

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
September 27, 2011

The Farmersville City Council met in called regularly called session on September 27, 2011 at 6:00 p.m. in the Council Chamber at City Hall with the following members present: Mayor Joe Helmberger, Pansy Hundley, Paul Kelly, Billy Long, Russell Chandler and Jim Foy. Staff members present were City Manager John Moran, 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. Bart Barber of First Baptist Church offered a prayer.

Bart Barber and Mayor Helmberger reminded everyone of the Old Time Saturday event held October 1, 2011 at the Onion Shed and City Park.

Fire Chief Kim Morris announced the Collin County Fire Association's meeting held September 28, 2011 at 6:30pm at the Intermediate School.

Jim Foy attended the Small Cities Workshop provided by TML. The workshop emphasized the importance of email security measures for Council; Senate Bill 100 and the upcoming election; and next year's TML Conference will be in Grapevine.

SECOND READING OF ORDINANCE – CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO ARTICLE 10 "TRAFFIC CONTROL," OF THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, BY DELETING SECTION 10.119.3, "AREAS DESIGNATED AS LOADING ZONE," IN ITS ENTIRETY AND REPLACING SECTION 10.119.3 WITH A NEW SECTION 10.119.3, ALSO ENTITLED "AREAS DESIGNATED AS LOADING ZONE" AND BY AMENDING AND MODIFYING THE MAP CONTAINED IN SECTION 10.119.4, ENTITLED "MAP OF RESTRICTED PARKING," TO REFLECT THE REVISIONS MADE TO SECTION 10.119.3 BY THIS ORDINANCE; BY DELETING SECTION 10.119.6, "PARKING PROHIBITED," IN ITS ENTIRETY AND REPLACING SECTION 10.119.6 WITH A NEW SECTION 10.119.6, ALSO ENTITLED "PARKING PRHIBITED"; BY DELETING SECTION 10.122.3, "EXEMPTIONS," IN ITS ENTIRETY; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY OR FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

Mayor Helmberger announced the second reading of Ordinance # O-2011-0927-001. With no discussion from the Council, Russell Chandler motioned to approve this ordinance with Pansy Hundley seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

SECOND READING OF ORDINANCE – CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO ARTICLE 4 “BUILDING AND CONSTRUCTION,” OF THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, BY DELETING SECTION 4.105.7, ENTITLED “STREET NAMING AND PROPERTY NUMBERING PROCEDURES ARE STANDARDS AS AUTHORIZED IN THE COUNTY ROAD AND BRIDGE ACT (ART. 6702-1, TEXAS CIVIL STATUTES). THESE PROCEDURES WILL INCLUDE: “IN ITS ENTIRETY AND ADOPTING A NEW SECTION 4.105.7 ENTITLED “STREET NAMING AND PROPERTY NUMBERING PROCEDURES,” BY AMENDING SECTION 4.105.9, “STREET NAMES ADOPTED,” BY NAMING THE NEWLY ANNEXED PORTION OF COUNTY ROAD 610 BETWEEN COUNTY ROAD 611 AND U.S. HIGHWAY 380 AS COLLIN PARKWAY AND CHANGING THE CURRENT STREET NAMES OF THE 100 BLOCK OF SOUTH RIKE, THE 100 BLOCK OF AUSTIN, THE 100 BLOCK OF COLLIN, AND PROPSECT ALL IN ACCORDANCE WITH SECTION 4.105.2 OF THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS’ REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR NOTICE AND IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE

Mayor Helmberger announced the second reading of Ordinance # O-2011-0927-002. Council concurred to have the effective date as of January 1, 2012. With no discussion from the Council, Russell Chandler motioned to approve this ordinance with Pansy Hundley seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

SECOND READING OF ORDINANCE – CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO ARTICLE 10, “TRAFFIC CONTROL,” OF THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS BY DELETING SECTION 10.125, ENTITLED “SCHOOL ZONES ESTABLISHED,” INCLUDING SECTIONS 10.125.1 THROUGH 10.125.4, IN ITS ENTIRETY AND ADOPTING A NEW SECTION 10.125, ENTITLED “SCHOOL ZONES ESTABLISHED,” DESIGNATING CERTAIN STREETS TO BE SITUATED WITHIN SCHOOL ZONES, DECLARING A REDUCTION OF THE PRIMA FACIE MAXIMUM SPEED LIMIT ON SUCH ENUMERATED STREETS AND THE TIME FRAMES FOR SUCH REDUCED SPEEDS, AND REGULATING AND CONTROLLING THE DIRECTION AND FLOW OF TRAFFIC ON SUCH STREETS DURING ACTIVE SCHOOL ZONE TIMES; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY OR FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

Mayor Helmberger announced the second reading of Ordinance # O-2011-0927-003. Council concurred to have the effective date as of November 1, 2011. With no discussion from the Council, Billy Long motioned to approve this ordinance with Paul Kelly seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

WORKSHOP – DISCUSSION AND POSSIBLE DIRECTION REGARDING MODIFICATION OF THE SITE PLAN REQUIREMENTS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION AMENDING SECTION 18, “CREATION OF BUILDING SITE,” OF THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, BY ADDING PROVISIONS REQUIRING SITE PLAN APPROVAL FOR COMMERCIAL AND MULTI-FAMILY DEVELOPMENT

City Attorney Alan Lathrom informed the Council that the Planning and Zoning Commission has reviewed Rockwall, Wylie and Frisco’s site plan requirements. In comparison of those cities with the City of Farmersville, there is a big distinction for the level of detail on the utility plans. All the other desired regulations are comparable with Farmersville. To simplify, the Commission wishes to evaluate all commercial and non residential with multi-family and combine into one site plan requirement. The requirements from Wylie are the most similar to Farmersville and those requirements will be sent to our Council for review. Paul Kelly requested to include the cost of permits when presented at the next Council meeting.

UPDATE, DISCUSSION AND POSSIBLE DIRECTION REGARDING EMERGENCY/DISASTER PLAN REVIEW

Police Chief Mike Sullivan stated he has been working on an Emergency/Disaster Plan in conjunction with Homeland Security. Through his research, Chief Sullivan found that the City’s departments have never registered with the State through NIMS (National Incident Management System) which helps organize pre-training for a multitude of departments and organizations to help facilitate how to handle a crisis. Presently all equipment is being identified with the fire and police departments to be NIMS certified. Both departments will be working closely together to complete a comprehensive plan that fits Farmersville. All departments will be registered with Homeland Security and will incorporate the comprehensive plan into the Standard Operating Procedures. By taking these measures, grant funds will be easier to attain. Currently we have a Simplified Plan; however the comprehensive plan will be a more step by step instructional guide. When completed, the plan will be presented to the Council for final approval.

UPDATE REGARDING STREET, DRAINAGE, WATER AND SEWER STUDY BEING PREPARED BY DANIEL AND BROWN, INC. AND KIMLEY HORN, INC.

Public Works Director Ben White came before the Council to inform that that the Economic Development Corporation, otherwise known as 4A, has funded \$30,000 for a planning study of the water, wastewater and streets. Daniel & Brown, Inc. has teamed up with Kimley Horn, Inc. to have this planning accomplished. Presently 75% of the street and storm water system has been identified. Mr. White feels confident to have a completed plan by mid October. This item will be placed on the next meeting’s agenda.

DISCUSSION AND POSSIBLE DIRECTION REGARDING THE INVESTIGATION, RESEARCH AND EVALUATION OF MATTERS AND INFORMATION RELATED TO THE ELECTRICAL UTILITY SYSTEM AND THE COSTS, EXPENSES, EQUIPMENT AND PERSONNEL NEEDS ASSOCIATED WITH THE CITY TAKING OVER THE OPERATION AND MAINTENANCE OF THE ELECTRICAL UTILITY SYSTEM

After approving the contract with Sharyland Utilities, the Council opened this forum to discuss our municipally owned electric power. Mayor Helmlinger stated that we own the utility, but he does not have an idea what the electric utility can do for us. More information needs to be attained to make an informative decision as to whether or not we want to take over the utility. Obviously Sharyland Utilities feels there is profit

since they have agreed to work with us. The City should research to see what it would take for us to take over the utility; it may or may not be to our advantage. City Manager John Moran stated a pole agreement has been worked out with the phone company with roughly the City owning 500 poles. The phone company is willing to split the cost with a pole inventory agreement. The City needs a survey of the poles condition and overlay. Sharyland has agreed to work with the City to help provide information. Sharyland has also agreed to pay 1/2 the cost of a rate study which will be around \$30,000. Pansy Hundley questioned if an engineering firm that specializes in electricity will be utilized. City Manager John Moran stated McCord Engineering will be considered to perform the rate study, because they specialize in electric utilities. Mayor Helmberger stated this could be another division of Public Works. Mr. Moran expects to have a preliminary rate study from McCord Engineering in three months.

**CONSIDER, NOMINATE AND MAKE AN APPOINTMENT TO THE PLANNING AND ZONING COMMISSION**

John Politz turned in his application for an appointment to the Planning and Zoning Commission. No others have volunteered to work in this position. Jim Foy motioned to approve John Politz to the Planning and Zoning Commission with Russell Chandler seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**CONSIDERATION AND POSSIBLE ACTION REGARDING THE NEGOTIATION AND EXECUTION OF A CONTRACT FOR SOLID WASTE SERVICES WITH IESI**

City Manager John Moran informed the Council that IESI has had the contract for 2-3 weeks and has just recently sent it back with a great deal of changes. Tomorrow a rebuttal letter will be sent. Mr. Moran stated he feels confident of a final contract with IESI no later than the second Council meeting in October. Mayor Helmberger asked if the Council cannot live with the agreement presented, then what. The Council will be presented with the negotiations and decide if they wish to pursue the next bidder in line. Currently IESI is still honoring the temporary contract.

**CONSIDERATION AND POSSIBLE ACTION REGARDING THE NEGOTIATION AND EXECUTION OF A CONTRACT FOR RECYCLING SERVICES WITH CWD**

City Manager John Moran informed the Council that CWD has similar issues with the contract as IESI. The contract is being reviewed by CWD and they have indicated they will have a response to the City no later than September 30<sup>th</sup>. Mr. Moran cautioned the Council as this contract will be valid for 10 years, an original five year contract with a 5 year renewal. Jim Foy suggested using a standardized contract in the future.

**CONSIDERATION AND POSSIBLE ACTION REGARDING THE NEGOTIATION AND EXECUTION OF AN OPERATIONS AND MAINTENANCE AGREEMENT WITH SHARYLAND UTILITIES**

City Manager John Moran informed the Council that the Sharyland Utilities electric contract for operations and maintenance has been submitted to Geoffrey Gay, Electric Utilities Attorney, who recommended the Council to ratify and adopt the agreement. Mr. Moran stated he is confident the contract is well suited to Farmersville and recommended approval as presented. With the old contract, the City received \$530,000 base with 30% profit revenues. The new contract reflects the City to receive \$840,000 base with 35% profit revenues. Mayor Helmberger stated the new contract also allows the City to terminate the contract if the City chooses to take back the utility.

Jim Foy motioned to approve the contract with Sharyland Utilities for operations and maintenance of the electric utility with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**DISCUSSION AND POSSIBLE ACTION REGARDING AMENDING THE 2011 – 2012 BUDGET TO REFLECT THE INCREASED REVENUE FROM THE OPERATION AND MAINTENANCE AGREEMENT FOR THE ELECTRICAL UTILITY SYSTEM AND RESTORE THE LINE ITEM EXPENDITURES FOR THE FOLLOWING ITEMS:**

Due to the contract negotiations with Sharyland Utilities, the Council removed the following items from the budget until the contract had been secured:

- \$68,547 Fire Chief Salary
- \$28,685 Police Secretary Salary
- \$14,500 Integrated Computer System for Police Department
- \$ 3,000 Fire Department radio headset

Council discussed the Fire Chief's position and salary at great length. Paul Kelly expressed concerns of starting the Fire Chief out at top-out pay. Mr. Kelly requested a study for all employees and lay out the top-out pay. Mr. Kelly felt the salary presented for the Fire Chief to become full time is very high and would like to have a salary structure in place. Mr. Kelly encouraged the Council to consider starting the Fire Chief with half the salary requested and allow room to grow into the full salary. By doing so, Mr. Kelly expressed how this would hopefully allow for other employees to be hired and work up to the top-out salary. Russell Chandler and Billy Long stated they had contacted other fire departments and found the salary presented was in line with other departments. Mr. Chandler also stated the reason he did not vote for the budget was due to no salary increases for all employees. The work to be performed by the Fire Chief definitely requires a full time person just to fulfill the NIMS requirements and instilling protocol and procedures for the department. City Manager John Moran respectfully clarified that he is responsible for all employees including salary negotiations. Mr. Moran further explained that all department heads are making the same amount, including the Police Chief and the Public Works Director. Pansy Hundley stated the Council should have a say in the salary amount. Paul Kelly expressed he only wants what is best for Farmersville and be fair across the board by looking at the position and not the person. Jim Foy stated the salary amount was a good number that was budgeted; all personnel issues the City Manager should contend with. Jim Foy motioned to approve amending the budget for Fiscal Year 2011-2012 with the increased revenue and restore all four of the line item expenditures. Paul Kelly seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Russell Chandler yes. Motion passed with full Council approval.

**CONSIDER, DISCUSS AND ACT UPON A PARKING LOT AGREEMENT BETWEEN THE CITY OF FARMERSVILLE AND THE FIRST BAPTIST CHURCH OF FARMERSVILLE**

Per City Attorney Alan Lathrom, all revisions have been made per the Church's request. Bart Barber, representing First Baptist Church Farmersville, stated the Church wishes to continue with a mutual agreement to use the parking lot and have specifics identified when striping or other repair issues are required. The agreement presented is a good agreement that will continue to provide parking for downtown and keep the area attractive. Russell Chandler motioned to approve the agreement with Paul Kelly

seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Russell Chandler yes. Motion passed with full Council approval. Jim Foy stated the agreement is valid for public purpose and the City has there is no obligation of funds from First Baptist Church Farmersville.

CONSIDER, DISCUSS AND ACT UPON THE REQUEST OF THE PLANNING AND ZONING COMMISSION FOR PERMISSION TO STUDY AND MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING POSSIBLE AMENDMENTS TO THE COMPREHENSIVE ZONING ORDINANCE RELATED TO "DRIVE-IN WINDOWS, "DRIVE-IN RESTAURANTS" AND "DRIVE-IN SERVICE" TO POSSIBLY UPDATE AND MODIFY SUCH PROVISIONS AND EXPAND THE TYPES OF ESTABLISHMENTS THAT CAN UTILIZE A DRIVE-IN, DRIVE-THROUGH AND/OR DRIVE-UP WINDOW TO PERMIT RETAIL SALES FROM A DRIVE-THROUGH OR DRIVE-IN WINDOW IN ALL NON-RESIDENTIAL ZONING CLASSIFICATIONS WHERE RETAIL SALES ARE ALLOWED

Per City Attorney Alan Lathrom, this issue arose due to a recent Concept Plan that was approved which had a drive-through. Previously, a gas station had made the request for a drive-through and was instructed that the City does not allow for retail drive-thru's. The City has an exclusionary ordinance where if the specific item is not spelled out, it is excluded from being allowed. Currently there is not any direction for drive-thru's for retail stores. Brookshire's has a drive-thru pharmacy which is out of compliance. There presently exist exceptions for food establishments such as Dairy Queen and Sonic. The existing ordinance would also apply to pharmacies, dry cleaners and other retail establishments. Mayor Helmberger stated the City has a drive-thru window as well that may be in violation of the ordinance. The Planning and Zoning Commission has requested the Council allow the Commission to review and make recommendations for amending our existing ordinance regarding this topic. Consensus of the Council was to have P&Z study this topic and make recommendations to the Council.

CONSIDER, DISCUSS AND ACT UPON THE REQUEST OF THE PLANNING AND ZONING COMMISSION FOR PERMISSION TO STUDY AND MAKE RECOMMENDATIONS TO CITY COUNCIL REGARDING POSSIBLE CHANGES TO THE SUBDIVISION ORDINANCE THAT MAY ALLOW FOR A MORE STREAMLINED DEVELOPMENT PROCESS

Mayor Helmberger stated he would like to have Council permission for the Planning and Zoning Commission to study and make recommendations to the Council regarding a more streamlined process for developers regarding platting and other subdivision requirements. Consensus of the Council was to have P&Z study this topic and make recommendations to the Council.

EXECUTIVE SESSION – DISCUSSION OF MATTERS PERMITTED BY THE FOLLOWING SECTIONS OF TEXAS GOVERNMENT CODE CHAPTER 551:

- A. SECTION 551.071 CONSULTATION WITH CITY ATTORNEY, AND SECTION 551.086, COMPETITIVE MATTERS OF A PUBLIC POWER UTILITY: CONSULATATION WITH CITY ATTORNEY REGARDING AND CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING COMPETITIVE MATTERS OF THE CITY-OWNED PUBLIC POWER UTILITY AS ALLOWED BY SECTION 551.086 OF THE TEXAS GOVERNMENT CODE FOR PURPOSES OF MAINTAINING THE CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO COMPETITIVE ELECTRIC UTILITY MATTERS ENGAGED IN OR TO BE ENGAGED IN BY THE CITY OF FARMERSVILLE,

AND CONSULTATION WITH CITY ATTORNEY REGARDING CONTRACT NEGOTIATIONS FOR THE OPERATION AND MAINTENANCE OF THE CITY-OWNED PUBLIC POWER UTILITY AS ALLOWED BY SECTION 551.071 OF THE TEXAS GOVERNMENT CODE

Council did not go into Executive Session. Therefore no action was taken on this matter.

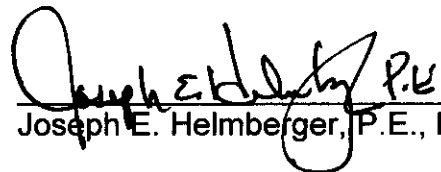
REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

- No future items were requested by Council.

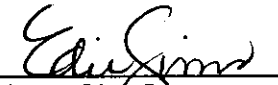
ADJOURNMENT

Council adjourned at 7:10p.m.

APPROVED

  
Joseph E. Helmberger, P.E., Mayor

ATTEST

  
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Edie Sims, City Secretary

