

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
MAY 10, 2011

The Farmersville City Council met in called regularly called session on May 10, 2011 at 7:30 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, Public Works Director Ben White, Fire Chief Kim Morris, 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.

Rex Thain came before the Council to address the Ordinance being proposed for the water and sewer rate increases. Mr. Thain had concerns that the increases would not allow the city the ability to attract industry and to reconsider charging more for a large meter as he feels the income is not worth the message to potential businesses.

Mayor Helmberger had a Proclamation stating May as National Preservation Month.

Paul Kelly informed the audience of the annual Fire Department Fish Fry to be held May 21<sup>st</sup> at the Farmersville High School Cafetorium.

EXECUTIVE SESSION –

- DISCUSSION OF MATTERS PERMITTED BY TEXAS GOVERNMENT CODE §551.071, CONSULTATIONS WITH CITY ATTORNEY REGARDING PENDING LITIGATION, REX THAIN ET AL VS. CITY OF FARMERSVILLE ET AL
- DISCUSSION OF MATTERS PERMITTED BY TEXAS GOVERNMENT CODE §551.071, CONSULTATIONS WITH CITY ATTORNEY REGARDING THE ELECTRIC UTILITY AND ELECTRIC WHOLESALE

Council exited into Executive Session at 7:38pm.

Council reconvened from Executive Session at 8:50pm. No action was taken by the Council.

CONSENT AGENDA

Paul Kelly motioned to approve the Consent Agenda 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.

INFORMATIONAL ITEMS

No informational items were discussed by Council.

PUBLIC HEARING – TO BE HELD FOR THE PURPOSE OF CONSIDERING ANNEXATION OF 76.337 ACRE TRACT OF LAND INTO THE CITY LIMITS THE PROPERTY KNOWN AS THE COLLIN COLLEGE PROPERTY LOCATED ALONG WEST AUDIE MURPHY PARKWAY (HIGHWAY 380), FARMERSVILLE

At 8:52pm, Mayor Helmberger opened the Public Hearing asking for anyone for or against the annexation of the Collin College property. No one came before the Council. The Public Hearing was closed at 8:53:30pm.

PUBLIC HEARING – TO BE HELD FOR THE PURPOSE OF CONSIDERING ANNEXATION OF 1.063 ACRE TRACT OF LAND INTO THE CITY LIMITS THE PROPERTY LOCATED GENERALLY ALONG THE SOUTHEASTERN QUADRANT OF THE INTERSECTION BETWEEN COUNTY ROAD 611 AND COUNTY ROAD 610

At 8:53:30pm, Mayor Helmberger opened the Public Hearing asking for anyone for or against the annexation of the Storck property at the intersection of County Road 610 and 611. No one came before the Council. The Public Hearing was closed at 8:54pm.

PUBLIC HEARING – TO CONSIDER, DISCUSS AND ACT UPON A REQUEST FOR A SPECIAL USE PERMIT FOR TRIPLE CRAZY GAME ROOM LOCATED AT 865 WEST AUDIE MURPHY PARKWAY, FARMERSVILLE

At 8:54:30pm, Mayor Helmberger opened the Public Hearing asking for anyone for or against the Special Use Permit for Triple Crazy Game Room. No one came before the Council. The Public Hearing was closed at 8:54pm.

FIRST READING OF ORDINANCE – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0426-002 AMENDING THE MASTER FEE SCHEDULE REGARDING WATER AND SEWER SERVICE FEES

Mayor Helmberger opened this item stating that all issues from previous discussions have been included in this updated version of the Ordinance; including evaluating the rates annually. By making an annual evaluation, the Council and City Manager can check to see how the rates are affecting the water and sewer income. Jim Foy conferred that the fee schedule does include the meter charges in accordance with meter size as recommended by J. Stowe and Company. The consultant's report was based on having a larger infrastructure for potential demand thus the need to charge a higher price for larger sized meters. Mr. Foy stated the consultant's numbers are justified and recommended the Council advance per J. Stowe's expertise. Bobby Bishop motioned to approve the First Reading of Ordinance #O-2011-0426-002 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.

SECOND READING OF ORDINANCE – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0510-001 REGARDING TRUCK ROUTES

City Attorney Alan Lathrom informed the Council of changes to the Ordinance as recommended by Council and Public Works Director Ben White. Additions made included South Main Street, Farmersville Parkway, Welch Drive, Bob Tedford Drive, County Road 610 and County Road 611. All truck routes will be designated with signage. Paul Kelly requested a map of the truck routes to be available. Paul Kelly

motioned to approve Ordinance # O-2011-0510-001 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.

FIRST READING OF ORDINANCE – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0517-002 REVISING THE RECYCLABLE COLLECTION RATES

Public Works Director Ben White stated that Community Waste Disposal (CWD) has agreed to a month to month agreement with an opt-out option. The proposed ordinance includes a rate increase of \$2.09. Mayor Helmberger stated that a Request for Proposals is being prepared and is scheduled to have a vendor in place by August 1. Council all understood the agreement with CWD is temporary until the contract is renegotiated. Jim Foy motioned to approve the first reading of Ordinance # O-2011-0517-002 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.

RECEIVE UPDATE ON THE SOLID WASTE AND RECYCLING REQUEST FOR PROPOSALS

Public Works Director Ben White stated that IESI has agreed to a month to month agreement with an opt-out option until the Request for Proposal (RFP) process has been completed. The RFP is to be completed and ready for the attorney to review and be available for vendors by next Tuesday per City Manager John Moran. IESI has agreed to be flexible and work with the City of Farmersville. Bobby Bishop motioned to extend IESI's contract to a month to month basis 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.

RECEIVE UPDATE ON THE ELECTRIC UTILITY AND ELECTRIC WHOLESALE REQUEST FOR PROPOSALS

Per Mayor Helmberger, no action will be taken.

CONSIDERATION AND ACTION REGARDING A VARIANCE FOR THE SALE OF ALCOHOLIC BEVERAGES AT 316 NORTH MAIN STREET, AS REQUESTED BY AMIN ALI (D.B.A. SHOP-N-BUY, PREVIOUSLY KNOWN AS MCCLOUD'S FOOD STORE)

Per Mayor Helmberger, no action will be taken.

CONSIDER, DISCUSS AND ACT UPON RESOLUTION # R-2011-0510-001 REGARDING TEXAS COALITION FOR AFFORDABLE POWER TO NEGOTIATE AN ELECTRIC SUPPLY AND NECESSARY RELATED SERVICES AGREEMENT WITH NEXTERA

Jim Foy stated the City has a few meters outside Sharyland's service area that the City cannot provide service to. Having the Texas Coalition for Affordable Power (TCAP) to negotiate a better retail rate would be to our advantage. Working with TCAP will not affect the rates of our electric system. Jim Foy motioned to approve Resolution

# R-2011-0510-001 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 A REQUEST FOR A SPECIAL USE PERMIT FOR TRIPLE CRAZY GAME ROOM LOCATED AT 865 WEST AUDIE MURPHY PARKWAY

Mayor Helmberger opened this item announcing that the previous issue of having proper ingress and egress has been resolved by the property owner allowing use of their land adjacent to 865 West Audie Murphy be used. The other issue previously announced regarding the Special Use Permit was the banner sign which has been removed and the issue was resolved. Council stated for record that if the Game Room changes or closes, this game room will no longer be able to operate in the current location and will have to meet the recent ordinance where game rooms are to be located in the Light Industrial Zoning of the city. Larry Don Howard, property owner where the Triple Crazy Game Room is located, came before the Council to ask for their guidance regarding signage issues. Due to current construction underway on Highway 380 which is directly in front of Mr. Howard's property, the business is not allowed to place a sign near the construction area to draw business. Mr. Howard was informed that TxDOT cannot keep the businesses from installing a sign inside the property but outside the construction area as long as the sign meets the city's Sign Ordinance.

Paul Kelly motioned to approve the Special Use Permit for Triple Crazy Game Room with Bobby Bishop 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.

PUBLIC HEARING – HELD TO CONSIDER ANNEXATION OF 76.337 ACRE TRACT OF LAND LOCATED ALONG THE NORTHEASTERN QUADRANT OF THE INTERSECTION OF US HIGHWAY 380 AND COUNTY ROAD 611, ALSO KNOWN AS COLLIN COLLEGE PROPERTY

At 9:13pm, Mayor Helmberger opened the Public Hearing asking for anyone for or against the annexation of the Collin College property. No one came before the Council. The Public Hearing was closed at 9:13:30pm.

PUBLIC HEARING – HELD TO CONSIDER ANNEXATION OF 1.063 ACRE TRACT OF LAND LOCATED GENERALLY ALONG THE SOUTHEASTERN QUADRANT OF THE INTERSECTION BETWEEN COUNTY ROAD 611 AND COUNTY ROAD 610

At 9:14pm, Mayor Helmberger opened the Public Hearing asking for anyone for or against the annexation of the Storck property at the intersection of County Road 610 and 611. No one came before the Council. The Public Hearing was closed at 9:14:30pm.

REQUEST(S) TO PLACE ITEMS ON FUTURE AGENDAS

Paul Kelly requested the Council revisit Ordinance # O-2010-1109-001 regarding the pitch of roofs to possibly amend said ordinance.

ADJOURNMENT

Council adjourned at 9:15p.m.

APPROVED

Joseph E. Helmberger, P.E., Mayor

ATTEST

Edie Sims, City Secretary

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