

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
November 7, 2011

The Farmersville City Council met in a regularly called session on November 7, 2011 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Joe Helmberger, Pansy Hundley, Paul Kelly, Billy Long, Russell Chandler and Jim Foy. Staff members present were Police Chief Mike Sullivan, Public Works Director Ben White, City Attorney Alan Lathrom, Fire Chief Kim Morris, Finance Director Daphne Hamlin and City Secretary Edie Sims.

CALL MEETING TO ORDER, ROLL CALL

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

Mayor Helmberger thanked all those who participated with the Farmers & Fleas and the first Doggie Festival and thanked the City and staff for all their efforts.

CONSENT AGENDA

Russell Chandler pulled items F from the Consent Agenda for discussion. Jim Foy requested to pull items A and B. Paul Kelly motioned to approve items C, D, E, G, H, I and J of the Consent Agenda 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.

ITEM A – City Council Minutes for the month of October: Jim Foy requested the minutes from October 25<sup>th</sup> regarding the 50/3 County Tax Incentive Program state “Jim Foy recommended this item be tabled as Mayor Helmberger may have more input regarding this topic” and strike that “Mayor Helmberger has more direction for this topic. Russell Chandler motioned to approve the minutes with the change as given by Jim Foy. 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.

ITEM B – City Financial Reports: Jim Foy brought to the Council’s attention that the Finance Reports reflect the year end for 2010-2011 Fiscal Year. The General Fund reflected 102% collected of income and General Fund expenditures closed the year at 94%. Jim Foy conveyed how concerned the Council was being out of budget for the year, but the finances ended up on good shape. Accolades were stated for good management and good work from the staff. Russell Chandler motioned to approve the City Financials as presented with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval. Billy Long stepped out during this topic and did not vote.

ITEM F – Fire Department Report for the month of October: Russell Chandler noticed that the Fire Department recently had an audit and asked for the outcome of said audit. Fire Chief Kim Morris came before the Council and stated that the Farmersville Fire Department had their first National Fire Protection Association inspection which passed. There were three minor findings which must be resolved within 30 days which are easily rectified. With the newly added position of full time Fire Chief, the fire department is now deemed a combination fire department which must follow under the National Fire Protection Association. Having the very first inspection pass is very pleasing and gives the Department great credibility. Billy Long motioned to approve Item F with Paul Kelly seconding the motion. A poll of the Council was taken as

follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

INFORMATIONAL ITEMS – UPDATE REGARDING STATUS OF GRANTS APPLIED FOR AND/OR RECEIVED BY THE CITY INCLUDING BONDS

Mayor Helmberger questioned if the Library grants are processed through City Hall and if the funding is available. Ben White indicated that this grant is held by the Library; however most grants do not prefund a project. The project must be underway and request for reimbursement in increments or reimbursed after the project is completed, depending upon the stipulations of the grant.

Paul Kelly requested adding the Building and Property Standards Commission minutes to the Informational Items as they have been very active for the last few months.

READING OF ORDINANCES – SECOND READING TO 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

Mayor Helmberger opened the item to the Council for further discussion. With no discussion, Russell Chandler motioned to approve the second reading of Ordinance # O-2011-1107-001 with 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. The new Code of Ordinances will be online and available in January 2012.

READING OF ORDINANCES – SECOND READING TO CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-1107-002 GRANTING AN EXCLUSIVE FRANCHISE TO IESI TX CORPORATION 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 indicated that all modifications have been made according to Council direction to include the fee schedule as requested from the first reading. Paul Kelly motioned to approve the second reading of Ordinance # O-2011-1107-002 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.

FIRST READING OF ORDINANCE – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-1122-001 ALTERING THE PRIMA FACIA SPEED LIMITS ESTABLISHED FOR

VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON STATE HIGHWAY NO. 380 OR PARTS THEREOF, WITHIN THE INCORPORATED LIMITS OF THE CITY OF FARMERSVILLE

Public Works Director Ben White came before the Council and stated he reviewed the speed zone changes as requested through TxDOT. TxDOT had been requested by Police Chief Sullivan to complete a speed study along the newly completed construction of Highway 380. The study showed that the speed limit should be lowered from 65 to 60 miles per hour; however Jim Foy noticed that there is still a section near County Road 557 which is still 65 mph. Council concurred that the speed limit should be consistent and have the State review and make a subsequent recommendation. Chief Sullivan stated he will attain clarification from TxDOT whether 60 mph can be standardized on Highway 380 from the western end of the bridges of Lake Lavon heading east through the City then continue to the Hunt County line. Council took no action on this item and will bring it back for further discussion at the next meeting.

WORKSHOP – A PLANNING WORKSHOP REGARDING A TAX INCREMENT REINVESTMENT ZONE (TIRZ) INCLUDING A FEASIBILITY STUDY TO DETERMINE WHETHER TO PROCEED AND WHETHER TO REQUEST COUNTY PARTICIPATION

Craig Farmer with Freese and Nichols and Larry Cline came before the Council to inform and enlighten the Council regarding the Tax Increment Reinvestment Zone (TIRZ) or another term used is Tax Increment Financing (TIF). A TIF or TIRZ is a mechanism to fund needed new public improvements to be added to public systems that are owned by public agencies. Public and private partnerships help bring more capital funding which increases the timeline for projects to be completed in a shorter amount of time. A TIF or TIRZ does not invade current revenue of the General Fund; does not involve additional or increased taxes; does not forgive taxes like a tax abatement; does not create debt or other obligations; and can fund other infrastructure costs of other areas within the TIF boundary. The only downside risk is that the TIF is created and nothing happens, no development occurs which the City is only out the cost of the creation of the TIF. TIF's are created by the City and governed by the State of Texas statutes. TIF's are also bound by specific boundaries.

The 4A Economic Development Corporation has funded a Preliminary Feasibility analysis which has brought Craig Farmer and Larry Cline before the Council. A TIF appears viable for the City of Farmersville. The next step would include the Council authorizing the continuation of the TIF creation process and contacting the County to participate with the City. A formal project plan and finance plan have been completed through the efforts of Craig Farmer and Larry Cline.

Mayor Helmberger stated the TIF was an enticement to bring development to Farmersville. The City currently has an abatement program and a reinvestment zone. This is just another tool in our toolbox.

Craig Farmer indicated that this proposal is viable, yet must have a partner such as Collin County as another source of income to be used for public infrastructure. Without another taxing entity partnering with the City, there is no need to further this process. School districts are no longer allowed in the creation of TIF's. A TIF Board will also need to be created to oversee the projects; however the City Council will remain the final decision on all financial expenditures and projects.

The TIF is a performance based development that can reimburse a developer if the performance produces. Craig Farmer showed a map of vacant land within the corporate limits

of the City of Farmersville as well as within the Extra Territorial Jurisdiction which has not been developed and potentially good sites for the TIF boundaries.

Mr. Cline and Mr. Farmer recommended the Council move forward to set up the TIF before January 1 so that the existing tax rates will be the set rate for TIF developments. This will allow the City to start collecting incremental taxes during 2012. Mr. Cline also presented a spreadsheet to show potential businesses which would benefit from the TIF and bring tax dollars to the City. If the City creates a TIF for a 30 year term, the potential of \$408,000,000 of projects costs is not hard to envision.

Jim Foy stated the TIF was a good idea, it seems sad that this is yet another mechanism to compete with other area cities. Mayor Helmberger stated the County was reluctant to assist with funding through TIF's in recent past; however, the City of McKinney has just instituted a TIF with the County. This may be a good turning point to see if the County will participate with Farmersville. The Council did not take any action on this item; however it will be brought back to the next meeting for further discussion.

#### WORKSHOP – DISCUSSION AND POSSIBLE DIRECTION REGARDING MODIFICATION OF THE SITE PLAN REQUIREMENTS RECOMMENDED BY THE PLANING 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

The Planning and Zoning Commission had recommended Ordinance # O-2011-0628-003 to the Council for their review. With a work session held in October, the Council opted to review the documents even further prior to making a decision. Mayor Helmberger suggested having 18-E and 18-F combined as the language is exactly the same for Commercial Development and Multi-Family Development requirements. Currently the only zoning that is requiring a site plan is Highway Commercial which leaves the other zones to be desired for this necessary plan. Mayor Helmberger stated what has been presented seems extreme; however, when a developer wishes to develop an area, the requirements will assist with the entire process. Council concurred to have sections 18-E and 18-F combined with language to change to all non residential development. A formal approval of the first reading will be brought to Council on November 22 meeting.

#### UPDATE ON THE STATUS OF THE COMPREHENSIVE PLAN

Public Works Director Ben White came before the Council and announced that he had met with the 4A Economic Development Corporation who has offered to fund over \$50,000 toward hiring a firm to complete the Comprehensive Plan. As our City Engineer, Daniel & Brown, Inc. was asked to produce a firm which could provide a full and complete Comprehensive Plan. More information will be brought to the Council as it becomes available.

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

City Attorney Alan Lathrom indicated that requirements are already in place regarding the building of a home along “streets” that do not meet the requirements of a public street which addresses any building on alleys. The issue with 5<sup>th</sup> thru 9<sup>th</sup> Streets are that they are not designated as streets by City Ordinance and all plats refer to these areas as alleys. These “streets” are a substandard width. Jim Foy expressed concern that if these areas remain named as streets, that the City will be required to bring them up to proper standards and surface them. There is not a possibility that these areas can be brought to proper standards as the

width between properties will not allow further expansion. A suggestion was made to remove the street signs, with the exception of the North end of Tatum Elementary as this one way street has been surfaced and made available for the proper flow of traffic for Tatum Elementary. Before signs are moved, Public Works Director Ben White will make a list and return it to the Council along with the width of right-of-ways. No further action was taken by Council.

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

Dick Demien was present to represent IESI. City Attorney Alan Lathrom indicated that at the previous meeting, he encouraged the Council to approve the solid waste contract with IESI and in conjunction approve the franchise fee ordinance regarding solid waste. Paul Kelly motioned to approve a contract with IESI with Russell Chandler seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

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

City Attorney Alan Lathrom indicated that CWD is still in negotiations therefore an agreement is not ready for the Council to consider. There is a great opportunity to have this contract worked out and be prepared for Council presentation at the next session on November 22<sup>nd</sup>. No action was taken by Council.

CONSIDERATION AND POSSIBLE ACTION REGARDING THE JOINT USE AGREEMENT FOR THE FARMERSVILLE PEE WEE FOOTBALL/CHEER ASSOCIATION FOR USE OF THE SPAIN ATHLETIC COMPLEX FOR THE 2012 SEASON

Public Works Director Ben White reported to the Council how the Pee Wee Football/Cheer Association has paid for improvements to the Spain Athletic Complex without asking the City for reimbursement. The City has worked with the Association to keep the grounds mowed; while the Association has spent their funds on improvements of the fields and paid for fertilization of the fields. It is in the contract that the Association can opt out of mowing and retain the same status for the use of the Complex. Mayor Helmberger stated he would like the contract to be clean and have the mowing completely removed from the contract. If the mowing situation changes, the contract can be adjusted from year to year to meet the needs accordingly. Jim Foy motioned to approve the contract with the removal of mowing language and leave the mowing as a City responsibility. Billy Long 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.

Paul Kelly asked that the Baseball Association contract be changed as well when its term is due.

CONSIDERATION AND ACTION REGARDING A DEVELOPMENT AGREEMENT WITH III TO I FARMERSVILLE MP, LP REGARDING THE SECOND POINT OF ACCESS FOR LOTS 1R AND 3R FARMERSVILLE MARKET CENTER AND LOTS 1 AND 4 FARMERSVILLE MARKET CENTER II

City Attorney Alan Lathrom stated to the Council that the Development Agreement brought before them is regarding a second point of access for lots 1R and 3R of the Farmersville Market Center and lots 1 and 4 of Farmersville Market Center II. This second point of access will be along the South side of the property until the lots are sold. The Development Agreement will fill the gap to give a second point of access for emergency vehicles. All parties

involved have agreed to the Agreement per Mr. Lathrom. Jim Foy motioned to approve the Development Agreement with Russell Chandler seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDERATION AND POSSIBLE ACTION REGARDING 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

Mayor Helmberger requested the Council not take action at this time. County officials were to come and assist with questions regarding the 50/3 program; however was not able to make the Council meeting tonight. This topic will be returned to the next agenda for discussion.

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

Eddy Daniel with Daniel & Brown, Inc. and Anna Carillo with Kimley Horn, Inc. came before the Council and presented information regarding water, sewer, street and drainage studies that have been performed. The studies will be reimbursed by the Farmersville Economic Development Corporation (4A). Mr. Daniel started off with good news regarding the water infrastructure. According to TCEQ guidelines, we are in really good shape of having plenty of storage capacity for the City's water supply. A hydraulic modeling method was used which shows the affects of new development as it comes in and allows a developer to know what to improve or to exceed. The demand at peak hours and calibration meet the minimal pressure requirements. Some improvements are recommended to optimize fire flows in areas which currently have undersized or no existing waterlines.

The sewer system study, according to Mr. Daniel, shows we are in compliance regarding flow; however the sewer treatment plant is at capacity which the City has already been contacted by Texas Commission on Environmental Quality (TCEQ) regarding inflow and infiltration problems. These issues are being addressed, but there are still infiltration problems that exist. The analysis showed that manholes overflow during inflow and infiltration which is a major problem. At peak flows, the inflow is five times what the peak flow should be and is unmanageable. Currently the City has 13 liftstations. One recommendation is to enhance any 6" lines and propose those be increased to a minimum of 8 – 10". Mr. Daniel showed areas on sewer system map which identified problem areas to be considered as future capital projects so that the system can better meet flow and service requirements without sewer overflows.

Anna Carillo with Kimley Horn, Inc. came before the Council to describe their portion of the utility study regarding streets and drainage. Challenges will be had due to the issues of manholes and sewer issues in the streets which continue to erode the condition of the streets. Chip seal is not an effective method due to the underlying condition of the streets. Crack seal maintenance is more relevant on some of the streets that have a good foundation. Ms. Carillo showed a map of streets that were more particularly in need of repair or upgrading which included Sycamore, Hamilton, Sid Nelson, Washington, Santa Fe, Beech, Windom, Westgate and Central. After these streets are improved, the budget will need to include maintenance dollars to keep the streets at their maintained level.

Ms. Carillo also spoke of Storm Drainage which cause pavement failures. At this time, it is not practical to put drainage in all the older streets. Velocity of the flow is the problem rather than the flood zones themselves. A major contributor would be the cleanout the channels with

the heavier flows. The ditch by City Hall is an example where it is undersized and does not allow the water to flow through during a major rain.

With this study, per Eddy Daniel, the identified issues will make grants easier to pinpoint specific areas of need. Jim Foy stated the amount of funds to bring all issues to a higher standard would be in the millions. The City may want to consider a bond issue to get some of the needs done within the next five years.

No action was taken by Council.

CONSIDER AND MAKE A NOMINATION FOR THE COLLIN CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS

After Council reviewing the ballot from Collin Central Appraisal District for the Board of Directors, Jim Foy motioned to place all three votes to Reed Greer. Billy Long 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.

REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

No items were requested by Council for future agendas.

ADJOURNMENT

Council adjourned at 9:24pm.

APPROVED

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Joseph E. Helmberger, P.E., Mayor

ATTEST

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Edie Sims, City Secretary