

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
May 12, 2015

The Farmersville City Council met in regular session on May 12, 2015 at 6:11pm in the Council Chambers at City Hall with the following members present: Mayor Joe Helmberger, John Klostermann, Michael Hesse, Jim Foy and Russell Chandler. Councilmember absent was John Politz. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, Fire Chief Kim Morris, City Attorney Alan Lathrom, Warrant Officer Rick Ranspot, Assistant to the City Manager Paula Jackson, Librarian Trisha Dowell, Main Street Manager Adah Leah Wolf and City Secretary Edie Sims.

Item I) 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. Jim Foy offered the invocation with Mayor Helmberger leading the audience in the Pledge of Allegiance to the American Flag and the Texas Flag.

Mayor Helmberger announced the annual Taste of Farmersville sponsored by the First United Methodist Church on May 23rd at the Onion Shed from 4pm-7pm.

Mayor Helmberger also announced the annual Yards of Yard Sales sponsored by the Farmersville Chamber of Commerce on June 6th.

Item II) SWEARING IN COUNCIL MEMBERS AND REORGANIZE CITY COUNCIL

Councilpersons John Klostermann, Michael Hesse and Leaca Caspari were sworn into office by City Secretary Edie Sims. Council took their respective seats with a plaque and appreciation be given to outgoing Councilman Russell Chandler.

With the change being made, Mayor Helmberger requested Jim Foy to continue serving as Mayor Pro-Tem and volunteered Michael Hesse as Council Treasurer. John Klostermann motioned to make said appointments with Leaca Caspari seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

Item III) CONSENT AGENDA

Mayor Helmberger announced the items on the Consent Agenda. With no one requesting any items to be pulled for discussion, Michael Hesse motioned to approve the Consent Agenda as presented with Jim Foy seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

Item IV) INFORMATIONAL ITEMS

Council did not request any information or clarification regarding Informational Items.

ITEM V – A) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A ZONING CHANGE ON APPROXIMATELY 0.741 ACRES OF LAND, MORE OR LESS, FROM SINGLE-FAMILY 2 (SF-2) DISTRICT USES TO MULTI-FAMILY 1 (MF-1) DISTRICT USES FOR A DEVELOPMENT LOCATED AT OR ABOUT THE SOUTHEAST CORNER OF LINCOLN AND CANDY STREETS ALSO KNOWN AS THE WHITAKER ADDITION, BLOCK 1, LOT 1 IN THE W.B. WILLIAMS SURVEY, ABSTRACT A952 OF FARMERSVILLE, COLLIN COUNTY, TEXAS

Mayor Helmberger opened the Public Hearing at 6:19pm and asked for those FOR the zoning change request to come forward. Nancy Gooch, residing at 2724 FM 36, Merit, Texas, came forward. Mrs. Gooch and her husband are the prospective owners and developers of the property. The intent is to build a quad-plex that meets a great need for senior adults with a 2 bedroom/1 bath apartment of approximately 1,000 square feet of living space. The proposed space will be of high quality at an affordable price. There have not been any structures on the property for at least 10 years. The quad-plex will be an improvement to the property, area and to the City. A builder and engineer have been secured to design the structure and plan for proper drainage which will improve the property. There are also plans for a community garden. Parking will be a covered area, but not enclosed. The plan is to accommodate seniors but the residents will not be limited to seniors only.

No one else came before the Council expressing their views FOR the project. Mayor Helmberger then requested those OPPOSING the zoning change request to come forward.

Steve Mitchell, residing at 119 N Johnson, stated he is not in favor of this zoning change and development due to the size of streets which are basically a width for one lane of traffic. Candy Street is also one lane from Lincoln to Hamilton and does not have a quality surface. The alley on the South side is gravel and mud. The entire area of streets/alleys is not well surfaced to uphold service vehicles. There is also a concern regarding the drainage as drainage ditches are almost non-existent.

Tommy Gilbert, residing at 120 N Hamilton, stated he opposes the zoning change and development. The area was very controversial when he built his home on North Hamilton due to Candy Street being dirt and gravel which is an alley beside his home. Drainage is another huge issue. With the recent rains, his back yard has been flooded and the water flow comes from this particular lot as there are not drainage ditches to carry the flow of water. If a structure is placed on this property, the drainage issue will become a larger problem. If the streets are not widened, the area will not support the services required for the residents.

Eva Barton, residing at 949 Highway 78 South, stated she owns property at 106 Lincoln Street. Having a quad-plex on this particular property will constitute too much traffic for the existing streets. Water run-off is another issue. It is a wonderful idea, but needs to be somewhere else.

With no one else coming forward, Mayor Helmberger closed the Public Hearing at 6:28pm.

City Manager Ben White indicated the same issues and concerns were discussed at the Planning and Zoning Commission; however P&Z approved the zoning change request. Mr. White continued the streets are indeed narrow. Drainage issues have not been turned into the City, but will investigate. At one time, there were three structures on this particular property which has since been replatted to be one lot.

Mayor Helmberger noted the replatting process included dedication of right-of-ways which is currently 20'. Candy Street is actually considered an alley and the alley south of the property has never changed from dirt and some rock. Mr. White added the lot would be very slim if expanding the streets and therefore rendering the lot unusable.

Mayor Helmberger also expressed concerns of runoff and would not have changed from three houses to one quad-plex. Mr. White also added concrete would be used rather than having a gravel driveway per our current ordinance. Jim Foy stated he agreed the need exists and like the need to accommodate seniors; however, he did not believe this location was the place for this type of development. Once the zoning has been changed, it opens opportunity to other types of multi-family. The next owner could have more living quarters which will create a larger problem for the streets in the future. The streets are not sized to accommodate this much traffic and service vehicles. Due to the street widths, the zoning of multi-family being open to others rather than specifically seniors and the opposing neighbors, Mr. Foy stated he would not be in favor of the rezoning request.

Leaca Caspari expressed her concern of the rezone if the Gooch's ownership changes. Also given the neighborhood's objections, she would not support this request. With that stated, Jim Foy motioned to deny the zoning request with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – B) PUBLIC HEARING REGARDING SUBMISSION OF NOMINATION TO CREATE A NATIONAL REGISTER OF THE FARMERSVILLE COMMERCIAL HISTORIC DISTRICT

Main Street Manager Adah Leah Wolf introduced Mary Tate who has performed a large amount of the research in preparing the National Register of the Farmersville Commercial Historic District. Mrs. Tate stated she has worked on this project for her Master's Degree. After submitting the information, she has been requested to make changes to reduce references. The National Register committee will perform a visit of each building. There will also be Main Street District lines redrawn to include the Cotton Gin. Adah Leah Wolf thanked the Farmersville Community Development Corporation for funding this project.

Mayor Helmberger opened the Public Hearing at 6:42pm and asked for those FOR the submission to come forward. Diane Piwko, residing at 200 McKinney Street, asked for the Council to continue moving this project forward.

Chris Grupido, owner of Charlie's stated he and Heather just purchased the Cotton Gin and wanted to ensure any changes made to their newly purchased property would not hinder them from proceeding to pursue their plans for the property. Adah Leah Wolf declared the changes to the National Register would not affect their plans for the property.

Mayor Helmberger asked for those OPPOSING the National Register submission to come forward. With no one coming forward, Mayor Helmberger closed the Public Hearing at 6:45pm.

Adah Leah Wolf also informed the Council of Matt Busby's contribution describing the boundary description and Jack Smith's time for taking the photographs.

ITEM VI – A) RECEIVE REQUEST FOR PROPOSALS FOR AUDITOR SERVICES AND CONSIDER, DISCUSS AND ACT UPON AWARDING THE AUDITOR CONTRACT THROUGH A LETTER OF UNDERSTANDING

Mayor Helmberger noted the City received only one response for the Request for Proposals. Other auditors were contacted to submit a proposal. Mayor Helmberger felt the City needs a fresh look at the books and requested the notice be re-publicized. Council concurred they would like to see more than one proposal and suggest expanding the invitations. Jim Foy motioned due to lack of proposals, to deny the one as presented with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM VI – B) CONSIDER, DISCUSS AND ACT UPON A PROPOSAL TO AMEND THE COMPREHENSIVE ZONING ORDINANCE TO ALLOW AN EVENT CENTER AS AN APPROVED LAND USE

City Manager Ben White indicated a business has made a request to have an event center in the Highway Commercial District which our Zoning Ordinance currently does not allow. If someone wished to hold a simple wedding at a location other than a church or chapel, our Zoning Ordinance does not accommodate such an event. City Attorney Alan Lathrom indicated he was asked to present an ordinance and submit it to the Council to direct the Planning & Zoning Commission to revise and adjust the ordinance to see if an allowance can be made for this type of use. There was a question regarding fees for admission for fundraising uses which needs to be addressed. Another question was raised why the City might allow this type of use and still require a Specific Use Permit. Mr. Lathrom replied the SUP process will cover additional items of concerns due to the nature of this business to include traffic and other requirements. Due to the varying sizes of events, the Police Department would need to be, minimally, included to be prepared. Jim Foy noted the use should also be for Commercial and Light Industrial

Districts and not just to Highway Commercial zones only. Council concurred to submit the ordinance to the Planning & Zoning Commission for their recommendation.

ITEM VI – C) REORGANIZE BOARDS AND COMMISSIONS AND APPOINT A COUNCIL LIAISON TO EACH BOARD AND COMMISSION RESPECTIVELY

Mayor Helmberger recommended the following appointments for Council Liaisons: Leaca Caspari to the FCDC; Jim Foy to the Parks & Recreation Board, Fire Department and Farmersville ISD; John Politz to the Building and Property Standards Commission; Mayor Helmberger to the FEDC; John Klostermann to the Planning and Zoning Commission and the Senior Citizens Advisory Committee; and Michael Hesse to the Library/Civic Center Board.

Mayor Helmberger also suggested appointing Jason Lane to the FEDC; Christi Adams, Mike Goldstein and Kim Potter to the FCDC; Wyndi Veigel to the Library/Civic Center Board; Glenda Hart, Kim Potter and Kim Smith-Cole to Main Street Board; Glenn Bagwell to the Building & Property Standards Commission; Suzie Grusendorf and Bettye Petreeto the Parks & Recreation Board; Patricia Jablonski for the Senior Citizens Advisory Committee; no action on the TIRZ Board and finally Wayne May appoint to the NTMWD Board of Directors.

Leaca Caspari expressed concern regarding only one applicant applying for boards and the same individual is appointed to other boards as well. Ms. Caspari stated she would rather postpone the appointments and encourage more applicants and not limit with board duplications. Ms. Caspari also stated she would assist with direct contacts in an effort for more volunteers.

Jim Foy motioned to appoint the Council Liaisons only and delay the other appointments until the next meeting. Michael Hesse seconded the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

Mayor Helmberger recused himself from the meeting for the next agenda item at 7:02pm. Mayor Pro-Tem Jim Foy administrated the meeting for the next item.

ITEM VI – D) RECEIVE PLANNER PRESENTATIONS FROM HALFF ASSOCIATES, INC. AND THARP PLANNING GROUP REGARDING PLANNING SERVICES FOR THE TOWNE CENTRE PROJECT

City Manager Ben White instructed the presenters they were allowed 10 minutes to offer their presentation to the Council. The Council would then have 10 minutes to ask questions.

Francois DeKoch and his team from Halff and Associates were the first presenters (alphabetically chosen). Mr. DeKoch stated he and his team want to make the vision of the Towne Centre real. With multiple staff, he felt his team can offer a great deal to the City of Farmersville with background making a catalyst of projects a reality. He also described Halff and Associates as having a broad range and depth of knowledge

necessary for this type of project. One team member would work with the City on pre-planning and implementation. Another would assist with market analysis.

Jim Foy questioned how Halff and Associates would bring stakeholders on board with the project. Mr. DeKoch stated the vision is based on values. By completing a market analysis and working with the stakeholders, he felt the constraints could be overcome. This also means working with what the City already has and grow from that. The Chaparral Trail is a great destination along with the historical downtown. These are assets with which to base the remainder of the vision.

A Charrette would also be prepared with maps and concept plan to discuss with the stakeholders and engage with discussions of preparations of how the Plan will affect property owners and other groups to provide input.

Mr. DeKoch stated he has a team on the ground and ready for action. His team can create a market with destination concepts. Mr. DeKoch also stated the townscapes are timeless principles that meet a great value to the community.

Janet Tharp with Tharp Planning Group offered their presentation to the Council. With her firm completing the Comprehensive Plan for the City of Farmersville recently, Ms. Tharp stated she felt her firm was very in tune with the City's needs. This would include an open discussion with the people who live here.

Leaca Caspari stated she was on the Planning & Zoning Commission when the Comprehensive Plan was developed. Her question, what is the difference between then and now? Ms. Tharp stated there is a small are plan with greater detail and is more design oriented. Ms. Tharp also stated she has the staff to perform a market analysis and will work with those resources.

Jim Foy asked how the stakeholders would be brought on board with the project. Ms. Tharp replied through numerous workshops, working with civic organizations and her team is willing to spend the time needed to visit with each and every stakeholder. This time would also be spent to test ideas from the stakeholders and achieve their involvement through a Charrette.

The scope is broad, but Ms. Tharp expressed she felt her team could have a plan within 6-9 months. The vision per the Tharp Planning Group would phase for 2 years, then 5 years and ultimately 10 years. Ms. Tharp stated she works with Kimley-Horn who can assist with resources for economic analysis.

City Manager Ben White stated the Evaluation Committee reviewed only two Request for Qualifications. The Farmersville Economic Development Corporation is funding the project through Council approval and support.

A weighted matrix was used to score the RFQ's. Halff and Associates scored 389 while Tharp Planning Group scored 295.

Unless the Council disagrees, Mr. White recommended going forward with Halff and Associates. The Council can proceed without a vote but recommend consent to choose one firm to go into negotiations. Typically the negotiations will further the Council to approve a Contract.

Council concurred to offer negotiations to Halff and Associates for the Towne Centre planning project.

Mayor Helmberger returned to the meeting for the next agenda item at 8:08pm.

ITEM VI – E) RECEIVE PLANNER PRESENTATIONS FROM HALFF ASSOCIATES, INC. AND MESA REGARDING PLANNING SERVICES FOR THE JW SPAIN ATHLETIC COMPLEX PROJECT

City Manager Ben White instructed the presenters they were allowed 10 minutes to offer their presentation to the Council. The Council would then have 10 minutes to ask questions.

Lenny Hughes and his team from Halff and Associates were the first presenters (alphabetically chosen). Mr. White indicated the planning and the site are limited to the Spain Athletic Complex only. Mr. Hughes expressed Halff and Associates has extensive experience in the planning and design of athletic complexes across the State and has proudly assisted multiple communities within Collin County. The time period expected to have a plan ready for action is 5 – 6 months. Mr. Hughes also expressed his team will produce a plan in three phases, one short-term, one mid-term and one long-term phase. There is a great need for soccer fields. The long-term phase will include funding and Halff and Associates has their own grant writing team in-house. The costs estimates will be detailed over a 5 year period.

Fred Walters with MESA Design Group offered his presentation to the Council stating the site is a key destination facility. The time period would be 1-2 months for planning and analysis of the project with public input. The Master Plan would take approximately 4-6 months. Mr. Walters stated his firm is extremely well versed in construction methods, documentation and project management.

Mr. Walters stated he would also include the Parks Staff, Parks Board in the workshops with the citizens. Mr. Walters stated it is very important to include the public and receive their comments and suggestions. Mr. Walters questioned if his presentation would be received as he noted the Parks and Recreation Board had made a recommendation for his competitor in their minutes.

City Manager Ben White discussed the evaluation teams with the City Council. The Evaluation Committee reviewed five Request for Qualifications. The Farmersville Community Development Corporation is funding the project through Council approval and support.

A weighted matrix was used to score the RFQ's. The Evaluation Committee whittled the RFQ's from 5 to 2. Halff and Associates scored 982 while MESA scored 867. Based on the scoring and the Evaluations Teams recommendation, Mr. White recommended offering negotiations to Halff and Associates.

Mayor Helmberger stated he would like to review the two RFQ's and return this item to the next Council meeting as opportunities are good from both presentations. Council concurred.

ITEM VI – F) UPDATE ON COLLIN COUNTY DISPATCH/COMMUNICATION SERVICES

Police Chief Mike Sullivan reported no new information regarding the dispatch services through Collin County. If the area cities are regionalized, the cities would need to piggyback on the County's channels. This is the biggest piece and the highest cost for frequency opportunities. If Collin County removes Homeland Security from their building, there would be room to expand the dispatch center by 2019, but this idea is not foreseeable.

Princeton is hosting a meeting on May 29th to discuss choosing a consultant with 7 of the area cities. Sheriff Box has agreed to show a report of why the changes are being pressed.

One minor victory in this saga has been one channel that the County will be releasing could be available to cover our entire area. There are no licenses available and no room for Public Safety Answering Point (PSAP). All grants are focusing on regionalization. Collin County's intention is to not cover police and they really are not interesting in covering fire, but are being forced to cover.

ITEM VI – G) RECEIVE, DISCUSS AND ACT UPON INFORMATION REGARDING PLATTING, PERMITTING AND APPLICATION OF THE INTERNATIONAL CODES IN THE CITY'S EXTRATERRITORIAL JURISDICTION, AND THE "CITY-COUNTY PLAT APPROVAL AGREEMENT (EXCLUSIVE CITY CONTROL)" ("1445 AGREEMENT") PREPARED BY COLLIN COUNTY AND ENTERED INTO BY AND BETWEEN COLLIN COUNTY AND THE CITY

City Attorney Alan Lathrom all cities in Collin County signed a 1445 Agreement giving authority to the cities to enforce control within the city's Extra Territorial Jurisdiction (ETJ) including plats, subdivisions and codes. The agreement indicates the City has control of enforcement within the ETJ. There is an ongoing battle between some cities and Collin County. The County has expanded services to issue permits under the International Fire Code and for On Site Sewage Facilities. They also are reviewing and issuing permits for the National Flood Insurance Program under the Vested Rights Act.

Collin County wants to pick and choose who and how they govern the areas while the cities are fighting for their rights adjacent to their cities. Collin County has requested an Attorney General's Opinion for home-rule cities. Lakewood Village has filed with the

Supreme Court of Texas. There is also a conflict of opinion with the Dallas Court of Appeals that cities enforce codes within their ETJ and related permitting.

Currently, the City has permitted structures within the ETJ, even if platting is not required. The County has limited cities to continue this practice under the present leadership. Suboptimizing is a detriment to everyone and there needs to be a change of philosophy. Mr. Lathrom indicated he is preparing a brief to the Attorney General's Office regarding General Law cities. The Texas Municipal League should also be involved with this battle as well.

One option would be to tweak our Subdivision Ordinance to require all properties be platted, hence the City would then be allowed to enforce all permits within the platted area.

ITEM VI – H) UPDATE REGARDING PIPE REPLACEMENT PROGRAM THROUGH ATMOS ENERGY

Per a letter (included with the Council packet) from Atmos Energy, the pipe replacement program has been completed in Farmersville. There were segments of pipe replaced based on various factors, not just pipe material. This replacement is to help with an ongoing effort to provide a safe delivery system of natural gas.

ITEM VII) REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

Mayor Helmberger requested the Council to discuss transferring the Onion Shed ownership to the Farmersville Heritage Museum.

John Klostermann requested the Council to discuss updates regarding ADA compliancy.

ITEM VI) ADJOURNMENT

Council adjourned at 9:26pm.

ATTEST



Edie Sims, City Secretary

APPROVED



Joseph E. Helmberger, P.E., Mayor

