

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
February 28, 2012

The Farmersville City Council met in a regularly called session on February 28, 2012 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Joe Helmberger, Pansy Hundley, Paul Kelly, Billy Long, Russell Chandler and Jim Foy. Staff members present were Interim City Manager Ben White, Police Chief Mike Sullivan, City Attorney Alan Lathrom, Fire Chief Kim Morris, Finance Director Daphne Hamlin, and City Secretary Edie Sims.

CALL MEETING TO ORDER, ROLL CALL

Mayor Helmberger called the meeting to order. Edie Sims called the roll and announced a quorum was present. Mayor Helmberger welcomed all guests and visitors.

Mayor Helmberger announced that the 9<sup>th</sup> Annual Fundraiser for Reginald Craddock will be held on March 17<sup>th</sup> with 3-on-3 Basketball. Mr. Craddock was diagnosed with ALS – Lou Gehrig's disease.

Pansy Hundley announced Historical Society had a successful banquet on February 25<sup>th</sup> and thanked those that participated.

Mayor Helmberger also announced the Chamber of Commerce banquet will be held on March 24<sup>th</sup>.

PUBLIC HEARING – A PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT ON A REQUEST FOR AN EXTENSION OF THE SPECIFIC USE PERMIT FOR PARADISE ISLES GAME ROOM LOCATED AT 1055 W. AUDIE MURPHY PARKWAY, SUITE 103, FARMERSVILLE, TEXAS, AND FIRST AND ONLY READING OF ACCOMPANYING ORDINANCE # O-2012-0228-002

Mayor Helmberger opened the Public Hearing at 6:04pm asking for those FOR the continuance of a Specific Use Permit for Paradise Isles Game Room. Don Donavan, owner of the Game Room, came before the Council to request the continuance of his 11 year old business at the same location. Mr. Donavan stated he has 40 machines and purchases small items at Sam's Club for prizes. Mayor Helmberger asked for anyone OPPOSING the continuance of the Specific Use Permit for Paradise Isles Game Room with no one speaking in opposition. Mayor Helmberger closed the Public Hearing at 6:06pm.

Chief Sullivan stated he did not know of any issues that have arose from this location. Paul Kelly indicated that the Planning and Zoning Commission recommended approval of the Specific Use Permit. Paul Kelly motioned to approve the Specific Use Permit for one year with Pansy Hundley seconding the motion.

Jim Foy opened discussion regarding a recent Attorney General's opinion which is more definitive that previous Attorney Generals regarding 8 liners and illegal gambling. According to the recent opinion, any type of gaming that is used other than pure amusement constitutes illegal gambling. When rewards are involved, it is



gambling and therefore illegal. Mr. Foy stated he hesitates to vote in favor of the Specific Use Permit in light of the recent AG's opinion that clearly identifies gaming machines as illegal devices. Mr. Foy suggested the Council extend the current permit for 6 months and table the discussion until April for further developments. The question regarding the gaming machines originated from Bingo Halls, but Attorney General Greg Abbott extended the illegalities to 8 liners as well. The game room machines do not meet the exceptions of 8 liners by law.

Don Donovan stated that his system uses a card in the machine that gives points. The points are then cashed in for prizes that are available in the Game Room. Mr. Donovan stated that some players do leave with more than \$5 worth of merchandise.

City Attorney Alan Lathrom suggested that the Specific Use Permit could be extended, leaving enforcement to deem if the machines are unlawful. Police Chief Mike Sullivan stated in light of the AG's opinion, it would behoove the City to do more research and find case law that is available to get definitive answers. Jim Foy stated again that in the face of this opinion, he does not feel right approving. Mr. Foy stated he would approve the SUP for 6 months then reevaluate the AG's opinion in 3 months.

The motion remained on the floor. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy no. Motion passed with a vote of 4 to 1.

PUBLIC HEARING – A PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT ON A REQUEST FOR AN EXTENSION OF THE SPECIFIC USE PERMIT FOR AMERICAN GLORY GAME ROOM LOCATED AT 2022 W. AUDIE MURPHY PARKWAY, FARMERSVILLE, TEXAS, AND FIRST AND ONLY READING OF ACCOMPANYING ORDINANCE # O-2012-0228-003

Mayor Helmberger opened the Public Hearing at 6:19pm asking for those FOR the continuance of a Specific Use Permit for American Glory Game Room. Owner Chris Ball came forward to speak FOR the continuance of the Specific Use Permit. Mr. Ball stated that the game rooms operate under the Fuzzy Animal Act where a person can accumulate prizes or credits. Until the State makes a definitive reading, Mr. Ball stated the game rooms are still under the Fuzzy Animal Act. Mr. Ball also stated that if the State rules against 8 liners, the City won't have to close down the game rooms, they will close on their own. No one else spoke for or against the continuance of the Specific Use Permit for American Glory Game Room. Mayor Helmberger closed the Public Hearing at 6:22pm.

Paul Kelly motioned to approve the Specific Use Permit for American Glory Game Room for one year continuance with Pansy Hundley seconding the motion.

Jim Foy stated he has the same objection as the previous Specific Use Permit regarding the recent Attorney General's opinion. Billy Long indicated that enforcement is a spotty issue. Jim Foy stated our previous District Attorney would not enforce issues with game rooms but the current DA would enforce but it takes time. A poll of the



Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy no. Motion passed with a vote of 4 to 1.

PUBLIC HEARING – A PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A PURCHASE OF PROPERTY, APPROXIMATELY 21 ACRES LOCATED AT INTERSECTION OF MERIT ROAD AND CHAPARRAL TRAIL, BEING PURCHASED BY THE 4B COMMUNITY DEVELOPMENT CORPORATION WITH ACCOMPANYING RESOLUTION # R-2012-0228-004

Mayor Helmberger opened the Public Hearing at 6:26pm and asked for those FOR the purchase of the property to come forward. The property described is contiguous with the Chaparral Trail on the north side adjacent to the Spain Athletic Complex. The 4B Community Development Board has taken the initiative to purchase the property which will go a long way to alleviate parking issues at the Spain Complex with other future possibilities.

Marty Shelton, residing at 801 Merit Street, petitioned the Council to have an study performed regarding the impact of safety, waste, noise and light pollution. Ms. Shelton asked for an abatement process to be enforced. Currently the Spain Complex brings about trash which is overrun in the right-of-way, and a speed limit needs to be posted and enforced. The increased lighting promotes an environmental and safety impact. Pansy Hundley stated that the lighting is so strong that it seems like daylight in the evening hours. The lights seem to be on nearly 24 hours a day during any season where the facility is used. Ms. Shelton asked if the lighting could be slanted downward where the light would not shine on the homes in the area. Ms. Shelton stated she lives 400-500 yards from the existing ballfield.

No one else spoke for or against the purchase of the property. Mayor Helmberger closed the Public Hearing at 6:31pm.

Paul Kelly motioned to approve Resolution # R-2012-0228-004 and to help control the issues as identified by Ms. Shelton. Russell Chandler seconded the motion.

Jim Foy stated he has the same concerns with the lighting. Russell Chandler stated the problem stems from the lack of lighting in the parking lots. The problem was realized and the lights were tilted to cover the field and the parking lot. Interim City Manager Ben White stated security lighting needs to be investigated to provide proper lighting in the parking lot and then shield the lights to shine only on the fields.

Jim Dawkins, President of the 4B Community Development Board, came understanding that the Council was accepting the conveyance from 4B. City Attorney Alan Lathrom suggested changing the Resolution by amending Section 1 to approve the purchase of the property by Farmersville Community Development Corporation and striking Section 2 entirely. Paul Kelly and Russell Chandler removed their original motions. Jim Foy motioned to approve the project and Resolution as amending Section 1 and striking Section 2. Paul Kelly seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.



SECOND READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2012-0228-001 REGARDING AMENDING THE FISCAL YEAR BUDGET FOR 2011-2012 FOR PROJECT ACCOUNTING AND TIME ENTRY SOFTWARE

Billy Long motioned to approve the second reading of Ordinance # O-2012-0228-001 to amend the budget for Project Accounting and Time Entry Software. The Council approved the first reading on February 14, 2012. Jim Foy seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

FIRST READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2012-0313-001 REGARDING ALTERING THE PRIMA FACIA SPEED LIMITS ON STATE HIGHWAY 78 OR PARTS THEREOF, WITHIN THE INCORPORATED LIMITS OF THE CITY OF FARMERSVILLE

Interim City Manager Ben White invited the Council to review the pictorials of the speed zone presented to be altered. Basically the speed zone would be consistently 50 MPH from Sycamore Street to South Pecan, South of Quick Lube, along Highway 78. TxDOT prepared a speed study and found that 85% of the drivers chose to drive 50 MPH along this portion of Highway 78. Jim Foy motioned to approve the first reading of Ordinance # O-2012-0313-001 with Paul Kelly seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Russell Chandler left the meeting at 6:40p.m.

UPDATE REGARDING THE TEXAS POLICE CHIEF'S ASSOCIATION ACCREDITATION TO THE FARMERSVILLE POLICE DEPARTMENT

Interim City Manager Ben White informed the Council that Chief Mike Sullivan and his staff has worked incredibly hard to receive such a noteworthy accreditation which is unheard of for a City the size of Farmersville. Chief Mike Sullivan came before the Council stating that one of his missions upon being appointed to Police Chief was to attain State accreditation. The Texas Police Chief's Association Accreditation is a best practice program which has come one of the most selected and desired programs for a department to attain. Marlin Price, coordinator for TCPA made a presentation on behalf of the Farmersville Police Department's accomplishments. Mr. Price stated that out of 2,800 police departments in the State of Texas, Farmersville is the 61<sup>st</sup> department to achieve this level of stature and met the stringent standards. Mr. Price stated is thusly, "Farmersville is as good as the rest, and far better than many." TCPA will be back in four years to do a renewal. Police Chief Sullivan received an award and a standing ovation on behalf of his department.

CONSIDERATION AND ACTION AUTHORIZING THE INTERIM CITY MANAGER TO SOLICIT A REQUEST FOR PROPOSALS (RFP) FOR BANK DEPOSITORY SERVICES

Interim City Manager confirmed to the Council that every 4-5 years, the City goes out for bidding on the banking services for the City. This is due to having more than one banking institution in our city. A standard form provided by TML was used to provide



the RFP requirements. Paul Kelly motioned to approve authorizing Interim City Manager to solicit a Request for Proposals for bank depository services with Pansy Hundley seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDER, DISCUSS AND ACT UPON ACTIONS MADE REGARDING RECOMMENDATIONS FROM THE RECENT FISCAL YEAR AUDIT

Daphne Hamlin, Finance Director, came before the Council and presented a list of recommendations made by the auditors with the City's response to those recommendations. Ms. Hamlin stated that reconciliations will be presented on a monthly basis at the staff meetings at the end of each month. Check images of both endorsement and front of checks has been ordered in the RFP for banking services. Department heads have been made responsible for their budgets and coding; this policy has been implemented. A coding system and receivables process will be implemented in October 2012. A new credit card system should be implemented soon through Capital One. The project management and time software will be implemented by the end of March 2012. This software will help track labor properly for our grants. A cell phone stipend has been issued for a majority of employees on a monthly basis. A cell phone policy will be implemented by September 2012. Steps have been taken to develop policies and procedures to be in compliance for next year's fiscal audit. The City's auditor has suggested additional training which will be scheduled.

UPDATE REGARDING THE SALARY SURVEY OF CITY EMPLOYEE'S SALARY

Interim City Manager Ben White identified towns in our area worthy of comparison for salaries. Mr. White indicated that we are in competition for employees with Celina, Prosper, Anna, Parker, Lavon, Melissa and Princeton. All departments have turned in their specific information and Mr. White is now consolidating this data. The first wave will come before the Council at the next Council meeting workshop. At that point, recommendations will be presented for a salary structure. To be competitive, we may not be able to afford the increased salaries, but will build a plan to get there. Jim Foy questioned if benefits will be included as part of the study. Billy Long stated is has to be included with the salary package. Jim Foy stated the City's benefits are higher than in private industry. Paul Kelly stated a pay scale that includes a minimum and maximum graduation needs to be included. Council concurred to include this discussion at a workshop held March 27, 2012.

CONSIDER, DISCUSS AND ACT UPON RESOLUTION # R-2012-0228-001 ADOPTING THE TEXAS DEPARTMENT OF TRANSPORTATION'S FEDERALLY-APPROVED DISADVANTAGED BUSINESS ENTERPRISE PROGRAM TO MEET QUALIFICATIONS FOR THE SAFE ROUTES TO SCHOOL GRANT

Interim City Manager Ben White presented a form dictated by the Safe Routes to School Grant for approval. Paul Kelly motioned to approve Resolution # R-2012-0228-001 with the Disadvantaged Business Enterprise Program. Billy Long seconded the



motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDER, DISCUSS AND ACT UPON RESOLUTION # R-2012-0228-002 AUTHORIZING THE CITY TO HAVE EMPLOYEE CREDIT CARDS FOR CITY PURCHASES

Mayor Helmberger requested no action be taken on this matter at this time.

CONSIDER, DISCUSS AND ACT UPON RESOLUTION # R-2012-0228-003 DECLARING SPECIFIED PROPERTY A SURPLUS AND AUTHORIZING THE SALE THEREOF

Interim City Manager Ben White indicated that Police Chief Sullivan requested a few items to be auctioned for the Police Department with a budget amendment to follow so that the funds from the auction go to the Police Department's Equipment Fund. A police car, recently painted mocha, will be one of the items for auction which has 113,000 miles. Chief Sullivan stated he wants to keep the police fleet at a certain area of miles on each vehicle for performance and maintenance purposes. The Police Department has recently purchased a Chevy Tahoe which will replace the mocha colored police squad car. Billy Long motioned to approve Resolution # R-2012-0228-003 with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDER, DISCUSS AND ACT UPON A MEMORANDUM OF UNDERSTANDING REGARDING LAKEHAVEN MUD

Interim City Manager Ben White introduced Kyle Kruppa, representative for Farmersville Investors who have purchased 475 acres currently outside the City of Farmersville's extra territorial jurisdiction South of Farmersville. Mr. White stated that he has worked diligently with Mr. Kruppa on an agreement to proceed forward with the Municipal Utility District (MUD). As of Council time, a final letter, not reviewed by the City's Attorney, has been brought before the Council. This is a high level type of document that we want to make binding in the future. Terms have been vacillated between Mayor Helmberger, Ben White and Kyle Kruppa. Mr. White stated he is trying to show support to Mr. Kruppa's group for a meeting on March 5, 2012 with Texas Commission on Environmental Quality. Mr. Kruppa came before the Council and stated that Collin County roadblocked the continuation of the MUD so that police and fire would be handled through the City of Farmersville and must be recognized before moving forward. Collin County does not want to offer those services to this MUD District. Another point for the City to consider is the Regional Wastewater Treatment Plant. The fees paid to the City for police and fire will be based on water connections and will fund the same when the estimated 1006 homes are built. A TCEQ permit has been issued for wastewater. The property owners have dedicated 10 acres of land that will be the Regional Wastewater Treatment Plant for the City of Farmersville which will have a capacity up to 2.5 million gallons which is 5 times what we have now. The land will be donated to the City and the intention is to petition to have this property annexed into the



City limits. Another added plus will be to improve the surrounding area. According to the high level letter of agreement, the landowner shall convey at least 15 acres to Farmersville Independent School District for an elementary school. Also 2 acres will be conveyed to the City for an emergency services site. The City's subdivision regulations and building codes will be adhered to at the expense of the landowner. The landowner will also submit \$15,000 to pay the City's professional service fees. At this point, if a Definitive Agreement cannot be executed within 90 days from February 28, 2012, the Letter of Agreement shall be null and void with no obligations on either party. The remainder of the \$15,000 shall be returned to the landowner after all professional expenses are paid. Finally, the landowner has requested that the City support the MUD by asking the County to retract its request for a contested case hearing with TCEQ and ask the County to execute any settlement documentation to terminate the administrative proceedings pending with the State Office of Administrative Hearings.

Mr. White encouraged the execution of the Letter of Understanding and felt it is a low risk option to be able to go forward with Mr. Kruppa and his investors. Jim Foy requested that an amortization of existing equipment be included since the MUD will have usage of the \$1,000,000 of existing equipment, i.e. Quint and Pumper Truck. Mr. White stated this will be added into the cost. Mr. Kruppa indicated that if the City subsidizes this area, the entire area benefits. Mayor Helmberger requested a change to Item #2 to add if the City deems the need for a facility, the cost would be covered. Billy Long motioned to approve the agreement with the amendment. Jim Foy seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

#### UPDATE ON THE TAX INCREMENT REINVESTMENT ZONE (TIRZ) AFTER COLLIN COUNTY COMMISSIONER'S COURT MEETING ON FEBRUARY 2012

Interim City Manager Ben White stated his appreciation for all the hard work focused on the TIRZ which was unanimously approved by Commissioner's Court on Monday, February 20<sup>th</sup>. Joe Jaynes and Cheryl Williams will be the appointed Commissioner's to participate with Robbie Tedford, Stefanie Hurst and Joe Helmberger. An Interlocal Agreement will go to the County for their approval. The first meeting of the TIRZ Board will be March 21, 2012 directly after the 4A Economic Development Board Meeting.

#### NOMINATE AND APPOINT A CHAIRMAN AND ORGANIZE THE BOARD FOR THE TAX INCREMENT REINVESTMENT ZONE

With the requirement of the organization of the TIRZ Zone falling on the Council, Mayor Helmberger met the need by stating he will serve as Chairman for the Board. Mayor Helmberger also encouraged the Council to appoint Robbie Tedford as Vice Chairman and Stefanie Hurst as Secretary. Pansy Hundley motioned for Mayor Helmberger to serve as Chairman, Robbie Tedford to serve as Vice Chairman and Stefanie Hurst to serve as Secretary for the TIRZ Board with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.



### UPDATE ON THE PUBLIC SAFETY BUILDING

Interim City Manager Ben White informed the Council that a recent 5" rain caused a great amount of damage in the Public Safety Building, more particularly on the Police Department side. The brick was separated from the windows which also included a mortar problem allowing the water to pour into the building thereby flooding the area. Mr. White stated he has been working with our insurance regarding the claim and has hired a remediation expert, Mike Cole, who has been making necessary remediation procedures. Mr. Cole's opinion is that the brick needs to be replaced, a roof needs to be replaced, and all damages need to be addressed due to the leakage. TML Insurance has declined our claim. Mr. White will continue working with our insurance since the claim was denied due to "maintenance issues." As Mr. White put it, "the saga continues."

### UPDATE REGARDING THE WATER MANAGEMENT PLAN

Interim City Manager Ben White submitted the Water Management Plan to North Texas Municipal Water District for their review. Once approved from NTMWD, we can start implementing the ordinances surrounding the "Plan."

### UPDATE REGARDING THE INTERCONNECT WATER CONTRACTS FOR WATER SERVICE WITH CADDO BASIN SUD, COPEVILLE WATER SUD AND NORTH FARMERSVILLE WSC

Interim City Manager Ben White submitted the interconnect water contracts to the appropriate entities for their review. Mr. White requested that the contracts be completed and signed by May 2012.

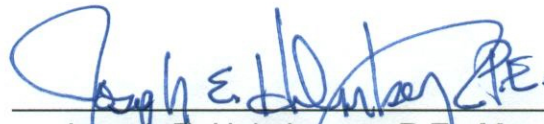
### UPDATE REGARDING THE BOND COMMITTEE AND DISCUSSING THE FUTURE BOND ELECTION WITH BOARDS, COMMITTEES AND OTHER GROUPS

City Secretary Edie Sims informed the Council that Bond Committee members were affording their time to other groups, committees and boards to get the word out regarding the upcoming bond election.

### ADJOURNMENT

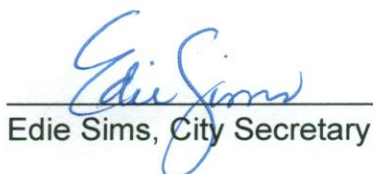
Council adjourned at 7:53pm.

APPROVED



Joseph E. Helmberger, P.E., Mayor

ATTEST

  
Edie Sims, City Secretary