

**FARMERSVILLE CITY COUNCIL
REGULAR SESSION AGENDA
MARCH 27, 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, informational update on City projects, awards, acknowledgement of meeting attendees, birthdays, and condolences.

II. PUBLIC HEARING

- A. PUBLIC HEARING – Public Hearing to consider, discuss and act on an amendment to the Comprehensive Zoning Ordinance by amending Section 77-91 to allow residential living quarters on the first floor in the Central Area District with accompanying Ordinance # O-2012-0327-001
- B. PUBLIC HEARING – Public Hearing to consider, discuss and act on amending Chapter 77, "Zoning," of the Code of Ordinances, City of Farmersville, Texas, by amending Section 77-1, "Definitions," Section 77-94, "Accessory and incidental uses," and Section 77-100, "Retail and related service uses," relative to drive-in and drive-through retail and commercial facilities as accessory uses and/or primary uses allowed by right in certain zoning districts by accompanying Ordinance # O-2012-0327-002

III. WORKSHOP

- A. Salary Survey for City Employees
- B. Budget Workshop
 - Review cash account structure
 - Consider future budget revisions

IV. REGULAR AGENDA

- A. Receive Request for Proposals for banking services and award bid.
- B. Consider, discuss and act upon Resolution # R-2012-0327-001 to adopt the Policies and Procedures for the Police Department
- C. Consider, discuss and act upon Resolution # R-2012-0327-002 to authorize and approve a \$153,500.00 loan by the Farmersville Community Development Corporation to purchase 20.537 acres of land for community park and recreational uses
- D. Consider, discuss and act upon actions to make Farmersville a "Quiet Zone" regarding railroad traffic

V. READING OF ORDINANCES

- A. First Reading – Consider, discuss and act upon Budget Amendment Ordinance # O-2012-0410-001 to fund the repairs to the Public Safety Building

VI. EXECUTIVE SESSION

Discussion of matters permitted by the following sections of Texas Government Code Chapter 551:

- A. Section 551.074, **DELIBERATION REGARDING PERSONNEL MATTERS**
City Manager's compensation package issues

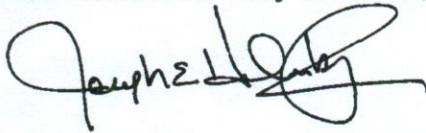
VII. ACTION REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION

- A. Consider, discuss and act upon City Manager's compensation package

VIII. ADJOURNMENT

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

Dated this the 23rd day of March, 2012.

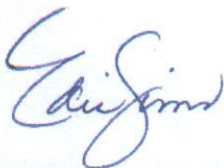


Joseph E. Helmberger, P.E., Mayor

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 March 23, 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: City Manager Ben White

DATE: March 27, 2012

SUBJECT: PUBLIC HEARING – Public Hearing to consider, discuss and act on an amendment to the Comprehensive Zoning Ordinance by amending Section 77-91 to allow residential living quarters on the first floor in the Central Area District with accompanying Ordinance # O-2012-0327-001

Ordinance # O-2012-0327-001 is attached for review.

ACTION:

- 1) Open the public hearing and call the time
- 2) Ask for those are FOR the amendment to the Zoning Ordinance
- 3) Ask for those who are OPPOSED to amending the Zoning Ordinance
- 4) Close the public hearing and call the time
- 5) Council to consider, discuss and act upon the amendment to the Zoning Ordinance by approving or disapproving Ordinance # O-2012-0327-001

(II – A)

**CITY OF FARMERSVILLE
ORDINANCE O-2012-0327-001**

AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 77, ENTITLED "ZONING," THROUGH THE AMENDMENT OF ARTICLE II, "ZONING DISTRICTS," BY AMENDING SUBPARAGRAPH (2) OF SECTION 77-91, "CENTRAL AREA DISTRICT," TO LIMIT RESIDENTIAL USES ON THE FIRST FLOOR OF A BUILDING IN THE CENTRAL AREA DISTRICT TO 40% OF THE OVERALL SQUARE FOOTAGE OF THE FIRST FLOOR OF A BUILDING LOCATED IN THE CENTRAL AREA DISTRICT; REPEALING ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR NOTICE AND IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to make available the opportunity to have residences in the Central Area District; and

WHEREAS, the City Council of the City of Farmersville, Texas finds that all prerequisites to the adoption of this Ordinance have been met; and

WHEREAS, the City Council of the City of Farmersville, Texas finds that it is in the best interest of the public health, safety and welfare to allow residential living spaces on the first floor in the Central Area District;

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

SECTION 1. INCORPORATION OF FINDINGS

All of the above premises are hereby found to be true and correct legislative and factual determinations of the City of Farmersville and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. AMENDMENT OF CHAPTER 77, ENTITLED "ZONING," BY AMENDING SUBPARAGRAPH (2) OF SECTION 77-91, "CENTRAL AREA DISTRICT," TO LIMIT RESIDENTIAL USES ON THE FIRST FLOOR OF A BUILDING IN THE CENTRAL AREA DISTRICT TO 40% OF THE OVERALL SQUARE FOOTAGE OF THE FIRST FLOOR OF A BUILDING LOCATED IN THE CENTRAL AREA DISTRICT.

From and after the effective date of this Ordinance, Section 77-91, entitled "Central Area District," is hereby amended by deleting Subparagraph (2) in its entirety and replacing it with a new Subparagraph (2) to read as follows:

- "(2) A building in the CA District may be used for residential purposes provided however that such residential use shall be limited solely to:

- (a) a maximum of forty percent (40%) of the overall square footage of the first floor and placed on that portion of the first floor at the farthest portion of the building away from the building's store front with the remaining sixty percent (60%) of the first floor actually being used for retail or other commercial use; and
- (b) the second floor and above of the building."

SECTION 3. CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 4. 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 5. SEVERABILITY

It is hereby declared to be the intention of the City Council of the City of Farmersville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by valid judgment or final decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6. GOVERNMENTAL IMMUNITY

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Farmersville in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

SECTION 7. INJUNCTIONS

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Farmersville in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Farmersville.

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. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

PASSED on first and final reading on the 27th day of March, 2012, at a properly 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 27th DAY OF MARCH, 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



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: March 27, 2012

SUBJECT: PUBLIC HEARING – Public Hearing to consider, discuss and act on amending Chapter 77, “Zoning,” of the Code of Ordinances, City of Farmersville, Texas, by amending Section 77-1, “Definitions,” Section 77-94, “Accessory and incidental uses,” and Section 77-100, “Retail and related service uses,” relative to drive-in and drive-through retail and commercial facilities as accessory uses and/or primary uses allowed by right in certain zoning districts by accompanying Ordinance # O-2012-0327-002

Ordinance # O-2012-0327-002 is attached along with the Special Use Permit information

- ACTION:**
- 1) Open the public hearing and call the time
 - 2) Ask for those are FOR the amendment to the Zoning Ordinance
 - 3) Ask for those who are OPPOSED to amending the Zoning Ordinance
 - 4) Close the public hearing and call the time
 - 5) Council to consider, discuss and act upon the amendment to the Zoning Ordinance by approving or disapproving Ordinance # O-2012-0327-002

**CITY OF FARMERSVILLE
ORDINANCE # O-2012-0327-002**

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 CHAPTER 77, ENTITLED "ZONING," THROUGH THE AMENDMENT OF ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 77-1, ENTITLED "DEFINITIONS," THROUGH THE AMENDMENT OF DIVISION 3, "USE OF LAND AND BUILDINGS," THROUGH THE AMENDMENT OF ARTICLE II, ENTITLED "ZONING DISTRICTS," BY AMENDING SECTION 77-94, ENTITLED "ACCESSORY AND INCIDENTAL USES," AND SECTION 77-100, ENTITLED "RETAIL AND RELATED SERVICE USES," RELATIVE TO DRIVE-IN AND DRIVE-THROUGH RETAIL AND COMMERCIAL SERVICES AND FACILITIES AS ACCESSORY USES AND/OR PRIMARY USES ALLOWED BY RIGHT IN CERTAIN ZONING DISTRICTS; 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 CHAPTER 77, ENTITLED "ZONING," BY AMENDING SECTION 77-1, ENTITLED "DEFINITIONS," BY AMENDING CERTAIN DEFINITIONS RELATED TO DRIVE-IN AND DRIVE-THROUGH RETAIL AND COMMERCIAL SERVICES AND FACILITIES AS ACCESSORY USES AND/OR PRIMARY USES ALLOWED BY RIGHT IN CERTAIN ZONING DISTRICTS.

From and after the effective date of this Ordinance, Section 77-1, entitled "Definitions," is hereby amended by deleting the existing definitions for the phrases "Accessory use" and "Drive-in service" and adopting definitions for the phrases with new definitions for the phrases "Accessory use," "Drive-in or drive-through service," "Escape lane," and "Stacking space" to read as follows, and inserting such definitions into Section 77-1 in alphabetical order:

"Accessory use means a use that is subordinate to, serves, and is customarily incidental to the primary use of the main building or to the primary use of the premises; is located on the same lot or tract of land; and, which otherwise meets all requirements of this Zoning Ordinance and all applicable building and fire codes, as each of the foregoing may be amended."

“Drive-in or drive-through service means and refers to a retail or commercial facility whose employees provide goods or services to patrons without requiring the patrons to leave their automobiles. Drive-in or drive-through service may be an accessory use or the primary use of the retail or commercial facility as more particularly provided in the land use charts contained in this Zoning Ordinance, and as hereafter amended. Any drive-in or drive-through service shall provide the appropriate number of required stacking spaces.”

“Stacking Space means a designated area that provides the ability for motor vehicles to queue on site prior to receiving a service. Each required stacking space shall be a minimum of nine feet (9’) in width and twenty feet (20’) in length and shall not be located within or interfere with any other circulation driveway, parking space, fire lane, or maneuvering area.”

SECTION 3. AMENDMENT OF CHAPTER 77, ENTITLED “ZONING,” BY AMENDING SECTION 77-94, ENTITLED “ACCESSORY AND INCIDENTAL USES,” RELATED TO DRIVE-IN AND DRIVE-THROUGH RETAIL AND COMMERCIAL SERVICES AND FACILITIES ALLOWED BY RIGHT IN CERTAIN ZONING DISTRICTS.”

From and after the effective date of this Ordinance, Section 77-94, entitled “Accessory and Incidental Uses,” is hereby amended by inserting the use “Drive-in or drive-through service” in alphabetical order to the land use chart for “Accessory and incidental uses” and allowing said use as a permitted accessory use subject to the attached conditions in the zoning districts identified in the chart below:

“

Type of Use	A	SF-1	SF-2	SF-3	2F	MF-1	MF-2	P	O	NS	GR	C	HC	CA	I-1	I-2	PD
Drive-in or drive-through service*									P	P	P	P	P		P	P	P

* In all Districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses.

- a. Automated Teller Machine (ATM)
Three (3) stacking spaces per ATM lane.
- b. Automobile Oil Change and Similar Establishments
Three (3) stacking spaces per bay.
- c. Car Wash, Full Service
Three (3) stacking spaces per bay.
- d. Car Wash, Self Service (Automated)
Three (3) stacking spaces per bay.

- e. Car Wash, Self Service (Open Bay)
Two (2) stacking spaces per bay.
- f. Car Wash, Self Service (Drying Areas and Vacuum Islands)
Two (2) stacking spaces per drying area and/or vacuum island.
- g. Child-care, Kindergartens, day schools, and similar child training and care establishments
One (1) stacking space per twenty (20) students provided on a through "circular" drive.
- h. Dry Cleaning, Pharmacy, or Other Retail Establishments with a Drive-Through
Three (3) stacking spaces per lane from the first service window, order board, or other stopping point.
- i. Financial Institution
Three (3) stacking spaces per window or service lane.
- j. Restaurant with Drive-Through
Three (3) stacking spaces per lane from closest of the first service window, order board, or other stopping point.

In addition, one single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle. An escape lane shall also be provided for any use containing a drive-in or drive-through service. Furthermore, all outdoor communication systems used in conjunction with any drive-in or drive-through service shall be located a minimum of two hundred feet (200') from any residential zoning district unless (a) the building is located between the speaker box and adjacent residentially zoned property, or (b) the drive-in or drive-through service and related outdoor communication systems are separated from the residential area by an existing or future major thoroughfare identified on the City's Thoroughfare Plan."

SECTION 4. AMENDMENT OF CHAPTER 77, ENTITLED "ZONING," BY AMENDING SECTION 77-100, ENTITLED "RETAIL AND RELATED SERVICE USES," RELATED TO DRIVE-IN AND DRIVE-THROUGH RETAIL AND COMMERCIAL SERVICES AND FACILITIES ALLOWED BY RIGHT IN CERTAIN ZONING DISTRICTS."

From and after the effective date of this Ordinance, Section 77-94, entitled "Accessory and Incidental Uses," is hereby amended by inserting the use "Drive-in or drive-through service" in alphabetical order to the land use chart for "Retail and related service uses" and allowing said use as a permitted use subject to the attached conditions in the zoning districts identified in the chart below:

"

Type of Use	A	SF-1	SF-2	SF-3	2F	MF-1	MF-2	P	O	NS	GR	C	HC	CA	I-1	I-2	PD
Drive-in									P	P	P	P	P		P	P	P

or drive- through service*																	
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* In all Districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses.

- a. Automated Teller Machine (ATM)
Three (3) stacking spaces per ATM lane.
- b. Automobile Oil Change and Similar Establishments
Three (3) stacking spaces per bay.
- c. Car Wash, Full Service
Three (3) stacking spaces per bay.
- d. Car Wash, Self Service (Automated)
Three (3) stacking spaces per bay.
- e. Car Wash, Self Service (Open Bay)
Two (2) stacking spaces per bay.
- f. Car Wash, Self Service (Drying Areas and Vacuum Islands)
Two (2) stacking spaces per drying area and/or vacuum island.
- g. Child-care, Kindergartens, day schools, and similar child training and care establishments
One (1) stacking space per twenty (20) students provided on a through "circular" drive.
- h. Dry Cleaning, Pharmacy, or Other Retail Establishments with a Drive-Through
Three (3) stacking spaces per lane from the first service window, order board, or other stopping point.
- i. Financial Institution
Three (3) stacking spaces per window or service lane.
- j. Restaurant with Drive-Through
Three (3) stacking spaces per lane from the closest of the first service window, order board, or other stopping point.

In addition, one single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle. An escape lane shall also be provided for any use containing a drive-in or drive-through service. Furthermore, all outdoor communication systems used in conjunction with any drive-in or drive-through service shall be located a minimum of two hundred feet (200') from any residential zoning district unless (a) the

building is located between the speaker box and adjacent residentially zoned property, or (b) the drive-in or drive-through service and related outdoor communication systems are separated from the residential area by an existing or future major thoroughfare identified on the City's Thoroughfare Plan."

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 and final reading on the 27th day of March, 2012, at a properly 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 27th DAY OF MARCH, 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



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: March 27, 2012

SUBJECT: WORKSHOP – Salary Survey for City Employees

No documentation is attached. City Manager Ben White will make a presentation during the workshop session.

ACTION: Council to discuss and give direction.

(III - A)



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: March 27, 2012

SUBJECT: Budget Workshop

- Review cash account structure
- Consider future budget revisions

No documentation is attached. City Manager Ben White will make a presentation during the workshop session.

ACTION: Council to discuss and give direction.

(III - B)



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: March 27, 2012

SUBJECT: Receive Request for Proposals for banking services and award bid.

No documentation is attached at time of Council Packet. All bidding information will be forwarded to the City Council via email and made available to the public.

ACTION: Receive Request for Proposals. Council to discuss and award bid.

(IV - A)



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: March 27, 2012

SUBJECT: Consider, discuss and act upon Resolution # R-2012-0327-001 to adopt the Policies and Procedures for the Police Department

Resolution # R-2012-0327-001 is attached. The Council has received a CD with the policies and procedures for review. The public may request a copy of these policies and procedures by written request at the Police Department.

ACTION: Consider, approve or disapprove Resolution # R-2012-0327-001.

(IV - B)

**CITY OF FARMERSVILLE
RESOLUTION # R-2012-0327-001**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, ADOPTING THE POLICY AND PROCEDURES FOR THE FARMERSVILLE POLICE DEPARTMENT, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville acknowledges the need to adopt a Policy and Procedure guide for the Police Department by complementing their operating standards; and,

WHEREAS, the City Council has reviewed the Farmersville Police Department's Policy and Procedure Manual; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS THAT;

SECTION 1. The City of Farmersville's Police Department Policy and Procedure Manual is available for public viewing at the Farmersville Police Department

SECTION 2. The City of Farmersville's Police Department Policy and Procedure Manual is hereby adopted as the official police policy of the City of Farmersville.

SECTION 3. This Resolution shall take effect immediately from its passage.

SECTION 4. All provisions of the resolutions of the City of Farmersville in conflict with the provisions of this Resolution are hereby repealed, and all other provisions of the resolutions of the City of Farmersville not in conflict with the provisions of this Resolution, shall remain in full force and effect.

DULY PASSED by the City Council of the City of Farmersville on this 27th day of March, 2012.

Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: March 27, 2012

SUBJECT: Consider, discuss and act upon Resolution # R-2012-0327-002 to authorize and approve a \$153,500.00 loan by the Farmersville Community Development Corporation to purchase 20.537 acres of land for community park and recreational uses

Resolution # R-2012-0327-002 is attached for review

ACTION: Council to discuss, approve or disapprove Resolution # R-2012-0327-002

(IV – C)

**CITY OF FARMERSVILLE
RESOLUTION # R-2012-0327-002**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS, AUTHORIZING AND APPROVING A \$153,500.00 LOAN FROM THE INDEPENDENT BANK OF TEXAS TO THE FARMERSVILLE COMMUNITY DEVELOPMENT CORPORATION TOGETHER WITH DELIVERY OF ALL NECESSARY LOAN DOCUMENTS AND OTHER RELATED INSTRUMENTS; APPROVING CERTAIN RESOLUTIONS OF THE FARMERSVILLE COMMUNITY DEVELOPMENT CORPORATION; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville, Texas ("City"), established the Farmersville Community Development Corporation ("Corporation") to impose and assess a one-half cent sales tax to fund economic development and quality of life projects within the City; and

WHEREAS, the Corporation desires borrow \$153,500.00 from Independent Bank of Texas to purchase 20.537 acres of land for community park and recreational uses, which land is situated in the W. B. Williams Survey, Abstract 952, City of Farmersville, Collin County, Texas, and is more particularly described on Exhibit "A" attached hereto and incorporated herein for all purposes (the "Park Land"); and

WHEREAS, the City Council finds that the Park Land is located wholly within the corporate limits of the City; and

WHEREAS, Section 501.204(a) of the Local Government Code requires that the governing body of the City approve the Corporation's resolution authorizing the indebtedness not earlier than the 60th day before the date of delivery and execution of the loan documents evidencing the debt.

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

SECTION 1. The resolution passed and adopted by the Board of Directors of the Corporation on March 22, 2012, authorizing a \$153,500.00 loan from Independent Bank of Texas to the Corporation to purchase the above-described Park Land, and pledging sales and use tax receipts or the Park Land as security for said loan, is hereby approved.

SECTION 2. The Mayor, City Secretary, and other City officers, as appropriate, are hereby authorized, jointly and severally, to execute and deliver to the Independent Bank of Texas any loan documents and related instruments that are necessary or advisable to carry out the intent and purpose of this Resolution.

SECTION 3. This resolution was passed and adopted by the City Council at a meeting duly posted in accordance with the Texas Open Meetings Act and at which a quorum was present and voting.

SECTION 4. 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 AND ADOPTED BY THE FARMERSVILLE CITY COUNCIL ON THE 27TH DAY OF MARCH, 2012.

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

ATTEST:

Edie Sims, City Secretary



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: March 27, 2012

SUBJECT: Consider, discuss and act upon actions to make Farmersville a "Quiet Zone" regarding railroad traffic

No documentation is attached

ACTION: Council to discuss and take action as deemed necessary

(IV - D)



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: March 27, 2012

SUBJECT: FIRST READING – Consider, discuss and act upon Budget Amendment Ordinance # O-2012-0410-001 to fund the repairs to the Public Safety Building

Ordinance # O-2012-0410-001 is attached

ACTION: Approve or disapprove Ordinance # O-2012-0410-001

(V - A)

**CITY OF FARMERSVILLE
ORDINANCE O-2012-0410-001**

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 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 City Manager has determined that the effects of the budget amendment will be in the best interest used for the repairs to the Public Safety Building located at 134 North Washington; and

WHEREAS, the 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 27th day of March, 2012, and second reading on the 10th day of April, 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 10th DAY OF APRIL, 2012

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

ATTEST:

Edie Sims, City Secretary

CITY OF FARMERSVILLE

EXHIBIT A - 1

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		\$ 60,903			
Interest		\$ 1,800			
Fund Reserves for Grant		\$ 8,400			
Sell of Fixed Assets		\$ 57,825			
Transfers from Enterprise Funds				\$ 1,104,630	
Expenses					
City Council			\$ 9,240		
Administration			\$ 522,857		
Municipal Court			\$ 95,997		
Library/Civic Center			\$ 124,820		
Police Department			\$ 822,196		
Fire Department			\$ 205,452		
Street Department			\$ 547,599		
Debt Service			\$ 68,393		
Transfer to Equipment Replacement Fund				\$ (109,750)	
General Fund Total	\$ 483,068	\$ 1,491,110	\$ 2,396,554	\$ 994,880	\$ 572,504

Increase Wastewater transfers \$58,428

Increase Police Expense \$58,428

CITY OF FARMERSVILLE

EXHIBIT A - 2

FY 2011-2012 Revised

GOVERNMENTAL FUNDS	PROJECTED BEGINNING FUND BALANCE	REVENUES	EXPENDITURES	INTERFUND TRANSFERS IN (OUT)	PROPOSED ENDING FUND BALANCE
General Fund	\$ 483,068	\$ 1,491,110	\$ 2,396,554	\$ 994,880	\$ 572,504
Special Revenue Funds					
Court Technology Fund	11,756	2,800	-	-	14,556
Court Security Fund	7,007	2,200	2,000	-	7,207
Police Seizure Fund	1,400	-	-	-	1,400
Special Projects Fund	127,893	-	-	-	127,893
CC Child Special Revenue	5,229	5,229			10,458
Main Street Side Walk Grant			15,000		
Debt Service Fund	232,988	239,097	228,855	-	243,230
Capital Projects Funds	-	-	-	-	-
2005 CO's	4,104	8	-	-	4,112
2006 CO's	506,792	600	475,000	-	32,392
TOTAL GOVERNMENTAL FUNDS	<u>\$ 1,380,237</u>	<u>\$ 1,741,044</u>	<u>\$ 3,117,409</u>	<u>\$ 994,880</u>	<u>\$ 1,013,752</u>

FY 2011-2012 Revised

PROPRIETARY FUNDS	PROJECTED BEGINNING WORKING CAPITAL	REVENUES	EXPENDITURES	INTERFUND TRANSFERS IN (OUT)	PROPOSED ENDING WORKING CAPITAL
Enterprise Funds					
Water and Sewer Operating Fund	1,115,834	1,338,254	1,407,220	(412,330)	634,538
Refuse Fund	193,340	401,216	310,766	(90,450)	193,340
Electric Utility Fund	214,949	810,500	140,288	(675,200)	209,961
Internal Service Fund					
Equipment Replacement Fund	70,349		48,000	183,100	205,449
TOTAL PROPRIETARY FUNDS	<u>\$ 1,594,472</u>	<u>\$ 2,549,970</u>	<u>\$ 1,906,274</u>	<u>\$ (994,880)</u>	<u>\$ 1,243,288</u>