

**MINUTES OF REGULAR BUSINESS MEETING**  
City of Stephenville - City Council  
**TUESDAY, March 4, 2008, 5:30 P.M.**

The City Council of the City of Stephenville, Texas, convened on March 4, 2008, at 5:30 p.m., in the Council Chambers at City Hall, 298 West Washington Street, for the purpose of a Regular Business 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:

Mayor	:	Rusty Jergins
Mayor Pro-Tem	:	Todd McEvoy
Council members	:	Pat Shelbourne Malcolm L. Cross Nancy Hunter Alan Nash Mark Murphy Barry Ratliff
Absent	:	Andrew Johnson
Others Attending	:	Mark A. Kaiser, City Administrator Randy Thomas, City Attorney Cindy L. Stafford, City Secretary

- I. **Call to Order.** The meeting of the Stephenville City Council was called to order at 5:32 p.m. on Tuesday, March 4, 2008.
- II. **Citizen's General Discussion.** No one wished to address the council.
- III. **Consider Approval of Memorandum of Understanding with Lowe's Home Centers, Inc.**

Jennings Gray with ROI Consultants, LLC, representing Lowe's, and Scott Mann with Adams Engineering, made the presentation, "Economic Impact Analysis, City of Stephenville" setting out the following information:

"Our Vision

- To be our customers' first choice for home improvement in each and every market we serve
- To earn our customers' trust and meet their individual needs
- To provide valued solutions with the best prices, products and services that make our customers' lives easier.

"Financials

- \$46.9 billion sales in fiscal year 2006
- \$3.1 billion earnings in fiscal year 2006
- Ranked #45 on the FORTUNE 500

“Lowe’s Store Advantage

- 20 product categories ranging from appliance and tools, to paint, lumber and nursery products
- Cleaner, wider, brighter aisles for a more pleasant shopping experience
- 40,000 products stocked in store
- Professional Installation Services on over 40 product categories
- 500,000 products available by special order
- 10% Low Price Guarantee
- Second largest appliance retailer
- 13 million shoppers a week

“Quality Jobs

- More than 1,525 stores in 50 states
- Currently 134 stores in Texas with 4 more currently under construction.
- Approximately 210,000 employees
- Approximately 75% of jobs are full-time positions

“For the Community

- National partner of Habitat for Humanity
- National partner of the American Red Cross in disaster preparation and relief efforts
- Lowe’s Charitable and Educational Foundation
- To date, Lowe’s Charitable and Educational Foundation has donated more than \$2.9 million in the state of Texas.
- Partners with Home Safety Council to create safer homes
- Lowe’s HEROES employee volunteer program
- United Way National Corporate Leader

“For the Environment

- 2005, 2004 and 2003 EMERG STAR Leadership Award Recipient
- Tennessee Energy Leadership Award
- NC GreenPower Retail Founding Sponsor
- Lowe’s Wood Policy is a leading policy on protection of endangered forest and responsible wood sourcing.”

Gray then offered some projections for the “Proposed Lowe’s of Stephenville, TX” as follows:

**Estimated Investments.** Approximately \$10 million investment. \$17 million in annual sales. 75-80 full-time and 15 part-time jobs. \$1.5 to \$2 million annual payroll.

**Full-Time Employment.** 1 store manager, 1 operations manager, 1 sales manager, 1 administrative manager, 3 zone managers, 10 department managers, 10 sales specialists, 8 team leaders, 2 delivery drivers, 5 receiver/stockers, 24 customer service associates, 11 cashiers, 3 customer service associates/loader.

**Full-Time Benefits Offered.** HMOs, PPO medical plans, dental plan, vision plan, term life insurance, short- and long-term disability, 401(k) plan, discounted stock purchase plan.

**Part-Time Employment.** 1 cashier I, 2 cashier II, 10 customer service associates II, 1 customer service associate III, 1 CSA IV installed sales.

**Part-Time Benefits Offered.** Limited benefit health plan, dental plan, term life insurance, short-term disability.

**Secondary Jobs.** Installed sales craftsmen, landscaping services, local vendor representatives, parking lot maintenance services.

**City Property Tax Revenues.** Assuming a constant tax rate of \$0.00445 [\$0.445] per \$100, \$44,500 first year value with 3% annual appreciation. Five-year total--\$236,257. Ten-year total--\$510,143.

**City Sales Tax Revenues.** Assuming a constant sales tax rate of 1.5%, 3% annual sales growth rate; \$17 million first year sales. Five-year total--\$1,353,830. Ten-year total--\$2,923,289.

**Economic Impact Summary.** Increased property tax revenues, increased sales tax revenues, quality jobs, annual payroll, proven corporate citizen.

**Shared Goal.** To create a win-win situation for both Lowe's and the City of Stephenville.

Jennings Gray told the council that while Lowe's has not entered into a real estate contract with any landowner, Lowe's is considering a specific site that has extraordinary development features that will be very costly. The improvements include the relocation of a creek, the building of a proposed Wolfe Nursery Road, and a detention pond that will serve Lowe's and an out-parcel of property.

Jennings Gray and Scott Mann then answered questions from council members, and the council entered into a discussion of the issue.

Mayor Jergins allowed comments from the audience.

Chris Gifford, 980 North Lydia, Stephenville, stated that the family-owned business, of which he is a part, has operated in Stephenville for 54 years, and will be directly affected by Lowe's. He asked the council to keep in consideration the locally owned businesses. He said, "They [Lowe's] come in here and talk about all the big numbers and how much money they have, yet they want us to pay for that to come in here."

Karla Young, 355 Hill Valley Drive, Stephenville, is the owner/manager of Green Maker Nursery in Stephenville. She said that she has always been for improving Stephenville, but does not see how providing tax abatement to Lowe's will help the community. She stated that she supports Chris Gifford's comments.

Danny Karnes, 1670 South Loop, Stephenville, is owner of Danny's House of Carpets. He said that he also agreed with Chris Gifford's comments and added that he would like "to get some of this". Karnes said that Lowe's takes money out of communities, but locally owned businesses put back in to the community. He said that the money Lowe's makes will draw from retailers who are already here and will be forced out of business.

Carolyn Johnston, 1021 FM 205, Stephenville, said that she is a fan of Lowe's and Home Depot but is concerned for the local businesses. She said, "If we're not going to offer incentives for our existing businesses, then I don't believe we should offer incentives for these 'giants' as we might call them."

Alan Nix, 113 Ben Hogan, Stephenville, said that his family has been in business in Stephenville since the mid-1930's. He said that his family has managed to survive with a retail store and then a manufacturing plant in this community and have not come to the city with their hands out asking for help because "we felt like it was our responsibility to weigh the pros and cons, make our investments based on what we felt was legitimate and based on what we felt was correct for our use and our abilities. I have no problem with stores coming to town, large or small, but I think the playing field needs to be even."

City Administrator Mark Kaiser stated that the city has, in the past, participated with developers in the cost of street improvements. He used the West Side Development (Frey Street and Wolfe Nursery Road between Northwest Loop and West Washington and Rowland Street) as an example when the city shared with property owners the cost of street improvements.

Kaiser listed the companies who have received some form of tax abatement: FMC Corporation; Good Tree Retirement Community; Dowell Ace Hardware; Saint-Gobain Abrasives, Inc.; Caporal Industries, Ltd.; and Hampton Inn. Wal-Mart and Walgreen's were denied tax abatement.

MOTION by Todd McEvoy, second by Barry Ratliff, to table this matter to the Planning and Development Committee for Monday, March 10, at 5:30 p.m. Alan Nash asked if Todd McEvoy would accept a friendly amendment to his motion to tag a Finance Committee meeting to the Tuesday, March 11 meeting, which is already scheduled. McEvoy accepted the friendly amendment. Upon clarification of the amendment, McEvoy declined the friendly amendment having understood that the committee to hear this matter was to be the Planning and Development Committee. Nash then made a hostile amendment, second by Pat Shelbourne, to the motion for the Finance Committee to deliberate this matter following the council meeting on Tuesday, March 11, at 5:30 p.m.

Vote on the AMENDMENT for the Finance Committee to discuss this matter CARRIED as follows:

Ayes: Council member Shelbourne, Cross, Hunter, Nash, McEvoy, and Murphy.

Nays: Council member Ratliff.

AMENDED MOTION that this matter be deliberated in the Finance Committee set to meet on Tuesday, March 11. MOTION CARRIED.

#### **IV. Presentation and Consideration of Chamber of Commerce Tourism Budget and Annual Report—July Danley, President, Stephenville Chamber of Commerce**

July Danley presented the Tourism Budget as attached hereto. She said that it is an exciting time for tourism in Stephenville. She recognized some of the members of the Chamber Board of Directors—Mike Copeland, Chairman, and board members John Moore, Marcie Sullivan, Dr. Gary Peer, Curt Plaxco and thanked the council for the positive relationship the chamber and city share. The mission statement of the Chamber is to support and promote Stephenville in a unified effort to enhance growth and improve the quality of life by implementing programs in the areas of community

development, economic development and tourism development. She explained that the chamber has an operating budget, a tourism budget, and a foundation budget.

July Danley recognized her full-time staff members—Trevia Thompson, Kelly Tippett, Corey White. Danley reported that last year's events brought at least 6,000 hotel nights to Stephenville, which is double the amount from 2001.

Chamber board member Dr. Gary Peer spoke to the council about coordinating efforts for discussion between the Finance Committee of the chamber and the council concerning an events center so that there is not a duplication of efforts.

MOTION by Todd McEvoy, second by Barry Ratliff, to approve the budget as attached and accept the report. MOTION CARRIED.

**V. Presentation and Consideration of Stephenville Museum Tourism Budget and Annual Report—Bill Oxford, Sr., Treasurer, Board of Directors**

Bill Oxford reported that the proposed budget reflects about a 10% increase over last year. He also reported that about 1,200 visitors toured the museum last year from 157 different cities, 39 states and 13 countries. The museum will now be open every day of the week, which will result in an increase in expenditures. Oxford recognized Robin Ritchie, President of the board, who was in attendance.

MOTION by Todd McEvoy, second by Nancy Hunter, to accept the report and approve the attached budget. MOTION CARRIED by unanimous vote.

**VI. PLANNING AND ZONING COMMISSION**

**A. Planning and Zoning Commission Annual Report—Jerry Warren, Vice Chairman**

Commissioner Dell Burdick gave this report citing the following information:

Planning and Zoning Commission met in regular session 12 times and work sessions, 4 times in 2007. They considered 14 zoning change requests, 1 permanent zoning, 7 subdivision proposals, 3 zoning ordinance amendments, and 1 vacate right of way. The 510 acres of land annexed in March 2007 was reviewed and permanent zoning classifications recommended in July 2007. The commission plans to review the subdivision ordinance, zoning ordinance and continuation of implementation of the Master Annexation plan this year.

Mayor Jergins recognized the other members of the Planning and Zoning Commission as Don Douglas, Chairman; Jerry Warren, Vice Chairman; Caryl Chilton; Deanna Glasgow; Matt Harpole; Russ McDanel; Julie Tennyson; and Janet Whitley.

MOTION by Todd McEvoy, second by Alan Nash, to accept this report. MOTION CARRIED.

Betty Chew gave the staff report, identifying this property as being in the 700 block of East Road and the 800 and 900 blocks of Drew Street. She reported that the commission recommends this zoning change.

Dwain Bruner, owner of Bruner's Motors, is one of the applicants for this request. Sundeey P. Singh, the other owner, was out of town. Bruner stated that they are requesting this change so that each property owner may add on to their facilities.

**B. PUBLIC HEARING to consider request to rezone from R-2 "One to Two Family Dwelling District" and IND "Industrial District" to B-2 "Retail and Commercial Business District" Lots 1A, 6 & (part of) 7; Block 75; City Addition, located in the 800 and 900 block of Drew Street and 700 block of East Road**

Mayor Jergins opened the public hearing.

Speaking in Favor of Rezoning: Mayor Jergins directed that Dwain Bruner's remarks be reported as being in favor of rezoning.

Speaking in Opposition of Rezoning:

Mark Kaiser stated that he was speaking on behalf of some citizens who had planned to speak in opposition but who had to leave the meeting. He identified them as Terry Vann, 801 South Drew; Willis Moon, 701 South Drew, and Juan Trejo, 707 South Drew. These residents experience flooding on their property and are concerned about additional flooding as a result of future improvements that applicants Bruner and Singh wish to make.

Betty Chew stated that staff is aware of the drainage issues in this area. She stated that the design will be conducted in accordance with the drainage ordinance which will retain the water and release it at no greater a speed than it would have prior to development.

**C. Consider Ordinance No. 2008-04 rezoning from R-2 "One to Two Family Dwelling District" and IND "Industrial District" to B-2 "Retail and Commercial Business District" Lots 1A, 6 & (part of) 7; Block 75; City Addition, located in the 800 and 900 block of Drew Street and 700 block of East Road**

MOTION by Barry Ratliff, second by Mark Murphy, to adopt Ordinance No. 2008-04.  
MOTION CARRIED.

**VII. PARKS AND RECREATIONAL ADVISORY BOARD REPORT—Consider Approval of Recommendation for Location of Aquatics Complex and Notice to Proceed with Design Development Layouts**

Cary Strohmeier, Chairman of the Parks and Recreational Advisory Board, reported that the board recommends the endorsement of The Brannon Corporation to locate the aquatic complex on the south side of City Park.

MOTION by Nancy Hunter, second by Pat Shelbourne, to approve the recommendation to locate the aquatics complex on the south side of the City Park and to proceed with design and development of the complex.

Robert Levis, 1442 Pecan Hill Drive, Stephenville, representing the Stephenville Swim Team, thanked the council for moving forward with this project. He said that this will benefit everyone in the community. He said that a town our size needs an aquatics center. He noted that many towns much smaller than Stephenville have aquatic centers and encouraged the council to continue moving forward with this project.

MOTION CARRIED. Mayor Jergins recognized other members of the park board—Jerry Land, Darrell Brown, Jason LaTouche, Marcy Tanter, and Dale Dorothy.

#### **VIII. FINANCE COMMITTEE REPORT**

- A. Review the Comprehensive Annual Financial Report.** MOTION by Alan Nash, second by Nancy Hunter, to approve the Comprehensive Annual Financial Report. MOTION CARRIED.
- B. Review General Fund Finances.** Nash noted that this was a review of the funds, and no action is required of council.
- C. Public Safety Grants Resolution.** MOTION by Alan Nash, second by Todd McEvoy, to authorize the Police Department to submit the applications for these grants and adopt Resolution No. 2008-02 and No. 2008-03. MOTION CARRIED.

#### **IX. PLANNING AND DEVELOPMENT COMMITTEE REPORT**

- A. Consider Approval of the 2030 Comprehensive Plan.** MOTION by Todd McEvoy, second by Nancy Hunter, to approve the 2030 Comprehensive Plan. MOTION CARRIED.
- B. Consider Approval of the 2006 International Codes.** MOTION by Todd McEvoy, second by Mark Murphy, to adopt Ordinance No. 2008-05 with the effective date of May 1, 2008. MOTION CARRIED.
  - 1. Building Code**
  - 2. Electrical Code**
  - 3. Fire Code**
  - 4. Mechanical Code**
  - 5. Plumbing Code**

#### **X. CONSENT AGENDA**

Todd McEvoy requested removal of Consent Agenda Item A. MOTION by Barry Ratliff, second by Nancy Hunter, to approve Consent Agenda Items B., C., and D. MOTION CARRIED by unanimous vote.

**A. Approve Minutes—Regular Council Meeting on January 8, 2008**

**B. May 10, 2008 General Election**

1. Election Order
2. Election Services Contract with Erath County Elections Officer
3. Resolution for Joint Election

**C. Authorization to Sell City Property**

**D. Acceptance of Alexander Ridge Subdivision**

MOTION by Todd McEvoy, second by Barry Ratliff, to table Item A. to the next council meeting.  
MOTION CARRIED.

**XI. Comments by City Administrator**

Mark Kaiser announced that Clark Field Municipal Airport will be closed for two weeks beginning on March 24, 2008. Pavement rehabilitation will be in progress during that time.

**XII. Comments by Council Members**

Mark Murphy addressed the need to move forward with developing facilities. He said that we need new facilities. "Anyone who doubts that just doesn't have a clue or doesn't care. We don't need to overburden the taxpayer to get decent facilities either. In my opinion, the voter needs to have a separate voice on the bond issue for construction of quality of life facilities like the senior citizens center, library, and rec hall. Tonight, I'd like to challenge this group or the one that will take over in May to put new facilities on a bond issue either in November . . . or next May."

Todd McEvoy told the audience that since he received a candidate's packet, he has weighed the decision whether or not to run for reelection. He said that many things have happened during that time. He said, "The Lord has blessed me with people He has brought to my life that are making me extremely happy, and I haven't been this happy in a long time. With that being said, I think when the Lord blesses you with the opportunity to be happy, you need to grab it as it may not come back. With that being said, I will not seek reelection to this council. Thank you for everything."

Pat Shelbourne reported that he attended the TML Elected Officials Conference in February. He said it was an opportunity to meet and visit with mayors and council members of other cities. Dialogue with constituents and topical sessions were of great interest and benefit. Some of the sessions he attended were hotel/motel tax, comprehensive planning, policy making versus policy execution. He said he appreciates the opportunity to attend such seminars.

Mayor Jergins responded via the television to the person who sent a letter to him and council members but who did not sign their name nor give their address. The letter expressed the inappropriate style of attire of pregnant women and urged council to take corrective action. Jergins assured the person that the letter was received and shared with council members.

**XIII. Adjourn**

MOTION by Barry Ratliff, second by Todd McEvoy, to adjourn the meeting. MOTION CARRIED by unanimous vote at 8:01 p.m.

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Russell E. Jergins, Mayor

ATTEST:

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Cindy L. Stafford, City Secretary