

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
March 9, 2010

The Farmersville City Council met in called regular session on March 9, 2010 at 5:30 p.m. in the Council Chamber at City Hall with the following members present: Mayor Don Smith, Fred Langford, Paul Kelly, Billy Long, Bobby Bishop and Kevin Green. Staff members present were City Manager John Moran, Police Sergeant Mike Shrauger, Fire Department Chief Kim Morris, and Finance Director Daphne Hamlin.

CALL WORKSESSION TO ORDER, ROLL CALL

Mayor Smith called the meeting to order. Daphne Hamlin called the roll and announced a quorum was present.

WORKSESSION

1. WASTEWATER SYSTEM OVERVIEW AND NOTICE OF VIOLATION FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Ken Wesson, representative from North Texas Municipal Water District, gave an update of Farmersville's Wastewater. The City has an annual budget of \$172,200 for two wastewater treatment plants and we are currently \$10,000-\$12,000 under budget. At present, 75% of the permitted capacity has been exceeding for 3 consecutive months for the planning stage and 90% of the permitted capacity has exceeded for 3 consecutive months for the construction stage according to TCEQ's 75/90 rule. TCEQ recently inspected the wastewater treatment plans and both plants were cited for 75/90 violations. Each plant exceeded 100% of design capacity. The TCEQ violations are based on flow not on water quality and the flow issue is not due to population growth. Ultimately flow to the plant must be reduced within permit limits or additional capacity must be added. Previously, City staff was able to reduce flow to the plant which avoided premature plant expansion. To help resolve flow issues, the City has intensified its collection system inspection and asked to participate in the TCEQ's Sanitary Sewer Outreach Initiative Program. A feasibility study has been performed regarding a regional wastewater plant on the east side of Lake Lavon, however there are no formal plans to construct the regional wastewater plant at this time. City Manager John Moran asked for approval to get started on information received from TCEQ today.

2. PROPOSED ADOPTION OF THE 2006 INTERNATIONAL EXISTING BUILDING CODE, THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2006 INTERNATIONAL FUEL GAS CODE, AND THE 2006 INTERNATIONAL FIRE CODE

Bureau Veritas has recommended that the City adopt the International Codes. The Energy Conservative Code is a must. Bureau Veritas is trying to get the City uniformed and consistent with all the codes. City Manager John Moran stated that next month he will bring Ordinances to the Council to adopt the International Codes.

3. UPDATE AND DISCUSSION REGARDING RESOLUION #R-2010-0209-003 PETITIONING THE TEXAS ALCOHOLIC BEVERAGE COMMISSION TO ENTER AN ORDER PROHIBITING THE POSSESSION OF AN "OPEN CONTAINER" AND/OR THE PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE CENTRAL BUSINESS DISTRICT

City Attorney Alan Lathrom updated the Council that an error was found in the map which was submitted to Council on February 9, 2010 with the Resolution. The

written word of the Resolution overrides the map, therefore the correct map has been submitted to Texas Alcoholic Beverage Commission. For the Texas Alcoholic Beverage Commission to consider the "Open Container" request, 90% of the property must be used or zoned as commercial and the City of Farmersville meets that 90% threshold.

ADJOURN FROM WORKSESSION AT 6:55 P.M.

CALL REGULAR MEETING TO ORDER

The Regular Council meeting was called to order at 7:03 p.m. by Mayor Smith. Ben White invited the Mayor and Council to the Chamber Banquet on March 27th at the High School Cafetorium.

Randal Shinn spoke to the Council regarding the alcoholic beverage consumption on the square.

Joe Helmberger asked the Council to look at the boundaries on the Resolution of the alcoholic beverage consumption in the Business District.

CONDUCT A PUBLIC HEARING ON THE REQUEST BY THE PARADISE ISLES GAME ROOM FOR A REQUEST TO RENEW OR EXTEND THE SPECIAL USE PERMIT FOR PARADISE ISLES GAME ROOM LOCATED AT 1203 WEST AUDIE MURPHY PARKWAY, FARMERSVILLE

Mayor Smith opened the Public Hearing at 7:11 p.m. asking for those to speak for or against the property to be annexed into the City's limits. Paradise Isles owner, Donald Dunavan spoke for the renewal of the Special Use Permit. No one else spoke for or against the Special Use Permit

Mayor Smith closed the Public Hearing at 7:13 p.m.

CONSIDER THE REQUEST BY THE PARADISE ISLES GAME ROOM FOR A REQUEST TO RENEW OR EXTEND THE SPECIAL USE PERMIT FOR PARADISE ISLES GAME ROOM LOCATED AT 1203 WEST AUDIE MURPHY PARKWAY, FARMERSVILLE

Mayor Smith asked the Council to consider the request for the renewal or extension of the Special Use Permit. Paul Kelly moved to approve the Special Use Permit for Paradise Isles Game Room with Bobby Bishop seconding the motion. Motion carried unanimously.

PRESENTATION OF THE 2008 – 2009 FISCAL YEAR AUDIT

Mayor Smith tabled this item as the audit is not ready for presentation.

CONSIDERATION AND POSSIBLE ACTION ACCEPTING THE 2008 – 2009 FISCAL YEAR AUDIT

Mayor Smith tabled this item as the audit report is not complete.

CONSIDER/DISCUSS/ACT ON ORDINANCE #O-2010-0309-001 CHANGING THE NAME OF AUDIE MURPHY DRIVE TO GOTCHER STREET

Council took action to make the name change in September 2008, however an Ordinance was not made to finalize the change. Paul Kelly moved to approve Ordinance #O-2010-0309-001 with Billy Long seconding the motion.

CONSIDER ORDINANCE #O-2010-0309-002 ANNEXING INTO THE CITY LIMITS A CERTAIN 50.261 ACRE, MORE OR LESS, TRACT OF LAND SITUATED IN COLLIN COUNTY, TEXAS, IN THE WILLIAM B. WILLIAMS SURVEY, ABSTRACT NO. 952, THE WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 448, THE SUSANNAH WALKER SURVEY, ABSTRACT NO. 944, THE JAMES ELLISON SURVEY, ABSTRACT NO. 293 AND THE GEORGE MCCONNELL SURVEY, ABSTRACT NO. 642, AND BEING PART OF THE FORMER ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY RIGHT-OF-WAY DESCRIBED IN A DEED WITHOUT WARRANTY TO CHAPARRAL RAILS TO TRAILS, INC. RECORDED IN COLLIN COUNTY CLERK FILE NO. 95-0096237

Motion was made by Bobby Bishop to approve Ordinance #O-2010-0309-002 to annex into the City Limits the 50.261 acres of land. Billy Long seconded the motion. Motion carried unanimously.

DISCUSSION AND POSSIBLE ACTION AUTHORIZING THE PLANNING AND ZONING COMMISSION TO UNDERTAKE A STUDY TO REVIEW AND POSSIBLY REVISE THE COMPREHENSIVE ZONING ORDINANCE REGARDING CERTAIN SINGLE FAMILY RESIDENTIAL STANDARDS, INDUSTRIALIZED HOUSING STANDARDS, AND GAME ROOM STANDARDS

Motion was made by Billy Long authorizing the Planning and Zoning Commissions request with Paul Kelly seconding the motion. Motion carried unanimously.

PROCLAIMING THE WEEK OF MARCH 14 – 20, 2010 AS POISON PREVENTION WEEK

Mayor and Council recognized the week of March 14 – 20, 2010 as Poison Prevention Week.

APPOINT AN INDIVIDUAL FROM THE FARMERSVILLE VOLUNTEER FIRE DEPARTMENT AS A REPRESENTATIVE TO SERVE ON THE COLLIN COUNTY EMS ADVISORY BOARD

Fire Chief Kim Morris recommended appointing Larry Durbin as the Farmersville Volunteer Fire Department representative to serve on the Collin County EMS Advisory Board. As Council Liaison, Paul Kelly agreed this would be a great benefit and motioned to appoint Larry Durbin for this Board. Billy Long seconded the motion. Motion carried unanimously.

DISCUSS DAMAGE AT THE SOUTH MAIN BRIDGE

City Manager John Moran informed the Council that the South Main Street Bridge was hit again March 5th. Repairs are to begin soon by TxDOT since the State owns the Bridge. Mr. Moran has asked TxDOT about warning signs and will follow up with a letter.

ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

No items were withdrawn from the Consent Agenda

CONSENT AGENDA

Billy Long moved to approve the Consent Agenda with Fred Langford seconding the motion. Motion carried unanimously.

EXECUTIVE SESSION – DISCUSSION OF MATTERS PERMITTED BY TEXAS GOVERNMENT CODE §551.071 AND 551.074 TO DISCUSS MATTERS RELATING TO CONSULTATION WITH CITY ATTORNEY AND PERSONNEL ISSUES AS FOLLOWS:

A. Consultation with City Attorney regarding legal issues protected from disclosure by the Attorney-Client Privilege.

- RESOLUTION #R-2010-0209-003 PETITIONING THE TEXAS ALCOHOLIC BEVERAGE COMMISSION TO ENTER AN ORDER

PROHIBITING THE POSSESSION OF AN "OPEN CONTAINER"
AND/OR THE PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES
IN THE CENTRAL BUSINESS DISTRICT

B. Discussion with City Manager regarding staffing concerns and issues

C. Discussion of Personnel Matter - Interview Candidates for the City Engineer Position

Mayor and Council convened to Executive Session at 7:28 p.m.

RECONVENE FROM EXECUTIVE SESSION

Mayor Smith announced the Council to reconvene from Executive Session at 8:27 p.m.

DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION

No action was taken in Executive Session. The Council requested to have the map regarding public consumption of alcoholic beverages in the Central Business District be redirected to include the downtown area, include both Onion Sheds, the City Park, the Splash Pad and Farmersville Parkway to Hamilton Street. After reviewing the revised map, the Council will consider adopting it at the next meeting.

REQUEST(S) TO PLACE ITEMS ON FUTURE AGENDAS

Paul Kelly asked to look at a 5 – 10 year plan on street repairs for the Budget Workshop. Also Mr. Kelly would like the Council to review the Master Plan. In preparing for the budget, Mr. Kelly would also like to have the City Manager's goals for Farmersville.

ADJOURNMENT

Billy Long moved to adjourn with Fred Langford seconding the motion. Motion carried unanimously. Council adjourned at 8:31p.m.

APPROVED

Donald C. Smith, Mayor

ATTEST

Eddie Sims, City Secretary