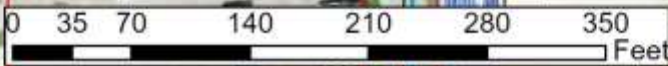
The City of Stephenville makes every effort to ensure this map is free of errors, but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either expressed or implied.

Parcel R78009 Water & Sewer Utilities



Legend

- Addresses
- Roads
- Sewer Lines
- Water Lines
- Parcels



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Parcel ID R78009

200 Ft Buffer

Item 10.

Address

| Parcel ID | Parcel Address | Parcel Owner | Owner Address | City | State | Zip Code |
|------------|----------------|--|------------------------|--------------|-------|------------|
| R000029599 | 560 N FLORAL | BARRERA ROBERTO ARAMBULA | 942 W FREY | STEPHENVILLE | TX | 76401 |
| R000029523 | 0 E TARLETON | CITY OF STEPHENVILLE | 298 W WASHINGTON | STEPHENVILLE | TX | 76401 |
| R000029520 | 405 N FLORAL | EDWARDS DOROTHY JEAN | 405 N FLORAL | STEPHENVILLE | TX | 76401 |
| R000029588 | 561 N GRAHAM | EVANS WILLIAM R & NANETTE V | 112 BEACH DR | STEPHENVILLE | TX | 76401-0000 |
| R000076796 | 373 FLORAL | FLANAGAN NICHOLAS P & BROOKE D MACCONNELL ORNELAS | 4723 RUIZ ST | AUSTIN | TX | 78723 |
| R000029525 | 491 N FLORAL | FORNES KASON LYNN & CHESSNEY M BROOKS | 2915 W WASHINGTON | STEPHENVILLE | TX | 76401 |
| R000029601 | 0 N FLORAL | GLASGOW DEANNA | 1400 PECAN HILL RD. | STEPHENVILLE | TX | 76401 |
| R000029600 | 410 N FLORAL | GLASGOW DEANNA | 1400 PECAN HILL RD. | STEPHENVILLE | TX | 76401 |
| R000029526 | 406 FLORAL | GLASGOW DEANNA | 1400 PECAN HILL RD. | STEPHENVILLE | TX | 76401 |
| R000029589 | 505 N GRAHAM | GLASGOW DEANNA | 1400 PECAN HILL RD. | STEPHENVILLE | TX | 76401 |
| R000029594 | 525 N VIRGINIA | GLASGOW DEANNA | 1400 PECAN HILL RD. | STEPHENVILLE | TX | 76401 |
| R000062622 | 375 N GRAHAM | GRAHAM ST CHURCH OF CHRIST CORP | PO BOX 6 | STEPHENVILLE | TX | 76401-0000 |
| R000029592 | 204 TARLETON | GRAHAM STREET CHURCH OF CHRIST CORP | 515 SPRING MEADOW ST | STEPHENVILLE | TX | 76401 |
| R000029602 | 252 E TARLETON | HAMMON KIMBERLY & SHANNON HAMMON | PO BOX 1132 | STEPHENVILLE | TX | 76401 |
| R000029325 | 652 N GRAHAM | HARRIS METHODIST - STEPHENVILLE | 612 E LAMAR, 6TH FLOOR | ARLINGTON | TX | 76011 |
| R000029595 | 557 N VIRGINIA | HARRIS METHODIST ERATH COUNTY | 612 E LAMAR, 6TH FLOOR | ARLINGTON | TX | 76011 |
| R000076793 | 349 FLORAL | HORWATH TIMOTHY R & MELANIE A HORWATH LIVING TRUST | PO BOX 651 | STEPHENVILLE | TX | 76401 |
| R000029521 | 406 TARLETON | HUDSON TOMMY MR & MRS | 1001 E WASHINGTON 20A | STEPHENVILLE | TX | 76401-0000 |
| R000029528 | 345 FLORAL | LK CAPITAL INVESTMENTS LLC | 159 SOUTH GRAHAM | STEPHENVILLE | TX | 76401 |
| R000076795 | 365 FLORAL | PATEL AJAY C & KAREN G PATEL REV LIVING TRUST | 7404 KIMBLE CT | MONTGOMERY | TX | 77316 |
| R000029591 | 455 VIRGINIA | SHIPP LEE D | 306 PR881 | STEPHENVILLE | TX | 76401-9318 |
| R000076794 | 357 FLORAL | SOUTHWESTERN RESIDENTIAL III 2024, LLC | 105 EAST RD | STEPHENVILLE | TX | 76401 |
| R000078009 | 230 E TARLETON | TEAM S&K ENTERPRISES, LLC | PO BOX 1132 | STEPHENVILLE | TX | 76401 |
| R000029590 | 431 N GRAHAM | U S POSTAL SERVICE | P.O. BOX 667180 | DALLAS | TX | 75266-7180 |
| R000029328 | 351 E TARLETON | VANDEN BERGE KEVIN & KERI | PO BOX 2576 | STEPHENVILLE | TX | 76401 |
| R000029329 | 291 TARLETON | WAGNER JASEN W | 1505 GLENWOOD DR | STEPHENVILLE | TX | 76401 |
| R000076797 | 381 FLORAL | WATTS DIONNE AND DEAN WATTS | 381 N FLORAL | STEPHENVILLE | TX | 76401 |

ORDINANCE NO. 2025-O-_____

AN ORDINANCE REZONING THE LAND DESCRIBED NEIGHBORHOOD BUSINESS (B-1) TO CENTRAL BUSINESS DISTRICT (B-3)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS, THAT:

All that lot, tract or parcel of land legally described as follows:

230 Tarleton, being Parcel R78009 of S2600 City Addition, Block 63, Lot 23 of the City of Stephenville, Erath County, Texas

is hereby rezoned and the zoning classification changed from the classification of Neighborhood Business (B-1) To Central Business District (B-3) in accordance with the Zoning Ordinance of the City of Stephenville.

PASSED AND APPROVED this the 4th day of February 2025.

Doug Svien, Mayor

ATTEST:

Sarah Lockenour, City Secretary

Reviewed by Jason King,
City Manager

Randy Thomas, City Attorney
Approved as to form and legality

STAFF REPORT



SUBJECT: Case No.: SW2025-001

Applicant Zane Cole is requesting a waiver from Section 155.6.11 relating to sidewalk requirements for property located at 185 W Park ST, being Parcel R31466 of S3500 Frey First Addition, Block35, Lot 7 and 8.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

The Planning and Zoning Commission convened on January 15, 2025, and by unanimous vote, recommended the City Council deny the waiver request.

BACKGROUND:

This property was recently rezoned to R-2.5 and the parcel was subdivided to allow for the construction of a single-family home. Because the property was recently replatted, the request must be reviewed by the Planning and Zoning Commission and City Council.

A full or partial waiver may be recommended. Alternatively, the Commission may recommend denial.



SUBDIVISION ORDINANCE/SIDEWALKS

Sec. 155.6.11. - Sidewalks.

- A. *Sidewalks and Pedestrian ways are required as a part of Subdivision Plat approval to help the City achieve the following:*
 1. Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the City and to implement objectives and strategies of the Comprehensive Plan,

2. Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians,
3. Improve public welfare by providing an alternate means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities, and
4. Facilitate walking as a means of physical activity recognized as an important provider of health benefits.

B. Sidewalk Location and Design.

1. Sidewalks shall be constructed for both sides of all streets within the Subdivision.
2. Sidewalks shall be constructed along all lots adjoining dedicated streets, along Major Arterial/Thoroughfare Streets where lots do not adjoin the street, across power line easements and in other areas where pedestrian walkways are necessary.
3. Routing to clear poles, trees or other obstacles shall be subject to City Administrator approval.
4. The Plat or Construction Plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.
5. All sidewalks shall conform to Federal Americans with Disabilities Act (ADA) requirements and barrier-free ramps should be provided for access to the street.

C. Sidewalk General Construction.

1. Sidewalks shall be constructed by Class "A" concrete and shall have a width of not less than five (5) feet and a minimum thickness of four (4) inches.
2. Sidewalks along Major Arterial/Thoroughfare Streets shall be no less than six feet (6') in width.
3. Sidewalks adjacent to screening and retaining walls shall be five (5) feet in width and shall abut the wall, eliminating the landscape area found along the wall, thereby reducing maintenance.
4. Sidewalks shall be constructed one foot (1') from the property line within the street or Major Arterial/Thoroughfare Street Right-of-Way and shall extend along the full street frontage including both sides of corner lots and block ends.
5. Construction of sidewalks adjacent to curbs will be considered where driveway entrances are constructed from the rear of lots on each side of the street for the full length of the block or where mountable curbs are installed. In these instances, the sidewalks shall be a minimum of five feet (6') wide.
6. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the Subdivision.

D. Sidewalks in Nonresidential Areas. Sidewalks in nonresidential areas shall be a minimum width of five feet (6') or extend from the back of the curb to the building line as required by the City.

Sec. 155.7.01. Petition for subdivision waiver.

3. Waiver from the Requirements for Sidewalks, Curbs, and/or Gutters.

- a. The City Manager, Assistant City Manager, and the Director of Development Services are authorized to grant waivers for Sidewalks, Curbs, and/or Gutters under the following conditions:
 - i. The property was platted prior to March 1, 2021; and
 - ii. The property is located outside of the City of Stephenville's Sidewalk Improvement Area as defined in Resolution No. 2019-R-05.
- b. Waivers requested that do not qualify under the conditions outlined in Section 3.a. above must follow the procedure for a Major Subdivision Waiver.

- c. Applicants whose request for waiver is denied by the City Manager, Assistant City Manager, or the Director of Development Services may appeal this decision. Appeals under Section 3 will follow the procedures for appealing a Minor Subdivision Waiver as set forth in Section J.
- d. All approved waivers require the payment of a fee equal to 25% of the total improvement cost as determined by the city's current bid contract for such improvements. Fees collected will be dedicated to the City's Sidewalk Cost Share Program.

J. *Minor Subdivision Waiver Appeal.*

1. *Initiation of an Appeal.*

- a. The Applicant may appeal a Minor Subdivision Waiver decision of the City Administrator, as allowed within the Subdivision Ordinance.
- b. The written request to appeal shall be submitted to the City Administrator within thirty (30) calendar days following the denial decision.

2. *Recommendation of the Planning and Zoning Commission.*

- a. The Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the City Administrator.
- b. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Minor Subdivision Waiver.
- c. The Commission shall recommend to the City Council to affirm, modify or reverse the previous decision by simple majority vote.

3. *Appeal to City Council.*

- a. The Applicant may appeal the Commission's decision by submitting a written notice of appeal to the City Administrator within thirty (30) calendar days following the Commission's decision.
- b. After the recommendation from the Commission has been made, the City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
- c. The City Council may affirm, modify or reverse the decision by simple majority vote.
- d. The decision of the City Council is final.

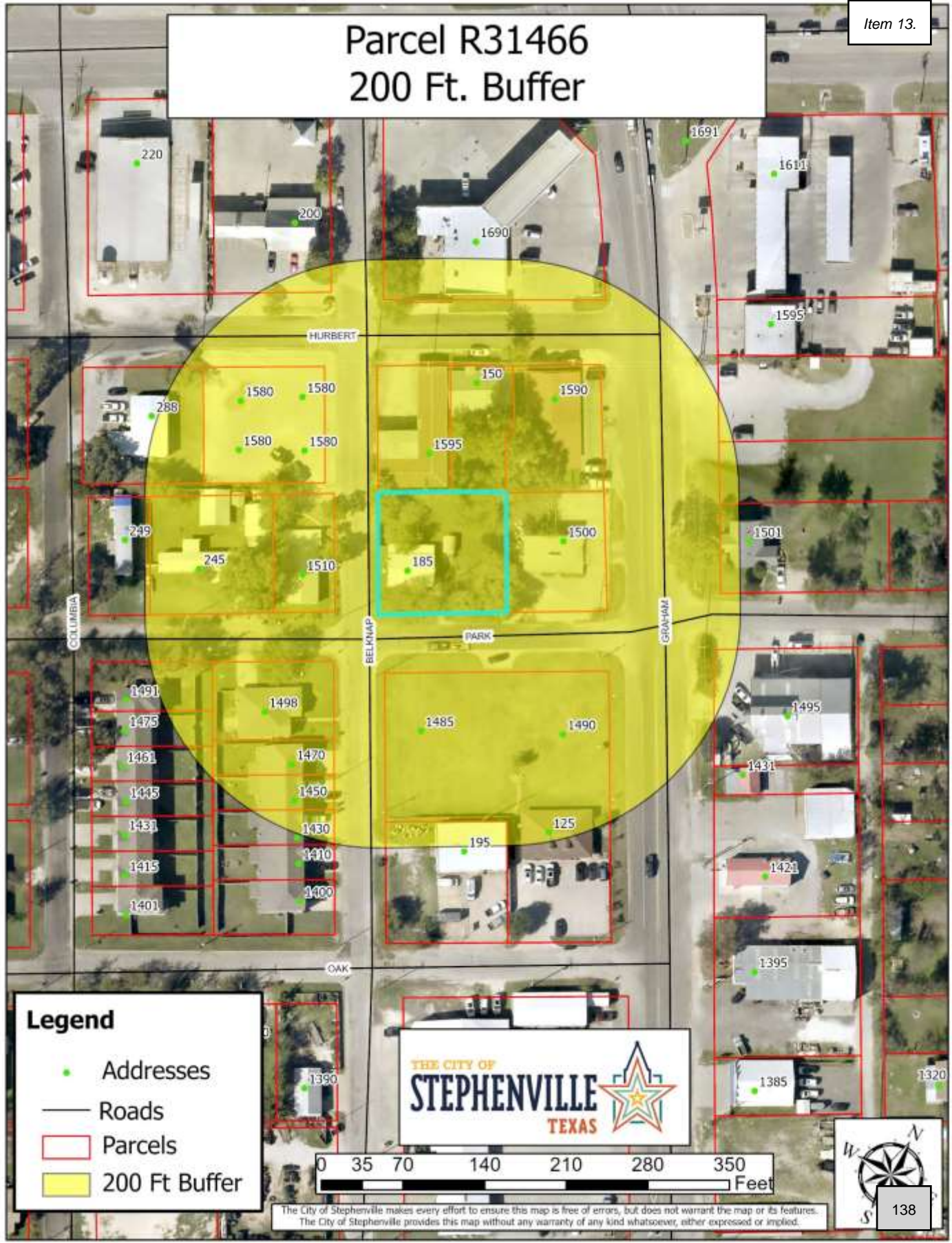
FACTORS TO CONSIDER:

- Compliance with Comprehensive Plan?
- Is application consistent with Plan?
- If not, have conditions changed or new information been offered to support change?
- Surrounding Zoning and Land Use
- Infrastructure Impacts
- Size and Location of Parcel - is land large enough and in proper location for proposed use?
- Reasonable Use of Property - does proposed change provide reasonable use of property?

ALTERNATIVES

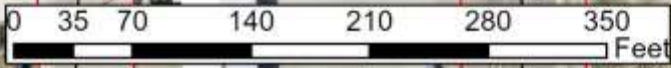
- 1) Accept the recommendation of the Planning and Zoning Commission and deny the waiver request.
- 2) Grant a full or partial waiver.

Parcel R31466 200 Ft. Buffer



Legend

- Addresses
- Roads
- ▭ Parcels
- 200 Ft Buffer



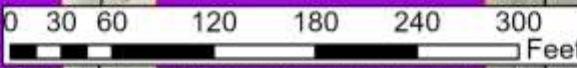
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Parcel R31466 Current Zoning - R2.5 Integrated Housing



- Legend**
- Addresses
 - Roads
 - ▭ Parcels
 - ZONING**
 - AG - Agricultural
 - B-1 - Neighborhood Business
 - B-2 - Retail and Commercial Business
 - B-3 - Central Business
 - B-4 - Private Club
 - CTS - City, Tarleton, School
 - DT - Downtown
 - IND - Industrial
 - PD - Planned Development
 - R-1 - Single Family - 7,500
 - R-1.5 - Single Family - 6,000
 - R-2 - One and Two Family
 - R-2.5 - Integrated Housing
 - R-3 - Multiple Family
 - RE - Single Family - 1 Acre



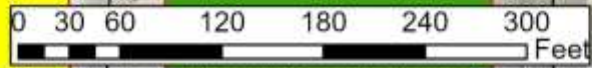
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Parcel R31466 2023 Future Land Use - Commercial



Legend

- Addresses
- Roads
- ▭ Parcels
- Future Land Use 2023
- Ag/Open Space
- Office/Neighbor_Bus
- Commercial
- Cent Business Dist
- ▨ City/Tarleton/SISD
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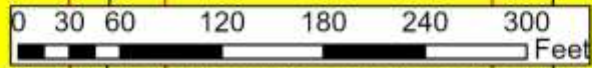


Parcel R31466 2050 Future Land Use - Complete Neighborhood



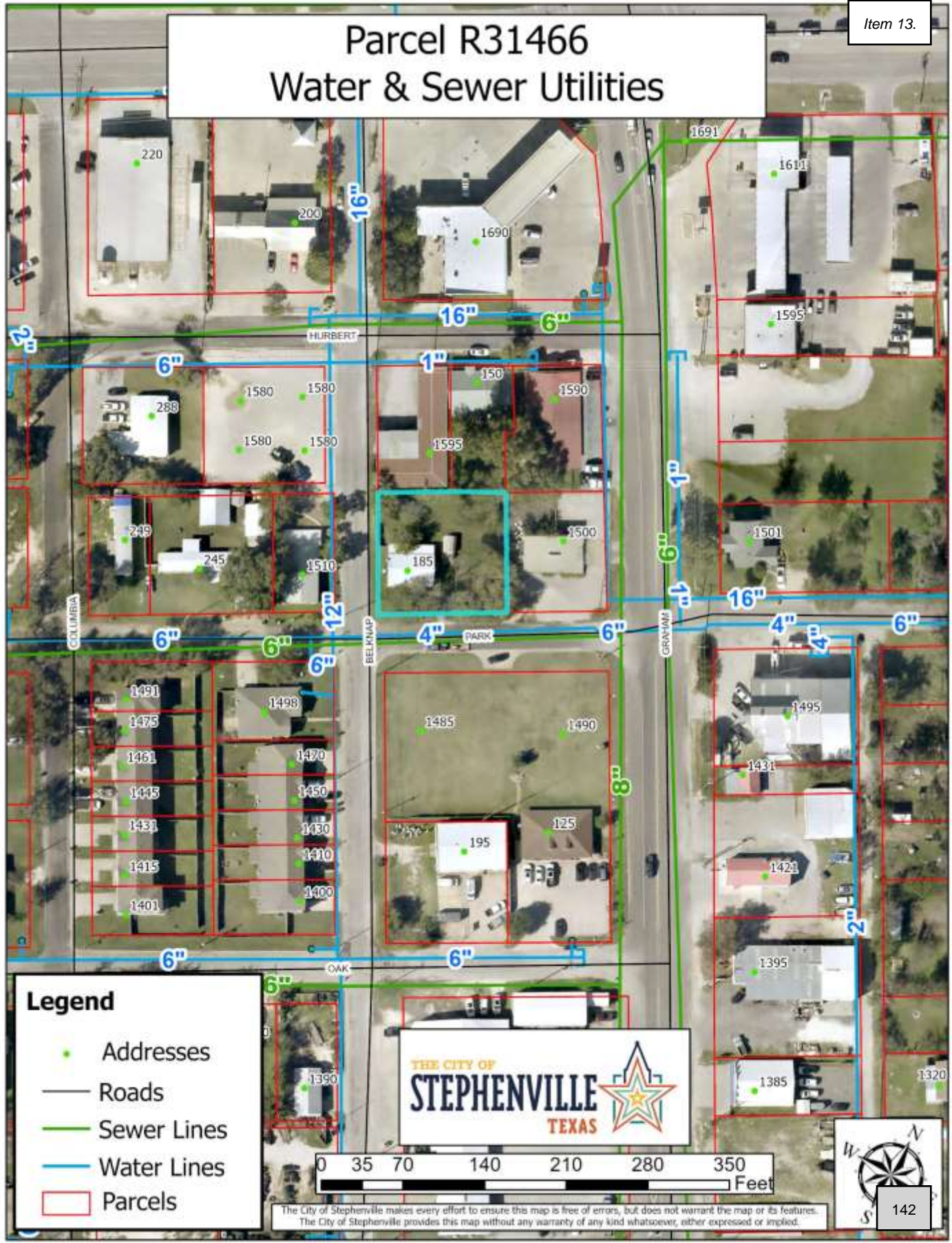
Legend

- Addresses
- Roads
- ▭ Parcels
- Future Land Use 2050
- Community Core
- Complete Neighborhood
- Open Space/Hazard
- Rural
- Special District
- Town Center Mixed Use



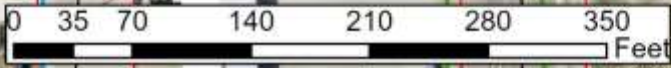
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Parcel R31466 Water & Sewer Utilities



Legend

- Addresses
- Roads
- Sewer Lines
- Water Lines
- Parcels



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Parcel ID R31466

200 Ft Buffer

Address

Item 13.

| Parcel ID | Parcel Address | Parcel Owner | Owner Address | City | State | Zip Code |
|------------|----------------------|--|----------------------|--------------|-------|------------|
| R000031455 | 288 HURBERT | 288 HURBERT, LLC A SERIES OF | 633 W LINGLEVILLE RD | STEPHENVILLE | TX | 76401 |
| R000031459 | 245 PARK STREET | BERRY WARREN (TOD) | 245 PARK STREET | STEPHENVILLE | TX | 76401 |
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| R000074502 | 1470 N BELKNAP | D & D LAND INC | 1230 W LARREA TRAIL | WICKENBURG | AZ | 85390 |
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| R000031456 | 1580 N BELKNAP | JACKSON ROBERT & LISA JACKSON | 670 CR431 | STEPHENVILLE | TX | 76401 |
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| R000031462 | 150 HURBERT | MIZE SARA LYNN | 150 W HURBERT ST | STEPHENVILLE | TX | 76401 |
| R000074816 | 1475 N COLUMBIA | NUSS DAVID & LYNNE FAMILY TRUST | 1230 W LARREA TRAIL | WICKENBURG | AZ | 85390 |
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STAFF REPORT



SUBJECT: Case No.: CG2025-001

Applicant Zane Cole is requesting a waiver from Section 155.6.04 relating to curb and gutter requirements for property located at 185 W Park ST, being Parcel R31466 of S3500 Frey First Addition, Block35, Lot 7 and 8.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

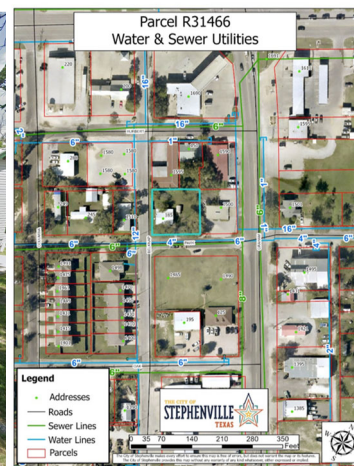
The Planning and Zoning Commission convened on January 15, 2025, and by unanimous vote, recommended the City Council deny the waiver request.

One person submitted a letter of opposition.

BACKGROUND:

This property was recently rezoned to R-2.5 and the parcel was subdivided to allow for the construction of a single-family home. Because the property was recently replatted, the request must be reviewed by the Planning and Zoning Commission and City Council.

A full or partial waiver may be recommended. Alternatively, the Commission may recommend denial.



SUBDIVISION ORDINANCE/SIDEWALKS

Sec. 155.6.11. - Sidewalks.

- A. *Sidewalks and Pedestrian ways are required as a part of Subdivision Plat approval to help the City achieve the following:*
1. Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the City and to implement objectives and strategies of the Comprehensive Plan,
 2. Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians,
 3. Improve public welfare by providing an alternate means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities, and
 4. Facilitate walking as a means of physical activity recognized as an important provider of health benefits.
- B. *Sidewalk Location and Design.*
1. Sidewalks shall be constructed for both sides of all streets within the Subdivision.
 2. Sidewalks shall be constructed along all lots adjoining dedicated streets, along Major Arterial/Thoroughfare Streets where lots do not adjoin the street, across power line easements and in other areas where pedestrian walkways are necessary.
 3. Routing to clear poles, trees or other obstacles shall be subject to City Administrator approval.
 4. The Plat or Construction Plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.
 5. All sidewalks shall conform to Federal Americans with Disabilities Act (ADA) requirements and barrier-free ramps should be provided for access to the street.
- C. *Sidewalk General Construction.*
1. Sidewalks shall be constructed by Class "A" concrete and shall have a width of not less than five (5) feet and a minimum thickness of four (4) inches.
 2. Sidewalks along Major Arterial/Thoroughfare Streets shall be no less than six feet (6') in width.
 3. Sidewalks adjacent to screening and retaining walls shall be five (5') feet in width and shall abut the wall, eliminating the landscape area found along the wall, thereby reducing maintenance.
 4. Sidewalks shall be constructed one foot (1') from the property line within the street or Major Arterial/Thoroughfare Street Right-of-Way and shall extend along the full street frontage including both sides of corner lots and block ends.
 5. Construction of sidewalks adjacent to curbs will be considered where driveway entrances are constructed from the rear of lots on each side of the street for the full length of the block or where mountable curbs are installed. In these instances, the sidewalks shall be a minimum of five feet (6') wide.
 6. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the Subdivision.
- D. *Sidewalks in Nonresidential Areas.* Sidewalks in nonresidential areas shall be a minimum width of five feet (6') or extend from the back of the curb to the building line as required by the City.

Sec. 155.7.01. Petition for subdivision waiver.

3. *Waiver from the Requirements for Sidewalks, Curbs, and/or Gutters.*
 - a. The City Manager, Assistant City Manager, and the Director of Development Services are authorized to grant waivers for Sidewalks, Curbs, and/or Gutters under the following conditions:
 - i. The property was platted prior to March 1, 2021; and
 - ii. The property is located outside of the City of Stephenville's Sidewalk Improvement Area as defined in Resolution No. 2019-R-05.

- b. Waivers requested that do not qualify under the conditions outlined in Section 3.a. above must follow the procedure for a Major Subdivision Waiver.
- c. Applicants whose request for waiver is denied by the City Manager, Assistant City Manager, or the Director of Development Services may appeal this decision. Appeals under Section 3 will follow the procedures for appealing a Minor Subdivision Waiver as set forth in Section J.
- d. All approved waivers require the payment of a fee equal to 25% of the total improvement cost as determined by the city's current bid contract for such improvements. Fees collected will be dedicated to the City's Sidewalk Cost Share Program.

J. *Minor Subdivision Waiver Appeal.*

1. *Initiation of an Appeal.*

- a. The Applicant may appeal a Minor Subdivision Waiver decision of the City Administrator, as allowed within the Subdivision Ordinance.
- b. The written request to appeal shall be submitted to the City Administrator within thirty (30) calendar days following the denial decision.

2. *Recommendation of the Planning and Zoning Commission.*

- a. The Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the City Administrator.
- b. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Minor Subdivision Waiver.
- c. The Commission shall recommend to the City Council to affirm, modify or reverse the previous decision by simple majority vote.

3. *Appeal to City Council.*

- a. The Applicant may appeal the Commission's decision by submitting a written notice of appeal to the City Administrator within thirty (30) calendar days following the Commission's decision.
- b. After the recommendation from the Commission has been made, the City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
- c. The City Council may affirm, modify or reverse the decision by simple majority vote.
- d. The decision of the City Council is final.

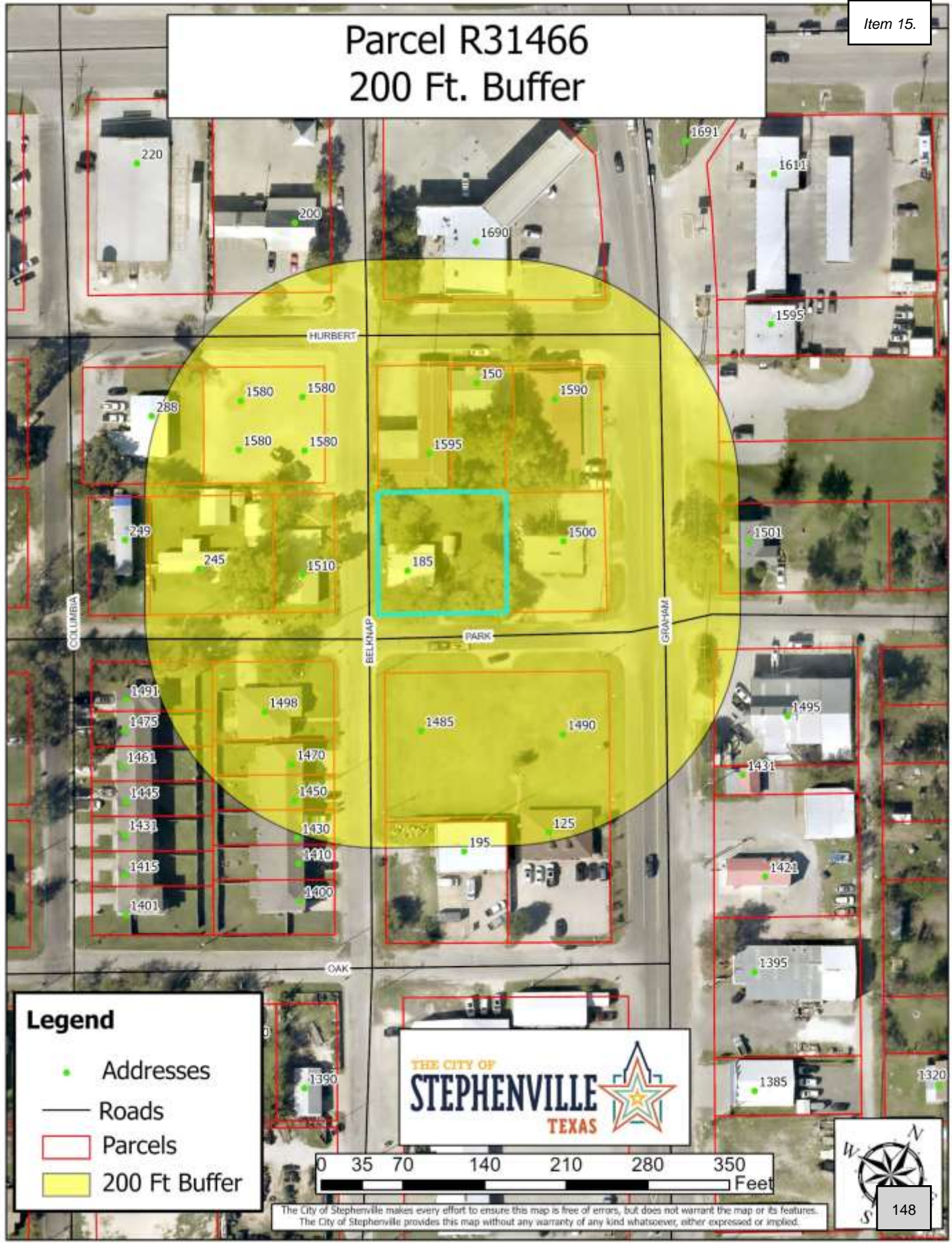
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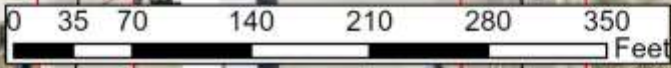
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Parcel R31466 200 Ft. Buffer



Legend

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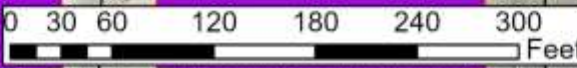


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Parcel R31466 Current Zoning - R2.5 Integrated Housing



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 - B-2 - Retail and Commercial Business
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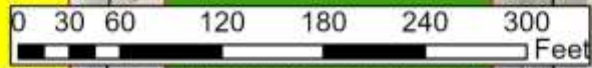
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Parcel R31466 2023 Future Land Use - Commercial



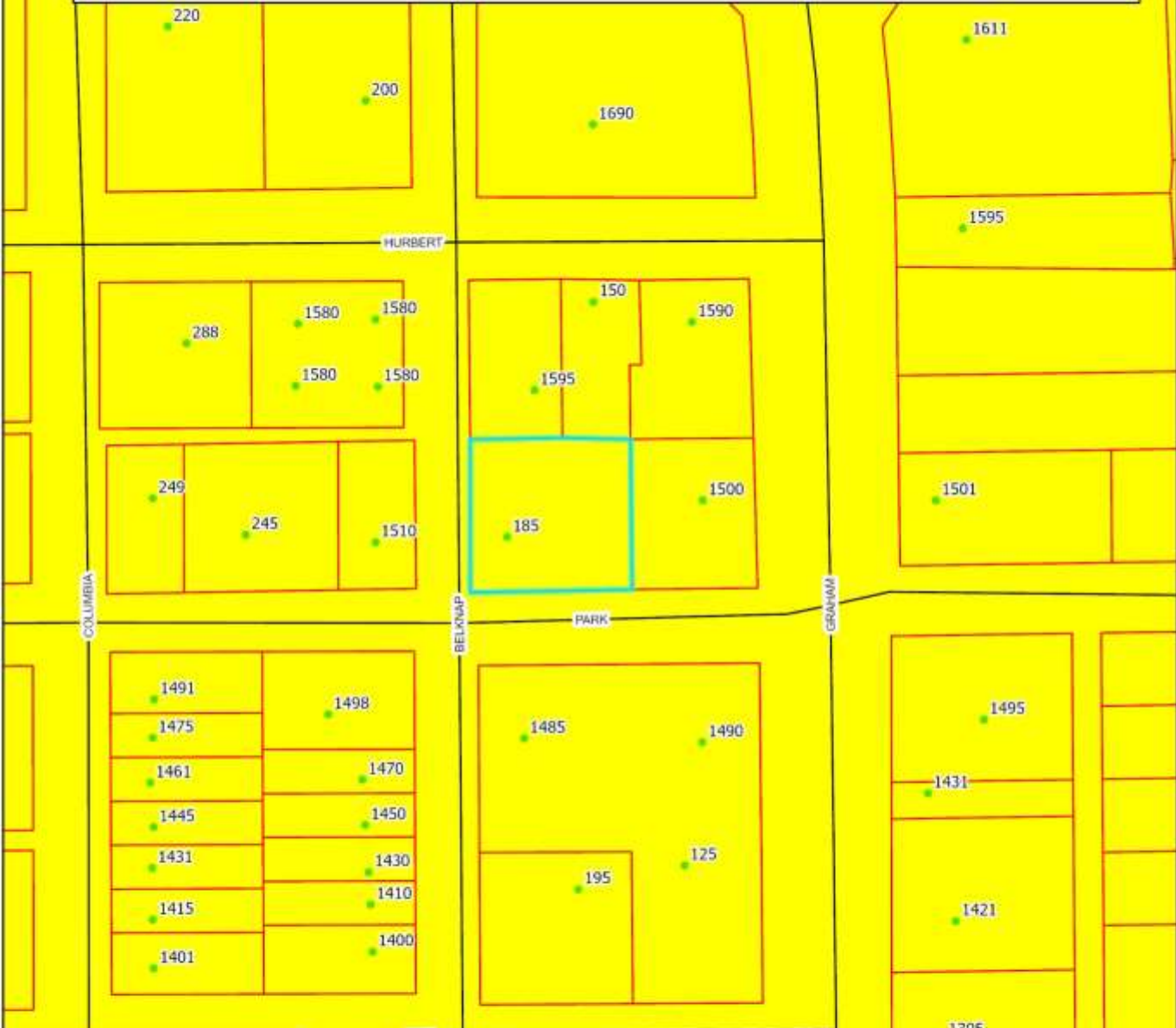
Legend

- Addresses
- Roads
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- Office/Neighbor_Bus
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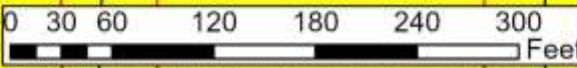
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Parcel R31466 2050 Future Land Use - Complete Neighborhood



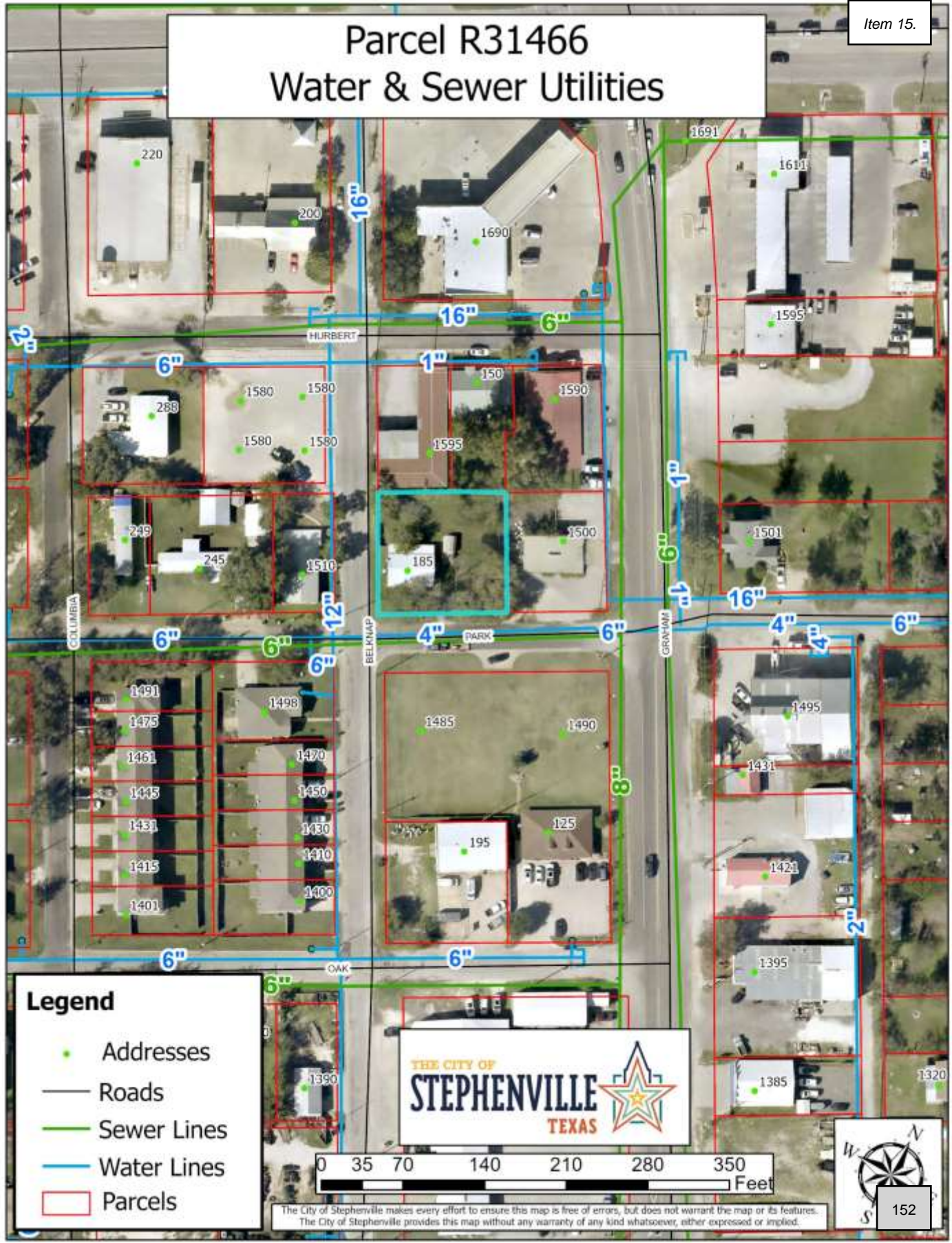
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- Future Land Use 2050
- Community Core
- Complete Neighborhood
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- Special District
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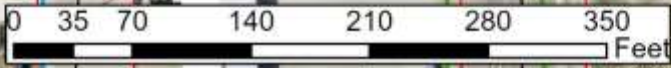
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Parcel R31466 Water & Sewer Utilities



Legend

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Parcel ID R31466

200 Ft Buffer

Address

Item 15.

| Parcel ID | Parcel Address | Parcel Owner | Owner Address | City | State | Zip Code |
|------------|----------------------|--|----------------------|--------------|-------|------------|
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| R000031459 | 245 PARK STREET | BERRY WARREN (TOD) | 245 PARK STREET | STEPHENVILLE | TX | 76401 |
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| R000031458 | 1510 BELKNAP | CASTRO-HUERTA JORGE & MARIA GUADALUPE LOPEZ SANTOS | 1510 N BELKNAP ST | STEPHENVILLE | TX | 76401 |
| R000030311 | 1501 N GRAHAM | CHILDRESS REVOCABLE TRUST & AMBER LONG | 1132 ELK RIDGE DR | STEPHENVILLE | TX | 76401 |
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| R000031456 | 1580 N BELKNAP | JACKSON ROBERT & LISA JACKSON | 670 CR431 | STEPHENVILLE | TX | 76401 |
| R000031460 | 249 PARK STREET | LEWALLEN VIOLET MRS(ESTATE) | 149 BLUE JAY | STEPHENVILLE | TX | 76401 |
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COMMITTEE REPORT

REPORT TYPE: Development Services Committee Report from January 21, 2025

MEETING: City Council Meeting, February 4, 2025

Present: Council members: Gerald Cook, Chair, LeAnn Durfey, Maddie Smith, Brandon Greenhaw

Absent: None

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

Discussion of Conditional Uses and the B-2, Retail and Commercial Zoning District

Chairman Cook briefed the Committee on the following:

On June 18, 2024, the Committee held preliminary discussions regarding this topic and opted to request staff conduct further research. The following options were presented to the Committee on July 16, 2024, for consideration. The Committee, by unanimous vote, opted to take no further action. On August 6, 2024, the Committee reported to the City Council and the recommendation was accepted.

The Development Services Committee revisited this item during the November, 2024 meeting. The Committee directed staff to prepare a draft revision to the land use regulations for the B-2, Retail and Commercial District, that would allow Auto Paint and Body Shop/Repair as a "Conditional Use."

Staff provided an overview of the proposed revisions.

Action Taken

After deliberation, the Committee, by unanimous vote, assigned the proposed revisions to the Planning and Zoning Commission for a Public Hearing and a subsequent recommendation to the full City Council.

End of Report

AN ORDINANCE OF THE CITY OF STEPHENVILLE, TEXAS AMENDING SECTION 154.03 OF THE CODE OF ORDINANCES TO REVISE THE DEFINITION OF A CONIDITIONAL USE PERMIT AND TO REVISE SECTION 154.06.2.C BY ADDING “(7) – AUTO PAINT AND BODY SHOP/REPAIR” AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to revise the definition of a Conditional Use and add “auto paint and body shop/repair” as a conditional use for the B-2, Retail and Commercial District.

WHEREAS, the changes were reviewed and **unanimously recommended** by the Planning and Zoning Commission **on October 16, 2024.**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS:

SECTION 1.

The following Section of the Code of Ordinances are hereby revised as follows:

| | | |
|---|---------------------------|---|
| <p>Sec. 154.03 – Conditional Use</p> | <p>Definitions</p> | <p>(1) Conditional Use. A use which shall be permitted in a particular district only upon fulfillment of the regulations of the appropriate district and any additional requirements set forth by the City Council, including, but not limited to special yards, lot sizes, open spaces, buffers, fences, walls or screening; requirements for installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules or time limits for performance or completion; and such other reasonable conditions as the City Council may deem necessary to insure compatibility with surrounding uses and to preserve the public health, safety, and welfare.</p> |
| <p>Sec. 154.06.2.C – Conditional Use (Special Use Permit Required)</p> | <p>(7)</p> | <p>(7) Auto paint and body shop/repair;</p> |

SECTION 2.

This ordinance shall be effective upon passage.

PASSED AND APPROVED this **5th** day of November 2024.

Doug Svien, Mayor

ATTEST:

Sarah Lockenour, City Secretary

Reviewed by Jason M. King, City Manager

Randy Thomas, City Attorney
Approved as to form and legality



COMMITTEE REPORT

REPORT TYPE: Nominations Committee Report
MEETING: January 21, 2025
Present: Maddie Smith, LeAnn Durfey, Lon Reisman, Alan Nix
Absent:
DEPARTMENT: Administration
STAFF CONTACT: Sarah Lockenour, City Secretary

DISCUSS AND APPROVE NOMINATIONS TO CITIZEN BOARDS AND COMMISSIONS

DISCUSSION: The committee met on January 21, 2025, to review nominations for Citizen Boards and Commissions with the discussion led by committee chair Maddie Smith.

The Nominations Committee considered the following nominations:

Library Advisory Board

Kathleen Goodwin (20th Century Club)

Main Street Advisory Board

Carlene Sutton

Kennedy Voelker

Tourism and Visitors Bureau Advisory Board

Chelsey Veldhuizen

Caitlin Moyer

COMMITTEE ACTION:

The following recommendations were made:

Library Advisory Board

MOTION by Alan Nix, second by Lon Reisman, to recommend to the Council Kathleen Goodwin to Place 4 of the Library Advisory Board. MOTION CARRIED unanimously.

Main Street Advisory Board

MOTION by Alan Nix, second by LeAnn Durfey, to recommend to the Council Carlene Sutton to Place 1 of the Main Street Advisory Board. MOTION CARRIED unanimously.

MOTION by Maddie Smith, second by Alan Nix, to recommend to the Council Kennedy Voelker to Place 7 of the Main Street Advisory Board. MOTION CARRIED unanimously.

Tourism and Visitors Bureau Advisory Board

MOTION by Maddie Smith, second by Lon Reisman, to recommend to the Council Chelsey Veldhuizen to Place 1 of the Tourism and Visitors Bureau Advisory Board. MOTION CARRIED unanimously.

LIBRARY ADVISORY BOARD

Seven-member board. At least five members of the board must be city residents.
Two members of the Twentieth Century Club shall be appointed by the Club to serve on the board.
Board members are subject to a three-term limit.

| PL# | <i>First</i> | <i>Last</i> | <i>Nominations</i> |
|------------|---------------------|--------------------|------------------------------------|
| 1 | Jennie | Shafer | |
| 2 | Jorge | Moreno | |
| 3 | Mike | Jones | |
| 4 | | | Kathleen Goodwin 20th Century Club |
| 5 | Katherine | Quinnell | |
| 6 | Katherine | Horak Smith | 20th Century Club |
| 7 | Joe | Garcia | |

MAIN STREET ADVISORY BOARD

Seven-member board. At least five members must be residents of Stephenville,
Board members are subject to a three-term limit.

| PL# | <i>First</i> | <i>Last</i> | <i>Nominations</i> |
|------------|---------------------|--------------------|---------------------------|
| 1 | | | Carlene Sutton county |
| 2 | Scott | Allen | in-city |
| 3 | Dr. Aimee | Shouse | in-city |
| 4 | Jill | Burk | in-city |
| 5 | Joycelyn | Perez | county |
| 6 | Rita | Cook | in-city |
| 7 | | | |

TOURISM AND VISITORS BUREAU ADVISORY BOARD

Seven-member board. All members of the board must have a vested interest in the attraction of tourism and visitors to the city of Stephenville. The board shall consist of one representative from retail, one representative from restaurants, one representative from hotel, and one representative from Tarleton State University; all other members shall be chosen at the discretion of the council.
Board members are subject to a three-term limit.

| PL# | <i>First</i> | <i>Last</i> | <i>Nominations</i> |
|--------------|---------------------|--------------------|---------------------------|
| 1 | | | Chelsey Veldhuizen |
| 2 Restaurant | Milo | Choate | Caitlin Moyer (2) |
| 3 Retail | Belle | Dowell | |
| 4 | Kayleigh | Caamano | |
| 5 TSU | Terri | Hardcastle | |
| 6 | Brooke | Wells | |
| 7 Hotel | Kimberly | Fornes | |

WESTERN HERITAGE ADVISORY BOARD

Five-member board, with up to three non-voting, ex-officio members, created to advise the City Council on policy matters affecting the Western Heritage programs and events. The members of the Board appointed by the city shall be residents of Erath County.

Board members are subject to a three-term limit.

| <i>PL #</i> | <i>First</i> | <i>Last</i> |
|--------------------|---------------------|--------------------|
| 1 | Darla | Doty |
| 2 | Jerry | Norris |
| 3 | Kari | Haile |
| 4 | Angie | Ayers |
| 5 | Vanessa | Halford |

Nominations
Caitlin Moyer (1)

Ex-Officio

| | | |
|---|-----|------|
| 1 | | |
| 2 | Bob | Doty |
| 3 | | |

PLANNING & ZONING COMMISSION

| <i>PL #</i> | <i>First</i> | <i>Last</i> |
|--------------------|---------------------|--------------------|
| 1 | Tyler | Wright |
| 2 | Justin | Slawson |
| 3 | Lisa | LaTouche |
| 4 | Bonnie | Terrell |
| 5 | Nick | Robinson |
| 6 | Brian | Lesley |
| 7 | | |
| A1 | James | Stephenson |
| A2 | Bruce | Delater |

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[Home](#) > [Application for Citizen Boards and Commissions](#) > [Webform results](#) > Application for Citizen Boards and Commissions

Submission information

Form: [Application for Citizen Boards and Commissions](#) [1]
Submitted by Visitor (not verified)
Thu, 11/21/2024 - 1:41pm
156.146.212.13

First Name

Chelsey

Last Name

Veldhuizen

Home Address

City, State, Zip Code

Dublin

Mailing Address

City, State, Zip Code

Primary Phone Number

Alternate Phone Number

Email

Employment Status

Employed Full-Time

Employer

Veldhuizen Cheese

Please indicate what board you are applying for. (First Choice)

-Tourism and Visitors Bureau Advisory Board

Please indicate what board you are applying for. (Second Choice)

Please indicate what board you are applying for. (Third Choice)

Are you currently serving on a board or commission?

Yes - Seeking Reappointment

Have you ever attended a Board or Council meeting?

Yes

Availability

- Daytime (8:00am - 5:00pm)
- Evening (after 5:00 pm)

Are you registered to vote in Stephenville?

Yes

Are you a property owner within the community?

No

Do you or a family member own a business within the community?

Yes

Please indicate which category of the local economy that you represent.

Agriculture - Persons or entities associated with the production or processing of plant or animal products

Reason for Applying

I have enjoyed serving on the Tourism Advisory board for the last six years. It does help our business to stay informed about what is happening in our community and opens opportunities for us to get involved in promoting tourism in Stephenville.

Educational Background

High School, Trade School, Seminary

Occupational Background

Sales, Office Administration

Relevant Experience

Chair of the Tourism Advisory Board for 6 years

Community Involvement

Youth Mentoring

Submit Application

Chelsey Veldhuizen

Date

Thu, 11/21/2024

Source URL:<https://www.stephenvilletx.gov/node/791/submission/11950>

Links

[1] <https://www.stephenvilletx.gov/bc/webform/application-citizen-boards-and-commissions-0>

Published on *Stephenville, Texas* (<https://www.stephenvilletx.gov>)

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Submission information

Form: [Application for Citizen Boards and Commissions](#) [1]

Submitted by Visitor (not verified)

Mon, 12/02/2024 - 1:13pm

156.146.250.21

First Name

Kathleen

Last Name

Goodwin

Home Address

[REDACTED]

City, State, Zip Code

STEPHENVILLE

Mailing Address

[REDACTED]

City, State, Zip Code

STEPHENVILLE

Primary Phone Number

[REDACTED]

Alternate Phone Number

Email

[REDACTED]

Employment Status

Retired

Employer

NA

Please indicate what board you are applying for. (First Choice)

-Library Advisory Board

Please indicate what board you are applying for. (Second Choice)

Please indicate what board you are applying for. (Third Choice)

Are you currently serving on a board or commission?

No - New Applicant

Have you ever attended a Board or Council meeting?

No

Availability

- Daytime (8:00am - 5:00pm)
- Evening (after 5:00 pm)

Are you registered to vote in Stephenville?

Yes

Are you a property owner within the community?

Yes

Do you or a family member own a business within the community?

No

Please indicate which category of the local economy that you represent.

General Public - Defined as those persons having no economic interest other than a normal consumer

Reason for Applying

I am a member of the 20th Century Club in Stephenville and believe strongly in our club's support of the public library.

I have been a long time patron of the library and feel it is a major asset to our community.

Educational Background

BS in Electrical Engineering from the University of Virginia.

Occupational Background

Worked for the Stephenville Public Schools for 23 years on campuses and in the Technology Department.

Worked as an engineer in the nuclear power industry.

Relevant Experience

Throughout my career with SISD, I worked extensively with all the District librarians. It was an excellent opportunity learn about how libraries function as well what an important role they play in education.

Community Involvement

I am an active member of the 20th Century Club, community garden, and St. Luke's Episcopal Church Thursday lunches for Tarleton students and other members of the community.

Submit Application

Kathleen Goodwin

Date

Mon, 12/02/2024

Source URL:<https://www.stephenvilletx.gov/node/791/submission/11976>

Links

[1] <https://www.stephenvilletx.gov/bc/webform/application-citizen-boards-and-commissions-0>

Published on *Stephenville, Texas* (<https://www.stephenvilletx.gov>)

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Submission information

Form: [Application for Citizen Boards and Commissions](#) (1)
Submitted by Visitor (not verified)
Tue, 12/31/2024 - 11:41pm
156.146.249.102

First Name

Carlene

Last Name

Sutton

Home Address

City, State, Zip Code

76401

Mailing Address

City, State, Zip Code

76401

Primary Phone Number

Alternate Phone Number

Email

Employment Status

Employed Full-Time

Employer

Leslie Walker Insurance Agency

Please indicate what board you are applying for. (First Choice)

-Main Street Advisory Board

Please indicate what board you are applying for. (Second Choice)

-Tourism and Visitors Bureau Advisory Board

Please indicate what board you are applying for. (Third Choice)

-Western Heritage Advisory Board

Are you currently serving on a board or commission?

No - Not currently serving, have served in the past

Have you ever attended a Board or Council meeting?

Yes

Availability

- Daytime (8:00am - 5:00pm)
- Evening (after 5:00 pm)

Are you registered to vote in Stephenville?

Yes

Are you a property owner within the community?

No

Do you or a family member own a business within the community?

No

Please indicate which category of the local economy that you represent.

Industry - Corporations, partnerships, sole proprietorships or other legal entities formed for the purpose of making a profit and which produce or manufacture goods or services and which are not small businesses

Reason for Applying

Love Stephenville and want to promote stephenville

Educational Background

Graduate of Tarleton STATE

Occupational Background

Worked & lived in stephenville for over 30 years

Relevant Experience

Member of Downtown merchants , past member of Sr Citizen board

Community Involvement

Downtown Merchants board. Stephenville Music club officer

Submit Application

TX

Date

Tue, 12/31/2024

Source URL:<https://www.stephenvilletx.gov/node/791/submission/12061>**Links**[1] <https://www.stephenvilletx.gov/bc/webform/application-citizen-boards-and-commissions-0>

Published on *Stephenville, Texas* (<https://www.stephenvilletx.gov>)

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Submission information

Form: [Application for Citizen Boards and Commissions](#) (1)
Submitted by Visitor (not verified)
Sun, 01/05/2025 - 9:15pm
23.118.79.68

First Name

Kennedy

Last Name

Voelker

Home Address

[REDACTED]

City, State, Zip Code

Stephenville, TX, 76401

Mailing Address

City, State, Zip Code

Primary Phone Number

[REDACTED]

Alternate Phone Number

Email

[REDACTED]

Employment Status

Student

Employer

Tarleton State University

Please indicate what board you are applying for. (First Choice)

-Main Street Advisory Board

Please indicate what board you are applying for. (Second Choice)

-Parks and Leisure Advisory Board

Please indicate what board you are applying for. (Third Choice)

-Tourism and Visitors Bureau Advisory Board

Are you currently serving on a board or commission?

No - New Applicant

Have you ever attended a Board or Council meeting?

No

Availability

- Daytime (8:00am - 5:00pm)
- Evening (after 5:00 pm)

Are you registered to vote in Stephenville?

No

Are you a property owner within the community?

No

Do you or a family member own a business within the community?

No

Please indicate which category of the local economy that you represent.

General Public - Defined as those persons having no economic interest other than a normal consumer

Reason for Applying

I am interested in applying for these boards to take an active role in my community and help make decisions that will help make Stephenville a better place

Educational Background

Waterloo High School, Tarleton State University

Occupational Background

Hideaway Pizza — Support Member

May 2024 - July 2024. Yukon, OK

Administer sales of food, provide customer service, clean tables & restaurant equipment, and control a cash register. Reason for leaving: Relocation

Hard Eight Pit Barbeque – Server/Line Member

January 2024 - May 2024. Stephenville, TX

Administer sales of alcohol & food, serve customers, clean tables & restaurant equipment, and control a cash register.

Annbriar Golf Course & Smokehouse Restaurant – Server, Bartender, & Beverage Cart Driver

March 2023 - August 2023. Waterloo, IL

Administer sales of alcohol & food, serve customers, clean golf equipment & restaurant equipment, and control a cash register. Reason for leaving: Relocation

Waterloo High School Greenhouse — Greenhouse Employee

August 2022 - May 2023. Waterloo, IL

Maintain care for plants, develop plant knowledge, administer plant sales, and direct greenhouse cleaning & organization

Waterloo Mercantile — Sales Associate

March 2022 - March 2023. Waterloo, IL

Direct unboxing, restocking, and organizing, control a cash register, aid in customer service, and create social media/marketing content

Voelker Contracting — Landscape Assistant

2021-2023. Waterloo, IL

Assist in spreading mulch, brush cleanup, hauling dirt, and snow removal

Relevant Experience

Volunteering, community service, networking, sales experience, public speaking

Community Involvement

2024 Volunteer for Tarleton State University Roundup

2024 Volunteer for Stephenville Food Pantry

2023 Volunteer for the Monroe County Sheriff's Office and the City of Waterloo
2023 Volunteer Concession Stand Worker for Waterloo Athletics Booster Club
2023 Volunteer at VFW Fish Fry
2022 Volunteer for a Toy Drive at the Waterloo House of Neighborly Service
2022 Volunteer at Waterloo School District Bulldog Color Run 5K
2022 Volunteer for Therapy Dog Visits at Garden Place Senior Living
2021-2022 Volunteer for Food Drives at the Waterloo House of Neighborly Service
2021 Wreaths Across America Foundation at Jefferson Barracks National Cemetery
2017-2019 Volunteer at Morrison Talbott Library
2015-2023 Volunteer at Monroe Actors Stage Company

Submit Application

Kennedy Voelker

Date

Sun, 01/05/2025

Source URL:<https://www.stephenvilletx.gov/node/791/submission/12080>

Links

[1] <https://www.stephenvilletx.gov/bc/webform/application-citizen-boards-and-commissions-0>

COMMITTEE REPORT



REPORT TYPE: Tourism and Visitors Bureau Committee

MEETING: January 21, 2025

Present: LeAnn Durfey, Gerald Cook, Lonn Reisman, Brandon Greenhaw

Absent:

DEPARTMENT: Administration

STAFF CONTACT: Sarah Lockenour, City Secretary

DISCUSS AND APPROVE NOMINATIONS TO WESTERN HERITAGE ADVISORY BOARD

DISCUSSION: The committee met on January 21, 2025, to review the nomination for Western Heritage Advisory Board Ex-Officio Member with the discussion led by committee chair LeAnn Durfey.

The Tourism and Visitors Bureau Committee considered the following nominations:

Western Heritage Advisory Board

Caitlin Moyer

COMMITTEE ACTION:

The following recommendations were made:

Western Heritage Advisory Board

MOTION by LeAnn Durfey, second by Lonn Reisman, to recommend to the Council appointment of Caitlin Moyer to Ex-Officio Place 1 of the Western Heritage Advisory Board. MOTION CARRIED unanimously.

LIBRARY ADVISORY BOARD

Seven-member board. At least five members of the board must be city residents.
 Two members of the Twentieth Century Club shall be appointed by the Club to serve on the board.
 Board members are subject to a three-term limit.

| PL# | <i>First</i> | <i>Last</i> | <i>Nominations</i> |
|------------|---------------------|--------------------|------------------------------------|
| 1 | Jennie | Shafer | |
| 2 | Jorge | Moreno | |
| 3 | Mike | Jones | |
| 4 | | | Kathleen Goodwin 20th Century Club |
| 5 | Katherine | Quinnell | |
| 6 | Katherine | Horak Smith | 20th Century Club |
| 7 | Joe | Garcia | |

MAIN STREET ADVISORY BOARD

Seven-member board. At least five members must be residents of Stephenville,
 Board members are subject to a three-term limit.

| PL# | <i>First</i> | <i>Last</i> | <i>Nominations</i> |
|------------|---------------------|--------------------|---------------------------------|
| 1 | | | Carlene Sutton county |
| 2 | Scott | Allen | in-city Kennedy Voelker in-city |
| 3 | Dr. Aimee | Shouse | in-city |
| 4 | Jill | Burk | in-city |
| 5 | Joycelyn | Perez | county |
| 6 | Rita | Cook | in-city |
| 7 | | | |

TOURISM AND VISITORS BUREAU ADVISORY BOARD

Seven-member board. All members of the board must have a vested interest in the attraction of tourism and visitors to the city of Stephenville. The board shall consist of one representative from retail, one representative from restaurants, one representative from hotel, and one representative from Tarleton State University; all other members shall be chosen at the discretion of the council.
 Board members are subject to a three-term limit.

| PL# | <i>First</i> | <i>Last</i> | <i>Nominations</i> |
|--------------|---------------------|--------------------|---------------------------|
| 1 | | | Chelsey Veldhuizen |
| 2 Restaurant | Milo | Choate | Caitlin Moyer (2) |
| 3 Retail | Belle | Dowell | |
| 4 | Kayleigh | Caamano | |
| 5 TSU | Terri | Hardcastle | |
| 6 | Brooke | Wells | |
| 7 Hotel | Kimberly | Fornes | |

WESTERN HERITAGE ADVISORY BOARD

Five-member board, with up to three non-voting, ex-officio members, created to advise the City Council on policy matters affecting the Western Heritage programs and events. The members of the Board appointed by the city shall be residents of Erath County.

Board members are subject to a three-term limit.

| <i>PL #</i> | <i>First</i> | <i>Last</i> |
|--------------------|---------------------|--------------------|
| 1 | Darla | Doty |
| 2 | Jerry | Norris |
| 3 | Kari | Haile |
| 4 | Angie | Ayers |
| 5 | Vanessa | Halford |

Nominations
Caitlin Moyer (1)

Ex-Officio

| | | |
|---|-----|------|
| 1 | | |
| 2 | Bob | Doty |
| 3 | | |

PLANNING & ZONING COMMISSION

| <i>PL #</i> | <i>First</i> | <i>Last</i> |
|--------------------|---------------------|--------------------|
| 1 | Tyler | Wright |
| 2 | Justin | Slawson |
| 3 | Lisa | LaTouche |
| 4 | Bonnie | Terrell |
| 5 | Nick | Robinson |
| 6 | Brian | Lesley |
| 7 | | |
| A1 | James | Stephenson |
| A2 | Bruce | Delater |

Published on *Stephenville, Texas* (<https://www.stephenvilletx.gov>)

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Submission information

Form: [Application for Citizen Boards and Commissions](#) [1]
Submitted by Visitor (not verified)
Wed, 01/01/2025 - 3:56pm
67.21.182.31

First Name

Caitlin

Last Name

Moyer

Home Address

City, State, Zip Code

Stephenville

Mailing Address

City, State, Zip Code

Stephenville

Primary Phone Number

Alternate Phone Number

Email

Employment Status

Employed Full-Time

Employer

Tarleton

Please indicate what board you are applying for. (First Choice)

Advisory Boards

Please indicate what board you are applying for. (Second Choice)

-Western Heritage Advisory Board

Please indicate what board you are applying for. (Third Choice)

-Tourism and Visitors Bureau Advisory Board

Are you currently serving on a board or commission?

No - New Applicant

Have you ever attended a Board or Council meeting?

No

Availability

Evening (after 5:00 pm)

Are you registered to vote in Stephenville?

Yes

Are you a property owner within the community?

Yes

Do you or a family member own a business within the community?

Yes

Please indicate which category of the local economy that you represent.

Education - Serving in higher education at high school level or beyond

Reason for Applying

I grew up on a family owned and operated dairy here in Erath County where I enjoyed raising, showing, and then judging dairy cattle across the state and collegiately across the nation. The county has provided a foundational step in my life, and I would love the opportunity to give back.

Educational Background

I am a two-time graduate of Tarleton State University earning both my Bachelor of Business Administration and Masters of Science in Information Systems. I am also working on my doctorate in higher education

Occupational Background

I have been employed at Tarleton for 8 years in various capacities. I also own and operate my own small photography business. I have also worked at various non-profit and other large employers in the Stephenville area like Hard-Eight, Prime Metal Buildings, and CTFAC.

Relevant Experience

I serve as the media committee chair for the Erath County Jr Livestock show and coordinate the show's jr board members.

Community Involvement

More than anything, I love being involved in the community that has provided so much opportunity for me. I am the photographer for Erath County Jr Livestock Show as well as serving on the media committee. I photograph events throughout the year for the city and the youth events for the Cowboy Capital Pro Rodeo Week like the Mutton Bustin, Dummy Ropin', Queen Contest, 5K and Parade.

Submit Application

Caitlin

Date

Wed, 01/01/2025

Source URL: <https://www.stephenvilletx.gov/node/791/submission/12069>

Links

[1] <https://www.stephenvilletx.gov/bc/webform/application-citizen-boards-and-commissions-0>



CITY COUNCIL WORK SESSION

City Hall Training Room, 298 W. Washington (Use Columbia Street Entrance)
Tuesday, January 07, 2025 at 5:30 PM

MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, December 3, 2024, in the City Hall Training Room, 298 West Washington Street, for the purpose of a City Council Work Session 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 Gerald Cook
- Council Member Lonn Reisman
- Council Member Dean Parr
- Council Member Maddie Smith
- Council Member David Baskettt
- Council Member Brandon Greenhaw
- Council Member Alan Nix

COUNCIL ABSENT:

OTHERS ATTENDING:

- Jason M. King, City Manager
- Sarah Lockenour, City Secretary

CALL TO ORDER

Mayor Svien called the City Council Work Session to order at 7:25 PM.

REGULAR AGENDA

1. Discussion of Debt Issuance

City Manager Jason King led a discussion about debt issuance for the City of Stephenville.

ADJOURN

Mayor Svien adjourned the City Council Work Session at 8:03 PM.

Doug Svien, Mayor

ATTEST:

Sarah Lockenour, City Secretary



REGULAR CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, January 07, 2025 at 5:30 PM

MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, January 07, 2025, 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 Gerald Cook
Council Member Lon Reisman
Council Member Dean Parr
Council Member Maddie Smith
Council Member David Baskett
Council Member Brandon Greenhaw
Council Member Alan Nix

COUNCIL ABSENT:

OTHERS ATTENDING:

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

CALL TO ORDER

Mayor Svien called the Regular Meeting to order at 5:30 PM.

PLEDGES OF ALLEGIANCE

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

INVOCATION

Pastor Jarrod Brown of Grace Fellowship

CITIZENS GENERAL DISCUSSION

No one addressed Council at this time.

REGULAR AGENDA

1. Consider Approval of Ordinance Amending Ordinance No. 2023-O-33

City Secretary Sarah Lockenour presented this item to the Council. The proposed ordinance corrects a clerical error made on Ordinance No. 2023-O-33 related to the number of Council Members elected at a time.

MOTION by Alan Nix, second by Maddie Smith, to approve Ordinance No. 2025-O-01 as presented. MOTION CARRIED unanimously.

2. Consider Approval of a Memorandum of Understanding between Stephenville Fire Department and Erath County EMS

Fire Chief Robert Isbell presented this item to the Council.

Stephenville Fire and EMS has been working closely with Erath County EMS on mutual aid. The MOU presented will allow the Erath County EMS to house an ambulance and crew at the Stephenville Fire Station Two (1301 Pecan Hill Drive) to better facilitate response times.

Judge Brandon Huckabee spoke in favor of the agreement.

MOTION by David Baskett, second by Maddie Smith, to approve the MOU between Stephenville Fire Department and Erath County EMS as presented. MOTION CARRIED unanimously.

3. Consider Approval of Naming for New Senior Center Building

Parks and Leisure Services Director Daron Trussell presented this item to the Council.

The new senior center building construction has been completed and needs to be named. The Parks and Leisure Services Advisory Board recommends to the Council the name of 'The Cross Timbers Legacy Center'.

Rhea Marrs, 1739 Bull Elk Drive, spoke in favor of the recommendation.

MOTION by Lonni Reisman, second by Maddie Smith, to name the new senior building 'The Cross Timbers Legacy Center' as presented. MOTION CARRIED unanimously.

4. Consider Approval of Donation of Soil Material to Morgan Mill VFD

Council Member Alan Nix presented this item to the Council.

The city received a request from the Morgan Mill Volunteer Fire Department for a donation of 200 cubic yards of soil material to assist in the construction of a new firehouse and a helipad for emergency care flights. The city has a stockpile of approximately 300-350 cubic yards of soil material adjacent to the Airport Pump Station. Any material not donated would be used for city projects including cell construction at Stephenville Landfill.

The soil material, with an estimated worth of \$10 per cubic yard, is valued at \$2,000.00 for the requested 200 CY.

MOTION by Alan Nix, second by Brandon Greenhaw, to approve the donation of 200 cubic yards of soil to the Morgan Mill VFD as presented. MOTION CARRIED unanimously.

5. Consider Approval of Proposal for Chamberlin Improvements Project

Council Member Alan Nix presented this item to the Council.

In July 2024, the Council authorized funds for a project to address acute flooding concerns on the 900 block of Chamberlin Ave.

The BuyBoard proposal received from Insituform Technologies, LLC agrees to install stormwater inlets and piping to address the drainage concerns. As a result of the depth of excavation, the project will replace the existing sanitary sewer clay pipe, as well as add fire protection and replace the undersized 1-¼" galvanized waterline with a 6" waterline. Bonding, insurance, and a one-year warranty are also included. Insituform anticipates 125 calendar days to complete the project. Additionally, a local utility contractor will be utilized to perform this work.

At the July 2, 2024, council meeting, \$300,000 was approved for reallocation from the of the \$1.5mm Wastewater Treatment Plant capital projects fund for the Chamberlin project. The proposed project cost is \$472,444.50. The Finance Department has confirmed the additional funds required for this project are available

Staff recommends approval of the agreement with Insituform Technologies, LLC to install Stormwater inlets and lines under the 900 block of Chamberlin Avenue between Frey Street and Mulberry Street.

MOTION by Alan Nix, second by David Baskett, to approve the contract with Insituform Technologies, LLC. to fund the project completely as presented.

6. Consider Approval of Proposal for City Park Sewer Project

Council Member Alan Nix presented this item to the Council.

On December 9, 2024, a sinkhole opened in the northern Rec. Hall parking lot adjacent to Long Street due to a collapse of the 21-inch clay sanitary sewer main, located approximately 10-foot under parking lot pavement. The sinkhole has been covered, and the parking lot has been blocked until the new sewer line is installed and the sinkhole cavity can be filled.

The BuyBoard proposal received from Insituform Technologies, LLC agrees to install a new sanitary sewer line on the south side of the Rec. Hall tying into a line on the west side of the drainage ditch located on the west side of the Rec. Hall. An exhibit showing the layout is enclosed with this report. The new line installation will allow the existing lines to be abandoned. Bonding, insurance, and a one-year warranty are also included. Insituform anticipates 150 calendar days to complete the project. The city's Street Department will perform the asphalt repairs in the park.

The approved FY24-25 budget allocated \$325,000 for this project and preliminary design work for \$24,500 was underway when the sinkhole appeared. The Insituform proposal project cost is \$717,050.00. The unbudgeted difference of \$416,550 ($\$325,000 - \$24,500 - \$717,050 = -\$416,550.00$) will be needed to perform this project. The Finance Department has confirmed the additional funds required for this project are available in reserves.

Staff recommend approval of the agreement with Insituform Technologies, LLC to relocate a 21-inch sewer line to the south side of the Rec. Hall. Due to the location and nature of this project, staff recommend proceeding with urgency.

MOTION by Alan Nix, second by Dean Parr, to approve the proposal from Insituform Technologies, LLC for the City Park Sewer Project as presented. MOTION CARRIED unanimously.

7. Discussion of the Tarleton Street Project

City Manager Jason King presented this item to the Council with Donna Strohmeier, Campus Operations Executive Director, and Nate Bural, Assistant Vice President of Marketing, representing Tarleton State University.

This project has been mentioned by current and previous Council representatives and identified in the Downtown Revitalization recommendation findings as a project that would enhance walkability and bicycle infrastructure from campus to downtown.

Stephenville Main Street has started conversation with Tarleton representatives on improving the sidewalks from McIlhany St. to the entrance of Bosque River Trail. The street project focuses on projects such sidewalks, accessibility ramp installations, preparing broken and missing curb and gutter. Tarleton has expressed their interest in assisting with this project in conjunction with their 125th Anniversary celebration.

No action is requested at this time.

8. Stephenville Clark Regional Airport 2024 Updates

Airport Manager Sean Clemmons presented the updates of the airport in calendar year 2024.

- Updates of the Runway Extension Project
- Airport Hangars
- Aircraft Operations at the Airport
- Airport Improvements
- Future Events at the Airport

9. Main Street Presentation over MarketWurks

Main Street Manager Ashley Thomas presented this item to the Council.

Stephenville Main Street has started using this program to help organize all the vendors for the Main Street Monthly Farmer & Artisan Market. They can easily choose the dates they can attend, photos, description and contact information for their business. On the City website others can view what vendors will be at what market and where they will be in the plaza. Previously all information was input manually, this makes the whole process more automatic.

PLANNING AND ZONING COMMISSION

Steve Killen, Director of Development Services

10. Applicant Reece Flanagan, Representing Erath County Habitat for Humanity, is Requesting Approval of a Preliminary Plat With Simultaneous Rezoning from Retail and Commercial (B-2) to Integrated Housing (R-2.5), of Property Located at 0 S. Drew, Parcel R78511, Being BLK. 75, LOT 19, and Parcel R29797, Being BLK. 75, LOT 18, of the CITY ADDITION to the City Of Stephenville, Erath County, Texas

City Manager Jason King presented this item to the Council.

The applicant has submitted a Preliminary Plat that has been reviewed by staff. A Final Plat will be submitted to the Commission upon completion and acceptance of public improvements. The Commission was requested to consider the simultaneous approval of the Preliminary Plat with Conditions as listed below and a recommendation to the City Council regarding the rezone request.

Note: The rezone will not apply to the larger portion (remainder) of Parcel R29797, only to the portion that will be deeded to Habitat as shown on the Preliminary Plat.

The Planning and Zoning Commission convened on December 18, 2024, and by a unanimous vote of 7-0, recommended the City Council approve the rezone request. If the rezone is approved, the conditional approval of the Preliminary Plat will remain in effect. If the rezone is not approved, the conditional approval of Preliminary Plat will consequently be denied.

11. PUBLIC HEARING

Case No. PP2024-005

Mayor Svien opened the Public Hearing at 6:07 PM.

No one spoke in favor or opposition of the rezone.

Mayor Svien closed the Public Hearing at 6:07:18 PM.

12. Consider Approval of Ordinance Rezoning Property Located at 0 S. Drew, Parcel R78511, Being BLK. 75, LOT 19, and Parcel R29797, Being BLK. 75, LOT 18, of the CITY ADDITION to the City Of Stephenville, Erath County, Texas from Retail and Commercial (B-2) to Integrated Housing (R-2.5)

MOTION by Alan Nix, second by Brandon Greenhaw, to approve Ordinance No. 2025-O-02 rezoning property located at 0 S. Drew as presented. MOTION CARRIED unanimously.

13. Applicant Mike McCowan, Representing Pete Muzyka and George Grissom, is Requesting a Rezone of Property Located at 0 CR 256, Parcel R19796, being Approximately 212 acres of A0342 H C Hudson of the City of Stephenville, Erath County, Texas from Agricultural (AG) to Integrated Housing (R-2.5)

City Manager Jason King presented this item to the Council.

The applicant is requesting a rezone for future development of single-family homes. Water and sewer utilities are available in the vicinity. The Developers are aware that easements may be necessary to extend service lines, and that right-of-way dedication will be necessary for road improvements.

The Planning and Zoning Commission convened on December 18, 2024, and by a unanimous vote of 7-0, recommended the City Council approve the rezone request. One letter of opposition was received for the P&Z Hearing. Two persons addressed the Commission – neither expressing opposition.

Applicant Mike McCowan was present and addressed the Council regarding the rezone.

14. PUBLIC HEARING

Case No. RZ2024-019

Mayor Svien opened the Public Hearing at 6:13 PM.

No one spoke in favor or opposition of the rezone.

Mayor Svien closed the Public Hearing at 6:13:59 PM.

15. Consider Approval of Ordinance Rezoning Property Located at 0 CR 256, Parcel R19796, being Approximately 212 acres of A0342 H C Hudson of the City of Stephenville, Erath County, Texas from Agricultural (AG) to Integrated Housing (R-2.5)

MOTION by David Baskett, second by Gerald Cook, to approve Ordinance No. 2025-O-03 rezoning property located at 0 CR 256 as presented. MOTION CARRIED unanimously.

FINANCIAL REPORTS

Monica Harris, Director of Finance

Monthly Budget Report for the Period Ending November 30, 2024, Director of Finance Monica Harris presented the monthly budget report as follows:

In reviewing the financial statements ending November 30, 2024, the financial indicators are overall as or better than anticipated.

Property Tax Collections: We received \$596K in property taxes in the month of November, resulting in a \$308K increase over the funds collected last fiscal year to date. The amount collected is 14% of the \$7.3 million budget, which is \$294K more than anticipated.

Sales and Use Tax: We received \$950K in sales tax in November, resulting in \$34K or 2% less than the funds collected last fiscal year to date. The amount collected is 19% of the \$9.4 million budget, which is \$6K less than anticipated.

Revenue (by fund): Of the \$6.4 million revenue received to date, 51% was received in the General Fund, 35% was received in the Water/Wastewater Fund, 5% was received in the Landfill Fund and 4% was received in the Storm Water Drainage Fund.

Revenue (budget vs. actual): We received 16% of the total budgeted revenue through November, which is \$461K more than anticipated due to taxes, licenses and permits and interest revenue.

Revenue (prior year comparison): We received \$381K more revenue through November than last fiscal year to date due to taxes, licenses and permits, and charges for services.

Expenditures (by fund): Of the \$7 million spent to date, 53% was expended in the General Fund, 39% was expended in the Water/Wastewater Fund and 5% was expended in the Landfill Fund.

Expenditures (budget vs. actual): We have expended 13% of the total budgeted expenditures through November, which is \$1.3 million less than anticipated due to personnel, contractual, capital outlay and grant disbursements.

Expenditures (prior year comparison): We spent \$1.7 million more on expenditures through November than last fiscal year to date due to personnel, contractual, supplies, maintenance, and capital outlay.

SEDA Revenue Comparison: SEDA has received an overall 19% of budgeted revenue through November, which is \$8K less than last fiscal year to date and \$4K more than anticipated due to taxes and Interest income.

SEDA Expenditure Comparison: SEDA has spent an overall 15% of budgeted expenditure through November, which is \$124K more than last fiscal year to date due to grant disbursements and capital outlay and \$6K less than anticipated due to contractual.

STEPHENVILLE ECONOMIC DEVELOPMENT AUTHORITY REPORT

Jeff Sandford, Executive Director

No report was given at this time.

CONSENT AGENDA

17. Consider Approval of Minutes from December 3, 2024 - Regular Meeting

18. Consider Approval of Minutes from December 3, 2024 - Work Session
19. Consider the Renewal of Annual Contract with DataProse, LLC for Utility Billing Services
20. Consider Approval of Award of Bid ITB 3335 for Two Parks and Leisure Services Vehicles
21. Consider Approval of Award of Bid ITB 3336 for Public Works Department Vehicles
22. Consider Approval of Award of Bid for RFP 3045 - Tree Maintenance Services to Jim's Tree Service
23. Consider Approval of Entering Into Contract with Hotel Engine
24. Consider Acceptance of Senior Center Building Project

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

COMMENTS BY CITY MANAGER

COMMENTS BY COUNCIL MEMBERS

Mayor Svien recessed the Regular City Council meeting at 6:29 PM and convened the Executive Session at 6:34 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

25. Section 551.087. Deliberation Regarding Economic Development Negotiations - Project Eagle

Mayor Svien adjourned the Executive Session at 7:20 PM and reconvened the Regular City Council meeting at 7:21 PM.

ACTION TAKEN ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF NECESSARY

25. Section 551.087. Deliberation Regarding Economic Development Negotiations - Project Eagle

MOTION by Dean Parr, second by Gerald Cook, to authorize the City Manager to execute an incentive agreement as discussed in Executive Session. MOTION CARRIED unanimously.

ADJOURN

Mayor Doug Svien adjourned the Regular City Council meeting at 7:21:51 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



SPECIAL CITY COUNCIL MEETING

City Hall Council Chambers, 298 West Washington Street
Tuesday, January 21, 2025 at 5:30 PM

MINUTES

The City Council of the City of Stephenville, Texas, convened on Tuesday, January 21, 2025, in the City Hall Council Chambers, 298 West Washington Street, for the purpose of a Special 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 Gerald Cook
- Council Member Lonn Reisman
- Council Member Dean Parr
- Council Member Maddie Smith
- Council Member David Baskettt
- Council Member Brandon Greenhaw
- Council Member Alan Nix

COUNCIL ABSENT:

OTHERS ATTENDING:

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

CALL TO ORDER

Mayor Doug Svien called the Special City Council meeting to order at 6:04 PM.

Before beginning the Regular Agenda items, Mayor Svien introduced Texas A&M University Medical Student Sanjivini Suresh who is visiting Stephenville as part of the Rural Healthcare Program with Texas Health Harris Methodist Hospital.

REGULAR AGENDA

1. Consider Approval of Tarleton Street MOU with Tarleton State University

City Manager Jason King presented this item to the Council.

This item was originally presented at the January 7, 2025, Regular City Council Meeting. This will be an ongoing partnership with Tarleton State University to enhance walkability and bicycle infrastructure from campus to downtown.

Dr. Credence Baker, Vice President of University Strategy; Dr. Brett Powell, Executive Vice President and Chief Financial Officer; and Nate Bural, Assistant Vice President of Marketing; were present to represent Tarleton State University.

MOTION by Maddie Smith, second by Gerald Cook, to approve the Tarleton Street MOU with Tarleton State University as presented. MOTION CARRIED unanimously.

2. Consider and Take Action on a Resolution Directing That Notice of Intent to Issue Certificates of Obligation be Posted to the City Website and Published in a Newspaper Circulated Within the City and Approving All Other Matters Pertaining Thereto

City Manager Jason King presented this item to the Council.

MOTION by David Baskett, second by Brandon Greenhaw, to adopt a resolution directing that notice of intent to issue certificates of obligation be posted to the City website and published in a newspaper and approving all other matters pertaining thereto.

Councilmember Alan Nix requested a roll-call vote.

Place 1, LeAnn Durfey – yes
 Place 2, Gerald Cook – yes
 Place 3, Lonnie Reisman – yes
 Place 4, Dean Parr – nay
 Place 5, Maddie Smith – yes
 Place 6, David Baskett – yes
 Place 7, Brandon Greenhaw – yes
 Place 8, Alan Nix – nay

MOTION CARRIED 6:2.

3. Consider Approval of ESRI Enterprise License Agreement

City Manager Jason King presented this item to the Council.

ESRI is an annual software licenses agreement subscription for GIS mapping of utilities. This software is \$30,200.00 per year with a commitment for an additional 2 years at \$30,200 each.

MOTION by David Baskett, second by Maddie Smith, to approve the ESRI Enterprise License Agreement as presented. MOTION CARRIED unanimously.

Mayor Svien recessed the Special City Council meeting at 6:17 PM and convened the Executive Session at 6:19 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

4. 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

Mayor Svien adjourned the Executive Session at 6:26 PM and reconvened the Regular City Council meeting at 6:27 PM.

ACTION TAKEN ON ITEMS DISCUSSED IN EXECUTIVE SESSION, IF NECESSARY

4. 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

MOTION by David Baskett, second by Alan Nix, to authorize City Manager to hire a realtor as discussed in Executive Session. MOTION CARRIED unanimously.

ADJOURN

Mayor Svien adjourned the Special City Council meeting at 6:28 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