

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
December 13, 2011

The Farmersville City Council met in a regularly called session on December 13, 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 expressed appreciation to the Chamber of Commerce for their efforts and success with the annual Christmas parade. Also the Farmersville Downtown Merchants Association, the Marketing Committee and Jim Foy were recognized for their efforts to make the day's events on December 10th so successful.

CONSENT AGENDA

Paul Kelly requested Item G – Municipal Court Report for the month of November be pulled for discussion.

Mayor Helmberger requested Item H – Public Works and Customer Service Report for the month of November be pulled for discussion.

Jim Foy also requested Item H – Public Works and Customer Service Report for the month of November be pulled for discussion.

Billy Long motioned to approve Items A, B, C, D, E, F, I, and J from the Consent Agenda. 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.

Paul Kelly had questions regarding Item G. Mr. Kelly asked for the understanding of "Compliance Dismissal." Police Chief Mike Sullivan answered stating that for some defendants that have received a ticket of violation, some condition was met which then means the ticket was dismissed due to compliance. Examples of such tickets could be insurance, outdated tags or showing your license. Paul Kelly motioned to approve Item G with 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.

Jim Foy questioned Item H regarding Stage 3 water conservation and drought contingency. The City does not have an actual policy via an ordinance of each step to take for water conservation or a drought contingency. Public Works Director Ben White stated that a meeting with North Texas Municipal Water District is scheduled which will allow Mr. White to work on a policy for Farmersville. Mayor Helmberger questioned the reduction of insurance costs per residence by lowering the Insurance Service Organization Certificate (ISO) from level 5 to level 3. Public Works Director Ben White indicated that a significant cost savings could be had by each residence with a savings of 10-15% lower rates. The cost to follow a three phase process to lower the level of the ISO rating will be \$15,800 which would be money well spent for the community. Mr. White made the recommendation to go forward with this expenditure and three phase process. Mr. White also indicated that he is working closely with the Finance Department to generate accounts that will track materials and labor. This will be very helpful for

grant projects and other projects through the City. This will allow accurate reporting and know where money is being spent which will give the capability to plan for future projects. Jim Foy asked if parking lot stripping is planned for the downtown square with Mr. White replying yes. This would be a contracted job which would include fire zones and other parking markings. Pansy Hundley motioned to approve Item H 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.

INFORMATIONAL ITEMS

All Informational Items were presented to the Council. Council did not request further information or clarification regarding Informational Items.

PUBLIC HEARING – PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT ON A REQUEST FOR AN EXTENSION OF THE SPECIFIC USE PERMIT FOR JOKERS WILD GAME ROOM LOCATED AT 812 MCKINNEY STREET, FARMERSVILLE, TEXAS, AND FIRST AND ONLY READING OF ACCOMPANYING ORDINANCE # O-2011-1219-001

Mayor Helmberger opened the Public Hearing at 6:16pm asking for anyone who wished to speak FOR the request to extend the Specific Use Permit for Jokers Wild. Helen Sears, residing at 1578 Highway 547, expressed to the Council that she is the owner of Joker's Wild Game Room and requested the Council approve the Special Use Permit request. Ms. Sears stated that her game room is strictly for entertainment which is mostly accessed by elderly people. Mayor Helmberger asked for anyone who wished to express OPPOSITION to extending the Specific Use Permit for Jokers Wild. No one spoke OPPOSING the permit. The Public Hearing was closed at 6:17pm.

City Attorney Alan Lathrom stated the Planning and Zoning Commission recommended approval of the permit for an additional year. Russell Chandler asked if any police issues have occurred at this game room, with Police Chief Sullivan stating no issues have occurred. Russell Chandler motioned to approve the extension of the Specific Use Permit for Jokers Wild for one year 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.

PUBLIC HEARING – PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON THE CREATION OF A TAX INCREMENT FINANCING REINVESTMENT ZONE AND ITS BENEFITS TO THE CITY OF FARMERSVILLE AND TO PROPERTY WITHIN THE PROPOSED REINVESTMENT ZONE LOCATED GENERALLY WITHIN THE CITY OF FARMERSVILLE, TEXAS, AND ITS EXTRA-TERRITORIAL JURISDICTION ALONG AND ABOUT THE NORTHERN AND SOUTHERN SIDES OF U.S. HIGHWAY 380 AND FIRST READING OF ACCOMPANYING ORDINANCE # O-2011-1219-002 DESIGNATING A CONTIGUOUS GEORGRAPHIC AREA WITHIN THE CITY OF FARMERSVILLE, TEXAS, AND ITS EXTRA-TERRITORIAL JURISDICTION AS TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE, CITY OF FARMERSVILLE, TEXAS; ESTABLISHING A BOARD OF DIRECTORS FOR SUCH REINVESTMENT ZONE, ESTABLISHING A TAX INCREMENT FUND; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE CREATION OF THE TAX INCREMENT FINANCING REINVESTMENT ZONE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Helmberger opened the Public Hearing at 6:20pm. Mayor Helmberger asked for anyone to speak FOR the creation of a Tax Increment Reinvestment Zone. Larry Cline with Schrader & Cline, LLC., residing at 4800 Broadway, Addison, TX, came before the Council

speaking FOR the creation of the TIRZ. The TIRZ will encompass the vacant property along Highway 380 and will be assumed as retail development as the majority for the use. The projections presented in the past meetings are for a 30 year term. The TIRZ tax will be invisible to the property owner. The funds from the TIRZ will help fund public infrastructure within the zone and stimulate private development. Once the projects are completed and paid for, the TIRZ can be collapsed.

Eddy Daniel, residing at 3671 N Highway 78 and also the President of the 4A Economic Development Corporation Board came before the Council in support of the TIRZ. Mr. Daniel also informed the Council that 4A Economic Development is funding the creation of the TIRZ. Mr. Daniel stated that it is very important for the TIRZ to occur this year due to incoming development. Collin County is planning to be a participant in the TIRZ and is in negotiations with the EDC. An agreement will be presented to the County for final approval for their participation.

City Manager John Moran, residing at 408 Maple, stated this project was one of the first things looked at when he came to the City. Upon his arrival, Mr. Moran stated he was looking for incentives and found that the City was severely lacking in infrastructure with minimal impact to the developer. Mr. Moran stated he supports the TIRZ 100%.

Mayor Helmberger asked for anyone who was OPPOSED to the creation of a TIRZ to come forward. No one spoke OPPOSING the creation of a TIRZ. The Public Hearing was closed by Mayor Helmberger at 6:30pm.

Billy Long motioned to approve the creation of a Tax Increment Reinvestment Zone by approving the first reading of Ordinance # O-2011-1219-002. Jim Foy 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.

SECOND 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

From the last meeting when the altering of the speed limit along Highway 380 was discussed, Texas Department of Transportation (TxDOT) responded and resolved the issue of a gap of the speed limit having begun at 60 mph on the bridges west of the City and raised to 65 mph then drop again to 60 mph. TxDOT has agreed that the correct speed limit should be 60 mph from Sister Grove Creek, at the bridges west of the City, to just past the intersection of County Road 607 where the speed limit drops to 50 mph through the City. Russell Chandler motioned to approve Ordinance # O-2011-1122-001 with a change to reference mile post 8400 as the beginning of the 60 mph posting. Jim Foy 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.

FIRST READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-0628-003 AMENDING THE COMPREHENSIVE ZONING ORDINANCE THROUGH THE AMENDMENT OF SECTION 18, “CREATION OF BUILDING SITE,” BY ADDING A NEW SECTION 18-E ENTITLED “SITE PLAN APPROVAL REQUIRED FOR COMMERCIAL AND MULTI-FAMILY DEVELOPMENT.” (A PUBLIC HEARING WAS INITIALLY HELD REGARDING THIS ORDINANCE AMENDMENT ON OR ABOUT JUNE 28, 2011 AFTER WHICH CITY COUNCIL TOOK THE PROPOSED AMENDMENT UNDER ADVISEMENT.)

The Ordinance presented is identical to what the Planning and Zoning Commission recommended for approval. Paul Kelly motioned to approve Ordinance # O-2011-0628-003 as presented 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 – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-1219-003 AMENDING THE MASTER FEE SCHEDULE REGARDING CIVIC CENTER DEPOSIT FEES AND RENTAL FEES

Council was given the recommendation from the Library/Civic Center Board regarding raising the deposit rates for the Civic Center rental. Jim Dawkins, residing at 4910 CR 660 and Chairman of the Library/Civic Center Board, came before the Council and stated the Board has made said recommendations as a base line to pay for stocking consumables at the Civic Center. Public Works Director Ben White stated a new maintenance person has been appointed to the position to oversee the cleaning and will be keeping the Civic Center fully stocked. An account will be set up in the budget to allow for tracking of costs. Mayor Helmberger expressed concern that the costs of increasing the deposits need to cover the costs of stocking and cleaning. Cleaning costs are \$300 per month with a weekly basic cleaning. Any major cleaning above the basic will be rated at \$10 per hour. Mayor Helmberger tabled this item to allow time to gather more data to ensure costs are covered.

FIRST READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-1219-004 REGARDING A BUDGET AMENDMENT FROM THE GENERAL FUND TO THE PUBLIC WORKS DEPARTMENT

Council received a recommendation to amend the budget so that funds accumulated from sales of surplus Public Works Department equipment could be implemented into the Public Works Department Budget. Recently, \$60,000 was sold at an auction which could be used for improvements to the Maintenance Barn area. Other opportunities for these funds include repairing the driveway from the fence to the street at the Maintenance Barn; building a concrete pad behind the Maintenance Barn for trucks to park; install a gate opener; reconfiguring of open space; improvements to the restroom facility to add a shower stall; locker space; kitchenette and lunchroom; possibly include an office space. Presently shelving is a major need and Public Works Director Ben White has requested the comments and suggestions from the Maintenance Crew for what would work best for their work area. Not all the improvements suggested can be accomplished, but by having these suggestions, Mr. White stated planning can be accomplished for budgetary items in the future. Paul Kelly motioned to approve Ordinance # O-2011-1219-004 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 AN UPDATE OF THE RIDING ARENA AGREEMENT

The Riding Arena Agreement presented is identical to last year's agreement. Paul Kelly motioned to approve the Riding Arena Agreement 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.

CONSIDERATION AND POSSIBLE ACTION REGARDING THE NEGOTIATION AND EXECUTION OF A CONTRACT FOR RECYCLING SERVICES WITH COMMUNITY WASTE DISPOSAL (CWD)

Mayor Helmberger dismissed this item as it is no longer necessary for a discussion item.

CONSIDER, DISCUSS AND ACT UPON APPOINTMENT TO THE PLANNING AND ZONING COMMISSION

Pansy Hundley nominated and motioned for Lee Warren to fill the open position on the Planning and Zoning Commission. Jim Foy 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 APPOINTMENT OF A BOND COMMITTEE

Mayor Helmberger tasked each Council person to nominate and confirm two individuals to serve on the Bond Committee. Pansy Hundley nominated Wayne May and Joe McKee. Joe McKee is not eligible to serve as he is not a resident of the City of Farmersville. Ms. Hundley stated she would confirm another individual and return with that appointment. Paul Kelly nominated Will Thornton and Levell Cheatham. Mr. Cheatham's appointment would depend on the meeting times. Billy Long nominated Will Strawn and Larry Ratliff. Mayor Helmberger nominated Kevin Adamson and Jeff Hurst. Russell Chandler nominated Michael Carr and Jason McTee. Jim Foy nominated Charlie Whitaker and John Cooper. No further action was taken by the Council.

CONSIDER, DISCUSS AND ACT UPON APPOINTMENT OF A DIRECTOR TO SERVE ON THE NORTH TEXAS TRAIL ASSOCIATION TO REPRESENT FARMERSVILLE

Mayor Helmberger stated he would prefer the Council to appoint Mark Vincent to act on behalf of the City of Farmersville as a Director on the North Texas Trail Association. Mr. Vincent has been an essential part of the trail planning with North Texas Trail Association. Jim Foy motioned to approve the appointment of Mark Vincent to serve as a Director on the North Texas Trail Association 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 AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY FOR LIBRARY SERVICES

Trisha Dowell, Librarian for the Rike Library, informed the Council that Collin County has budgeted funds in the amount of \$17,800 to our Library for Fiscal Year 2011-2012. These funds will not be guaranteed in next year's budget. Paul Kelly motioned to approve the Interlocal Agreement for Library Services with Collin County 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.

DISCUSS, APPROVE OR DISAPPROVE THE SITE PLAN FOR THE O'REILLY'S AUTO PARTS STORE TO BE LOCATED AT 1705 WEST AUDIE MURPHY PARKWAY, FARMERSVILLE

Mayor Helmberger stated that the Planning and Zoning Commission has approved the Site Plan for the O'Reilly's Auto Parts Store pending confirmation of the Architect's stamp on the Site Plan documents. Public Works Director Ben White investigated the potential issue of the Architect's stamp not having an expiration date. The stamp is a perpetual stamp as long as the Architect signs and dates the document. The Site Plan has also been approved by the City Engineer and Bureau Veritas. Jim Foy motioned to approve the Site Plan for O'Reilly's Auto Parts Store 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.

STATUS OF IMPROVEMENTS PLANNED FOR THE PUBLIC WORKS MAINTENANCE BUILDING FROM THE PROCEEDS OF THE EQUIPMENT AUCTION

Mayor Helmberger stated this information was previously covered during the Public Works monthly report. No action was taken on this item.

UPDATE REGARDING DRIVE-THRU RETAIL SALES FROM THE PLANNING AND ZONING COMMISSION

Paul Kelly, Council Liaison for the Planning and Zoning Commission, stated that the Planning and Zoning Commission has been working on the issue of the drive-thru retail sales zoning. This item is still being examined. Other cities are being reviewed as to how their ordinance works with this type of business which includes accessory uses which include banks, pharmacies and dry cleaners.

UPDATE REGARDING THE COMPREHENSIVE PLAN

Mayor Helmberger stated this information was previously covered during the Public Works monthly report. No action was taken on this item.

UPDATE REGARDING WATER METER REPLACEMENT PROJECT

Public Works Director Ben White informed the Council that he has been researching other cities regarding water meter replacement projects. The City of Bonham attained a grant using the ITRON electronic system with 700 meters in the ground. Mr. White stated he wanted to get the most efficient water meter that will give the best long term results for the money spent. The electronic meters improve the accuracy of readings. Mr. White is to have a meeting to attain budgetary numbers and will present this to the Council to see if the impact can be justified. Mayor Helmberger stated he has had previous experience with this type of meter reading. The meters are read constantly which can also track the water usage and indicate if a water leak is present. This is a valuable asset to eliminate water waste. Mr. White stated there are many options to choose from and will allow fewer errors. This item will be brought to the Council on the January agenda.

UPDATE REGARDING STATUS OF THE CHAPARRAL TRAIL GRANT

Public Works Director Ben White informed the Council that Oak Grove Landscaping has given an estimate of \$136,000 to install decomposed granite along the trail. The granite will be dispense 8' wide and 4" deep along the trail from the end of the concrete to the end of the trail ending on FM 2194 in Merit, Texas. Daniel and Brown, Inc. engineering firm is being assigned as the Project Manager for this grant project. A bidding process will begin in April with Construction to begin from May through August.

EXECUTIVE SESSION – DISCUSSION OF MATTERS PERMITTED BY THE FOLLOWING SECTIONS OF TEXAS GOVERNMENT CODE CHAPTER 551:

- A. SECTION 551.071, CONSULTATION WITH CITY ATTORNEY – CONSULTATION WITH CITY ATTORNEY TO SEEK AND/OR RECEIVE LEGAL ADVICE REGARDING MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DICIPLINARY RULES OF PROFESSIONAL CONDUCT REQUIRES PRESERVATION OF THE ATTORNEY-CLIENT PRIVILEGE:
 1. CONTRACT NEGOTIATION WITH COMMUNITY WASTE DISPOSAL (CWD) FOR RECYCLING SERVICES

2. CITY MANAGER AGREEMENT AND CONSIDERATION OF ACTION OR INACTION
- B. SECTION 551.074, DELIBERATION REGARDING PERSONNEL MATTERS
 1. DISCUSSION REGARDING THE CITY MANAGER'S LEAVE OF ABSENCE INCLUDING ALLOCATION OF HOURS FOR PART-TIME WORK AND PAID LEAVE BENEFITS, PHYSICAL CONDITION AND ABILITY TO PERFORM ESSENTIAL JOB FUNCTIONS, AND RETURN TO WORK

Council exited from Regular Session at 6:54pm into Executive Session.

RECONVENE FROM EXECUTIVE SESSION

Council reconvened from Executive Session into Regular Session at 8:35pm.

CONSIDER, DISCUSS AND ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION

1. CONTRACT NEGOTIATION WITH COMMUNITY WASTE DISPOSAL (CWD) FOR RECYCLING SERVICES

Jim Foy asked for anyone from CWD that had signing power for the contract between Community Waste Disposal and the City of Farmersville. Robert Medigovich, representative for Community Waste Disposal (CWD) came forth to state he was not a signer for the contract but would answer any questions the Council may have. Jim Foy motioned that since an impasse has occurred between the City of Farmersville and CWD that the City go to the next highest bidder for contract negotiations. 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.

2. CITY MANAGER AGREEMENT AND CONSIDERATION OF ACTION OR INACTION

Council took no action on this item.

3. CITY MANAGER'S LEAVE OF ABSENCE

Council took no action on this item.

REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

No items were requested by Council for future agendas.

ADJOURNMENT

Council adjourned at 9:05pm.

APPROVED

Joseph E. Helmberger, P.E., Mayor

ATTEST

Edie Sims, City Secretary