

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
APRIL 26, 2011

The Farmersville City Council met in called regularly called session on April 26, 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, 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, Robert Medigovich, representative for Community Waste Disposal, and Reeves Hayter, with Hayter Engineering.

Mayor Helmberger reminded the audience of the Fire Department's Annual Fish Fry to be held May 21st at the High School Cafetorium from 5-8pm.

Paul Kelly acknowledged the City of Farmersville's Public Works Department for a great job regarding a sewer line issue on Jackson Street.

Jim Foy informed the audience of Candidate Forum to be held 7:30pm April 28th at the Civic Center.

PUBLIC HEARING – TO CONSIDER, DISCUSS AND ACT UPON 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 6:03pm. No one came to speak for or against the annexation of the Collin College property. The Public Hearing was closed at 6:04pm. Council took no action on this item.

PUBLIC HEARING – TO CONSIDER, DISCUSS AND ACT UPON ANNEXATION OF A TRACT OF LAND SITUATED IN THE W.B. WILLIAMS SURVERY, ABSTRACT NO. 952, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED AS 1.063 ACRES IN BLOCK 3, TRACT 56

At 6:05pm, Mayor Helmberger opened the Public Hearing asking for anyone for or against the annexation request of 1.063 acres. No one came before the Council. The Public Hearing was closed at 6:06pm. Council took no action on this item.

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

Mayor Helmberger opened this item to state concern of County Roads 610 and 611 be added to the truck routes permissible due to industrial businesses along this route. Currently the only truck route is on Highway 380 to Hamilton Street to McKinney Street. Public Works Director Ben White was not clear when addressing this issue if

commerce was to be included or just a route to get through the City. Mr. White recommended adding and ensuring commerce to businesses inside the city limits for truck passage. Jim Foy suggested using Farmersville Parkway as a truck route, from there the delivery will need to take the best route to their final destination. Ben White agreed and stated he would like to see Farmersville Parkway become the main truck route in the future and keep the trucks out of the downtown area. Mayor Helmberger stated he would like to remove South Hamilton Street as being a truck route due to the residences along South Hamilton. Billy Long motioned to approve Ordinance # O-2011-0510-001 by adding Farmersville Parkway and include County Road 611 and County Road 610 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.

CONSIDER, DISCUSS AND ACT ON A REQUEST FROM CWD TO EXTEND THEIR CONTRACT AND CONSIDER POSSIBLE RATE ADJUSTMENT

Mayor Helmberger stated this item will be discussed at the May 10, 2011 meeting.

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CONSIDER TO PROVIDE SPECIFIC DIRECTION TO STAFF ON PREPARATION OF THE REQUEST FOR PROPOSALS FOR SOLID WASTE SERVICES AND RECYCLE SERVICES

Council concurred that a Request for Proposal (RFP) needs to be published and available to vendors within 30 days. Jim Foy questioned the need to discern the need of a weight limit and ask for the use of lighter weight trucks to be used throughout the City. This type of question will need to be addressed in the RFP and can be negotiated during the RFP process according to City Attorney Alan Lathrom. Mr. Foy also requested the recycling contract include commercial customers.

DISCUSSION AND DIRECTION REGARDING HIRING SECRETARY FOR THE POLICE DEPARTMENT

Police Chief Mike Sullivan came before the Council that the Police Department is in need of a secretary for the day to day operations. The job detail would include, but not limited to reporting, records management, grants, and equipment procurement. Chief Sullivan stated this request is not a want but a need. The cost to fill this position immediately would be approximately \$10,745; but to plan for next year the cost would be \$31,298 plus benefits. Bobby Bishop stated the position is needed and would like to see how to fund this position. Jim Foy suggested the secretary be shared with the Fire Department for their reporting and other secretarial needs thus creating a Public Safety Secretary. Council concurred to have the funding researched which would create this position.

UPDATE ON THE STATUS OF HIGHWAY 380 PROJECT INCLUDING A REPORT ON PHASE 2 AND PHASE 3 OF THE UTILITY RELOCATION WORK

Reeves Hayter of Hayter Engineering, came before the Council to update them on the Highway 380 project. Per Mr. Hayter, engineer for this project, Phase 2 has been completed regarding the utility relocation. Phase 3 is under design from Floyd Street to just past Raymond Street with some design work also being involved on South Main to Orange Street. A new force main is to be laid at South Hamilton. The plans are 95% complete which will go to the City Engineer then on to TxDOT for final approval. Phase 3 will require 2 months to bid the project which is part of Hayter Engineering's contract. Two easements will also need to be attained with one of the properties having a fence issue to be resolved. Per Mr. Hayter, he would prefer to have the right-of-way resolved before issuing the job to a contractor.

CONSIDER, DISCUSS AND ACT UPON A COMMISSIONER TO THE TEXOMA HOUSING PARTNERS HOUSING AUTHORITY BOARD

With Bill Harrison stating he will continue to serve as the Farmersville Representative for the Texoma Housing Partners Housing Authority Board if no one else comes forth, Jim Foy motioned to reappoint Bill Harrison. 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.

CONSIDER, DISCUSS AND ACT UPON LICENSE AGREEMENT FOR THE WELCOME SIGN LOCATED AT BROOKSHIRE'S PROPERTY ALONG WEST AUDIE MURPHY PARKWAY

Council had a short discussion regarding the placement of the Welcome to Farmersville sign which is requested to be located on Brookshire's property along Highway 380. Bobby Bishop motioned to approve the license 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.

DISCUSS REGARDING THE RESALE OF ALCOHOLIC BEVERAGES BY STOP-N-BUY, FORMERLY KNOWN AS MCCLOUD'S FOOD STORE

Mayor Helmberger asked for this item to be placed on the agenda to get an update of the repeated requests to resale alcoholic beverages at Stop-N-Buy. City Attorney Alan Lathrom gave a brief overview of the events surrounding this topic. After having an alcoholic resale application denied by the City, Mr. Amin Ali filed a lawsuit against the Texas Alcoholic and Beverage Commission (TABC), which the City was not involved with. Mr. Ali's previous attorney made an appeal of the suit with intent to go around the TABC's regulations regarding distance from school property. When the suit was taken to the County Judge, the case was handed off to the County Court At Law which found favor with TABC. Mr. Ali has appealed his case to the City Council which denied his request to approve the alcoholic resale application due to the required distance from property line to property line between school property and a location to resale alcohol. Since then, Mr. Ali's attorney has made requests to come before the Zoning Board of Adjustment and ultimately a Special Use Permit; however this issue is not a zoning issue therefore the Zoning Board of Adjustment would not be the venue.

The City has also received a request for a variance for the Zoning Board of Adjustment. Mr. Lathrom stated he has made continuous efforts to contact Mr. Ali's attorney, to no avail, to inform the Zoning Board of Adjustment and repeated requests for a Special Use Permit for the resale of alcoholic beverages is not the proper procedure. Finally, Mr. Ali may make as many requests for the resale of alcoholic beverages to the City Council as there is not a restriction of requests after being denied. Theoretically, Mr. Ali could come each year after a new Council has been appointed and make his request. This item was brought to the Council only as informational.

DISCUSSION AND DIRECTION REGARDING ORDINANCE #89-8 REGARDING DOWNTOWN PARKING

Police Chief Mike Sullivan came before the Council to inform them of a directive by City Manager John Moran to tag the number of vehicles parked behind or on the square after business hours. The Police Department tagged the vehicles with the intent and purpose to identify whose vehicles were parked over night behind or on the square. All of the people contacted the Police Chief and many of those, after given the reason for the notice, did not have issue with a Parking Permit. Recently the parking ordinance was revised for the May Furniture Building to allow 10 parking spaces behind the building at 138 South Main. Per Chief Sullivan, the existing ordinance is not being enforced, but does need to be revised. The ordinance was created due to problems that existed at that time which are no longer issues. According to Chief Sullivan, the old ordinance is very confusing; however a curfew ordinance was implemented in 1995 and was recently readopted. Jim Foy expressed concerns of limiting parking on McKinney Street for those living in the second story lofts that would require at least two parking places on or behind the square. Mayor Helmberger offered to take all suggestions and bring back to the Council for further discussion.

DISCUSSION REGARDING ELECTRIC UTILITY CONTRACT AND WHOLESALE POWER CONTRACT

The electric utility contract and wholesale power contract will be expiring August 1, 2011. Sharyland Utilities has agreed to continue with the current contract with no changes. Per Jim Foy, concerns were expressed that a Request for Proposal (RFP) has not been available for other utilities to receive. Questions were raised about having two separate contracts and having set fees for operations vs. maintenance. Geoffrey Gay with Lloyd Gosselink is handling the electrical RFP. This item was requested to return to the May 10th agenda for further discussion.

EXECUTIVE SESSION

Council went into Executive Session at 7:18pm.

EXECUTIVE SESSION – DISCUSSION OF MATTERS PERMITTED BY TEXAS GOVERNMENT CODE §551.071, CONSULTATIONS WITH CITY ATTORNEY REGARDING PENDING LITIGATION, REX THAIN ET AL VS. CITY OF FARMERSVILLE ET AL

EXECUTIVE SESSION – DISCUSSION OF MATTERS PERMITTED BY TEXAS GOVERNMENT CODE §551.071 – CONSULTATIONS WITH CITY ATTORNEY REGARDING SALE OF ALCOHOLIC BEVERAGES BY STOP-N-BUY, FORMERLY KNOWN AS MCCLOUD'S FOOD STORE

Council came out of Executive Session at 7:51pm and reconvened to Regular Session. No action was taken by the Council.

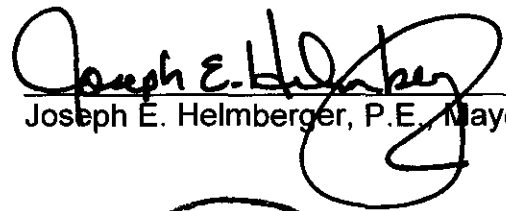
REQUEST(S) TO PLACE ITEMS ON FUTURE AGENDAS

Jim Foy requested an update of the codification status.

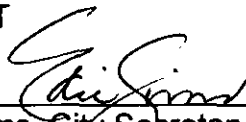
ADJOURNMENT

Council adjourned at 7:52p.m.

APPROVED


Joseph E. Helmberger, P.E., Mayor

ATTEST



Edie Sims, City Secretary

