



**TO: Mayor and Councilmembers**  
**FROM:**  
**DATE: April 12, 2011**  
**SUBJECT: CONSENT AGENDA - City Council Minutes for the month of March**

(II - A)

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
MARCH 8, 2011

The Farmersville City Council met in called regularly called session on March 8, 2011 at 6:00 p.m. in the Council Chamber at City Hall with the following members present: Mayor Joe Helmsberger, Fred Langford, Paul Kelly, Billy Long, Bobby Bishop and Jim Foy. Staff members present were Police Chief Mike Sullivan, Fire Chief Kim Morris, Finance Director Daphne Hamlin, City Attorney Alan Lathrom and City Secretary Edie Sims.

CALL MEETING TO ORDER, ROLL CALL

Mayor Helmsberger called the meeting to order. Edie Sims called the roll and announced a quorum was present.

WELCOME GUESTS AND ANNOUNCEMENTS

Mayor Helmsberger welcomed the guests. Jim Foy announced Ben Barber's appointment to the Air Force Academy being quite an accomplishment. Mr. Foy requested the Mayor have a Proclamation for Ben Barber Day.

CONSENT AGENDA

Jim Foy requested Items A, B and D be removed from the Consent Agenda for discussion. Paul Kelly motioned to approve all other items on the Consent Agenda 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.

Item A – City Council Minutes for the month of February: Jim Foy stated his vote was incorrect on the minutes from February 8, 2011 regarding the Public Hearing which should be NO and the vote for the Site Plan should be YES. Jim Foy motioned to approve Item A with the changes as described. 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.

Item B – City Financial Reports: Jim Foy questioned the Electric Fund if the 1<sup>st</sup> quarter payment had been received. The Report indicates the payment received from last quarter being October, November and December. Payments are one quarter behind. Bobby Bishop motioned to approve Item B 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.

Item D – Code Enforcement/Animal Control Report for the month of February: Jim Foy was concerned that more emphasis has been on code enforcement, yet the report does not reflect the top 30 issues or problem areas. Police Chief Mike Sullivan came before the Council to state this project is a priority and still working to accomplish having more information relayed to the Council. Paul Kelly motioned to approve Item D 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.

## INFORMATIONAL ITEMS

Item A – Update regarding status of grants applied for and/or received by the City including bonds: Mayor Helmberger questioned the Southlake Grant status. Per City Manager John Moran, due to the noncompliant work previously performed for the sidewalk at Southlake, the Texas Parks and Wildlife must approve the additional work for the sidewalks to be ADA compliant. A letter was submitted last week and we are awaiting confirmation before construction can begin. Construction will be done in-house.

Item I – Update regarding the Collin County Intermodal Hub Feasibility Study: Mayor Helmberger informed the Council that the Feasibility Study has confirmed that of the five sites investigated, the Farmersville Site would be the most advantageous for an Intermodal Hub. At this point, the Kansas City Southern Railroad would need to review and make the determination if an Intermodal Hub would be on their future plan. Mayor Helmberger thanked Randal Shinn for his persistence and bringing this information to Farmersville. If a Hub will become a reality, the Economic Development Board could address the purchase of land.

Item J – Update regarding the Film Friendly certification: Main Street Manager Adah Leah Wolf came to present the Council with the certification. Farmersville is the 37<sup>th</sup> city within the State of Texas that has become a Film Friendly City. This is a very positive announcement for the City of Farmersville.

## WORKSHOP – PRESENTATION AND DISCUSSION REGARDING THE RESULTS OF A WATER AND WASTEWATER UTILITY RATE STUDY

Chris Ekrut with J. Stowe and Company came before the Council with results of the water and wastewater utility rate study and present further options for the Council to consider. Bobby Bishop was concerned that the utility rate studies have been performed without the audit information as complete data. The Fiscal Year 2010 Audit shows revenues greater than expenses for the fiscal year with restricted funds of \$175,000. The key, per Mr. Ekrut, is to have the cash for expenses to meet the cost. Existing restricted cash should be used as a tool for the next five years to help offset the utility rate impact upon the customers with the proposed rate increases. According to Mr. Ekrut, failure to fund cost of service through rates prevents the City from providing other needed services. Mayor Helmberger questioned why the transfer of the East Water Tower when built was not shown as an expenditure. The Capital Projects were used through the 2006 Certificate of Obligation. Advanced Fixtures originally assisted with the funding of the East Water Tower along with Tony Ewing and the City. Robert Lake with Rutherford, Taylor and Company stated he will assist with the research to find where the funds were accounted. In previous years the water and sewer fund made money per Mr. Ekrut; however the Capital Assets expended funds out of the capital projects and the value is represented as an asset.

Mayor Helmberger expressed concerns of transfers regarding 4A Economic Development Board funding the South Main Bridge engineering. Mr. Lake stated this should be expended through the Capital Outlay Fund. Mr. Ekrut stated it is essential to get the utility's finances in order before upcoming capital improvements as this will impact bond ratings for future bond requirements. Mr. Ekrut offered three options for the Council to consider. These options are the same for water and sewer rates.

Option 1, as offered by Mr. Ekrut, would be to increment rate increases and leave the 1,000 gallon threshold for both water and sewer. Chris Ekrut stated the problem with the rates in Option 1 will be the same as the existing rates since the rates are not achieving the cost of expenses. The City has not recovered the cost of service with revenues received. On average 28 customers use less than 1,000 gallons. Removing the 1,000 gallon threshold will allow better water conservation practices.

Option 2 will increment the rate increases and remove the minimum bill allotment and increase the rate structure at 20,001 gallons plus the block rate.

Option 3 will increment the rate increases, remove the minimum bill allotment, use the escalating meter charge structure and increase the block rate at 20,001 gallons.

A water meter size chart was provided to show that 1,288 meters have ¾" or less size meters. There are 38 meters that are 2" which will include the apartments, City, churches, businesses and school district connections. Only 7 meters have a 6" water meter. Without using the escalating meter method, the water usage is not proportionate or the flow which allows the residential users to subsidize the larger connections.

If the City remains on the same path, there will be major capital improvement challenges. Diane Piwko came before the Council concerned that by 2014 Farmersville will be at the very top of the rates charged and will stymie growth.

**FIRST READING OF ORDINANCE # O-2011-0322-001 REGARDING A NON-EXCLUSIVE FRANCHISE TERM NOT TO EXCEED 30 YEARS WITH TEXAS NEW MEXICO POWER**

City Attorney Alan Lathrom referred the Ordinance to Geoffrey Gay with Lloyd Gosselink Attorneys at Law who was hired to assist with the electric company contracts. According to Mr. Lathrom, there are several provisions missing and Mr. Gay is an expert regarding electric utilities. There is a concern of rates and franchise fees that need to be addressed before final presentation to the Council. Council took no action on this item.

**FIRST READING OF 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**

City Manager John Moran stated that Collin County or Hunt County, respectively, will maintain all commercial permitting with the Extraterritorial Jurisdiction of the City of Farmersville. The City will only respond to residential new buildings. Bobby Bishop motioned to approve Ordinance # O-2011-0322-002 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.

FIRST READING OF 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

Bobby Bishop motioned to approve Ordinance # O-2011-0322-003 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 # 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

Bobby Bishop motioned to approve Ordinance # O-2011-0322-004 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 # 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

Bobby Bishop motioned to approve Ordinance # O-2011-0322-005 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 # 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

Bobby Bishop motioned to approve Ordinance # O-2011-0322-006 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 # 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

Bobby Bishop motioned to approve Ordinance # O-2011-0322-007 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 # 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**

Bobby Bishop motioned to approve Ordinance # O-2011-0322-008 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 # 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**

Bobby Bishop motioned to approve Ordinance # O-2011-0322-009 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 # O-2011-0322-010 AMENDING ORDINANCE # O-2010-0413-004, 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**

Bobby Bishop motioned to approve Ordinance # O-2011-0322-010 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.

**PRESENTATION OF THE 2009 – 2010 FISCAL YEAR AUDIT**

Robert Lake, with Rutherford, Taylor and Company CPA firm, came before the Council to present the 2009 – 2010 Fiscal Year Audit. No weaknesses or non-compliance were found through this independent audit. A management letter was issued to the Mayor and Council to follow up from last year's audit regarding internal controls. The management letter is to provide constructive comments to identify issues and bring issues into compliance. Total net assets equal \$11,100,000 with a loss of \$750,000 this year. The electrical charges are handled through operating grants and contributions which also includes the amount received from Sharyland. The Fund Financial Statements mirror the monthly financials which are reconciled monthly. The Statement of Revenues, Expenditures and Changes in the Fund Balance is the core of the audit which shows \$59,000 loss in the General Fund. It is expected to have a loss in Capital Improvements as the improvements are completed in one fiscal year and the funding is completed in another fiscal year. Future bonds should be specific to a project and not as a random overview. The Debt Service Fund should pay the debt for the services and the Council should establish what amount is to be dedicated to the debt

service. Jim Foy asked where the street repairs are located, with Mr. Lake responding on page 36 of the Audit Report under Government Wide Activity. According to Mr. Lake cash flows have improved about \$40,000 and transfers being made are to assist the General Fund's balance. Jim Foy mentioned unfunded liability in regards to the City employee's retirement. This rate is determined by Texas Municipal Retirement System (TMRS) according to the age of the employee and life expectancy. Mr. Lake encouraged the Council to continue reviewing this information from TMRS. According to the Budgetary Comparison Schedule, the City ended the Fiscal Year 2010 \$67,000 lower than anticipated. Mr. Lake commended the budget reporting as being much improved. Mr. Lake also encouraged the Council to add an item to the Consent Agenda for budget amendments especially if there is a continuous need. The budget amendment could also cover category changes in the budget. Mr. Lake offered his company to come one time and assist with previous issues exercise a one-time cleanup to go forward. Previously, Mr. Eddie Peacock had recommended purchasing software for reconciling, but the current program used by the City is sufficient. One problem that was clear was identifying what accounts to place payables and receivables. This uncertainty is creating problems now and in the future, especially with grant funds as it is imperative these funds are segregated to track properly. Financial policies and operating procedures take a long time to create but are truly needed.

#### DISCUSSION AND POSSIBLE ACTION ACCEPTING THE 2009 – 2010 FISCAL YEAR AUDIT

Bobby Bishop motioned to accept the audit as presented 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 ANNUAL REPORT FROM COMMUNITY WASTE DISPOSAL

Robert Medigovich, Municipal Coordinator for Community Waste Disposal, presented their annual report showing residents recycled 177 tons of recyclable waste in 2010 with 20 – 37 pounds per household being recycled. Mr. Medigovich expressed the good relationship between CWD and the City of Farmersville. An award was presented to the Mayor made from recycled glass.

Jim Foy asked for a formal program for commercial recycling. Mr. Medigovich stated he will be glad to accommodate any commercial account for recycling.

#### CONSIDER, DISCUSS AND ACT UPON BASEBALL AND FOOTBALL AGREEMENTS, AS APPROVED AND RECOMMENDED BY THE PARKS BOARD

City Attorney Alan Lathrom has reviewed the contracts after the Parks Board approved them. The Baseball contract has changed with having the health codes removed since this is required by State law. There were also changes on trash cleanup which is beneficial to the City as well as the Baseball League.

The Football contract was changed to opt out of the 25% mowing with an opt out option included. The Football League prefers to do the mowing with their mowers. Per Mr. Lathrom, an indemnity clause covers the City for any liabilities. Billy Long motioned to approve the Baseball and Football Agreements as recommended by the Parks Board 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.

#### UPDATE OF THE PARKS BOARD ACTIVITIES

No action was taken as a presentation was not given.

#### DISCUSSION AND POSSIBLE ACTION ON BOND OPTIONS RELATIVE TO STREET REPAIRS AND UPGRADES

More discussion is to be made relative to street repairs at the March 22<sup>nd</sup> meeting as the Council needs to review the Street Inventory Log.

#### DISCUSS POSSIBLE ACTION REGULATIONS ON TRUCKS AND LARGE VEHICLES TRAVERSING CITY STREETS

After a short discussion, City Manager John Moran offered to retrieve a sample ordinance to keep large trucks and large vehicles off residential streets unless designated as a truck route. This item will be discussed at the March 22<sup>nd</sup> meeting.

#### DISCUSSION CONCERNING THE CITY'S GAME ROOM ORDINANCE

Fred Langford had asked this item to be brought to the Council as he has concerns that the City is losing tax dollars or other funds from the game rooms. Currently our Police Department is responsible to ensure the existing game rooms are operating legally. Police Chief Mike Sullivan came before the Council to inform them that the newly elected District Attorney has had this discussion with multiple police departments in Collin County and realizes the need to have more scrutiny for the legal operations of the game rooms. All of Collin County has been inundated with game rooms. Mr. Langford stated he wished to consider relaxing our current ordinance; however it was brought to Mr. Langford's attention that the previous Council saw a problem with 8 liners. Chief Sullivan assured the Council that the District Attorney's Office is working on this issue. Paul Kelly informed Mr. Langford that the Planning and Zoning Commission worked diligently on the Ordinance and intended for the future game rooms to be in the light industrial zoning. This zoning would require a game room owner to build their own building to City Codes.

#### DISCUSSION REGARDING THE POSSIBLE RENAMING OF THE 100 BLOCK OF SOUTH RIKE AND THE 100 BLOCK OF AUSTIN STREET

Due to the railroad crossing being closed on Rike Street, Austin Street and Rike Streets do not connect. If the street is renamed, Rike Street will affect 3 households and Austin Street will affect 2 households. Jim Foy suggested the public being affected participate and be prepared of the street renaming. Mr. Foy suggested we return to this issue in six months to allow time for suggestions for the new names. Council concurred to have this item return in six months.

#### DISCUSSION CONCERNING THE POSSIBLE RENAMING OF CERTAIN PORTIONS OF FARMERSVILLE PARKWAY

Jim Foy brought this item to the Council's attention. Farmersville Parkway, previously County Road 611, will "T" at the intersection of Farmersville Parkway and County Road 612. As Farmersville Parkway turns Southerly as currently is shown, there will be a problem in the future and this will be the time to make the correction as there are no residents along this route. Mr. Foy suggested we return to this issue in six

months to allow time for suggestions for the new names. City Attorney Alan Lathrom suggested the Council complete this task during the annexation process of the Collin College property which is adjacent to both Farmersville Parkway and County Road 612.

#### DISCUSSION RELATIVE TO THE CITY'S SIGN ORDINANCE AS IT PERTAINS TO FLASHING AND DIGITAL SIGNS

Jim Foy requested the Council discuss flashing and digital signs. Digital signs are becoming more prominent and prevalent and the Sign Ordinance, to date, does not address these types of signs. Some controls to be discussed would be the brightness of the digital signs. Mr. Foy stated he would like to see the Farmersville Downtown Merchants Association, Main Street Board, Marketing Committee and the Chamber of Commerce become involved with the planning of the Sign Ordinance regarding this issue. Currently our Sign Ordinance requires electronic messages to be stationary for two hours which is not being enforced at this time. Mayor Helmberger appointed Jim Foy to chair a committee to have these issues reviewed and brought back to the Council for action. No further action was taken on this item.

#### DISCUSSION AND POSSIBLE ACTION REGARDING THE TEXAS MUNICIPAL RETIREMENT SYSTEM AND THE ASSET VALUES AND LIABILITIES

Jim Foy brought this item to the Council's attention concerned of the asset values and liabilities which the City is responsible for paying. Texas Municipal Retirement System manages the funds for the City of Farmersville. Per City Manager John Moran, our funding ratio is increasing which means a healthy fund. This is the portion to keep notice of. Also, the City will be actuarially funded rather than have a phase-in rate. No further action was taken on this item.

#### DISCUSSION AND POSSIBLE ACTION REGARDING AN INTERLOCAL AGREEMENT WITH THE FARMERSVILLE ISD FOR UTILITIES TO THE TENNIS COURTS AND RIKE FIELD

City Attorney Alan Lathrom requested direction from the Council so that an Interlocal Agreement can be drawn. Some questions raised included payment for the light replacements, hours of use outside School hours, maintenance of grounds. Mayor Helmberger stated he would like to have an agreement for payment of the utilities. Discussion also included Rike Field and how to utilize this asset. Mayor Helmberger referred the utilization of Rike Field to the Parks Board to discuss. Council concurred with Mayor Helmberger to have City Attorney Alan Lathrom draft an Interlocal Agreement with the Farmersville ISD for the utilities at Rike Field and the tennis courts. No further action was taken.

#### UPDATE ON DIRECTOR OF PUBLIC WORKS POSITIONS

Ben White has been introduced to the Council at the beginning of the meeting as the new Public Works Director. He was welcomed to the position by Council.

#### DISCUSSION CONCERNING REVIEW OF CITY POLICIES AND PROCEDURES

University of Texas students are working with City Manager John Moran to produce, at no cost, a financial policy manual and personnel policy manual. This source will be invaluable for the City, per Mr. Moran.

Mr. Moran also informed the Council of the new policies put into place as an effect of the January burglary. A new alarm system has been installed and internal upgrades have been implemented. The Police Department was already working on a camera system and security doors which were installed. Chief Sullivan and Councilman Fred Langford were commended for installing the security doors at the Police Department with minimal cost to the City.

With the checks being re-written and a tally of the cash lost from the burglary, an approximate total of \$5,000 was the final balance lost. The new policies implemented include processing payments on the same day received with a cut off of 3pm. All remaining funds are taken to the bank for safe keeping to be processed the next business day. Payment stations will be installed for each window at City Hall where each clerk will be responsible for their own processing. City Manager John Moran spoke with our auditors regarding a cashless environment where citizens would pay by check, money order or credit card. The problem with cash is that it is not traceable; however this will be brought to the Council at a later time.

No further action was taken on this matter.

#### REQUEST TO PLACE ITEMS ON FUTURE AGENDAS

- Fred Langford requested the Council consider prohibiting more than two families living in a single family dwelling.
- Jim Foy requested the Council to consider a commercial recycling rate.
- Jim Foy requested the Council to consider a budget amendment of \$148,000 from the Electric Fund recovery.
- Mayor Helmberger requested the Council to consider the charges for the LED lights.

#### ADJOURNMENT

Council adjourned at 9:02p.m.

APPROVED

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Joseph E. Helmberger, P.E., Mayor

ATTEST

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Edie Sims, City Secretary

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 8<sup>th</sup> 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 our bond 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 transformer 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:1/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 Helmberger, 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:1 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 the City 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.

APPROVED

\_\_\_\_\_  
Joseph E. Helmberger, P.E., Mayor

ATTEST

\_\_\_\_\_  
Edie Sims, City Secretary



**TO:** Mayor and Councilmembers

**FROM:**

**DATE:** April 12, 2011

**SUBJECT:** CONSENT AGENDA – Main Street Report for the month of February

(II - I)

**Main Street Monthly Report  
February 2011  
Reported by Adah Leah Wolf, Manager**



**ORGANIZATION:**

25	Representatives from 4B and 4A attended the annual Collin College scholarship event, held in Richardson.
17	Manager attends 4B meeting. Preparation of meeting packets, minutes etc.
	Offices closed several days this month due to snow and ice.
23-25	Manager attends Spring Main Street Manager training in Paris, TX
	Main Street Board meeting cancelled for this month
	Texas Historical Commission agency faces potentially severe budget cuts; these would directly impact Texas Main Street Program, historical marker program, heritage trails program and more.

**PROMOTION:**

	February downtown events calendar sent to business and building owners
	City Council approves Film Friendly guidelines
	Scheduled Market vendors for Feb. 5 Market.... Later cancelled market due to icy conditions.
	Website updates: Shoppers Guide and 4B accomplishments.
	Farmers & Fleas Market brochures distributed
	Advertising for Farmers & Fleas Market placed in Ballard St. Café menu (Wylie)
16	Marketing Committee: in lieu of meeting, email updates sent. Brookshires approves location for installation of "Welcome to Farmersville" billboard on their property.
	Audie Murphy Day event information sent to publications with long lead time.
	Preparation of 50 goodie bags for women's church group meeting in Farmersville on 2-17
	Preparation of 50 goodie bags for Geocache "Cache in Trash Out" event to be held on March 5 in conjunction with Farmers & Fleas Market.
	Photos provided to Chamber for use in the printing of new relocation packets.
26	Historical Society Luncheon. Main Street provided 150 goodie bags for attendees. Farmers & Fleas certificate and Audie Murphy T shirt donated for silent auction.

**DESIGN:**

	Purchase of 70 units of replacement patriotic bunting for the Onion Shed (paid for by Audie Murphy Day Committee)
	THC architects provide design renderings for City Hall canopy and Visitors Center awning. d
	Farmersville Main Street will host a Historic Marker application workshop on June 7, presented by the THC and Collin County Historical Commission.

**ECONOMIC RESTRUCTURING:**

	Curves will be relocating from Hwy 78 to downtown at 122 McKinney Street.
	Revised Downtown Shopping Guides are being printed by Classique Printers.
16	Farmersville Downtown Merchants Association meeting. Jack Alexander of 1001 Bargains to host March mtg.

**Volunteers:** Approximately 50 volunteer hours were donated this month.

