

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
MARCH 22, 2011

The Farmersville City Council met in called regularly called session on March 22, 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 City Manager John Moran, Public Works Director Ben White, 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 welcomed the guests. Boy Scout Troop 310 was welcomed as guests of the Council Meeting. Troop Leader Greg "Spanky" Barber informed the Council the purpose of the visit is to help the Scouts with their Citizenship Badge and observe how the government works.

Mayor Helmberger announced the Chamber Banquet will be March 26, 2011 at the Farmersville High School Cafetorium and looks forward to high attendance.

Mayor Helmberger announced the Farmersville High School One-Act Play contest will be held March 23, 2011.

Mayor Helmberger announced the Opening Ceremony of the Baseball Little League to be Sunday, March 27, 2011 at the Spain Athletic Complex.

Paul Kelly offered thanks to those who attended and supported the 8th Annual 3-on-3 Basketball Tournament to benefit Reg Craddock.

PROCLAMATION

Mayor Helmberger read a Proclamation declaring March 20 – 25, 2011 as Poison Prevention Week. Through the Proclamation, Mayor Helmberger directed the appropriate agencies in our local government to continue their cooperation with concerned citizens and community organizations, including our schools, to develop programs which alter people to the continued dangers of misusing medicines and household products, and to promote effective safeguards against accidental poisonings among young children.

PUBLIC HEARING – TO CONSIDER, DISCUSS AND ACT UPON A PETITION FOR ANNEXATION OF A TRACT OF LAND SITUATED IN THE W.B. WILLIAMS SURVEY, ABSTRACT NO. 952, COLLIN COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN A DEED TO LOVELL INVESTMENTS, LTD. AS RECORDED IN VOLUME 5974, PAGE 2175 DEED RECORDS, COLLIN COUNTY, TEXAS

Mayor Helmberger opened the Public Hearing at 6:09pm and asked for those to speak for or against the petition for annexation. No one spoke. Mayor Helmberger closed the Public Hearing at 6:10pm. The topic was then open for Council discussion

and action. Jim Foy motioned to accept the petition for annexation and direct staff to prepare a service plan and schedule the two required public hearings. Paul Kelly 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.

PUBLIC HEARING – TO CONSIDER, DISCUSS AND ACT UPON THE PRELIMINARY PLAT OF FARMERSVILLE MARKET CENTER II LOTS 1-4 AND RE-PLAT OF LOT 3-R FARMERSVILLE MARKET CENTER I, LOCATED AT THE INTERSECTION OF WEST AUDIE MURPHY PARKWAY AND COUNTY ROAD 607

This item will not be acted upon nor hold a Public Hearing as the Preliminary Plat was not completed for presentation.

WORKSHOP – DISCUSSION RELATIVE TO THE 2009 – 2010 FISCAL YEAR AUDIT

Mayor Helmberger opened this item to the Council to have closure and to understand the status of completed items from the "Communication to the City" letter from our auditor.

The first item of concern involves the Cash Transactions and Reconciliations. City Manager John Moran indicated that the City is currently revamping the procedures. Also the University of Texas at Arlington is working with the City to prepare financial and personnel policy procedures. The students have the "Communication to the City" letter for a guide of existing issues so that those may be addressed. Mayor Helmberger asked Daphne Hamlin, Finance Director to explain the statement made in the "Letter" regarding reconciliations being prepared and completed. Ms. Hamlin stated that all reconciliations of all accounts are completed every month; however there is \$2,500 which is out-of-balance. Ms. Hamlin believes that once all adjusted entries have been completed, this issue will be resolved. Bobby Bishop agreed that adjusted entries should alleviate this problem. Mayor Helmberger stated that a comment had been hire an independent contractor to reconcile the financial records and asked Council if they felt this measure was necessary. City Manager John Moran encouraged the idea however the budget will not allow that expenditure at this time. Robert Lake, auditor, offered individuals from his office to come in only once and make any adjustments. An evaluation of the bank accounts showed obsolete accounts which need to be removed. Basically, per Paul Kelly, the books just need a basic housekeeping to streamline the processes. All grant accounts are separate and not intertwined with the General Fund. Each grant is coded separately keeping these accounts strictly for the purpose of the individual grant.

Invoice Coding was the next topic where Mr. Moran indicated that the City does have a Chart of Accounts however more definition and description need to be augmented. The review showed several invoices not being coded into the General Ledger for the type of expenditure. Bobby Bishop expressed concerns of the Purchase Order procedure and coding at time of a Purchase Order. Mr. Moran informed the Council that at the time of the audit, the Purchase Order system was in its infancy.

Legal Fees are no longer placed in one lump account. Previously Professional Services was lumped in with Attorney Fees. Segregation of these expenditures has been accomplished.

A Credit Card Policy is being created by the University of Texas at Arlington project. The due date for the policies by the students at UTA will be in May 2011. A draft will be presented to the Council at that time. Presently the City does not have a credit card policy implemented. All purchases are accounted through the Purchase Order System.

During the audit, cell phones were still an issue and the students at UTA will be presenting a Cell Phone and Internet Use Policies. A Purchasing Policy will also be presented.

Per City Manager John Moran, UTA will be presenting a very comprehensive array of policies to cover all areas of finance within the City. The goal of these policies is to improve our bond rating which allows us a lower interest rate when the City needs to borrow funds. Trainings have been scheduled and further training opportunities are encouraged. Jim Foy stated a lack of training has been historic and not budgeted, for City Council and employees. Paul Kelly requested safety training be included in our budget. The employees should be encouraged to attend Defensive Driving Courses and First Aid/CPR.

Mr. Moran stated there is much improvement to be had, however much improvement from the previous year has been accomplished. Mr. Moran stated his goal is to ensure transparency and responsible to tax payers dollars. UTA is a free service by a graduate class.

WORKSHOP – CONCERNING THE WATER AND WASTEWATER UTILITY RATE STUDY

City Manager John Moran requested the Council to direct the staff on the ordinance creation. Council reviewed the recommendations from J. Stowe and Company. Billy Long expressed concern how impactful any one of these recommendations will be for the citizens of Farmersville. Fred Langford proposed to remove Recommendation 5(a) and to leave the 1,000 allotment for both minimum water and sewer bills. Jim Foy stated the Council's number one priority is to give good guidance to staff to prepare a proposed ordinance and rate structure. Mayor Helmberger stated that conservation needs to play an intrical part to lower the interest rate for State loans rating. Jim Foy accounted 28 residents who use less than 1,000 gallons per month which would have virtually no change than customers who use more than 1,000 gallons. Keeping the 1,000 gallon base rate is minimal for conservation needs, per Mr. Foy. Bobby Bishop stated Recommendation 5(b) does not affect many customers with only one customer having a 3" meter, one customer having a 4" meter, and 7 customers with 6" meters. Council concurred to direct staff to propose an Ordinance using Table ES-4 from the Final Report of the Water and Sewer Rate Study as prepared and presented by J. Stowe and Company.

As with the water, Council concurred to leave the 1,000 allotment for the sewer charges. Mayor Helmberger stated that irrigation meters are separate now, but when rates were set previously, conservation was not a required consideration. Paul Kelly suggested the Council also review impact fees. Council concurred to direct staff to use Table ES-8 from the Final Report of the Water and Sewer Rate Study for sewer rates in the Rate Ordinance.

Council will review the rates annually and consider if continued increases are necessary for the infrastructure of the water and sewer.

WORKSHOP – DISCUSSION REGARDING RESTRICTIONS ON LARGE VEHICLES ON CITY STREETS

Under Section 10.113.1 of the existing Code of Ordinances, City Attorney Alan Lathrom informed the Council of existing mechanisms to prohibit truck travel on City Streets as follows:

“That except as provided hereinafter, in addition to any other regulations of the City regarding motor vehicles, it shall be unlawful for trucks and other vehicles weighing in excess of seven thousand (7,000) pounds when empty to travel upon, or be driven over any street, avenue or highway of the City of Farmersville.”

This provision does not include moving trucks which must travel on interior streets to load and unload household items. City Manager John Moran stated we could add a clause which holds the driver/company responsible. The problem will be the enforcement of said clause. Billy Long affirmed the trucks do not have any business travelling on Johnson Street, turning onto Maple in order for the trucks to arrive at Highway 78. The City currently has a Truck Route available, however Mayor Helmberger stated trucks should be kept off the streets in great need of repair.

A possible solution was offered to give truck routes on a map to the local businesses and ask that vendors receive this information. City Attorney Alan Lathrom stated the Council does have the ability to prohibit and display truck routes.

WORKSHOP – DISCUSSION CONCERNING LARGE COMMERCIAL CUSTOMER ELECTRIC RATE STRUCTURE, ELECTRIC INFRASTRUCTURE, BILLING AND METERING, AND SHARYLAND UTILITY’S CURRENT ROLE IN MANAGING THE ELECTRICAL UTILITY

Mayor Helmberger opened this item to explain the need of large commercial electric rate structuring due to the production of JD Russell Company. The company’s increased production has lead to the need for a primary service which will take power off our electric grid. The City of Farmersville adopted a large commercial electric rate structure in 2001 but was never ratified by CapRock, the electric company at the time. Sharyland has received the rate structure Ordinance # 2001-36. To have a primary service will require additional equipment and the end user will be responsible for the cost of infrastructure. JD Russell Company is also requesting a dial up meter reader as the timing of the meter reading is critical to their business with 30 days of production on the meter and 60 days off the production meter.

Sharyland Utilities, per our contract, is responsible for all aspects of billing, repairs and complaints. They are our agent. All operations have been delegated to Sharyland utilities. All parties are making a concerted effort to stay within the confines of the contract until a new contract is in place.

The City has a transformed which belongs to the City however JD Russell Company believes the transformer belongs to the Company. A second transformer will be required. Staff is checking into the records to see if a Capital Fund project paid for the installation of the existing transformer.

FIRST READING OF ORDINANCE – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0412-001 AMENDING ARTICLE 10 OF THE FARMERSVILLE CODE OF ORDINANCES REGARDING PARKING OF 10 SPACES AND A LOADING DOCK FOR THE USE OF BUILDINGS CURRENTLY OWNED BY MAY’S FURNITURE

Mayor Helmberger requested “May’s Furniture” and “Hurst Laundry” be removed from the document and exchanged with Lot and Block as this information will be permanent record. Randal Shinn came before the Council introducing a prospective buyer of the property located at 106 South Main. This property has an existing lease for the parking lot with the City of Farmersville. Having this Ordinance approved will allow future opportunities for this property including a residence or Bed and Breakfast. Jim Foy motioned to approve the first reading of Ordinance # O-2011-0412-001 with the changes as noted. Bobby Bishop 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.

SECOND READING - CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0322-002 AMENDING ARTICLE 4 OF THE BUILDING AND CONSTRUCTION AND AMENDING SECTION 4.130 OF THE INTERNATIONAL MECHANICAL CODE, 2006 EDITION TO EXTEND ENFORCEMENT OF BUILDING CODES IN THE EXTRATERRITORIAL JURISDICTION

Paul Kelly motioned to approve Ordinance # O-2011-0322-002 as presented 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.

SECOND READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0322-003 AMENDING ARTICLE 4 OF THE BUILDING AND CONSTRUCTION AND AMENDING SECTION 4.133 OF THE INTERNATIONAL PLUMBING CODE, 2006 EDITION TO EXTEND ENFORCEMENT OF BUILDING CODES IN THE EXTRATERRITORIAL JURISDICTION

Paul Kelly motioned to approve Ordinance # O-2011-0322-003 as presented 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.

SECOND READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0322-004 AMENDING ARTICLE 4 OF THE BUILDING AND CONSTRUCTION AND AMENDING SECTION 4.116 OF THE INTERNATIONAL BUILDING CODE, 2006 EDITION TO EXTEND ENFORCEMENT OF BUILDING CODES IN THE EXTRATERRITORIAL JURISDICTION

Paul Kelly motioned to approve Ordinance # O-2011-0322-004 as presented 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.

SECOND READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0322-005 AMENDING ARTICLE 4 OF THE BUILDING AND CONSTRUCTION AND AMENDING SECTION 4.121 OF THE INTERNATIONAL RESIDENTIAL CODE

FOR ONE AND TWO-FAMILY DWELLINGS, 2006 EDITION TO EXTEND ENFORCEMENT OF BUILDING CODES IN THE EXTRATERRITORIAL JURISDICTION

Paul Kelly motioned to approve Ordinance # O-2011-0322-005 as presented 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.

SECOND READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0322-006 AMENDING ORDINANCE # O-2010-0119-005 BY ADDING SECTION 11 OF THE NATIONAL ELECTRICAL CODE, 2008 EDITION EXTENDING THE APPLICATION AND ENFORCEMENT OF SAID CONSTRUCTION-RELATED ORDINANCE IN THE EXTRATERRITORIAL JURISDICTION

Paul Kelly motioned to approve Ordinance # O-2011-0322-006 as presented 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.

SECOND READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0322-007 AMENDING ORDINANCE # O-2010-0413-006 TO REVISE THE GEOGRAPHIC LIMITS AND ADD SECTION 10 OF THE INTERNATIONAL FIRE CODE, 2006 EDITION EXTENDING THE APPLICATION AND ENFORCEMENT OF SAID CONSTRUCTION-RELATED ORDINANCE IN THE EXTRATERRITORIAL JURISDICTION

Paul Kelly motioned to approve Ordinance # O-2011-0322-007 as presented 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.

SECOND READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0322-008 AMENDING ORDINANCE # O-2010-0413-005 ADDING SECTION 9 OF THE INTERNATIONAL ENERGY CONSERVATION CODE, 2006 EDITION EXTENDING THE APPLICATION AND ENFORCEMENT OF SAID CONSTRUCTION-RELATED ORDINANCE IN THE EXTRATERRITORIAL JURISDICTION

Paul Kelly motioned to approve Ordinance # O-2011-0322-008 as presented 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.

SECOND READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0322-009 AMENDING ORDINANCE # O-2010-0413-003, WHICH ADOPTED THE INTERNATIONAL FUEL GAS CODE, 2006 EDITION ADDING SECTION 9 EXTENDING THE APPLICATION AND ENFORCEMENT OF SAID CONSTRUCTION-RELATED ORDINANCE IN THE EXTRATERRITORIAL JURISDICTION

Paul Kelly motioned to approve Ordinance # O-2011-0322-009 as presented 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.

SECOND READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0322-010 AMENDING ORDINANCE # O-0413-004, WHICH ADOPTED THE INTERNATIONAL EXISTING BUILDING CODE, 2006 EDITION ADDING SECTION 9 EXTENDING THE APPLICATION AND ENFORCEMENT OF SAID CONSTRUCTION-RELATED ORDINANCE IN THE EXTRATERRITORIAL JURISDICTION

Paul Kelly motioned to approve Ordinance # O-2011-0322-010 as presented 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.

DISCUSSION AND POSSIBLE ACTION REGARDING INTERLOCAL AGREEMENTS WITH THE FARMERSVILLE INDEPENDENT SCHOOL DISTRICT FOR UTILITY SERVICES FOR THE TENNIS COURTS

Mayor Helmberger opened this item to the Council encouraging Council to approve the Interlocal Agreement with the Farmersville Independent School District to have proper documentation of utilities being paid without gifting to the ISD. Billy Long motioned to approve the Interlocal 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.

DISCUSSION AND POSSIBLE ACTION REGARDING AN INTERLOCAL AGREEMENT WITH THE FARMERSVILLE INDEPENDENT SCHOOL DISTRICT FOR UTILITY SERVICES AT RIKE FIELD

Mayor Helmberger opened this item to the Council encouraging Council to approve the Interlocal Agreement with the Farmersville Independent School District to have proper documentation of utilities being paid without gifting to the ISD. Mayor Helmberger requested Section 3 be removed from the Agreement as the City is responsible for maintenance and mowing of the grounds and not the ISD. Jim Foy motioned to approve the Interlocal Agreement 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.

DISCUSSION AND POSSIBLE ACTION RELATIVE TO RESOLUTION # 2011-0322-001 APPROVING THE CERTIFICATE OF FORMATION AND BYLAWS OF TEXAS COALITION FOR AFFORDABLE POWER, A POLITICAL SUBDIVISION CORPORATION, ACCEPTING MEMBERSHIP IN SAID CORPORATION, APPOINTING A REPRESENTATIVE TO SERVE ON BEHALF OF THE CITY, AND APPROVING PAYMENT OF AN INITIAL MEMBERSHIP FEE

City Manager John Moran expressed to the Council the actual cost for membership to the Texas Coalition for Affordable Power will be \$155.90 even though the Resolution states not to exceed \$14,000. The membership is a standardized Resolution throughout Texas with the actual membership fee being valued by the population. This accounts for the not to exceed amount for higher populated cities. The Coalition helps cut costs with a savings of \$4,000 on three of our existing accounts. By aggregating with other cities, there is more savings to be had by cities. Bobby Bishop motioned to approve Resolution # R-2011-0322-001 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.

CONSIDER, DISCUSS AND POSSIBLE APPROVAL OF PERFORMANCE AGREEMENT BETWEEN FARMERSVILLE ECONOMIC DEVELOPMENT CORPORATION AND III:|EMERGING MARKET PARTNERS, L.L.C. REGARDING DEVELOPMENT INCENTIVES RELATED TO APPROXIMATELY 10.25 ACRES OF LAND IMMEDIATELY SOUTH OF AND ADJACENT TO U.S. 380 AND IMMEDIATELY WEST OF AND ADJACENT TO LOTS 1 AND 2, FARMERSVILLE MARKET CENTER ADDITION, IN FARMERSVILLE, COLLIN COUNTY, TEXAS

Per Mayor Helmlinger, the 4A Economic Development Board has been working on a Performance Agreement for the past several months. This particular agreement involves three parcels west of Brookshire's where O'Reilly's Auto Parts and McDonald's are planning to build. III:| Emerging Market Partners will be responsible for the wastewater infrastructure on this property using \$25,000 of 4A Economic Development's Funds. These funds are to be reimbursed after wastewater infrastructure is installed, accepted and approved by the City. Council concurred to review this document further and requested postponing to the next meeting.

DISCUSSION CONCERNING POSSIBLE PROPERTY EXCHANGE WITH COLLIN COUNTY COMMUNITY COLLEGE

With the Council accepting the petition to annex the property owned by Collin College, the Council was informed of an agreement made several years ago to exchange the triangular piece of property connecting County Road 610 and County Road 611 (now known as Farmersville Parkway) to the College for Right-of-Way. The triangular shaped property is owned by the City but has not been annexed. The Right-of-Way will be to improve the road and create a T intersection. Paul Kelly brought to the Council's attention that a variance was given on Murphy Crossing for a Right-of-Way to all expansion of the road. A waiver was granted for one lot of Murphy's Crossing.

DISCUSSION CONCERNING KANSAS CITY SOUTHERN RAILWAY ISSUES AND THE PROSPECTIVE ABANDONMENT OF A RAILROAD CROSSING ON WALNUT STREET

City Manager John Moran informed the Council that the railroad crossing at Walnut Street is apparently not safe according to findings by TxDOT due to the crossing being un-signalized. TxDOT has been working with Kansas Southern Railroad regarding the cross-over of Highway 380 at South Main. The City has been requested to consider abandoning the railroad crossing at Walnut Street and TxDOT will create cul-de-sacs at either end of Walnut Street with all engineering being performed and paid through TxDOT. If the City agrees to this railroad crossing closure, the City will have an agreement that when development occurs in this area, a future crossing will be provided. If Kansas City Southern Railroad denies this agreement to have a crossing at another southerly location, the City will not have another opportunity for a crossing provided. The current plans are to build another crossing over Highway 380 and using the existing track as a side track to park rail cars. These cars will not be moved for extended periods of time. This item is informational only; however Jim Foy stated the

residents in the area need to be notified of the upcoming changes and plan for alternate routes to be used.

DISCUSSION AND CONSIDERATION REGARDING A POSSIBLE AGREEMENT ALLOWING THE CITY TO USE THE FARMERSVILLE METHODIST CHURCH'S PARKING LOT

Jim Foy stated he is a member of the First United Methodist Church but does not have any financial involvement with the Church therefore he will be involved with the discussion but will abstain from any voting.

Per Mr. Foy, previous agreement made with the City regarding a parking lot owned by the First United Methodist Church was found invalid. The Church wishes to allow City employees use the parking lot owned by the Church east of the Public Safety Building however the Church does have stipulations. Billy Long was concerned with the mowing request; however the mowing only includes the lot on the southwest corner of Maple and North Main. The Church has also requested that the City install curb stops along the side edge of the concrete to keep vehicles off the grassy areas as this has been the main problem. Paul Kelly stated the only issue with the agreement is to have in writing that both the City and the Church have the right to terminate the agreement. Council concurred to prepare document and present at the next Council meeting.

DISCUSSION RELATIVE TO THE NUMBER OF OCCUPANTS RESIDING IN A RESIDENTIAL STRUCTURE

City Attorney Alan Lathrom informed the Council that the number of occupants residing in a residential structure is typically building codes and the Zoning Ordinance. However, the Texas Fair Housing Act and the Federal Fair Housing Act has multiple cases pending in court with issues regarding children and relatives. The City can restrict unrelated persons, but there are many challenges to mandating this requirement. Fred Langford stated that recently the City of Stephenville limited unrelated males and females. Mr. Langford also stated that apartments limit the number living in an apartment. City Attorney Alan Lathrom stated that apartment complexes are different as they are privately owned and have a smaller area. Mr. Langford brought this item to the Council due to a situation on Murchison Street where he is aware of at least 3 families living in one household. The trash is too much for one container due to the excessive amount of trash that 3 families produce. Council concurred to have staff investigate this particular situation and bring the City of Stephenville and the City of Austin's ordinances at the next meeting.

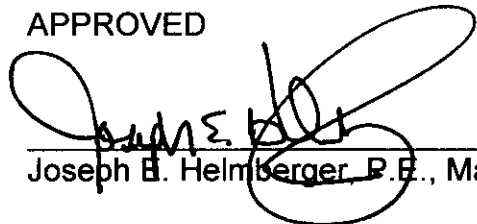
ADJOURNMENT

Council adjourned at 7:57p.m.

ATTEST



APPROVED



Joseph E. Helmsberger, P.E., Mayor