

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
December 19, 2011

The Farmersville City Council met in a special called session on December 19, 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 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 announced that the City of Farmersville has received the Gold Leadership Circle Award by scoring 16 of twenty points for the Texas Comptroller's Office efforts for governmental financial transparency.

Mayor Helmberger announced that James Guvvala, First Methodist Church's Youth Minister will be departing to Scottsdale, Arizona. Mayor Helmberger read a Proclamation that will be presented to Mr. Gavvala on January 8, 2012.

RECONSIDER DETERMINATION REGARDING THE EXISTENCE OF AN IMPASSE IN CONTRACT DISCUSSIONS WITH COMMUNITY WASTE DISPOSAL (CWD)

At the previous City Council meeting, a management representative was not present from Community Waste Disposal to sign a contract. Negotiations were impassed. There are presently no other stipulations regarding a contract between the City of Farmersville and Community Waste Disposal. Paul Kelly motioned to reconsider the determination with Community Waste Disposal 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)

With all terms agreed upon, Jim Foy motioned to approve the contract with Community Waste Disposal for recycle services 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.

CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-1219-002 DESIGNATING A CONTIGUOUS GEOGRAPHIC 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 AND ESTABLISHING A BOARD OF DIRECTORS FOR SUCH REINVESTMENT ZONE

With City Council's approval of first reading at the last meeting, Paul Kelly motioned to approve Ordinance # O-2011-1219-002 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-2011-0628-003 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 INTIALLY HELD REGARDING THIS ORDINANCE AMENDMENT ON OR ABOUT JUNE 28, 2011 AFTER WHICH CITY COUNCIL TOOK THE PROPOSED AMENDMENT UNDER ADVISEMENT)

Ordinance # O-2011-0628-003 was presented to the City Council which is identical to what Planning and Zoning Commission has previously approved. The City Council approved the Ordinance on first reading at the previous meeting. Russell Chandler motioned to approve the second reading of Ordinance # O-2011-0628-003 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-2011-1219-004 REGARDING A BUDGET AMENDMENT FROM THE GENERAL FUND TO THE PUBLIC WORKS DEPARTMENT

Ordinance # O-2011-1219-004 was approved on first reading at the last meeting. Public Works Director Ben White stated that all funds will be spent for improvements to the City's Public Works Facility. Russell Chandler motioned to approve Ordinance # O-2011-1219-004 regarding a budget amendment from the General Fund to the Public Works Department. 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.

EXECUTIVE SESSION – DISCUSSION OF MATTERS PERMITTED BY THE FOLLOWING SECTIONS OF TEXAS GOVERNMENT CODE CHAPTER 551.071: CONSULTATION WITH CITY ATTORNEY:

1. 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 DISCIPLINARY RULES OF PROFESSIONAL CONDUCT REQUIRES PRESERVATION OF THE ATTORNEY-CLIENT PRIVILEGE: REGARDING MUTUAL RECISSION OR INITIATION OF UNILATERAL SEVERANCE UNDER CITY MANAGER AGREEMENT AND RELATED OBLIGATIONS OR AGREEMENTS
2. SECTION 551.074, DELIBERATION REGARDING PERSONNLE MATTERS – APPOINTMENT OF AN INTERIM CITY MANAGER AND RELATED COMPENSATION PACKAGE ISSUES

Council exited to Executive Session at 6:13pm in accordance with Texas Government Code Section 551.071, Consultation with Attorney and Section 551.074 Deliberation regarding Personnel Matters. Council reconvened into Regular Session at 7:15pm.

ACTION REGARDING ITEM DISCUSSED IN EXECUTIVE SESSION

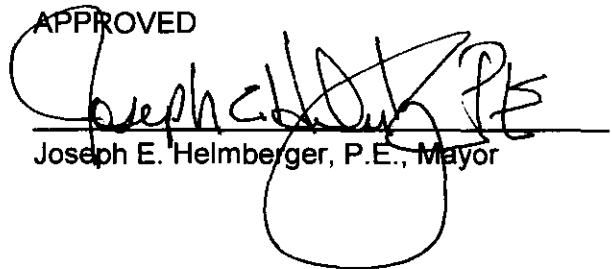
- A. Russell Chandler motioned that the City Council pursue a unilateral severance of the City Manager Agreement pursuant to Paragraph 6.3 of said agreement effective on the 21st day of January, 2012 and that the City Council make arrangements to pay the severance amount, severance benefits and current obligations as required by the City Manager Agreement and that the City Manager be provided at least 30 days written notice in advance of the effective date of such unilateral severance. Billy

- Long seconded the motion. A poll of the Council was taken as follows: Pansy Hundley no, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy yes.
- B. Jim Foy requested to have an amendment to the motion to amend the severance as called for in the contract plus increase the amount additionally \$1875 with continued paid health insurance coverage for 12 months. A poll of the Council was taken as follows: Pansy Hundley no, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy yes.
- C. Jim Foy motioned to appoint Ben White as Interim City Manager with an increase to his salary of \$12,500 annually. 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.

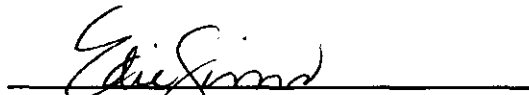
ADJOURNMENT

Council adjourned at 7:18pm.

APPROVED


Joseph E. Helmberger, P.E., Mayor

ATTEST


Edie Sims, City Secretary

