

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
May 26, 2015

The Farmersville City Council met in regular session on May 26, 2015 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Helmberger, John Politz, Michael Hesse, Leaca Caspari and Jim Foy. Councilmember absent was John Klostermann. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, Fire Chief Kim Morris, City Attorney Alan Lathrom, Finance Director Daphne Hamlin, Librarian Trisha Dowell, and Assistant to the City Manager Paula Jackson.

Item I) CALL MEETING TO ORDER, ROLL CALL

Mayor Helmberger called the meeting to order. Paula Jackson 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 Yards of Yard Sales event sponsored by the Farmersville Chamber of Commerce.

Mayor Helmberger also announced the Latter Day Saints Church of Christ will be having missionaries doing a service project for the City of Farmersville on May 29th. Their efforts are greatly appreciated.

First Baptist Church will be celebrating their 150th year with Mayor Helmberger reading a proclamation dedicating May 31st as First Baptist Church Day in Farmersville.

Item II – A) FIRST READING TO CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE PROHIBITING PARKING ON SYCAMORE STREET

Mayor Helmberger opened this item for discussion with Jim Foy questioning how many residences front Sycamore Street. With only four residents facing Sycamore Street, Mayor Helmberger wanted to ensure those residents were made aware of this proposed ordinance. Mr. Hesse mentioned a concern regarding parking during funerals as the cemetery aligns with Sycamore Street. Mr. Foy stated this type of parking is an exception as it is not for an extended period of time and there is not an issue regarding funerals. Jim Foy motioned to approve the first reading of this ordinance with John Politz seconding the motion. A poll of the Council was taken as follows: John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM II – B) FIRST READING TO CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE REGARDING THE RATE REVIEW MECHANISM SETTLEMENT BETWEEN ATMOS AND MEMBER CITIES OF ACSC

Jeanette Moser, representative for Atmos Energy, came before the Council to answer questions that may arise regarding this topic. The rate increase as discussed in the settlement affects residential, commercial and industrial customers alike. Jim Foy motioned to approve the ordinance as presented with John Politz seconding the motion. A poll of the Council was taken as follows: John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM III – A) CONSIDER, DISCUSS AND ACT UPON CITY FINANCIAL REPORTS

Daphne Hamlin, City Finance Director, came to offer the financial report for the month of April 2015. At the end of April, the total revenues in the General Fund are at 67.21% collected. The ad valorem collections currently received are at 92.32%. Stating these two percentages, we are in line with the budget as anticipated.

City Manager Ben White indicated the Electric Fund is being carefully evaluated. Michael Hesse motioned to approve the Financial Reports as presented with John Politz seconding the motion. A poll of the Council was taken as follows: John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM III – B) CONSIDER, DISCUSS AND ACT UPON RENAMING AN INACTIVE CITY ACCOUNT AT FIRST NATIONAL BANK OF TRENTON FOR USE AS A TIRZ ACCOUNT

Finance Director Daphne Hamlin explained the need for an existing account to be reutilized for the TIRZ Funds now that funding is coming into the City's account. The need to keep these funds separate is imperative. Leaca Caspari motioned to approve renaming an inactive account at First National Bank of Trenton to TIRZ Account with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM III – C) CONSIDER, DISCUSS AND ACT UPON A MARKET ADJUSTMENT FOR COMMUNITY WASTE DISPOSAL

Robert Medigovich, representing Community Waste Disposal (CWD), came before the Council pleased to report a request to decrease the market rate adjustment from \$3.14 to \$3.03 to be effective October 1, 2015. Michael Hesse motioned to approve the market adjustment as recommended with John Politz seconding the motion. A poll of the Council was taken as follows: John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM III – D) CONSIDER, DISCUSS AND ACT UPON PLANNING SERVICES FOR THE JW SPAIN ATHLETIC COMPLEX PROJECT PER PRESENTATIONS FROM HALFF ASSOCIATES, INC. AND MESA DESOGM ASSOCIATES, INC.

City Council received presentations for planning services from Lenny Hughes with Halff Associates, Inc. and Fred Walters with MESA Design Associates, Inc. Both firms presented their perspective of providing the best planning services in regards to the JW Spain Athletic Complex. Each presented their experience specializing in Athletic Complexes and the leadership within each organization. After completing their presentations, City Manager Ben White stated both firms were very capable of meeting the needs for the City of Farmersville regarding the JW Spain Athletic Complex.

An evaluation team comprising of Glenn Bagwell (serving on the Parks Board), Russell Chandler (serving on the City Council), Eddy Daniel (City Engineer), Paul Kelly (serving on the FCDC), and City Manager Ben White, evaluated five Request for Qualifications. Of those polled, Halff Associates and MESA rated the highest through a weighted matrix. Halff rated 982 with MESA rating 867. Based on the findings of the

evaluation team, Jim Foy motioned to offer negotiations for a contract to Halff Associates with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM III – E) CONSIDER, DISCUSS AND ACT UPON MARGARET VIGIL'S RESIGNATION FROM THE MAIN STREET BOARD

Margaret Vigil has offered her resignation from the Main Street Board. Jim Foy motioned to approve the resignation with John Politz seconding the motion. A poll of the Council was taken as follows: John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM III – F) REORGANIZE BOARDS AND COMMISSIONS TO EACH BOARD AND COMMISSION

After making further contacts requesting applications to serve on boards, the following board members were suggested to serve:

FEDC: Renewal for Kevin Meguire and new board member Jason Lane.

FCDC: Renewal for Donna Williams and new board members Christi Adams, Cynthia Craddock-Clark and Mike Goldstein.

Building & Property Standards: New board member Diane Jackson.

Capital Improvements Advisory Commission/Planning & Zoning Commission: Renewal for Mark Vincent, Todd Rolen and Bryce Thompson and new board member Sarah Jackson-Butler.

Library/Civic Center Board: Renewal for Sarah Odom and new board member Wyndi Veigel.

Main Street Board: New board members Kim Smith-Cole, Glenda Hart and Kim Potter.

Parks & Recreation Board: Renewal for Glenn Bagwell and Todd Rolen and new board member Bettye Petree.

Senior Citizens Advisory Committee: New board member Patricia Jablonski.

North Texas Municipal Water District: New board member Wayne May.

Leaca Caspari motioned to approve the appointments as described with Jim Foy seconding the motion. A poll of the Council was taken as follows: John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM III – G) UPDATE ON CHAPARRAL TRAIL PROJECT

City Manager Ben White indicated the intense rain has prohibited work on the Chaparral Trail project. Once the ground has dried and the flood waters have subsided, the work will continue.

ITEM III – H) UPDATE ON STREET, WATER AND WASTEWATER GENERAL OBLIGATION BOND PROJECTS

City Manager Ben White reported a majority of the street projects are completed and the remaining are underway either with construction, engineering or prepping for contracting. Once completed with the Washington / Santa Fe project, the contractor will be moving to Sid Nelson and then Locust Street overlays. We are expecting to be under budget after completing these projects.

The water projects are well underway; however the rain is keeping construction from continuing. Three of the wastewater projects are being financed through the CDBG Grant which are involved with engineering presently. We continue to forge ahead.

Jim Foy questioned the possibility of straightening South Hamilton. Mr. White stated he will certainly open this topic for discussion.

ITEM III – I) UPDATE ON HIGHWAY 380 PROJECT

Due to the onslaught of rain, the Highway 380 project has been pushed back to June for the west bound on-ramp. Walnut Street crossing is still planned for July 2015 as well as the main railroad track crossing.

ITEM III – J) UPDATE ON WASTEWATER TREATMENT FACILITY

City Manager Ben White reported the contract is almost complete for the wastewater treatment plant. Mr. White hopes to have the contract presented to the Council at the next meeting.

ITEM III – K) UPDATE ON COLLIN COUNTY DISPATCH SERVICES

A meeting will be held in Princeton on May 29th to continue discussions regarding the Collin County dispatching issue. Thus far, there has not been any feedback from Collin County Commissioners.

ITEM III – L) 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 offered the definitions of "permit" as found in two Chapters of the Texas Local Government Code. Of which, one defining permit as authorizing a person to engage in an action. However, another definition was offered which is broader and was developed through legislation of the "Vested Rights Act" which benefited the Texas Homebuilder's Association allowing looser guidelines which locks down the city's development regulations. The Vested Rights Act assists developers to avoid possible changes in regulations that might impact or reduce their profitability.

Mr. Lathrom explained the issues being presented to the Attorney General are identified with Home-Rule cities and not General Law cities. Home-rule charter cities have a much broader power and authority than a General Law city as the Texas Legislature guides our style of power and authority.

The City of Farmersville is also situated within an area of the State of Texas which is subject to the rulings of the Dallas Court of Appeals. Case law has granted statutory authority to apply, by ordinance, General Law cities their subdivision rules regarding extraterritorial jurisdiction regarding development including platting, building standards and permitting. There is still a great deal of turmoil regarding this issue.

IV) – REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

Mayor Helmberger requested the Collin County dispatch item and the extraterritorial jurisdiction item be removed from future agendas until further notice. No one requested any items to be discussed for future agendas.

ITEM V) ADJOURNMENT

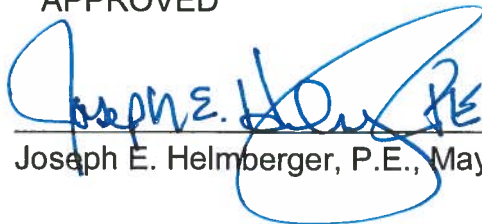
Council adjourned at 6:58pm.

ATTEST



Edie Sims, City Secretary

APPROVED



Joseph E. Helmberger, P.E., Mayor

