

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
APRIL 12, 2011

The Farmersville City Council met in called regularly called session on April 12, 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 Police Chief Mike Sullivan, Public Works Director Ben White, Fire Chief Kim Morris, Finance Director Daphne Hamlin, City Attorney Alan Lathrom, City Engineer Eddy Daniel 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. Fire Chief Kim Morris announced the Fire Department's Annual Fish Fry to be held May 21st at the Farmersville High School from 5-8pm.

Jim Foy commended the City Manager and City Staff for making the City of Farmersville very accessible and transparent by having the budget, audit and check register on the website for public view.

CONSENT AGENDA

Mayor Helmberger requested items B, C, D, F, and G pulled from the Consent Agenda. Paul Kelly requested item H be pulled from the Consent Agenda.

Paul Kelly motioned to approve items A, E, I and J 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.

Item B – City Financial Reports: Mayor Helmberger questioned where the franchise fees stand as opposed to last year. Finance Director Daphne Hamlin informed the Mayor and Council that she would check into the amounts and report back. Jim Foy stated an electrical fee increase was shown as \$131,000 but the figure should be \$148,000. Mr. Foy questioned how the increase will be accounted for with Daphne Hamlin informing the Council that the City Manager has the preliminary figures for review and should be bringing the final figures before the Council as budget amendments.

Bobby Bishop motioned to approve Item B with Paul Kelly seconding the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

Item C – Police Department Report for the month of March: Mayor Helmberger requested information regarding recent parking notices to store owners downtown. Chief Sullivan stated that City Manager John Moran gave him an Ordinance from 1989 and asked him to give notices to those vehicles parked over-night in the downtown

area. This exercise was to find what businesses use the over-night parking need and preempt for permits in the downtown area. This item was requested to be discussed on the April 26, 2011 agenda. Paul Kelly motioned to approve Item C 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 March: Mayor Helmsberger expressed appreciation to the Code Enforcement Officer to working on the code issues around the city. Mayor Helmsberger asked why we still have problems with chickens, having been informed that the City does not have an effective ordinance regarding chickens. Jim Foy motioned to approve Item D 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 F – Fire Department Report for the month of March: Mayor Helmsberger asked Fire Chief Morris about the Saver Grant with Chief Morris replying the grant process is extremely slow. Mayor Helmsberger also inquired regarding the Fire Chief's Meeting. Said Fire Chief's Meeting will be hosted by our department with approximately 70 people from other departments who will be coming to Farmersville on September 28th at the Civic Center. Paul Kelly motioned to approve 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.

Item G – Municipal Court Report for the month of March: Mayor Helmsberger questioned if the policies have been implemented for the warrants to be collected by the attorney hired. Chief Sullivan stated all processes should be up and running after this week. Paul Kelly motioned to approve Item G with Bobby Bishop seconding the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

Item H – Public Works and Customer Service Report for the month of March: Mayor Helmsberger requested collections be added to this report. Paul Kelly expressed concerns regarding citizen complaints against city staff and would like to see such complaints reported with actions taken. Mr. Kelly spoke of a particular incident where a citizen confronted him regarding a water leak that was not resolved. After some discussion, Mayor Helmsberger suggested that these type of complaints not be indicated on the monthly report, however to have service orders reflect how the situation was handled. Paul Kelly motioned to approve Item H 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.

INFORMATIONAL ITEMS

Public Works Director Ben White came before the Council regarding Item III-A Status of Grants. Mr. White stated a new rate study is being performed to allow a rate structure regarding the LED lights due to having an LED light exchange program

through SECO. Texas Parks and Wildlife has requested a response to the completion of restructuring sidewalks at Southlake. Mr. White stated he is still working with Texas Parks and Wildlife. Presently there are no changes to the Chaparral Trail grant and Mr. White asked for definition of how to proceed due to citizen groups wanting to assist with the project. Mr. White will check with all stakeholders and return with more information at a later meeting.

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

At 6:33pm, Mayor Helmberger opened the Public Hearing asking for anyone for or against the Special Use Permit for Triple Crazy Game Room. No one came before the Council. The Public Hearing was closed at 6:34pm.

Paul Kelly asked Police Chief Sullivan if any activity has occurred at the Game Room with the reply being no police activity has occurred at this location. Mayor Helmberger questioned the designated parking and the fact that only one lane of ingress and egress comes off of Highway 380, which does not meet code. Jim Foy expressed issue with the Game Room having a banner sign for a year which is not in compliance with our Sign Ordinance. Jim Foy motioned to table this item for one month to address the access issue and the sign issue. Billy Long 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 A REQUEST FOR PRELIMINARY PLAT OF FARMERSVILLE MARKET CENTER II LOTS 1-4 AND RE-PLAT LOT 3-R FARMERSVILLE MARKET CENTER I, OTHERWISE LOCATED AT THE INTERSECTION OF WEST AUDIE MURPHY PARKWAY AND COUNTY ROAD 607

At 6:41pm, Mayor Helmberger opened the Public Hearing asking for anyone for or against the Preliminary Plat and Re-Plat request at Farmersville Market Center. Dayton Macatee, engineer for the project, was available for questions. No one came before the Council. The Public Hearing was closed at 6:42pm.

Jim Foy questioned the access to lot 4 which is a dedicated public access all the way to County Road 607. O'Reilly's Auto Store will be in Phase 1 which will tie into Brookshire's and complete a fire lane around Lot #1 with rock. Per Eddy Daniel, City Engineer, the plans meet all the requirements of the City. Billy Long motioned to approve the Preliminary Plat and Re-Plat with Paul Kelly seconding the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

SECOND 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 opened this item to state that all issues regarding the description of the lot and block within the ordinance have been addressed. Paul Kelly motioned to approve Ordinance # O-2011-0412-001 with Bobby Bishop seconding the

motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

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

Mayor Helmberger asked the Council not to take action on this item until reviewed by the City Manager and look at the figures regarding water and sewer increases on an annual basis. The Council will need to see if the increase will match our 5 year plan to meet the goals. This item is to be discussed at the May 10th meeting.

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

Public Works Director Ben White came before the Council requesting to take a training session regarding repair of streets. After training, Mr. White would like to do an analysis to set priorities of work and how best to address the street issues.

Jim Foy stated the Council needs to look at bond options and compare to the Comprehensive Plan. Ben White stating there are a lot of needs competing for resources and streets are high on the list. Paul Kelly suggested working in quadrants and within a four year cycle, each quadrant will have streets improved. Ben White suggested working on the biggest problems and working down. Theoretically, the water and wastewater funds are paying for themselves which should free up funds for street repairs. The real question is how much money will it take to make repairs and how much will the taxes have to be raised to borrow money for the repairs. This item will remain on the agenda to continue these discussions.

CONSIDER, DISCUSS AND POSSIBLE APPROVAL OF A 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

The Farmersville Economic Development Corporation voted to reimburse III:1/Emerging Market Partners \$25,000 after them spending \$315,000 for water and sewer installation for all 4 lots at Farmersville Market Center. All four lots will be gravity flow for the sewer on the east side of Brookshire's. The reimbursement will come after the infrastructure is installed and approved by the City. Only 2 of the 4 lots will be developed in the very near future. Bobby Bishop motioned to approve the Agreement 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.

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

Jim Foy stated he will participate in the conversation but will abstain from voting. The Council reviewed the agreement with no questions. Once the agreement has been

secured, the Council requested the Fire Department and Police Department be notified so that their vehicles will not be parking on the grassy areas. Bobby Bishop motioned to approve the agreement with the Farmersville Methodist Church. Billy Long 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 abstained. Motion passed with majority Council approval.

CONSIDERATION AND ACTION REGARDING APPROVAL OF A STANDARDIZED FACILITIES AGREEMENT TEMPLATE AND DELEGATION OF AUTHORITY TO THE CITY MANAGER AND/OR PUBLIC WORKS DIRECTOR TO APPROVE ON BEHALF OF THE CITY

Public Works Director Ben White has proposed to set in place standardized facilities agreements for upcoming developments. These agreements would be mechanisms for bonding, escrow and details of completing the project all the way to the Final Plat. The Facilities Agreements will protect the City to allow the completion of infrastructure and to record the plat before all the utilities are completed. These agreements are for developers who do not meet all the requirements of our ordinances. City Attorney Alan Lathrom stated he will modify the terms and resubmit to the Council for approval. Council concurred to move forward with the standardized Facilities Agreements.

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

Alan Lathrom, City Attorney, was charged with investigating other cities occupancy requirements. Mr. Lathrom received information from the City of Austin, the City of Stephenville, the City of Arlington and the City of Rockwall. Each city has definitions of living arrangements of family and most deviate dramatically from city to city. An ordinance can be prepared that addresses how many related or unrelated members live within an occupancy. Paul Kelly expressed his concern of the City of Farmersville going in this direction and doesn't feel this is a viable issue at this point. Alan Lathrom, City Attorney, stated this issue could be addressed through the building code with a maximum occupancy. The quantity of vehicles on the streets has presented another problem which becomes an enforcement issue. Paul Kelly expressed his concerns of spending time and attorney fees for one family. With exception of Paul Kelly, Council requested City Attorney Alan Lathrom to proceed with a draft ordinance and return to the Council at a later date. Mr. Lathrom stated the amendment will be to the Zoning Ordinance whereas Planning & Zoning Commission will review first.

CONSIDERATION AND ACTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT STAGE 1 OF DROUGHT CONTINGENCY PLAN

Zebra mussels have infiltrated the water source in Lake Texoma and North Texas Municipal Water District is making every effort to keep the mussels out of the Trinity Watershed. With that, NTMWD has requested the City of Farmersville initiate Stage 1 of the Water Conservation and Drought Contingency and Water Emergency Response Plan. Paul Kelly motioned to approve authorizing the City Manager to implement Stage 1 of the Drought Contingency Plan with Bobby Bishop seconding the motion. Jim Foy stated that the fixed rate will still need to be paid even though a lesser

amount of water will be pumped to us. 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.

CONSIDERATION AND POSSIBLE ACTION AUTHORIZING THE CITY MANAGER TO CONTRACT WITH KANSAS CITY SOUTHERN RAILWAY IN ORDER TO CLOSE THE WALNUT STREET RAILROAD CROSSING

Public Works Director Ben White met with TxDOT regarding the closure of Walnut Street railroad crossing. The cost to have this crossing closed was not planned by TxDOT during the planning stages of the Highway 380 expansion. Two 50' cul-de-sacs will need to be installed to accommodate two homes and one church which are directly affected by the closure of the crossing. Right-of-way will need to be acquired for the cul-de-sacs. An option would include moving forward with the closure and TxDOT send the City a check to pay for the closure and cul-de-sacs. In order to close this crossing, TxDOT will have an agreement between the City, TxDOT and the Kansas City Southern Railroad. This agreement will need to include the cost estimate. If this agreement is not an option with KCS, then TxDOT would build a crossing back and include lights, but this is not a high volume crossing. Kansas City Southern Railroad will not sign the agreement for TxDOT to work on Phase 3 of the Highway 380 expansion project unless are issues are resolved with this railroad crossing. Appraisals of the right-of-way will need to be attained. Council concurred to return this item to the April 26, 2011 meeting.

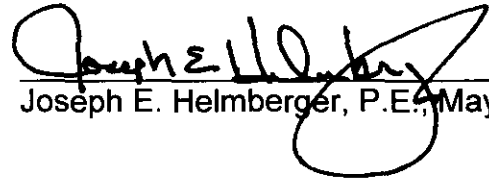
REQUEST(S) TO PLACE ITEMS ON FUTURE AGENDAS

- Fred Langford requested a workshop regarding alcohol consumption for downtown residents. Council concurred this item was resolved due to non action by the Council to enforce
- Mayor Helmberger requested the downtown parking ordinance be discussed
- Mayor Helmberger requested an update regarding the annexation of properties surrounding the Collin College
- Mayor Helmberger requested an item to discuss the RFP for solid waste and recycling
- Mayor Helmberger requested an item to discuss a license agreement for the welcome sign at Brookshire's
- Mayor Helmberger requested an item to discuss the owner of Shop-n-Buy, previously known as McCloud's regarding alcohol sales
- Mayor Helmberger requested an item in Executive Session to discuss the lawsuit involving Rex Thain
- Jim Foy requested an item to discuss the electric utility contract and wholesale power contract

ADJOURNMENT

Council adjourned at 7:58p.m.

APPROVED


Joseph E. Helmberger, P.E., Mayor

ATTEST


Edie Sims, City Secretary

