

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
July 12, 2011

The Farmersville City Council met in called regularly called session on July 12, 2011 at 6:00 p.m. in the Council Chamber at City Hall with the following members present: Mayor Joe Helmberger, Pansy Hundley, Billy Long, Russell Chandler and Jim Foy. Staff members present were Police Chief Mike Sullivan, Public Works Director Ben White, City Attorney Alan Lathrom, Fire Chief Kim Morris, Finance Director Daphne Hamlin 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. Mayor Helmberger welcomed all guests and visitors.

Jim Foy announced that the financial audit is on the City's website and thanked staff for their work on financial transparency.

CONSENT AGENDA

Mayor Helmberger requested the Code Enforcement/Animal Control Report for the month of June be pulled as well as the Municipal Court Report for the month of June. Billy Long motioned to approve the Consent Agenda with the exception of Item D and G. Jim Foy seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item D – Code Enforcement/animal Control Report for the month of June: Police Chief Sullivan presented a slide show of properties that are dilapidated, major overgrowth and other code enforcement issues to be addressed. Several homes have sinking roofs and structural issues. The Code Enforcement Officer also found several storage buildings that have fallen or are in desperate need of repairs. Some notices have been sent to property owners. Some citations have been issued. The Code Enforcement Officer has been informed of proper procedure to attain Administrative Search Warrants. Per Police Chief Sullivan, the Code Enforcement Officer is trying to open doors to churches and the Boy Scouts to help those elderly folks with no funds or means to make necessary repairs. TxDOT is responsible for the high grass along Highway 380. They have been contacted and asked to mow, but construction has been a hindrance.

Item G – Mayor Helmberger questioned why a detailed report has not been included regarding the warrant collections. City Manager John Moran stated he will follow up with the attorney firm. Mayor Helmberger expressed concerns of not seeing a major collection return since the firm took over the collections process several months ago.

Billy Long motioned to approve Items D and G of the Consent Agenda with Russell Chandler seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

INFORMATIONAL ITEMS – UPDATE REGARDING STATUS OF GRANTS APPLIED FOR AND/OR RECEIVED BY THE CITY INCLUDING BONDS

Informational Items were received by Council with no discussion or action taken.

RECONSIDERATION, DISCUSSION AND POSSIBLE ACTION RELATIVE TO A PREVIOUSLY PROPOSED ORDINANCE ADOPTING DEFINITIONS AND REGULATIONS THAT REQUIRE A MINIMUM 6-TO-12 ROOF PITCH AND ESTABLISH MINIMUM FOUNDATION REQUIREMENTS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENCES

Jim Foy requested this item return to the Council for reconsideration as the Planning and Zoning Commission had approved and recommended this Ordinance to Council for final action but was approved. Basically this ordinance does two things: 1) the roof requirements eliminates mobile homes and flat roof manufactured housing and 2) requires foundations plans be prepared and sealed by a professional engineer which again prevents minimal tie downs of manufactured housing, which also translates to transient structures. Per City Manager John Moran, this ordinance doesn't eliminate that type of housing entirely, only to ensure some consistency with the foundation and roofing. Russell Chandler motioned to approve the proposed Ordinance on the first reading with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO ARTICLE 10, "TRAFFIC CONTROL," OF THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, DELETING CURRENT SECTION 10.119.6 IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 10.119.6 ENTITLED, "PARKING PROHIBITED" AND BY DELETING SECTION 10.122.3, "EXEMPTIONS," IN ITS ENTIRETY TO MODIFY THE CURRENT PARKING RESTRICTIONS AND EXEMPTIONS APPLICABLE TO CERTAIN PUBLIC PARKING LOTS AND PUBLIC ROADS

Mayor Helmberger stated he would like to see the parking restrictions remain on North Main as the street is too narrow to allow parking from McKinney Street heading North onto Main Street. Also Mayor Helmberger stated the ordinance should be clear to allow for loading for 15 minutes only for businesses on McKinney Street, more particularly the downtown area. Mayor Helmberger requested that other sections of our Code of Ordinances that addresses parking be combined to make sure we are not double enforcing a parking issue. No action was taken by Council at this time, but asked that this item be brought back for future review.

CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO ARTICLE 4, "BUILDING AND CONSTRUCTION," OF THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, BY AMENDING SECTION 4.105.9, "STREET NAMES ADOPTED," BY CHANGING THE CURRENT STREET NAMES OF THE 100 BLOCK OF SOUTH RIKE, THE 100 BLOCK OF AUSTIN, THE 100 BLOCK OF COLLIN, AND PROSPECT ALL IN ACCORDANCE WITH SECTION 4.105.2 OF THE CODE OF ORDINANCES

The Council was made aware of some streets that do not connect making it difficult for emergency staff to correctly and directly respond to an emergency call.

Previously Jim Foy had requested to change the 100 block of South Rike to Honaker Court in honor of the Honaker family. North Rike would not be changed at this time. It was also suggested to change Austin Street to North Honaker. Jim Foy requested Collin Street be changed to Yearly, this family being the earliest pioneers to Farmersville, and saving the name Collin to be used along the West side of Farmersville Parkway for Collin College. Mayor Helmberger requested to change Prospect on the East side of Chaparral Trail to Davis Street. Council asked for an ordinance be prepared for the first reading at our next meeting.

CONSIDER, DISCUSS AND ACT UPON RESOLUTION # R-2011-0712-001 PROVIDING FOR THE PUBLIC FUNDS INVESTMENT POLICY

City Manager John Moran encouraged the Council to adopt the Resolution as presented and if changes are made to the Investment Policy; those changes will be presented as a separate Resolution. Billy Long motioned to approve Resolution # R-2011-0712-001 with Pansy Hundley seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

DISCUSSION AND POSSIBLE DIRECTION REGARDING THE REGULATION OF GARAGE SALES IN THE CITY OF FARMERSVILLE INCLUDING BUT NOT LIMITED TO POSSIBLE AMENDMENTS TO ORDINANCE NO. 2009-37

Mayor Helmberger asked the Council to consider why we have a garage sale ordinance to charge residents for holding a garage sale. City Manager John Moran informed the Council the purpose of this ordinance is to restrict residents from having an ongoing flea market. Since the ordinance has been implemented, \$700 has been generated, theoretically to recoup the sales tax of items sold. Billy Long stated he was aware of an ongoing flea market on Maple Street. Pansy Hundley stated she would prefer to do away with this ordinance entirely and not permit. Police Chief Mike Sullivan came before the Council and stated tickets could be written for not having a permit for garage sales; however the Code Enforcement Officer works every other Saturday to work with the residents and inform them of the permit requirement. Billy Long stated he didn't mind making changes to the ordinance but not to remove or the City will relinquish all enforcement. Jim Foy stated he has been approached with complaints about the requirement; however when informed of the nominal fee, the complaint became a non issue. Council took no action on this item.

DISCUSSION AND POSSIBLE APPROVAL OF THE EXPENDITURE OF A 4A ECONOMIC DEVELOPMENT CORPORATION FUNDS FOR AN INFRASTRUCTURE STUDY PROJECT

Public Works Director Ben White stated \$30,000 has been set aside by the Economic Development Corporation for engineering of streets and storm water system. Mr. White has asked the EDC to extend the engineering to include water and assist in doing a study for different projects that are inclusive of the infrastructure needs. Mr. White has also asked EDC to assist with a water and wastewater model to show the weaknesses. By doing so, this could assist in reducing the ISO rates. The base line information has been completed, but further studies need to indicate the bottlenecks. City Manager John Moran stated this information could be implemented into the GIS project for mapping out our city. Also this package will include drainage needs. The

Farmersville Economic Development Corporation has approved this expenditure and must forward projects to the City Council for approval of the project only. Jim Foy motioned to approve with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDER, DISCUSS AND ACT UPON RECEIVING RESIGNATION FROM WILMA RAINS FROM THE LIBRARY/CIVIC CENTER BOARD

Jim Foy motioned to accept the resignation of Wilma Rains from the Library/Civic Center Board with Russell Chandler seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDER, DISCUSS AND ACT UPON APPOINTMENTS TO BOARDS AND COMMISSIONS

Jim Foy nominated and motioned to appoint Judy Brandon to the Library/Civic Center Board with Pansy Hundley seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Russell Chandler nominated and motioned to appoint Leaca Caspari to the Building and Property Standards Commission with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

UPDATE ON THE PROGRESS OF A LAND SWAP TO ACQUIRE RIGHT-OF-WAY BETWEEN THE CITY OF FARMERSVILLE AND COLLIN COUNTY COMMUNITY COLLEGE

Council was informed by City Attorney Alan Lathrom of the progress of the land swap between the City and Collin College. Thus far, the right-of-way deeds are the main delay in having this process completed. The College is requesting the City to remove the pavement; however this portion of the project cannot be done until ready for construction to change the curve on Farmersville Parkway to a "T" intersection. Further information will be brought to the Council as developments occur.

PRESENTATION, DISCUSSION AND POSSIBLE DIRECTION REGARDING NEGOTIATING A CONTRACT WITH A RECOMMENDED SOLID WASTE COLLECTION PROVIDER AND/OR RECYCLING SERVICE PROVIDER FOR THE CITY OF FARMERSVILLE, TEXAS

Public Works Director Ben White stated that all Request for Proposals have been received and are being evaluated and reviewing all qualifications. City Manager John Moran stated every loose end must be revealed or the end result could be very costly to the City. Mr. Moran stated the RFP's are very complicated and complex and will be spending more time reviewing them. City Attorney Alan Lathrom stated all caveats or exceptions must be checked thoroughly so that all companies are compared equally. Mr. Moran stated he wants to have a recommendation to the Council by the first meeting in August.

## UPDATE REGARDING THE CODIFICATION OF CITY ORDINANCES WITH MUNICODE

City Attorney Alan Lathrom stated 72 of the 77 chapters of the Code of Ordinances have been reviewed, updated and confirmed to MuniCode. Mr. Lathrom stated he will have the final 5 chapters to MuniCode by the end of the week.

## DISCUSSION AND POSSIBLE DIRECTION OR ACTION REGARDING THE USE AND MAINTENANCE OF THE PARKING LOT AT THE FARMERSVILLE FIRST BAPTIST CHURCH

During a recent meeting regarding Public Safety Sunday, Bart Barber with First Baptist Church asked Mayor Helmberger of a Maintenance Agreement regarding the parking lot at First Baptist Church. The City paved the parking lot through a grant. The City has been responsible for the maintenance of the parking lot; however Mr. Barber expressed concerns if the City restripes the parking lot to what extent would be shared. Therefore, the Church has asked for a basic agreement. City Manager John Moran stated an agreement regarding striping could be memorialized in the minutes agreeing to share the cost of striping equally with the Church. Mayor Helmberger stated he would like the City and Church to have an agreement much like what has recently been approved for the First Methodist Church parking lot. This item is to be returned at the next Council Meeting with an agreement.

## UPDATE ON THE IMPLEMENTATION OF NEW WATER AND SEWER RATES

Public Works Director Ben White stated that all water and sewer rates have been implemented and billed according to the recent rate increase. The next meter reading will have recorded the size and style of meter to complete the rate increase changes.

## DISCUSSION AND POSSIBLE DIRECTION RELATIVE TO THE SIDEWALK REQUIREMENTS CONTAINED IN THE SUBDIVISION AND THE THOROUGHFARE DESIGN MANUAL

Jim Foy stated the current standards for sidewalks are 5' wide which he feels unnecessary. The Design Standards are for 1' from the back of the curb line. The Council may also wish to consider have sidewalks placed 1' from the right-of-way. Public Works Director Ben White stated 1' from the right-of-way makes sense for utilities underground. TxDOT allows sidewalks to be built in their right-of-way with a permit. The City of Plano's requirements could be a good example for Farmersville to follow. Planning and Zoning will need to be directed since this item will need to be reviewed and conducted by the P&Z first with Public Hearings of changes. Then recommendations can be made to the Council for approval. City Attorney Alan Lathrom stated meandering sidewalks will also need to have an allowance and pedestrian easements also will need to be addressed.

## DISCUSSION CONCERNING THE CITY'S HIRING PRACTICES AND POLICIES

Pansy Hundley expressed concerns of the hiring practices of the City, more particularly those aged 55 and older. Mrs. Hundley stated she has sources telling her that the City has not hired someone based on their age. Mayor Helmberger informed Mrs. Hundley that all laws regarding hiring are followed stringently. Mayor Helmberger continued that hiring is based on qualifications. Mrs. Hundley stated she felt experience was more important than schooling and if someone feels discriminated against that a

lawsuit must be filed. Mayor Helmsberger assured Mrs. Hundley that all proper hiring practices are being followed.

While speaking of Personnel Policies, Mayor Helmsberger asked City Manager John Moran how the new Personnel Policies were coming after being sent to University of Texas at Arlington. Mr. Moran stated this project has been placed on hold and will pick this up after the budget process has been completed.

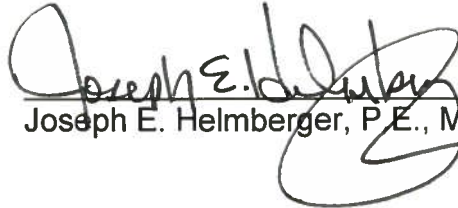
REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

- Jim Foy requested a joint meeting with the School Board in October to discuss several topics including Rike Field, the strategic plan, joint use of facilities.
- Jim Foy requested to discuss subdividing blocks on 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Streets. More particularly building lots on unmaintained streets.

ADJOURNMENT

Council adjourned at 7:25p.m.

APPROVED

  
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Joseph E. Helmsberger, P.E., Mayor

ATTEST

  
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Edie Sims, City Secretary

