

**FARMERSVILLE CITY COUNCIL
REGULAR SESSION AGENDA
January 24, 2012, 6:00 P.M.
Council Chambers, City Hall
205 S. Main Street**

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance
- Welcome guests and visitors: Anyone wanting to speak on any items that are not the subject of a Public Hearing on this agenda is asked to speak at this time, with an individual time limit of 3 minutes. This forum is limited to a total of 30 minutes. Please note that the City Council cannot comment or take any action on this item.
- Announcements relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, awards, acknowledgement of meeting attendees, birthdays, and condolences.

II. READING OF ORDINANCES

- A. Second Reading – Consider, discuss and act upon Ordinance # O-2012-0124-001 for a budget amendment regarding the Fire Department for Bunker Gear which is to be reimbursed by the Texas Forestry Grant

III. REGULAR AGENDA

- A. Consider, discuss and act upon a new street sign standard as presented by Interim City Manager Ben White
- B. Consider, discuss and act upon amendments to the City Manager Ordinance
- C. Consider, discuss and act upon amendments to the Personnel Policy
- D. Consider, discuss and act upon a request to amend or change the Comprehensive Zoning Ordinance regarding residential uses being limited to the second floor and above a building in the CA District
- E. Presentation from Jim Dawkins regarding the conversion of Onion Shed #2 into a museum
- F. Update on the Bond Committee
- G. Update on the formation of the Tax Increment Reinvestment Zone (TIRZ)
- H. Update on the demolition of the South Lake Clubhouse
- I. Discuss review and approve the Comprehensive Plan Scope Document. Authorize Interim City Manager to execute an agreement with the City Engineer for developing and documenting the Comprehensive Plan in accordance with the Scope document
- J. Water Management plan update

IV. ADJOURNMENT

No action may be taken on comments received under "Recognition of Visitors".

Dated this the 20th day of January, 2012.



Joseph E. Helmberger, P.E., Mayor

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.175-183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code, including, but not limited to, Section 321.3022 (Sales Tax Information).

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted January 20, 2012 by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.



Edie Sims, City Secretary





TO: Mayor and Councilmembers

FROM: Interim City Manager Ben White

DATE: January 24, 2012

SUBJECT: Second Reading – Consider, discuss and act upon Ordinance # O-2012-0124-001 for a budget amendment regarding the Fire Department for bunker gear which is to be reimbursed by the Texas Forestry Grant

Ordinance # O-2012-0124-001 is attached

ACTION: Approve or disapprove the final reading of Ordinance # O-2012-0124-001

(II – A)

**CITY OF FARMERSVILLE
ORDINANCE O-2012-0124-001**

AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2011 – 2012 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS, APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville, Texas is a Type A General-Law Municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code, and operating pursuant to the enabling legislation of the State of Texas;

WHEREAS, the Interim City Manager of the City of Farmersville has reviewed the budget and which budget was adopted by the City Council for the Fiscal Year 2011 – 2012; and

WHEREAS, the Interim City Manager of the City of Farmersville believes that the budget requires certain amendments and has submitted to the Mayor and the City Council proposed amendment(s) to the budget of the revenues and expenditures of conducting the affairs of said City, and providing a complete financial plan for the Fiscal Year 2011 – 2012; and,

WHEREAS, the City Council has determined that it is in the best interest of the City to amend the Fiscal Year 2011 – 2012 budget to adopt the proposed amendment(s) to the budget of the revenues and expenditures of conducting the affairs of said City as submitted by the Interim City Manager.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:

SECTION 1. BUDGET AMENDMENT ADOPTION

1.1 From and after the effective date of this Ordinance, the amendments to the budget of the revenues and expenditures for the Fiscal Year 2011 – 2012 that are attached hereto as Exhibit "A" and incorporated herein by reference are hereby adopted and the budget for Fiscal Year 2011 – 2012 is hereby accordingly so amended and the amended budget for Fiscal Year 2011 – 2012 adopted.

SECTION 2. SEVERABILITY

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

SECTION 3. REPEALER

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 4. ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

SECTION 5. SAVINGS

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

PASSED on first reading on the 10th day of January, 2012, and second reading on the 24th day of January, 2012 at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 24th DAY OF JANUARY, 2012

Joseph E. Helmberger, P.E., Mayor
City of Farmersville, Texas

ATTEST:

Edie Sims, City Secretary

APPROVED AS TO FORM & LEGALITY:

Alan D. Lathrom, City Attorney

CITY OF FARMERSVILLE

EXHIBIT A

FY 2011-2012 REVISED

GOVERNMENTAL FUNDS	PROJECTED BEGINNING FUND BALANCE	REVENUES	EXPENDITURES	INTERFUND TRANSFERS IN (OUT)	PROPOSED ENDING FUND BALANCE
General Fund					
Revenues					
Property Tax		\$ 725,214			
Sales Tax		\$ 264,000			
Franchise Fees		\$ 66,300			
License Permits		\$ 24,200			
Municipal Court Fines		\$ 85,000			
4B Support/Reimbursement		\$ 45,000			
Fire Run Payments		\$ 107,500			
Lease Rentals		\$ 44,968			
Miscellaneous Income		\$ 52,200			
Interest		\$ 1,800			
Sell of Fixed Assets		\$ 57,825			
Transfers from Enterprise Funds				\$ 1,046,202	
Expenses					
City Council			\$ 9,240		
Administration			\$ 514,154		
Municipal Court			\$ 95,997		
Library/Civic Center			\$ 124,820		
Police Department			\$ 763,768		
Fire Department			\$ 205,452		
Street Department			\$ 532,599		
Debt Service			\$ 68,393		
Transfer to Equipment Replacement Fund				\$ (109,750)	
General Fund Total	\$ 483,068	\$ 1,474,007	\$ 2,314,423	\$ 936,452	\$ 579,104

Increase Fire Dept expenses \$8400
 Decreasing Fund reserves by \$8,400
 balance fund reserves \$579,104



TO: Mayor and Councilmembers

FROM: Interim City Manager Ben White

DATE: January 24, 2012

SUBJECT: Consider, discuss and act upon a new street sign standard as presented by Interim City Manager Ben White

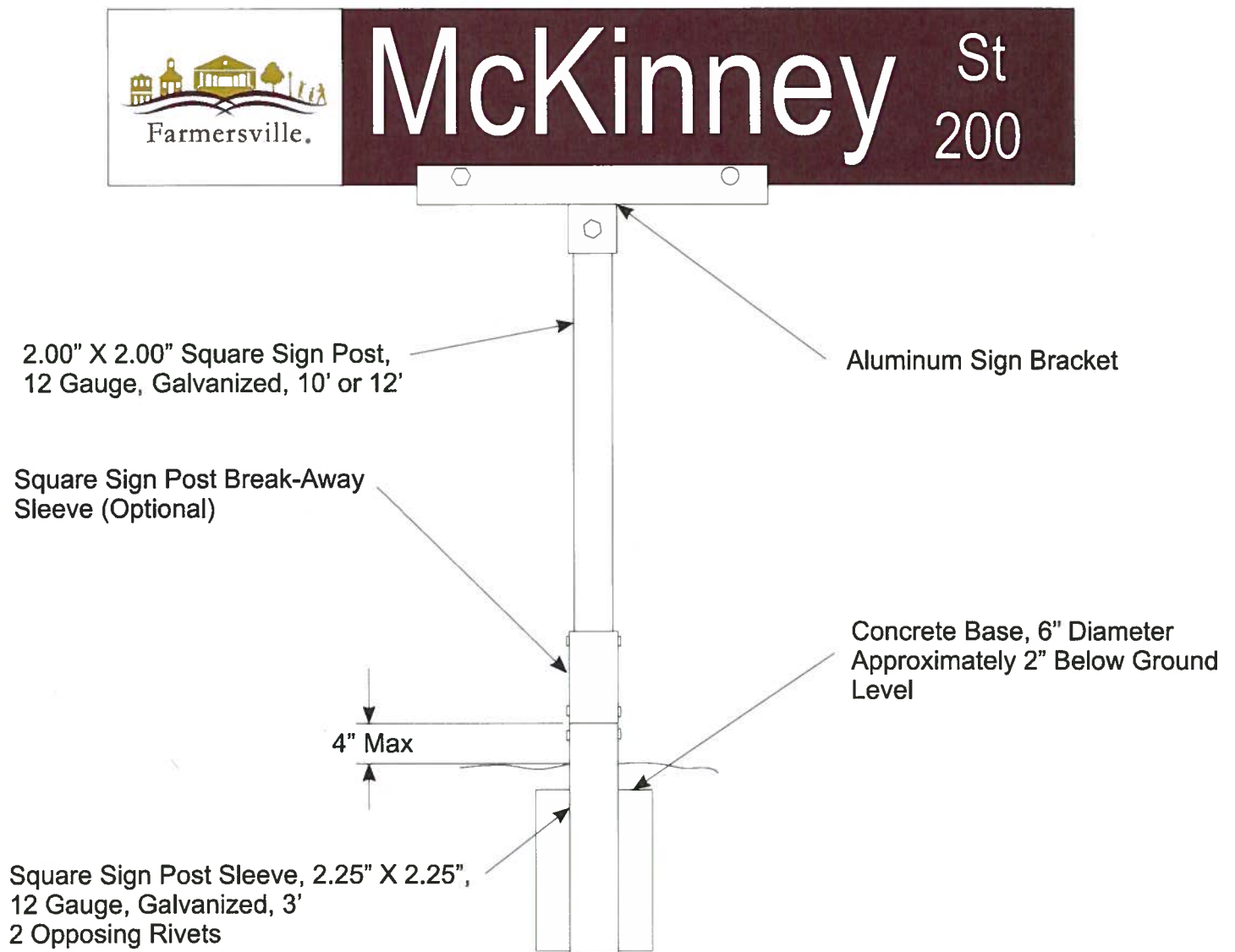
Street sign standard information is attached.

Action: Give direction and action from the Council as deemed appropriate

(III - A)

Standard Street Sign Design

Flat Panel Aluminum Blank, 9" High, 0.080 Thick
Font Type: Arial Narrow or Clearview (75 to 86% Horizontal Compression)
Background: 3M ElectroCut (EC) Film Series 1170 or Equivalent Non-Reflective
Reflectivity, Branding Area: Diamond Grade Except for Logo
Reflectivity, Lettering: Diamond Grade
Background Color: Brown (Pantone 4975 C if Possible)
City Branding Area: 9" High X 12" Wide
Street Type/Block Area: 9" High X 9" High Typical





TO: Mayor and Councilmembers

FROM: Interim City Manager Ben White

DATE: January 24, 2012

SUBJECT: Consider, discuss and act upon amendments to the City Manager Ordinance

Ordinance # O-2012-0214-001 is attached

+ ORIGINAL ORDINANCE 2009-34

ACTION: Approve or disapprove Ordinance # O-2012-0214-001

(III - B)

**CITY OF FARMERSVILLE
ORDINANCE # O-2012-0214-001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS THROUGH THE AMENDMENT OF ARTICLE IV, ENTITLED "OFFICERS AND EMPLOYEES," THROUGH THE AMENDMENT OF DIVISION 2, ENTITLED "CITY MANAGER," BY AMENDING SUBPARAGRAPH (A) OF SECTION 2-302, ENTITLED "APPOINTMENT AND REMOVAL," BY AMENDING SECTION 2-304, ENTITLED "COMPENSATION," AND BY AMENDING SUBPARAGRAPHS (B) AND (J) OF SECTION 2-305, ENTITLED "POWERS AND DUTIES"; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville, Texas is a Type A General – Law Municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas;

WHEREAS, the City has previously adopted the City Manager form of government; and

WHEREAS, the City Council of the City of Farmersville, Texas, finds and determines that amending its ordinances regarding the City Manager is in the best interest and public health, safety, and welfare of the citizens of the City of Farmersville, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:

SECTION 1. INCORPORATION OF FINDINGS

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

SECTION 2. AMENDMENT OF ARTICLE IV, ENTITLED "OFFICERS AND EMPLOYEES," THROUGH THE AMENDMENT OF DIVISION 2, ENTITLED "CITY MANAGER," BY AMENDING SUBPARAGRAPH (A) OF SECTION 2-302, ENTITLED "APPOINTMENT AND REMOVAL."

From and after the effective date of this Ordinance, Subparagraph (a) of Section 2-304, entitled "Compensation," is deleted in its entirety and replaced with a new Subparagraph (a) to read as follows:

- "(a) The Farmersville City Council shall appoint a City Manager for an indefinite term and fix his compensation. The City Manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the city or state at the time of his or her appointment. The City Manager shall reside within the Farmersville Independent School District boundaries within three (3) months after his appointment, and may reside outside the Farmersville Independent School District boundaries while in office only with the approval of the City Council."

SECTION 3. AMENDMENT OF ARTICLE IV, ENTITLED "OFFICERS AND EMPLOYEES," THROUGH THE AMENDMENT OF DIVISION 2, ENTITLED "CITY MANAGER," BY AMENDING SECTION 2-304, ENTITLED "COMPENSATION."

From and after the effective date of this Ordinance, Section 2-304, entitled "Compensation," is deleted in its entirety and replaced with a new Section 2-304 that is also entitled "Compensation" to read as follows:

"Section 2-304. Compensation.

The initial salary of the City Manager shall be fixed by contract with the approval of the City Council. Subsequent changes or increases in the City Manager's compensation shall be contingent upon an annual review of the City Manager's performance by the Mayor and City Council and approval thereof by the City Council."

SECTION 4. AMENDMENT OF ARTICLE IV, ENTITLED "OFFICERS AND EMPLOYEES," THROUGH THE AMENDMENT OF DIVISION 2, ENTITLED "CITY MANAGER," BY AMENDING SUBPARAGRAPHS (B) AND (J) OF SECTION 2-305, ENTITLED "POWERS AND DUTIES."

From and after the effective date of this Ordinance, Subparagraphs (b) and (j) of Section 2-305, entitled "Compensation," are hereby deleted in their entirety and replaced with new Subparagraphs (b) and (j) to read as follows:

"(b) In personnel transactions involving all employees of the City of Farmersville, the City Manager shall have the power to appoint and remove all city employees, save and except the City Secretary who shall be appointed or removed only after consultation with, and approval of, the Mayor and City Council. The City Attorney, Municipal Judge and other appointees of the City shall serve at the will and pleasure of the City Council and shall be appointed and/or removed from their positions by the City Council and/or as otherwise provided by ordinance or law."

"(j) The City Manager shall be the Chief Building Official for the City of Farmersville. The City Manager may delegate his responsibilities and duties as Building Official to another duly qualified person or party to act for and on his behalf and the City of Farmersville."

SECTION 5. SEVERABILITY

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

SECTION 6. REPEALER

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances,

resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 7. PUBLICATION

The City Secretary of the City of Farmersville is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 8. ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

SECTION 9. SAVINGS

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

PASSED on first reading on the 24th day of January, 2012, and second reading on the 14th day of February, 2012 at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 14th DAY OF FEBRUARY, 2012.

APPROVED:

BY: _____
Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Alan D. Lathrom, City Attorney

**CITY OF FARMERSVILLE
ORDINANCE #2009-34**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING SECTION 8.122 OF THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS BY REPEALING SECTION 8.122.1 AND 8.122.2 IN THEIR ENTIRETY AND REPLACING SAID PROVISIONS WITH NEW SECTIONS 8.122.1 THROUGH 8.122.6, AUTHORIZING THE POSITION OF CITY MANAGER; PROVIDING FOR APPOINTMENT, QUALIFICATIONS, BOND REQUIREMENT, AND POWERS AND DUTIES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville, Texas is a Type A General – Law Municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas;

WHEREAS, the City has previously adopted the City Manager form of government; and

WHEREAS, the City Council of the City of Farmersville, Texas, finds and determines that amending its ordinances regarding the City Manager is in the best interest and public health, safety, and welfare of the citizens of the City of Farmersville, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:

SECTION 1. INCORPORATION OF FINDINGS

- 1.1 The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

SECTION 2. REPEAL AND REPLACEMENT OF SECTIONS 8.122.1 AND 8.122.2

- 2.1 From and after the effective date of this Ordinance, Sections 8.122.1 and 8.122.2 of the Code of Ordinances, City of Farmersville, Texas are hereby repealed and the following Sections 8.122.1 through 8.122.6 are hereby adopted to read as follows:

Section 8.122.1 CITY MANAGER POSITION CREATED

There is hereby created the position of City Manager for the City of Farmersville, Texas. The City Manager shall be designated by and shall work under the direction of the governing body of the City of Farmersville. The term "governing body" shall be interpreted to include both the Mayor and City Council.

Section 8.122.2 APPOINTMENT AND REMOVAL OF THE CITY MANAGER

- A. The Farmersville City Council shall appoint a City Manager for an indefinite term and fix his or her compensation. The City Manager shall be appointed solely on the basis of his or her executive and administrative qualifications. He or she need not be a resident of the city or state at the time of his or her appointment, and may reside outside the Farmersville Independent School District boundaries while in office only with the approval of the City Council.
- B. The City Manager may be removed at the will and pleasure of the City Council by a super-majority vote of the entire City Council.
- C. During the absence or disability of the City Manager, the governing body may designate some properly qualified person to perform the duties of the Office of the City Manager.

Section 8.122.3 BOND REQUIRED

The City Manager shall furnish a surety company bond to be approved by the governing body.

Section 8.122.4 COMPENSATION

The salary of the City Manager shall be fixed by the governing body.

Section 8.122.5 POWERS AND DUTIES

- A. The City Manager shall be the administrative head of the municipal government. As such, it shall be his or her duty to see that all laws and ordinances are enforced. It shall be his or her duty also to assume complete responsibility for directing the executive departments of the city, within the limits set by law. Any instructions or changes on city policy or personnel will be put in writing by the City Manager and copies distributed among city employees. The City Manager may authorize any administrative officers who are subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- B. In personnel transactions involving all employees and appointees of the City of Farmersville, the City Manager shall have the power to appoint and

remove all city employees and appointees, except the City Attorney, the Municipal Judge and as otherwise provided by ordinance or law.

- C. The City Manager shall have the right and the duty to attend all meetings of the governing body, except only to the extent that state or federal law precludes the City Manager from attending an executive session or closed meeting held in conjunction with a properly called public meeting, and the City Manager shall have the right to take part in the discussions of such body, but without voting privileges. The City Manager shall be entitled to notice of all meetings, regular and special, of the governing body. He shall recommend to the governing body for adoption such measures as he may deem necessary or expedient.
- D. It shall be the duty of the City Manager to make and execute all lawful contracts on behalf of the city with regard to matters within his or her jurisdiction, and to take care that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed. Pursuant to those ends, he or she shall call to the attention of the governing body all violations of contracts and franchises.
- E. The City Manager shall act as the business manager for the city under the direction of the governing body. He shall have supervision over all city property and shall have charge of or supervision over the accounting work of the city.
- F. The City Manager shall be the purchasing agent for the city and shall approve all vouchers in payment of city purchases, provided that all purchases involving expenditures of more than fifteen thousand dollars (\$15,000) in one (1) transaction or for one (1) purpose shall first be authorized or approved by the governing body. All purchases of any amount shall be subject to the limitation imposed by the city's budget.
- G. The City Manager shall present to the governing body monthly reports covering the work of each department for which he or she is responsible together with such other special reports as may be required. At the end of the fiscal year, he or she shall prepare and present to the governing body a written annual report summarizing the work of each

department and including a statement of the financial condition of the city, with recommendations for the ensuing year and for subsequent years.

- H. The City Manager shall prepare each month and present to the governing body a statement showing the exact financial condition of the city as of the end of the preceding month, including a statement of current assets and liabilities and summarized statements of income and expenditures, detailed as to funds and departments.
- I. The City Manager shall be the City of Farmersville's Chief Budget Officer. The City Manager shall also prepare and present to the governing body, prior to the end of each fiscal year, a budget estimate of incomes and expenditures for the ensuing year for the consideration of the governing body as required by state law in such a time and manner as enables the governing body to timely adopt a budget and tax rate for the ensuing fiscal year.
- J. The City Manager shall be the Chief Building Official for the City of Farmersville.
- K. The City Manager shall draw the governing body's attention to community needs and recommend alternatives by which the governing body can respond to those needs.
- L. The City Manager shall perform such other duties as specified by Ordinance or Resolution of the City Council or as directed by a majority of the members of the City Council in a properly called public meeting.

Section 8.122.6 OTHER POWERS AND DUTIES

The City Manager shall exercise such other powers and shall perform such other duties as may be prescribed by law, ordinance or resolution of the governing body or which may otherwise devolve upon the City Manager from time to time. If such law, ordinance or resolution is made, it shall be carried out within a 30-day time period, except for extenuating circumstances, which shall be approved by the governing body.

SECTION 3. SEVERABILITY

- 3.1 It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent

jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

SECTION 4. REPEALER

- 4.1 This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 5. PUBLICATION

- 5.1 The City Secretary of the City of Farmersville is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 6. ENGROSSMENT AND ENROLLMENT

- 6.1 The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

SECTION 7. SAVINGS

- 7.1 All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8. EFFECTIVE DATE

- 8.1 This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

PASSED THIS 10th DAY OF November, 2009 at a scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 10th DAY OF NOVEMBER, 2009.

BY: _____
Donald C. Smith, Mayor

ATTEST:
BY: _____
Edie Sims, City Secretary

APPROVED AS TO FORM: _____
Alan D. Lathrom, City Attorney

ORIGINAL



TO: Mayor and Councilmembers

FROM: Interim City Manager Ben White

DATE: January 24, 2012

SUBJECT: Consider, discuss and act upon amendments to the Personnel Policy

Resolution # R-2012-0214-002 is attached

ACTION: Approve or disapprove Resolution # R-2012-0214-002 on the First Reading.

(III - C)

**CITY OF FARMERSVILLE, TEXAS
RESOLUTION # R-2012-0214-002**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE PERSONNEL POLICIES MANUAL BY THE AMENDMENT OF CURRENT SECTION 7-07, ENTITLED "DISCIPLINARY DEMOTION AND DISMISSAL," BY THE REPLACEMENT OF CURRENT SECTIONS 7-08, ENTITLED "APPEALS OF DISCIPLINARY ACTION," AND 7-09, ENTITLED "GRIEVANCE AND APPEAL PROCEDURES," WITH NEW SECTIONS 7-08 AND 7-09 ALSO ENTITLED "APPEALS OF DISCIPLINARY ACTION" AND "GRIEVANCE AND APPEAL PROCEDURES," RESPECTIVELY, AND BY THE DELETION OF SECTION 7-11, ENTITLED "EXEMPTIONS," OF THE PERSONNEL POLICIES MANUAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has previously adopted a Personnel Policies Manual that is intended to bring into the service of the City a high degree of understanding, cooperation, efficiency, and unity which comes through systematic application of good procedures in personnel administration, and to provide a uniform policy for all employees with all the benefits such a program insures; and

WHEREAS, the City Council now desires to amend said Personnel Policies Manual as set forth herein;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:

SECTION 1. All of the above premises are true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this resolution as if copied in their entirety.

SECTION 2. From and after the adoption of this Resolution the Personnel Policies Manual is hereby amended by amending Section 7-07, entitled "Disciplinary Demotion and Dismissal," by deleting the last sentence of the third paragraph of said Section 7-07, which states "The City Manager's decision in all such appeals shall be final" in its entirety.

SECTION 3. From and after the adoption of this Resolution the Personnel Policies Manual is hereby amended by deleting existing Section 7-08, entitled "Appeals of Disciplinary Action," in its entirety and replacing said section with a new Section 7-08 that is also entitled "Appeals of Disciplinary Action" to read as follows:

"7-08. APPEALS OF DISCIPLINARY ACTION

An employee may appeal any disciplinary action taken against him or her if he or she feels that he or she has been disciplined unfairly, too harshly, or inappropriately. The employee must file notice of appeal in writing to the City Manager within five (5) working days following such action. The City Manager, after notice to the employee and a hearing of the appeal facts, shall have broad authority to approve, disapprove, modify, or rescind any disciplinary actions taken or proposed by the supervisor of the employee. The City Manager shall render a decision in writing on the appeal within ten (10) calendar days after the hearing. The City Manager's decision may be

appealed in writing to the City Council; provided, notice of intention to appeal is made in writing within five (5) working days following the City Manager's decision.

As promptly as practicable after the appeal has been filed, the employee should be given written notice of the hearing date and time, which shall be not less than three (3) days after the date the notice is given to the employee. The hearing shall be conducted fairly and in private by the City Council unless the employee requests it to be public. Should the reasons for the disciplinary action not have previously been given, the employee may request that such reasons be given and reduced to writing, and that the hearing be recessed for one (1) day or longer in order to allow the employee to consider the reasons given. At the hearing, the supervisor or the department head initiating such disciplinary action may respond to questions from the employee, but should keep such responses brief and objective. At the hearing, the employee may challenge any evidence presented against him or her and may call witnesses and present evidence in his or her own behalf. Formal rules of evidence need not be followed during such hearings. After the hearing, the City Council, after careful investigation of the facts, shall have broad authority to approve, disapprove, modify, or rescind any disciplinary actions taken or proposed by the City Manager. Should it be found that the employee has been unjustly disciplined, discharged, or suspended, he or she shall be reinstated and compensated for all time lost at his or her regular rate of pay. The decision of the City Council shall be final.

Nothing in this manual shall abridge any right of public access under the state statutes providing for open meetings and access to public records. To the extent possible, for the protection of all concerned, the City Council's rulings will be reduced to writing."

SECTION 4. From and after the adoption of this Resolution the Personnel Policies Manual is hereby amended by deleting existing Section 7-09, entitled "Grievance and Appeal Procedures," in its entirety and replacing said section with a new Section 7-09 that is also entitled "Grievance and Appeal Procedures" to read as follows:

"7-09 GRIEVANCE AND APPEAL PROCEDURES

Employees may take any job related complaints, problems or grievances to their immediate supervisors in order to resolve it. Following discussion of the grievance with his or her supervisor, if an employee still remains dissatisfied with a working condition or some other aspect of employment, other than for a disciplinary action, he or she may submit a written grievance to his or her department head within five (5) working days after the cause of the grievance arises or becomes known to the employee.

It shall be the responsibility of the department head to study the grievance and attempt to resolve it within ten (10) working days. Further discussions with the grievant shall be encouraged. If the grievance cannot satisfactorily be resolved within ten (10) working days, the department head shall refer the grievance with comments and/or recommendations to the City Manager, if necessary. If the grievance cannot be resolved by the City Manager, employees may request that the grievance be submitted to the City Council

for resolution. Supervisors and employees should make every effort to resolve grievances at the lowest level possible. Employees shall be kept informed of the status of their grievances. If a person in the supervisory chain fails to resolve or refer a grievance within ten (10) calendar days, the employee may present the grievance directly to the next higher level of supervision. Punitive action shall not be taken against an employee for submitting a grievance in accordance with these guidelines.

The employee should always keep in mind the responsibility of the City to its citizens and to the public. It is the responsibility of the employee to assist in discharging this responsibility by contributing to a good working relationship among employees in the City government. In order to minimize disruption of the operation of City government and damage to the reputation of the City among its citizens, the employee shall use this grievance procedure.”

SECTION 5. From and after the adoption of this Resolution the Personnel Policies Manual is hereby amended by deleting Section 7-11, entitled “Exemptions,” in its entirety.

SECTION 6. This Resolution shall take effect upon approval by the City Council as the law in such cases provides, and it is accordingly so resolved.

PASSED THIS 14th DAY OF FEBRUARY, 2012 at a scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 14TH DAY OF FEBRUARY, 2012.

Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary



TO: Mayor and Councilmembers

FROM: Interim City Manager Ben White

DATE: January 24, 2012

SUBJECT: Consider, discuss and act upon a request to amend or change the Comprehensive Zoning Ordinance regarding residential uses being limited to the second floor and above a building in the CA District

No documentation is attached

ACTION: Discuss, Approve or disapprove allowing the Planning and Zoning Commission to explore a possible amendment to the Comprehensive Zoning Ordinance

(III - D)



TO: Mayor and Councilmembers

FROM: Interim City Manager Ben White

DATE: January 24, 2012

SUBJECT: Presentation from Jim Dawkins regarding the conversion of Onion Shed #2 into a museum

No documentation is attached

ACTION: Council to discuss and take action as deemed necessary

(III - E)



TO: Mayor and Councilmembers

FROM: Interim City Manager Ben White

DATE: January 24, 2012

SUBJECT: Update on the Bond Committee

No documentation is attached

ACTION: Receive information regarding the Bond Committee

(III - F)



TO: Mayor and Councilmembers

FROM: Interim City Manager Ben White

DATE: January 24, 2012

SUBJECT: Update on the formation of the Tax Increment Reinvestment Zone (TIRZ)

No documentation is attached

ACTION: Receive information regarding the Bond Committee

(III – G)



TO: Mayor and Councilmembers

FROM: Interim City Manager Ben White

DATE: January 24, 2012

SUBJECT: Update on the demolition of the South Lake Clubhouse

No documentation is attached

ACTION: Receive information regarding the Bond Committee

(III - H)



TO: Mayor and Councilmembers

FROM: November 22

DATE: January 24, 2012

SUBJECT: Discuss, review and approve the Comprehensive Plan Scope Document. Authorize Interim City Manager to execute an agreement with the City Engineer for developing and documenting the Comprehensive Plan in accordance with the Scope document

The Farmersville Comprehensive Plan and Impact Fee Update Draft is attached.

ACTION: Discuss, review and approve the Comprehensive Plan Scope Document and approval or denial to authorize the Interim City Manager to execute an agreement with the City Engineer for developing and documenting the Comprehensive Plan in accordance with the Scope document

(III - I)

FARMERSVILLE COMPREHENSIVE PLAN AND IMPACT FEE UPDATE

DRAFT

DBI, in partnership with Kimley-Horn and Associates, submits the following scope of services to work closely with Farmersville's leadership, staff, and stakeholders to build a visionary implementation plan for the city. The scope describes how this planning process will result in an actionable plan and will provide a clear roadmap to implement the community's vision and resulting strategies.

Part A: Comprehensive Plan Update

Scope of Services

Task 1 - Project Initiation and Management

The DBI team will work closely with city staff and city and community leaders to develop a customized comprehensive plan and strategic implementation program that moves Farmersville towards a commonly held vision.

1.1 Project Initiation Meeting. The DBI team will conduct a kick-off meeting to discuss project understanding, project schedule, scope, communication options, and to begin the data acquisition process. Recommended attendees for the client include city staff from the City of Farmersville, the City Engineer, and key stakeholders. City will identify stakeholder list.

1.2 Tour. Tour the City of Farmersville with appropriate city staff to discuss issues in the City and gain a first-hand understanding of opportunities and constraints related to the future vision for Farmersville.

Deliverables:

- Project initiation meeting
- Tour of town

Task 2 - Public Engagement

Residents, property owners, business leaders and other stakeholders in Farmersville must be involved in the update of the comprehensive plan if they are to support its vision and the many projects, programs and investments needed to carry it out. The DBI team believes it is essential to structure a package of public engagement techniques that achieves four objectives:

- Give stakeholders many choices in how they are involved;
- Encourage participation by making communications timely and engaging;
- Assure stakeholders that their input has been heard and considered;
- Produce results that are useful to the City in shaping the plan.

2.1 Key Stakeholder Interviews (3 to 4 group interviews). The DBI team will conduct individual and small group (such as the EDC, CDC, historic groups, etc.) interviews to solicit input regarding the Comprehensive Plan. The Team will develop the interview questions prior to the interviews and review with the city prior to holding the interviews. The City will work with the DBI team to identify potential stakeholders and will assist in contacting them to confirm meeting times. Interviews will be held in Farmersville. Stakeholder interviews will be conducted with key individuals who have a stake in Farmersville's future growth including elected and appointed officials, community and neighborhood leaders, major property owners, and developers. These small group interviews will be designed to understand past and present City policies and initiatives relative to the stakeholders' desired outcome and ultimate impact, as well as their vision for Farmersville's future. All individual interviews will be held confidential and will be compiled into a summary presentation of issues, assets and needs.

2.2 External Agency Discussions. The City recognizes that Farmersville's future will be affected by decisions of neighboring communities. The DBI team will facilitate discussions with neighboring communities and interested agencies to gain input on growth plans and needs and Farmersville's role in the regional economy. Agencies to be consulted include, at a minimum, the North Central Texas Council of Governments, Farmersville ISD, Collin County, the NTMWD, the Chamber of Commerce, Collin College, Blue Ridge, Merit, Copeville, Floyd, Nevada, Josephine, and Caddo Mills.

2.3 Working Meetings/Briefings. Meet with and brief the CDC, EDC, the Planning and Zoning Commission and the City Council at key points during the comprehensive plan process to ensure that leaders are informed of progress and key findings. The DBI team will provide briefing materials to staff for distribution prior to the briefings and will attend the meetings as desired.

2.4 Community Workshop and Open House. The DBI team will facilitate a community open house and workshop to introduce the community to the comprehensive plan team and process, broaden community participation and incorporate qualitative

knowledge or “street sense” into the plan directives. The meeting will be conducted in a workshop format, and will have several exercises to gain input from the community. It will provide participants an opportunity to discuss community issues, and participate in the identification of action items for advancing community goals.

2.5 Neighborhood / Business Association Meetings/4a Board/Historic Society/Farmersville Times/Rotary Club. Following the Community Open House, the DBI team will engage individuals from Farmersville’s residential and business communities in further dialogue by taking the comprehensive plan update to places where interested residents are already meeting. The Team will prepare a brief presentation and set of discussion questions that are appropriate for use at meetings of neighborhood associations and similar community organizations. This package will be structured to inform neighborhood leaders about the choices being considered in updating the comprehensive plan and to elicit their ideas and recommendations. Depending on resource availability, DBI team members may make presentations to the organizations or may provide the communications package for use by others. In either case, the team will secure the input from these sessions and incorporate it in drafting the preferred vision framework.

Deliverables:

- Stakeholder group meetings (3 to 4)
- Agency discussions
- EDC, Planning and Zoning Commission and Council briefings (2 each per group)
- Community Workshop/Open House
- Briefing materials for community meetings
- Agendas and materials for all meetings and events
- Materials for the workshops
- Work with city on meeting logistics
- Presentations summarizing key aspects of the workshops

Task 3 - Data Collection

3.1 City Data Collection. The DBI team will work closely with City Staff in identifying levels of importance and relevance of several data sets and background materials within the overall scope. Included in the discussions will be relevant planning studies and reports, policy documents, development proposals, city initiatives and

data sets for use during the planning effort. The following are among the materials that may be provided by the City for use by the DBI team in the planning process:

- Regulatory documents - comprehensive plan, zoning map and ordinance, EDC and CDC information, and other documents related to special study areas;
- Aerial photographs;
- GIS data (this assumes use of the GIS database that is currently being developed)
- Relevant previous studies and reports;
- Relevant land use and development data;
- Information regarding planned future development;
- Cultural resource data;
- Existing and planned utility / infrastructure improvements;
- Existing and planned transportation improvements;
- Existing City Plans – Comprehensive, Parks and Open Space, Thoroughfare, CIP, etc.
- NCTCOG Collin County Intra Modal Feasibility Study

3.2 Additional Data Collection. The DBI team will gather and create additional data from local, county, regional, state and federal agencies necessary to support the development of the Comprehensive Plan.

Deliverables:

- Compilation of all data relevant to the comprehensive plan update and strategic implementation plan

Task 4 - Review / Analysis

The DBI team will gather and create additional data from local, county, regional, state and federal agencies necessary to support the development of the Comprehensive Plan, and will review key information to gain an understanding of future opportunities and constraints.

4.1 Population and Demographics. The DBI team will collect socioeconomic, and market data including: population; household and per capita income characteristics; consumer expenditure patterns; sales tax data; building permit activity; development patterns; fiscal trends; and, assessed market valuation. The DBI team will provide projections for use in updating land use assumptions.

- 4.2 Land Use.** From existing land use data provided by the City, the DBI team will review the location and influence of existing land uses in the comprehensive planning area. An analysis of TIF district work and future opportunities will also be analyzed and incorporated.
- 4.3 Transportation.** The DBI team will review existing transportation systems and their planned expansions as indicated by city and regional plans. Existing systems will include state, county and local roadways for Farmersville. The review will include:
- Existing Thoroughfares - Review the current thoroughfare system for the City of Farmersville;
 - Planned Future Thoroughfare - Future systems will be gathered from the City, Collin County, TxDOT, and NCTCOG;
 - Future thoroughfare needs.
- 4.4 Utilities / Infrastructure.** The DBI team will review existing water, wastewater and other public facilities.
- 4.5 Parks and Open Space.** The DBI team will review the existing Parks Master Plan, the Northeast Texas Trail Coalition, plans for Lake Lavon and desired initiatives for the City of Farmersville.
- 4.6 Pedestrian Facilities.** The DBI team will review existing and planned trails and pedestrian amenities.
- 4.7 Environmental and Natural Systems.** The DBI team will review previously documented environmental and natural systems to inform the opportunities and constraints framework. Included in this review will be existing surface drainage, vegetation, floodplain, soils and constructability, and prime agricultural lands.

Deliverables:

- Analyze all relevant data
- Summarize data into an opportunities and constraints format
- Provide analysis that will support future impact fee efforts

Task 5 – Base Mapping

The DBI team will prepare a Comprehensive Plan base map by utilizing existing aerial photos. Current aerials will be utilized that cover the limits of the City of Farmersville. The team will produce a digital base map for the overall planning area. All final maps

will be ESRI Arc-GIS compatible. The Colin County GIS database currently being developed for Farmersville will be used as the source for this task.

- Base map
- Opportunities and constraints
- Future land use
- Natural areas
- Thoroughfares
- Public facilities and services
- Parks and trail systems

Deliverables:

- Overlay maps of relevant data on existing GIS maps

Task 6 - State of the City Work Session with City Staff

Using the synthesis of knowledge gained during completion of previous tasks, the team will work in a facilitated work session with City Staff to develop a set of criteria by which key community assets will be classified as: those that will remain; those that will be enhanced; and, those that will be subject to detailed review as a strategic opportunity area. Criteria will include fiscal considerations, potential social impacts, capital investments required, and other identified issues.

Deliverables:

- Day long work session
- Materials summarizing all work to date
- Guiding principles
- Opportunities and constraints
- Initial conceptual vision and plan
- Presentations summarizing key aspects of the planning process and the 'State of the City' conclusions

Task 7 - Comprehensive Plan

Working with the staff and the Steering Committee, the DBI team will create a final plan that reflects Farmersville's culture, character and values, while also providing a vibrant and clear blueprint for the future.

7.1 Vision. The DBI team will compile all of the gathered public and technical input and create a consensus Vision for the future. The Vision will:

- Present a consensus vision to give current and future residents, business owners and visitors an opportunity to see what Farmersville strives to be.
- Be developed with property owner and citizen input that reflects their values, goals and what they want for the future.
- Be presented so it can be used as an economic development tool.

7.2 Comprehensive Plan. The comprehensive plan provides a blueprint to achieve the community's vision. It provides assessment and strategies to:

- Illustrate Farmersville's intentions for physical development, redevelopment, conservation, and growth and show future land use and development patterns.
- Address concepts for gateways, intersections, street design and public amenities.
- Incorporate existing public facilities and service plans and assess future needs.
- Include a discussion of boundary agreement opportunities with adjacent towns for separate or concurrent implementation.
- Present opportunities for parks, trails, and public spaces.
- Address the connectivity of land uses and transportation and guide proposed land use locations and patterns. Provide land use analysis and future maps
- Update the Thoroughfare Plan
- Include policies fundamental to the creation of safe and pedestrian-supportive and attractive communities.
- Address educational facility plans for the East Collin County campus plans and the school district
- Incorporate recent water and wastewater studies and evaluate regional wastewater treatment plant status. Incorporate initial discussion items and ideas for future planning for a plant within the three-mile radius provision of the NTMWD agreement (dependent on regional plans).

7.3 Strategic Implementation Plan. The DBI team will develop an implementation plan that provides specific short- and long-term implementation items to move Farmersville towards the citizens' vision.

7.4 Comprehensive Vision Plan Summary. The DBI team will develop a final summary document that highlights the key recommendations related to the Citywide Vision and the Strategic Investment Areas.

Deliverables:

- Vision
- Comprehensive Plan
- Strategic Implementation Plan

- Plan Summary

Task 8- Comprehensive Plan Adoption

The DBI team will work with the city through adoption, including:

- 8.1 Planning and Zoning Commission Hearing.** The DBI team will present the Comprehensive Plan Elements to the Farmersville Planning and Zoning Commission for comment, and subsequent recommendation for adoption. The DBI team will incorporate any commission comments into the final Comprehensive Plan prior to presentation to the Farmersville City Council.
- 8.2 City Council Adoption.** The DBI team will present the Final Comprehensive Plan at a public hearing to the Farmersville City Council for adoption. Any subsequent changes by the Farmersville City Council will be incorporated into the Final Comprehensive Vision Plan report.

Part B: Impact Fee Update (Water and Wastewater) Scope of Services

Impact Fee Understanding

These tasks consist of providing professional services associated with an update of the City's Water and Wastewater Impact Fees in accordance with Chapter 395 of the Texas Local Government Code. This project is anticipated to include the following components:

1. Land Use Assumptions (to be derived from an earlier task)
2. Water Impact Fee Update
3. Wastewater Impact Fee Update
4. Maximum Fee Analysis and Impact Fee Credit Determination
5. Public Hearings and Approval

Task 1 – Land Use Assumptions

The DBI team will assist the City in developing the land use assumptions in conformance with Chapter 395 of the Local Government Code. This task shall include the following:

- 1.1. **Service Area Boundaries.** The DBI team will develop service areas for water and wastewater impact fees. The DBI team will work with City staff to update the service area boundaries (if necessary). It is anticipated that there will be one (1) service area for each infrastructure system.
- 1.2. **Land Use Assumptions.** Using information completed during an earlier task, the DBI team will develop the following for use in the Impact Fee calculations:
 - 1.2.1 Existing population and employment information by service area for the Year 2012;
 - 1.2.2 Ten Year population and employment projections by service area for the Year 2022;
 - 1.2.3 All population information shall be reported by number of persons and number of dwelling units; while all employment data shall be classified as number of square feet of floor area for Basic, Service, and Retail employment; and
 - 1.2.4 Summary report to be included with the Impact Fee Update document showing a general overview of methodology and results.

Task 2 – Water Impact Fee Update

The DBI team will prepare the water impact fee update in conformance with Chapter 395 of the Local Government Code. This task shall include the following:

2.1. **Data Collection.** The DBI team will collect the following information:

- 2.1.1 Water Master Plan – The DBI team will obtain the latest water system master plan adopted by the City.
- 2.1.2 The DBI team will obtain population and water usage history - Annual population and water usage records for the past ten (10) years for development of the service unit projection.
- 2.1.3 North Texas Municipal Water District (NTMWD) wholesale water contract with the City.
- 2.1.4 NTMWD rate calculation with regards to the Cities cost obligation for NTMWD water delivery facilities.

2.2. **Infrastructure Capacity Criteria.** The DBI team will develop the criterion for determining the ten (10) year capacity of the following infrastructure:

- 2.2.1 Future Transmission Lines (12-inch and larger)
- 2.2.2 Existing and Future Elevated Storage Tanks
- 2.2.3 Existing and Future Ground Storage Tanks
- 2.2.4 Existing and Future Pump Stations

An analysis of the NTMWD rate calculation will be done to determine if existing or future NTMWD facilities may be accounted for as part of the Impact Fee Capital Improvements Plan.

A criterion will not be developed for existing City transmission lines.

2.3. **Water Impact Fee Capital Improvements Plan.** The DBI team will develop the Water Impact Fee Capital Improvements Plan. It will include the following infrastructure:

- 2.3.1 Future Transmission Lines (12-inch and larger)
- 2.3.2 Existing and Future Elevated Storage Tanks
- 2.3.3 Existing and Future Ground Storage Tanks
- 2.3.4 Existing and Future Pump Stations

For each identified impact fee eligible project, a planning level opinion of probable cost, an existing (2012) utilization percentage, and a projected (2022) utilization percentage will be provided.

Results of the NTMWD rate analysis will determine whether NTMWD facilities will be included in the Impact Fee Capital Improvements Plan.

It will not include existing City transmission lines.

- 2.4. **Maximum Assessable Water Impact Fee Calculation.** The DBI team will calculate the additional service units based on the Land Use Assumptions. The DBI team will then calculate the Impact Fee per service unit, unit equivalents by meter size and the Maximum Assessable Water Impact Fee table by meter size. The DBI team will incorporate the analysis performed in Task 4 to determine the maximum assessable impact fee by service unit.
- 2.5. **Water Impact Fee Update Report.** The DBI team will provide both a draft and final Water Impact Fee Report. The report will include:
 - 2.5.1 Water service area
 - 2.5.2 Narrative of the impact fee update methodology
 - 2.5.3 Water Impact Fee CIP
 - 2.5.4 Impact fee calculations
 - 2.5.5 Exhibits
 - 2.5.6 Because of the relatively high printing costs and the challenge of managing drafts and final versions of the Impact Fee Update Report, draft versions of the Water Impact Fee Report will be submitted in .pdf format.
- 2.6. **Meetings.** The DBI team will prepare for and attend the following meetings:
 - 2.6.1 One (1) meeting with staff to review Water Impact Fee Capital Improvements Plan.
 - 2.6.2 One (1) meeting with staff to review Maximum Assessable Water Impact Fees.

Deliverables

- Electronic (.pdf) copy of the Draft Water Impact Fee Report.
- Upon final approval of the Impact Fee Update and new ordinance by the City Council, the DBI team will provide five (5) originals of the Final Impact Fee Update Report, including the Water Impact Fee component of the Report.

Task 3 – Wastewater Impact Fee Update

The DBI team will prepare the wastewater impact fee update in conformance with Chapter 395 of the Local Government Code. This task shall include the following:

- 3.1. **Data Collection.** The DBI team will collect the following data:
 - 3.1.1 Wastewater Master Plan – The DBI team will obtain the latest wastewater system master plan adopted by the City.
 - 3.1.2 The DBI team will obtain wastewater discharge history – Annual wastewater discharge records for the past ten (10) years for development of the service unit projection.
 - 3.1.3 North Texas Municipal Water District (NTMWD) wholesale wastewater contract with the City.
 - 3.1.4 NTMWD rate calculation with regards to the Cities cost obligation for NTMWD wastewater collection facilities.

- 3.2. **Infrastructure Capacity Criteria.** The DBI team will develop the criterion for determining the ten (10) year capacity of the following infrastructure:
 - 3.2.1 Existing Trunk Lines that are 10-inch and larger
 - 3.2.2 Future Trunk Lines (8-inch and larger)
 - 3.2.3 Existing and Future Lift Stations
 - 3.2.4 Existing and Future Force Mains

An analysis of the NTMWD rate calculation will be done to determine if existing or future NTMWD facilities may be accounted for as part of the Impact Fee Capital Improvements Plan.

- 3.3. **Wastewater Impact Fee Capital Improvements Plan.** The DBI team will develop the Wastewater Impact Fee Capital Improvements Plan. It will include the following infrastructure:
 - 3.3.1 Existing Trunk Lines that are 10-inch and larger
 - 3.3.2 Future Trunk Lines (8-inch and larger)
 - 3.3.3 Existing and Future Lift Stations
 - 3.3.4 Existing and Future Force Mains

For each identified impact fee eligible project, a planning level opinion of probable cost, an existing (2012) utilization percentage, and a projected (2022) utilization percentage will be provided.

Results of the NTMWD rate analysis will determine whether NTMWD facilities will be included in the Impact Fee Capital Improvements Plan.

- 3.4. **Maximum Assessable Wastewater Impact Fee Calculation.** The DBI team will calculate the additional service units based on the Land Use Assumptions. The DBI team will then calculate the Impact Fee per service unit, unit equivalents by meter size and the Maximum Assessable Wastewater Impact Fee table by meter size. The DBI team will

incorporate the analysis performed in Task 4 to determine the maximum assessable impact fee by service unit.

- 3.5. **Wastewater Report.** The DBI team will provide both a draft and final Wastewater Impact Fee Report. The report will include:
 - 3.5.1 Wastewater service area
 - 3.5.2 Narrative of the impact fee update methodology
 - 3.5.3 Wastewater Impact Fee CIP
 - 3.5.4 Impact fee calculations
 - 3.5.5 Exhibits
 - 3.5.6 Because of the relatively high printing costs and the challenge of managing drafts and final versions of the Impact Fee Update Report, draft versions of the Wastewater Impact Fee Report will be submitted in .pdf format.
- 3.6. **Meetings.** The DBI team will prepare for and attend the following meetings:
 - 3.6.1 One (1) meeting with staff to review Wastewater Impact Fee Capital Improvements Plan
 - 3.6.2 One (1) meeting with staff to review Maximum Assessable Wastewater Impact Fees

Deliverables

- Electronic (.pdf) copy of the Draft Wastewater Impact Fee Report
- Upon final approval of the Impact Fee Update and new ordinance by the City Council, the DBI team will provide five (5) originals of the Final Impact Fee Update Report, including the Wastewater Impact Fee component of the Report.

Task 4 – Maximum Fee Analysis and Impact Fee Credit Determination

The DBI team will calculate maximum assessable impact fees for the designated ten-year period for each service function (i.e. water and wastewater), as well as determine the water and wastewater impact fee credits in conformance with Chapter 395 of the Local Government Code. This task shall include:

- 4.1. **Impact Fee Credit Determination.** In 2001, Chapter 395 was amended to include a plan for awarding either a credit for the portion of ad valorem tax and/or utility service revenues generated by new service units during the program period that are used for payment of improvements that are included in the impact fee capital improvements plan, or a credit equal to 50% of the total cost of the impact fee capital improvements plan. The DBI team will use the 50% approach in determining the impact fee credit. The use of the alternative methodology in determining the impact fee credit shall be considered additional services.
- 4.2. **Impact Fee Determination.** After the credit determination is made, the credit will be incorporated into the impact fee calculation. The impact fee calculation performed by the

DBI team will fully recognize the requirements of Chapter 395, including the recognition of cash and/or debt financing, interest earnings, and fund balances.

Task 5 – Public Hearings and Approval

It is anticipated that a representative from the DBI team will prepare for and attend up to three (3) meetings during the public hearing and approval process. These anticipated meetings are as follows:

- 5.1. Prepare for and attend one (1) Capital Improvements Advisory Committee (CIAC) and/or Council workshop to present fundamentals of Impact Fees and Land Use Assumptions.
- 5.2. Prepare for and attend one (1) CIAC public hearing to present the Land Use Assumptions, CIP, and Maximum Assessable Water and Wastewater Impact Fees.
- 5.3. Prepare for and attend one (1) City Council public hearing to present the Land Use Assumptions, CIP, and Maximum Assessable Water and Wastewater Impact Fees.

The following additional tasks will also be performed as part of this task:

- 5.4. Upon final approval of the Impact Fee Update and new ordinance by the City Council, the DBI team will provide five (5) copies of the Final Impact Fee Update Report, including Land Use Assumptions, Water and Wastewater components the Impact Fee Update.
- 5.5. Electronic (.pdf) copy of the Final Impact Fee Update Report.
- 5.6. At the request of the City, the DBI team will review the proposed Impact Fee Ordinance as prepared by the City Attorney. It is anticipated the City Attorney will require exhibits from the Water and Wastewater Impact Fee Report to be included in the ordinance. The DBI team recommends the City coordinate with their Attorney to ensure they will be able to prepare the ordinance during this task.
- 5.7. The DBI team will create a Water and Wastewater Impact Fee estimator spreadsheet tool to assist in calculating a development's impact fees based on the impact fee rates adopted in this task.

Additional Services

Services not specifically identified in the Scope of Services above shall be considered additional and shall be performed on an individual basis upon authorization by the City. Compensation for additional services will be agreed to prior to their performance. Such services shall include, but are not limited to, the following:

- Additional assistance in developing the land use assumptions outside of that described in this agreement.
- Preparation for and attendance at additional public meetings not specifically identified in the Scope of Services.
- Furnish additional copies of review documents in excess of the number of the same identified in the Scope of Services.

- Reanalysis or recalculation to reflect project scope changes or policy changes requested by the City, addressing changes in direction previously approved by the City, or mandated by changing governmental laws.
- The development of a roadway and/or drainage impact fee.

Information Provided By Client

The master plan information used in the analysis shall be provided by the Client. The DBI team shall be entitled to rely on the completeness and accuracy of all information provided by the Client.

Schedule

Part A Tasks 1-8 will be completed within 7 months. Part B Tasks 1 – 4 will be completed within four months. Part A Task 9 and Part B Task 5 will be completed in a timely manner based upon CIAC, Plan Commission and City Council schedules, along with the requirements of Chapter 395 of the Texas Local Government Code. Additional services, if desired, will be performed in a timely manner upon authorization by the Client.

Budget

Task	Cost
PART A – Comprehensive Plan	\$51,100
PART B – Impact Fees	\$28,900
Total Charges	\$80,000



TO: Mayor and Councilmembers

FROM: November 22

DATE: January 24, 2012

SUBJECT: Water Management Plan update

No Information attached; Ben White will be giving a verbal update

ACTION: Council to discuss and take action as deemed necessary

(III - J)