

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
October 25, 2011

The Farmersville City Council met in a regularly called session on October 25, 2011 at 6:00pm in the Council Chambers at City Hall with the following members present: Pansy Hundley, Paul Kelly, Billy Long and Jim Foy. Mayor Helmberger was not present. Staff members present were Police Chief Mike Sullivan, Public Works Director Ben White, City Attorney Alan Lathrom, Fire Chief Kim Morris, Librarian Trisha Dowell and City Secretary Edie Sims.

CALL MEETING TO ORDER, ROLL CALL

Mayor Pro Tem Paul Kelly called the meeting to order. Edie Sims called the roll and announced a quorum was present. Mayor Pro Tem Paul Kelly welcomed all guests and visitors.

A handout was given to the Council regarding the expenditures for Old Time Saturday for Council information.

Jim Foy announced that he has recently attended the TML Conference with highlights regarding Incode, the City's utility and finance software, to be able to add the electric utility at no charge. Mr. Foy also attended an informational forum regarding TMRS, the City's retirement system, which is healthy and financially stable. Quite a number of vendors attended the Conference including a vendor for Smart Meters. The water meters would have the capability of reading the meters either by wand, drive-by or possibly internally at City Hall. Per the vendor, the savings claim to have a return on the investment from 2-4 years. While at the Conference, Mr. Foy spoke with officials from Argyle regarding their development practices. Mr. Foy reported that Argyle has not been defeated on a development case due to the high quality of restrictions, and that we may want to use Argyle as an example as they are similar in size to us.

PUBLIC HEARING AND SECOND READING OF ORDINANCE - PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-1025-001 GRANTING TO TEXAS NEW MEXICO POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT TO USE AND OCCUPY RIGHTS-OF-WAY WITHIN THE CITY OF FARMERSVILLE FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM UPON THE TERMS AND CONDITIONS SET FORTH IN SAID ORDINANCE

Mayor Pro Tem Kelly opened the Public Hearing at 6:10pm. No one came before the Council for or against the Ordinance presented. Mayor Pro Tem Kelly closed the Public Hearing at 6:12pm.

Mayor Pro Tem Kelly opened the topic to Council discussion with Pansy Hundley questioning why Texas New Mexico Power is involved in the City of Farmersville when we own the City's electric utility. Jim Foy explained that Texas New Mexico Power has only a few meters in town and those are located at the far western part. Jim Foy motioned to approve Ordinance # O-2011-1025-001 on second reading 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.

PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-1025-002 AMENDING SECTION 5.112 OF THE CITY OF FARMERSVILLE, TEXAS CODE OF ORDINANCES, ENTITLED "TAXATION OF TANGIBLE PERSONAL PROPERTY IN TRANSIT" BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 5.112 ALSO ENTITLED "TAXATION OF TANGIBLE PERSONAL PROPERTY IN

TRANSIT" TO ALLOW THE CONTINUED TAXATION OF "GOODS-IN-TRANSIT" IN ACCORDANCE WITH THE REQUIREMENTS OF SB 1 (2011), AND SECTION 11.253(J-1) OF THE TEXAS TAX CODE

Mayor Pro Tem Kelly opened the Public Hearing at 6:12pm. No one came before the Council for or against the Ordinance presented. Mayor Pro Tem Kelly closed the Public Hearing at 6:13pm.

Mayor Pro Tem Kelly opened the topic to Council discussion. Jim Foy confirmed that by adopting this Ordinance, that the City retains the right to implement a tax for personal property in transit in the future. Jim Foy motioned to approve Ordinance # O-2011-1025-002 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.

CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-1107-001 ADOPTING AND ENACTING A NEW CODE OF ORDINANCES FOR THE CITY OF FARMERSVILLE, TEXAS; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND A DATE WHEN THIS ORDINANCE AND SAID CODE SHALL BECOME EFFECTIVE

Pansy Hundley questioned the need to have an ordinance to use the Code of Ordinances. City Attorney Alan Lathrom explained the process in that the ordinance presented is for the codification where many of the clerical issues were cleaned up. Also some out of date ordinances which no longer apply have been brought current with State Law. Only typos and formatting was changed in the Subdivision Ordinance. Russell Chandler motioned to approve the first reading of Ordinance # O-2011-1107-001 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.

CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-1025-003 AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE BY AMENDING THE MASTER FEE SCHEDULE ADOPTED THROUGH SECTION 11.122.4, ENTITLED "WATER SERVICE FEES"; AND AMENDING THE MASTER FEE SCHEDULE ADOPTED THROUGH SECTION 11.122.6, ENTITLED "SEWER SERVICE FEES"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

The Council was presented with Ordinance # O-2011-1025-003 to adopt increased water and sewer rates. Jim Foy recalled that the Council had a Water and Sewer Rate Study which laid out a rate increase plan to accommodate the needs of the water and sewer utility system. The ordinance presented is in accordance with said plan. Jim Foy motioned to approve Ordinance # O-2011-1025-003 with Russell Chandler seconded 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.

CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-1107-002 GRANTING AN EXCLUSIVE FRANCHISE TO CONDUCT THE BUSINESS OF PROVIDING SOLID WASTE COLLECTION AND DISPOSAL TO COMMERCIAL AND RESIDENTIAL CUSTOMERS OF THE CITY OF FARMERSVILLE; GRANTING THE RIGHT TO USE THE PUBLIC STREETS, ALLEYS, AND THOROUGHFARES WITHIN THE CORPORATE LIMITS OF THE CITY FOR

THE PURPOSE OF ENGAGING IN THE BUSINESS OF SOLID WASTE COLLECTION LOCATED WITHIN THE CITY; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

City Attorney Alan Lathrom informed the Council that the contract with IESI has been confirmed accurate and recommended the Council take action regarding the Franchise Ordinance as a unit with the contract which will be ready for approval on the November 7th Council agenda. The Franchise Ordinance presented gives exclusive right to all roll-off containers within the City. IESI will continue to bill all commercial customers. Dick Demein, representative for IESI, informed the Council that through the City's bidding process IESI was the lowest bidder on an aggregate basis and appreciated working with the City of Farmersville. Russell Chandler motioned to approve the first reading of Ordinance # O-2011-1107-002 with Jim Foy 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 Attorney Alan Lathrom recommended the Council to approve the contract inclusive with the Franchise Fee Ordinance at the November 7th Council meeting. Council took no action on this item.

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

City Attorney Alan Lathrom has been working with CWD and a draft response was received from CWD on October 24th. There are three items to be finalized and the contract should be available to the Council for action on November 7th. No Franchise Fees are required for this type of service due to the intrinsic value. Council took no action on this item.

CONSIDER AND APPROVAL OF DANIEL AND BROWN, INC. AS THE DESIGNATED ENGINEER FOR THE SAFE ROUTES TO SCHOOL PROJECT FUNDED BY TXDOT

City Secretary Edie Sims gave specifics regarding the Safe Route to School Project which included the requirement to have a designated engineer for this project. The City entreated TxDOT to allow the use of the City's Engineer and approve the procurement process that the City exercised in attaining the City Engineer. TxDOT did approve allowing the City's Engineer to be the engineer on their project. Therefore, the contract is the final process for this portion of the project. Pansy Hundley motioned to approve Daniel and Brown, Inc. as the designated engineer for the Safe Routes to School project 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 AUTHORIZING THE CITY MANAGER TO CONTRACT WITH COLLIN COUNTY IN ORDER TO PROVIDE CONTINUING EMERGENCY MEDICAL SERVICES IN AN AMOUNT NOT TO EXCEED \$46,000

With medical services being contracted through Collin County and the continued need to have these services is vital to our community; Billy Long motioned to approve authorizing the City Manager to contract with Collin County for Emergency Medical Services. Paul Kelly

seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, and Jim Foy yes. Russell Chandler abstained as he is an employee of AMR Ambulance Service. Motion passed with Council approval.

CONSIDERATION AND POSSIBLE ACTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE CONTRACT WITH AMR FOR EMERGENCY MEDICAL SERVICES FACILITIES

The contract has been reviewed by Alan Lathrom, City Attorney, who stated that the contract only requires one change on the Addendum, page 4 under Item 3 regarding the insurance. Mr. Lathrom requested the Council keep the original agreement requiring an insurance policy thirty (30) days prior to the expiration, cancellation, nonrenewal or any material change in coverage and notify the City. Jim Foy motioned to approve authorizing the City Manager to execute a lease contract with AMR for use of City facilities with the requested change as recommended by City Attorney Alan Lathrom. Billy Long seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, and Jim Foy yes. Russell Chandler abstained as he is an employee of AMR Ambulance Service. Motion passed with Council approval.

CONSIDER AND ACTION REGARDING RESOLUTION # R-2011-1025-001 AUTHORIZING THE CITY MANAGER TO PURCHASE ONE 2011 CHEVROLET TAHOE POLICE VEHICLE IN AN AMOUNT NOT TO EXCEED \$27,000

Police Chief Mike Sullivan came before the Council and answered questions regarding the purchase of the SUV for the Police Department. Chief Sullivan identified needing a replacement schedule to rotate out older police vehicles with the oldest being a 2003 model with 170,000 miles. The SUV vehicles will last much longer as they are made heavier than the previous styled passenger cars. Currently the Police Department has 6 squad cars. The SUV's would have a life of 4-5 years before needing to be cycled off the squad.

Attached with the Council packet was an invoice from Caldwell Country Chevrolet. Chief Sullivan indicated that Caldwell has a State contract and therefore was able to beat all local pricing for the same vehicle package. Tedford Chevrolet, our local Chevrolet Dealership, will receive the vehicle and prep prior to being placed in service. Billy Long motioned to approve Resolution # R-2011-1025-001 to authorize the City Manager to purchase one 2011 Chevrolet Tahoe Police Vehicle. Paul Kelly seconded 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.

CONSIDER RESOLUTION # R-2011-1025-002 DESIGNATING THE FARMERSVILLE TIMES AND THE MCKINNEY COURIER-GAZETTE AS THE OFFICIAL NEWSPAPERS FOR THE CITY OF FARMERSVILLE FOR THE FISCAL YEAR 2011-2012

Jim Foy moved to approve Resolution # R-2011-1025-002 designating the Farmersville Times and the McKinney Courier Gazette as the official newspapers for the City of Farmersville. The Farmersville Times will be used as the main newspaper as it is the weekly newspaper of local circulation and the McKinney Courier Gazette will be utilized for all other publications. Paul Kelly seconded 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.

UPDATE ON THE WATER CONSERVATION PLAN

Ben White, Public Works Director, came before the Council regarding the Water Conservation Plan. The existing plan has been reviewed extensively and does cover us formally but has more detail regarding North Texas Municipal Water District's requirements rather than just the City of Farmersville. The existing plan was passed by an ordinance in 2008 as a model plan insisted by NTMWD regarding water conservation. Mr. White stated he will confer with the City Manager and work to streamline the Plan that focuses on our community all the while closely following the method used by NTMWD. Jim Foy stated the ordinance adopted NTMWD's policy and not a plan of action. No action taken on this item by Council.

CONSIDERATION AND POSSIBLE ACTION REGARDING COLLIN COUNTY'S 50/3 PROGRAM WHICH IS A TAX INCENTIVE PROGRAM TO ENCOURAGE THE CREATION AND RELOCATION OF NEW BUSINESSES TO COLLIN COUNTY AND TO PROPOSE A LIST OF ANY SPECIFIC 50/3 PROGRAM LIMITATIONS THAT WOULD AFFECT THE CITY OF FARMERSVILLE

Council was given information in the Council Packet regarding the County's 50/3 Tax Incentive Program. Mayor Pro Tem Kelly announced the specific types of businesses that he would like to be not eligible to be located within the City of Farmersville as game rooms, sexually oriented businesses and liquor stores. Jim Foy indicated that currently liquor stores are not allowed in the City and the citizens would have to vote by election to go wet for liquor sales. Jim Foy recommended this item be tabled as Mayor Helmberger may have more input regarding this topic. Jim Foy motioned to table until November 7th Council Meeting 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.

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 indicated a distinct difference between Wylie's Zoning Ordinance and the City of Farmersville's; however, Wylie's example does have good direction regarding site plans for multi-family and commercial sites. Jim Foy recommended this topic be returned to the November 7th agenda as the Mayor was heading this modification. No action was taken by Council.

UPDATE ON THE STATUS OF THE COMPREHENSIVE PLAN

Public Works Director Ben White came before the Council and reported that 4A is funding a critical portion to become a part of the Comprehensive Plan regarding a water/sewer/drainage/street study. This study will allow for a long range look at the City's utilities, thoroughfare, zoning, land use, parks, expansion of the City's corporate boundaries and how the City will be to serve new development and where the City is being lead into the future. Conversation among the Council indicated to update the existing Comprehensive Plan rather than completely starting over. Council requested this item be returned to the November 7th agenda for continued discussion with the Mayor as he is heavily involved with this topic. No action was taken by Council.

DISCUSSION AND POSSIBLE DIRECTION REGARDING DEFINITION, SUBDIVIDING AND HOME BUILDING ON STREETS KNOWN AS 5TH, 6TH, 7TH, 8TH AND 9TH

Jim Foy requested this item to be discussed by Council as concern has been raised about a particular home being built that faces 7th Street. Concerns are weighing heavily on the width of those streets, if they are actually designated streets by the City. On the plats per the County, these areas are noted as alleys and not streets. With exception of 7th Street which is used as a public street, all others are gravel. If the City has officially designated these "alleys" as streets, the City is faced with updating and bringing up to City standards. Jim Foy questioned if we can remove the "Street" designation. Public Works Director Ben White stated we have an identity crisis which is creating a lot of problems. Mr. White stated he supports Mr. Foy's position and have these "alleys" designated as alleys and not streets. The area is too narrow and allows for only one vehicle to travel which is not the normal flow of traffic. Mr. White suggested we have the correct definition of alley way and remove the name "Street." City Attorney Alan Lathrom informed the Council that these street designations are not approved names by the City Council per our ordinance. City Attorney Alan Lathrom was directed to clearly define alley and street and return this information at the November 7th Council Meeting. No further action was taken by Council.

DISCUSSION REGARDING DEFICIENCIES AND POTENTIAL REPAIRS, INCLUDING BUILDING UPGRADES AND FUNDING ISSUES FOR THE RIKE MEMORIAL LIBRARY

Public Works Director Ben White came before the Council and was pleased to inform that the Centennial Committee has funded to have the Library and Civic Center leveled and will be putting on a new roof due to hail damage. Improvement will continue from the outside to the inside. In January new flooring and shelving will be installed. A grant has been attained for the shelving which will replace 80% of the existing shelves. The grant is funding for the installation of the shelving as well.

DISCUSSION AND POSSIBLE DIRECTION REGARDING THE REGULATIONS FOR THE CIVIC CENTER USE/RENTAL

Public Works Director Ben White discussed with Council the recent issues regarding the rental of the Civic Center and the cleaning. Maintenance is normally handled through the City's Public Works Department and cleaning is handled separately. Jim Foy indicated that the Library/Civic Center Board will be making a request to the Council to increase the deposit amounts since the deposit amounts are not meeting the needs of the Civic Center's upkeep. Mayor Helmberger had concerns of the regulations at the Civic Center where the renters must provide all products used including paper towels, toiletries and garbage bags. Mayor Helmberger asked to have relayed that he felt the rental amount should cover such costs. The cleaning of the Civic Center has become an issue and has not been done to suitable standards. Mr. White stated he and City Manager John Moran will discuss the routine cleaning further. Jim Foy encouraged the Council to utilize the Library/Civic Center Board to develop new policies. No further discussion by Council at this time.

UPDATE ON THE STATUS OF THE CHAPARRAL TRAIL GRANT AND PLANS

Public Works Director Ben White discussed the Chaparral Trail grant and informed the Council that a Landscape Architect, David Baldwin, had been hired to introduce plans for the Trail. The 4B Community Development Board has agreed to fund the grant match of \$50,000. Futuristically, Mr. White showed slides of renderings of camp site areas, restroom facilities, benches, trash receptacles, enhanced signage, lighting and further enhancements to the Trail.

The current grant from Texas Parks and Wildlife is to have installed decomposed granite from the end of the asphalt by the Spain Athletic Complex further out to Merit. Mr. White stated he is working with the Landscape Architect to design restrooms, on a pro bono basis, which could also be used at the Splash Pad.

The Community Development Board has received numerous presentations regarding this grant and is ready for progress. Mr. White indicated that if City crews implement the project that the City does not have to go through a bidding process. Mr. White's current plan is to delay this project until February or March to begin construction. Mr. White will investigate which would be more cost effective if by hiring contractors to perform the work or having the City crews perform the work.

DISCUSSION AND POSSIBLE DIRECTION REGARDING THE CITY OF FARMERSVILLE'S ETHICS POLICY

Paul Kelly asked for this item to be discussed by Council as a citizen had concerns of conflict of interest pertaining to Mayor Helmberger and his business as an engineer. The question was raised due to a recent project that the Mayor is the engineer. Mr. Kelly expressed concerns since Mr. Helmberger will have financial gain regarding the project. Mr. Kelly requested clarification.

Council exited to Executive Session at 8:29pm in accordance with Texas Government Code Section 551.071, Consultation with Attorney. Council reconvened into Regular Session at 8:50pm.

Jim Foy requested City Attorney Alan Lathrom to clarify the issue. Mr. Lathrom stated that according to State of Texas Local Government Code Section 171.002 a person has a substantial interest in a business entity if the person owns 10 percent or more of the voting stock or shares of the business or funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year. The City has adopted the Ethics Code as presented in the Code of Ordinances which has more stringent requirements than State Law. If Mr. Helmberger has a project that is to come before the City and has someone else from his firm or his client to stand before Commissions or the Council, Mr. Helmberger is not violating any Conflict of Interest laws which are stated in the City's Code of Ordinances 8.105.4.

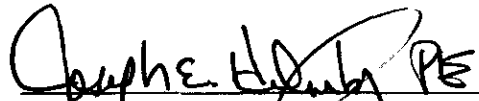
REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

No items were requested by Council to be placed on future agendas.

ADJOURNMENT

Council adjourned at 8:57pm.

APPROVED



Joseph E. Helmberger, P.E., Mayor

ATTEST



Edie Sims, City Secretary

