

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
FEBRUARY 8, 2011

The Farmersville City Council met in called regularly called session on February 8, 2011 at 6:00 p.m. in the Council Chamber at City Hall with the following members present: Mayor Joe Helmberger, Fred Langford, Paul Kelly, Billy Long, Bobby Bishop and Jim Foy. Staff members present were Police Chief Mike Sullivan, Fire Chief Kim Morris, Interim Public Works Director Walter Ragsdale, Finance Director Daphne Hamlin, City Attorney Alan Lathrom and City Secretary Edie Sims.

CALL MEETING TO ORDER, ROLL CALL

Mayor Helmberger called the meeting to order. Edie Sims called the roll and announced a quorum was present.

WELCOME GUESTS AND ANNOUNCEMENTS

Mayor Helmberger announced a thank you to the Police Chief and Police Department for their work on the burglaries. Mayor Helmberger also announced the Annual Chamber Banquet will be held March 26, 2011 and the Historical Society's Annual Banquet is February 26, 2011 and encouraged all to attend.

Paul Kelly expressed a thank you to the Police and Fire Departments for their service during the recent ice storm. Fred Langford also thanked the Public Works Department for their work during the ice storm.

CONSENT AGENDA

Mayor Helmberger stated that Item II – A should read minutes for January 11, 2011 only. Paul Kelly motioned to approve the Consent Agenda with record reflecting minutes for January 11, 2011 only. Billy Long seconded the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

Mayor Helmberger requested to add to the Municipal Court's monthly report to reflect the activity of the collection of warrants showing how many and the dollar amount sent to the collection agency and the monies received from the collection agency.

INFORMATIONAL ITEMS

Jim Foy questioned the Safe Routes to School Grant as reported on Item A on the Grant Status Update Report. Mr. Foy's question concerned the time delay with TxDOT to begin construction. Interim Public Works Director Walter Ragsdale informed the Council the delay is due to TxDOT's stringent review process and the construction time fits their calendar for the review cycle which we are committed to.

Mayor Helmberger asked the status of the sewer improvement project which has been delayed due to payment duress. Since the payment for the contractor is in the State's payment process, the City could possibly pay the funds due the contractor and be reimbursed by the State.

City Manager John Moran stated he received information from Eddy Daniel, Engineer today regarding the project at Southlake Park and will advise the Council of

information at a later date. Lastly, a correction to the report showing Floyd Street Bond from Collin County should reflect \$100,000 for engineering and right-of-way costs.

All other informational items were received with no comment.

PUBLIC HEARING – TO CONSIDER, DISCUSS AND ACT UPON A RE-PLAT FOR FARMERSVILLE SHELL LOCATED IN THE WILEY ADDITION, LOT 60B, LOT 6, OTHERWISE KNOWN AS 304 EAST AUDIE MURPHY PARKWAY

Mayor Helmberger recused himself from the meeting. Mayor Pro Tem Paul Kelly presided the meeting. Mayor Pro Tem Kelly opened the Public Hearing at 6:13pm asking for anyone opposed to the re-plat. No one came before the Council during this time. Mayor Pro Tem Kelly asked for anyone for the re-plat with Mohammed Chowdhury coming to express his request that the Council approve the re-plat. The Public Hearing was closed at 6:15pm.

The discussion was opened to the Council where Jim Foy asked if the sign relocation was being included on the Final Plat. Council discussed the existing sign and its relocation due to the expansion of Highway 380. The issue is that the current sign does not meet the Sign Ordinance requirements, however Bobby Bishop relayed the necessity of having the sign moved is due to the Highway 380 expansion and not due to having a new sign installed. Paul Kelly stated his concern of creating a hardship for businesses due to requirements outside the business owner's control, i.e. the Highway 380 expansion project by TxDOT. Mohammed Chowdhury informed the Council that the sign is not being updated or modified, it will remain the same sign just be relocated on the property to accommodate the right-of-way requirements by TxDOT. City Attorney Alan Lathrom informed the Council that the replat does not waive the Sign Ordinance and the replat can state that the sign must conform to the Sign Ordinance. Bobby Bishop motioned to approve the replat as presented with Billy Long seconding the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDER, DISCUSS AND ACT UPON A SITE PLAN AND LANDSCAPE PLAN FOR FARMERSVILLE SHELL LOCATED IN THE WILEY ADDITION, LOT 60B, LOT 6, OTHERWISE KNOWN AS 304 EAST AUDIE MURPHY PARKWAY

Mayor Pro Tem Paul Kelly presided over this item as Mayor Helmberger has recused himself from City Attorney Alan Lathrom informed the Council that the Site Plan and Landscape Plan did not follow under guidelines for Public Hearing therefore having to act upon these two items separately. Bobby Bishop motioned to approve the Site Plan and Landscape Plan with Billy Long seconding the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy no. Motion passed.

Mayor Helmberger returned to preside the remainder of the meeting.

PUBLIC HEARING – TO CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0208-001 AMENDING THE COMPREHENSIVE ZONING ORDINANCE SECTION 9-J, “EXTERIOR CONSTRUCTION” REGARDING OUTDOOR STORAGE AND ACCESSORY BUILDINGS

Mayor Helmberger opened the Public Hearing at 6:30pm and asked for any wishing to speak for or against the Ordinance as presented. Leaca Caspari came before the Council requesting clarification of the Ordinance which was provided by Mayor Helmberger. No one else came to speak for or against the Ordinance as presented.

Mayor Helmberger opened the discussion to the Council with opening remarks regarding Section 5 (a) and (b) regarding a one story requirement. The existing Comprehensive Zoning Ordinance does not have a definition of a one story building and requested the Council consider striking this statement from Sections 5 (a) and (b). Mayor Helmberger also had concern regarding the statement “situated in the area defined as the rear yard” to be too confining to lots that have accessibility and area for a storage building on a side yard. Council discussed both proposals and concurred to strike mentioning of one story from Sections 5 (a) and (b). Jim Foy expressed concerns to the Mayor’s request to allow storage buildings in side yards. Paul Kelly motioned to approve with Mayor Helmberger’s changes with Jim Foy seconding the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

PRESENTATION AND DISCUSSION REGARDING THE 2010 ELECTRIC UTILITY ANNUAL REPORT BY SHARYLAND UTILITIES

Richard Biggerstaff, Compliance Manager for Sharyland Utilities, came before the Council to give a review of activities during 2010 regarding the electric utility. Twelve new services were built into the electrical system and the annual tree trimming program equals 2.78 miles of lines cleared of trees. The City experienced 37 outages during 2010 with only three affecting the entire electrical system, one was snow related and another was an owl in the transmission line. Most outages were due to wildlife problems, mostly squirrels. Wildlife protectors have been added as a problem occurs but it is very costly to these protectors system wide, so therefore they are installed as problems occur. Another way that Sharyland has worked with the citizens is to implement average billing to help people keep a regular bill throughout the year. Sharyland also was the contractor installing 52 LED street lights through a grant acquired by the City. An Ordinance will need to be created for the charges of the LED lights and implemented into the contract as an addendum. Currently Sharyland does not have a replacement schedule for light poles, as not many have been found in poor condition. Most pole replacements are due to accidents where the poles are struck by a vehicle.

Billy Long expressed his discontent with the tree trimming that butchered his silver maple tree and the lack of trimming a tree East of his property. Mr. Biggerstaff stated he will advise the contractor who does the tree trimming. Mr. Biggerstaff also reviewed the financial status showing \$148,351.18 more revenue than previously contracted.

DISCUSSION AND POSSIBLE ACTION RELATIVE TO A DEVELOPMENT AGREEMENT WITH THE COLLIN COUNTY COMMUNITY COLLEGE DISTRICT

Mayor Helmberger was pleased to present the Council with a Development Agreement with the Collin County Community College District. The Agreement has been approved by Collin College and signed the document as presented to Council. The College has agreed to annex this property within 90 days of signing the Agreement. Jim Foy stated there will be tremendous expense to the City to prepare for the College's arrival including substations for electricity and the completion of Farmersville Parkway. Billy Long motioned to approve the Agreement with Fred Langford seconding the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

UPDATE CONCERNING THE CITY'S INFORMATION AND COMMUNICATION TECHNOLOGY

Tony Linton, TLC Netcon, came before the Council to give an update of the City's Information Technology (IT) situation. Many projects have been accomplished including server upgrades, server installs to the City Hall and Police Department with major changes to the Small Business Server at City Hall. Anti-virus programs have been standardized and cost savings have been implemented regarding cancellation of 2 DSL lines. The Police Department has had TLETS and a records management system installed. Future projects will include a city wide software license audit and documentation of the Network infrastructure configuration for all locations. Mr. Linton also plans to implement an internal website for city employee collaboration and integrate Exchange at City Hall. Future long range goals will include cabling the City Hall and connect all locations to a central hub at City Hall.

The Library is need of new systems and software. Jim Foy stated that the Centennial Committee has funds to assist the Library and to seek out those finances.

CONSIDER, DISCUSS AND ACT UPON FARMERSVILL RIDING CLUB AGREEMENT, AS APPROVED AND RECOMMENDED BY THE PARKS BOARD

The Parks Board has recommended the Agreement as presented with the Farmersville Riding Club for Council action. Jim Foy motioned to approve the Agreement as presented with Paul Kelly seconding the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDER, DISCUSS AND ACT UPON BASEBALL AND FOOTBALL AGREEMENTS, AS APPROVED AND RECOMMENDED BY THE PARKS BOARD

The Agreements are not ready for presentation to the Council. No action was taken.

DISCUSSION AND POSSIBLE ACTION RELATIVE TO BECOMING A "FILM FRIENDLY" CITY

Mayor Helmberger encouraged the Council to proceed with becoming a "Film Friendly" City as this could bring many benefits to Farmersville. Paul Kelly motioned to adopt the guidelines as presented with Jim Foy seconding the motion. A poll of the

Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

ACCEPT RESIGNATION OF MARIANNE POLITZ FROM SERVING ON THE PLANNING AND ZONING COMMISSION

Mayor Helmberger stated he spoke with Marianne Politz regarding her request of resignation from the Planning and Zoning Commission. Due to time constraints with other obligations, Ms. Politz felt she would not be serving the citizens of Farmersville by continuing to serve on this particular commission. Paul Kelly motioned to approve the resignation of Marianne Politz from serving on the Planning and Zoning Commission. Billy Long seconded the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

DISCUSSION AND POSSIBLE ACTION APPOINTING A NEW COMMISSIONER TO THE PLANNING AND ZONING COMMISSION

With the recent vacancy on the Planning and Zoning Commission, Mayor Helmberger suggested the Council wait to fill this position as filling all positions for boards and commissions will be coming in a month. Council concurred to wait and fill the vacancy during the normal process.

CONSIDERATION AND POSSIBLE ACTION REGARDING RESOLUTION # R-2011-0208-001 AUTHORIZING THE CITY MANAGER TO CONDUCT AN AUCTION SALE OF SURPLUS CITY VEHICLES

City Manager John Moran requested the Council approve Resolution # R-2011-0208-001 to have surplus vehicles auctioned through Rene Bates Auctioneering. Paul Kelly motioned to approve Resolution # R-2011-0208-001 with Fred Langford seconding the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDERATION AND POSSIBLE ACTION REGARDING RESOLUTION # R-2011-0208-002 APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR A RADIO SYSTEM TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION

Police Chief Mike Sullivan came before the council to request approving a grant submission through the Office of the Governor Criminal Justice Division for updated radios. By 2015, all police radios should be P25 compliant per Federal requirements which will have under frequencies under one system. All fire departments will be required to make the same change, however the grant requested is only for the police department. This grant will be very competitive as several police departments will be submitting a grant application. Billy Long motioned to approve Resolution # R-2011-0208-002 with Paul Kelly seconding the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDER AND POSSIBLE ACTION REGARDING RESOLUTION # R-2011-0208-003 APPROVING THE SUBMISSION OF A GRANT APPLICATION FOR A LAW ENFORCEMENT TECHNOLOGY PROJECT TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION

Police Chief Mike Sullivan came before the Council requesting a grant application submission to the Office of the Governor Criminal Justice Division for upgrading all the laptop computers, including those in the squad cars. With more memory and capabilities, the current software programs will run more efficiently. Chief Sullivan stated he would also like to institute E-ticket to allow tickets to be written electronically. Billy Long motioned to approve Resolution # R-2011-0208-003 with Paul Kelly seconding the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

PRESENTATION OF THE 2010 RACIAL PROFILING REPORT

Police Chief Mike Sullivan came before the Council to report the 2010 Racial Profiling Report. As required by Texas Commission on Law Enforcement Officers Standards and Education, TCLEOSE, it is the responsibility of each law enforcement department to track racial profiling. According to the report, the search numbers are tied to the arrests. As a footnote, Wylie Towing is the towing company used as they do not charge the City any fees to tow vehicles to their facilities.

DISCUSSION CONCERNING THE BONDING ABILITY OF THE CITY

City Manager John Moran received information from First Southwest to show the tax rate impact should the City obtain a bond which amounts to \$0.05 increase per \$100 valuation will bring \$1,000,000 from property tax. A proposed rate impact of \$5.42 per month per water meter will produce revenues of \$1,000,000 through water and sewer rate impact fees to pay for utility infrastructure needs. Mayor Helmsberger requested this information be presented again at the March meeting along with the street repair information.

DISCUSSION CONCERNING THE ATMOS ENERGY FRANCHISE AGREEMENT

City Manager John Moran has been researching the Atmos Energy Franchise Agreement. Further research is required and will have this information at a future meeting. No action taken on this item.

UPDATE REGARDING ORGANIZATIONAL ACTIVITIES RELATED TO THE CHAPARRAL TRAIL

City Manager John Moran met with officials in Paris, Texas to discuss approaching how to facilitate the Chaparral Trail from Farmersville to Paris. The discussion revealed the Trail should be approached as a marketing strategy to help promote the cities along the Trail and have other cities get involved as a coalition for grants to continue expanding the Trail. Future developments will be brought to the Council as they occur.

UPDATE CONCERNING THE 2009 – 2010 FISCAL YEAR AUDIT

City Manager John Moran met with Robert Lake of Rutherford, Taylor and Company and the Management Letter has not been prepared as of yet. Further

suggestions were made and Mr. Lake is planning on having the audit ready to present to the Council February 22, 2011.

UPDATE CONCERNING THE UTILITY RATE STUDIES

City Manager John Moran met with J. Stowe and Company who will have a presentation to deliver to the Council on February 22, 2011.

REPORT FROM CITY ATTORNEY REGARDING ENFORCEMENT OF BUILDING CODES IN THE EXTRATERRITORIAL JURISDICTION

After researching, City Attorney Alan Lathrom informed the Council that to enforce the building codes in the extraterritorial jurisdiction (ETJ), all Ordinances regarding the codes will need to be amended to include enforcement in the ETJ. The City has recently implemented the 2006 International Building Codes. The 2009 Building Codes will be available soon, so the Council could dovetail implementing the 2009 Codes as well as increase the territory of enforcement to include the ETJ simultaneously.

REQUEST TO PLACE ITEMS ON FUTURE AGENDAS

- Fred Langford requested the Council to reconsider the Ordinance regarding Game Rooms
- Jim Foy requested the Council to discuss renaming a portion of Farmersville Parkway
- Jim Foy requested the Council to discuss renaming the 100 block of South Rike
- Jim Foy requested the Council to discuss renaming the 100 block of Austin
- Jim Foy requested the Council to discuss section of the Sign Ordinance regarding lighted signs

ADJOURNMENT

Council adjourned at 8:11p.m.

APPROVED

Joseph E. Helmberger, P.E., Mayor

ATTEST

Edie Sims, City Secretary