

**FARMERSVILLE CITY COUNCIL
REGULAR SESSION AGENDA
MAY 22, 2012, 6:00 P.M.**

**CIVIC CENTER
201 ORANGE 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.

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-2012-0522-001
- B. Public Hearing to consider, discuss and act upon an amendment to the Comprehensive Zoning Ordinance by amending Chapter 62, entitled “Streets, Sidewalks and Other Public Places,” and Chapter 65 entitled “Subdivisions” to amend the sidewalk requirements by Ordinance # O-2012-0522-002

III. READING OF ORDINANCES

- A. First Reading – Consider, discuss and act upon Ordinance # O-2012-0612-001 to amend the Master Fee Schedule regarding commercial curbside recycling fees; changes to the Civic Center rental and deposit fees; and changes to the copy or faxing of customer’s personal document fees
- B. First Reading – Consider, discuss and act upon Ordinance # O-2012-0612-002 amending the Exhibits regarding the Tax Increment Reinvestment Zone
- C. First Reading – Consider, discuss and act upon Ordinance # O-2012-0612-003 regarding the amendment of the Landscaping and Irrigation Regulations and adopting enforcement for the Water Management Plan

IV. REGULAR AGENDA

- A. Consider, discuss and act upon accepting a donation of \$600
- B. Consider, discuss and act upon an Interlocal Agreement with Collin County for Jail Services
- C. Accept resignation from John Politz who served on the Planning and Zoning Commission

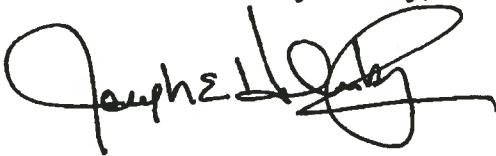
- D. Consider, nominate and appoint new members and Council Liaisons to Boards and Commissions
- E. Consider, discuss and act upon bond related business
- F. Consider, discuss and act on staff's recommendation to planting trees and bricks for past council members and mayors recognizing service
- G. Interconnect contracts update
- H. Comprehensive Plan update
- I. Chaparral Trail Project update

V. REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

VI. ADJOURNMENT

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

Dated this the 18th day of May, 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 May 18, 2012 by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.





TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 22, 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-2012-0522-001

Ordinance # O-2012-0522-001 is attached for review. Written comments from Donna Williams, owner of Red Door Antiques, is also attached.

ACTION:

- 1) Open Public Hearing and call the time.
- 2) Ask for those FOR allowing living quarters on the first floor in the CA District.
- 3) Ask for those OPPOSING allowing living quarters on the first floor in the CA District.
- 4) Close Public Hearing and call the time.
- 5) Discuss, approve or disapprove Ordinance # O-2012-0522-001.

**CITY OF FARMERSVILLE
ORDINANCE O-2012-0522-001**

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 22nd DAY OF MAY, 2012.

APPROVED:

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

ATTEST:

Edie Sims, City Secretary


Dear City Council Members:

Having attended the Planning and Zoning Meeting on April 16, 2012, I addressed the board of my concerns and thoughts on the Amendment to the Comprehensive Zoning Ordinance O-2012-0327-001 by amending Section 77-91 to allow residential living quarters on the first floor in the Central Area District. I will also address my concerns to you.

While I understand the council and the boards' questions on allowing living quarters on the first floor I have to reiterate that in order for Farmersville to grow the city should not restrict business owners on how they use their property. The Council has put in codes, ordinances, bylaws and the type of business they can have. Permits, special permits, zoning, revised zoning, ordinances and the list continues. While these are all needed for the safety of our citizens and visitors there comes a point when the business owner's voice needs to be heard.

In 1881 Farmersville had seven grocery stores, three dry good, three general merchandise firms, two saloons, two leather and harness shops and eight private schools. How many of these types of stores are in existent today? In 1885 brought the first bank. It has taken 127 years to get another bank. Then in the 1920's and 1930's there was onions. In 1935 the governor of Texas, James W Allred attended the first onion festival and through this two day event a total of 30,000 people attended. In 1980 the first Old Time Saturday was started as a fund raiser. Some 31 years later did we have 30,000 attend? In the 1950's National Sports wear employed 62 but closed. Is this the destiny for the rest of Farmersville? How could a thriving town with so many businesses slowly close? Work took them elsewhere in order to make a living. Now in the 21st century the City of Farmersville has the opportunity to grow and be prosperous again by not restricting the revenue producing businesses the opportunity to make their own choices of where they live. With the price of gas and the cost of land in Collin County the dream of owning a business is slowly fading so to put more regulations, codes, special permits, and undue hardship on current and potential new businesses seems unfair and troublesome. If Farmersville is to grow and prosper in this economy the business owners should be allowed to live in part of their business quarters, if not there are other towns that would and will welcome new businesses. If codes, rules and ordinances are needed for businesses, then Council should address the issue of the disarray that some of the businesses are in downtown, boarded up, paper covered windows and vacant buildings and facades that need to be repaired and / or painted. The Central District Area buildings are the first thing that is noticed when you drive or walk downtown. Is the best first impression Farmersville has to offer? Does it make sense to not allow owners of businesses to not live in part of their building when we have buildings that could probably be condemned for safety, not to mention the appearance of the outside?

Vacant buildings that are mere storage units, dirty windows, peeling paint and rotten boards would seem to be of more concern than if an owner lives in the back of their building.


Donna K. Williams

1895 Hwy 78N

Farmersville, Texas 75442



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 22, 2012

SUBJECT: Public Hearing to consider, discuss and act upon an amendment to the Comprehensive Zoning Ordinance by amending Chapter 62, entitled "Streets, Sidewalks and Other Public Places," and Chapter 65 entitled "Subdivisions" to amend the sidewalk requirements by Ordinance # O-2012-0522-002

Ordinance # O-2012-0522-002 is attached for review.

ACTION:

- 1) Open Public Hearing and call the time.**
- 2) Ask for those FOR the changes to sidewalks**
- 3) Ask for those OPPOSING the changes to sidewalks**
- 4) Close Public Hearing and call the time.**
- 5) Discuss, approve or disapprove Ordinance # O-2012-0522-002.**

(II – B)

**CITY OF FARMERSVILLE
ORDINANCE # O-2012-0522-002**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE SUBDIVISION ORDINANCE, ORDINANCE NO. 2007-08 AS AMENDED, THROUGH THE AMENDMENT OF CHAPTER 62, ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" AND CHAPTER 65 ENTITLED "SUBDIVISIONS"; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Farmersville, Texas, has recommended the amendment of Chapter 62 of the Code of Ordinances, entitled "Streets, Sidewalks and Other Public Places" and Chapter 65 of the Code of Ordinances, entitled "Subdivisions" to clarify that public sidewalks are to provide a safe area for pedestrians and to set out set requirements for sidewalk construction; and

WHEREAS, all legal requirements, conditions, and prerequisites have been complied with prior to this recommended text amendment coming before the City Council of the City of Farmersville; and

WHEREAS, the City Council of the City of Farmersville, after notice and public hearing as required by law and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during said public hearings, the City Council is of the opinion and finds that the change of such zoning text will not be detrimental to the public health, safety, or general welfare of the citizens of the City, and will promote the best and most orderly development of the property affected thereby, and as well the owners and occupants thereof, and the City generally;

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

SECTION 1: That from and after the effective date of this Ordinance Chapter 62 of the Code of Ordinances, entitled "Streets, Sidewalks and Other Public Places" and Chapter 65 of the Code of Ordinances, entitled "Subdivisions" Ordinance #2007-08 as amended, of the City of Farmersville, Texas, be, and the same is hereby, amended to read as follows:

**CHAPTER 62: STREETS, SIDEWALKS AND OTHER
PUBLIC PLACES, ARTICLE V**

DIVISION 1. Pedestrian concrete walkways (sidewalks) shall meet the following conditions and shall be provided along both sides of newly constructed streets as follows:

- (1) MAJOR THOROUGHFARE SIDEWALK PLACEMENT – The sidewalk shall be no less than five (5) feet wide on both sides of the street as shown by Exhibit “A”;
- (2) SECONDARY THOROUGHFARE SIDEWALK PLACEMENT – The sidewalk shall be no less than five (5) feet wide on both sides of the street as shown by Exhibit “B”;
- (3) COLLECTOR ROADWAY SIDEWALK PLACEMENT – The sidewalk shall be no less than four (4) feet wide on both sides of the street as shown by Exhibit “C”;
- (4) RESIDENTIAL STREET SIDEWALK PLACEMENT – The sidewalk shall be no less than four (4) feet wide on both sides of the street as shown by Exhibit “D”;
- (5) RESIDENTIAL ESTATE STREET SIDEWALK PLACEMENT – The sidewalk shall be no less than four (4) feet wide on both sides of the street as shown by Exhibit “E”;

Division 2.

- a) Concrete sidewalks on residential streets will have a width of not less than four (4) feet and thickness of not less than four inches and will be constructed of 3,500 psi concrete on both sides of all streets.
- b) Sidewalks will be constructed not less than one foot from the street right-of-way line and will extend along the street frontage including the side lot corner lots and block ends.
- c) All concrete for sidewalks will be placed on a two-inch sand cushion and will be reinforced with number three (3) reinforcing steel bars placed at 18 inches on center each way.
- d) The developer may petition for a determination to the Chief Planning Official in the form of a written variance request when the sidewalk construction is either not feasible or inappropriate at the time of subdivision construction. If any funds are expended for engineering or other qualified opinions, the developer will be responsible for reimbursing the City for all charges incurred. If determined to be inappropriate at the time of construction by the City, funds for such construction shall be placed in escrow with the City by the developer. The sidewalk escrow rate will be approved by resolution by the City Council.
- e) Construction standards for sidewalks shall be set forth in the City of Farmersville’s Design Standards.

Division 3. Appeals

- 1) Appeals shall be made to the Board of Adjustment regarding a decision made by the Chief Planning Official under this ordinance. Such appeal shall be taken within 15 days after the decision has been rendered by the Chief Planning Official, by filing with the City Secretary from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The City Secretary from whom the appeal is taken shall forthwith transmit to the Board of all the papers constituting the record upon which the action appealed from was taken.
- 2) An appeal shall stay all proceedings of the action appealed from unless the Chief Planning Officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of Record on application and notice to the Chief Planning Officer from whom the appeal is taken and due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof by posting such notice in the mail addressed to all owners of real property located within 200 feet of the property to which the appeal applies and by publishing notice of such hearing in a newspaper of general circulation in the City. Both the posted and published notice shall be given at least ten days prior to the date set for the hearing. At the hearing, any party may appear in person or by attorney or by agent.
- 3) When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following special exception to the regulations herein established.
 - a) Permit the reconstruction, extension or enlargement of a sidewalk by a non conforming use of the lot or tract, provided such reconstruction does not prevent the return of such property to a conforming use.
 - b) Permit such modifications as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area,

shape or slope that it cannot be appropriately developed without such modification.

- c) Require the discontinuance of nonconforming uses of land under any plan whereby the full value can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this article. All actions to discontinue a nonconforming use of land shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of the property. The Board shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire in to the existence, continuation or maintenance of any nonconforming use within the City.

SECTION 2: That it is hereby declared to be the intention of the City Council 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 shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 3: That from and after the effective date of this Ordinance, any person, firm or corporation violating any of the provisions of the City of Farmersville Sign Code as amended hereby shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Farmersville, Texas, shall be subject to a penalty of a fine not to exceed the sum of two thousand (\$2,000.00) for each offense and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

SECTION 4: That from and after the effective date of this Ordinance, all previously adopted ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Farmersville, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed to the extent of any such conflict.

SECTION 5: That this ordinance shall take effect immediately from and after its passage and publication of the caption, as the law in such cases provides.

PASSED on first and final reading on the 24th day of April, 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:

Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary

Exhibit A

Major Thoroughfare Sidewalk Placement

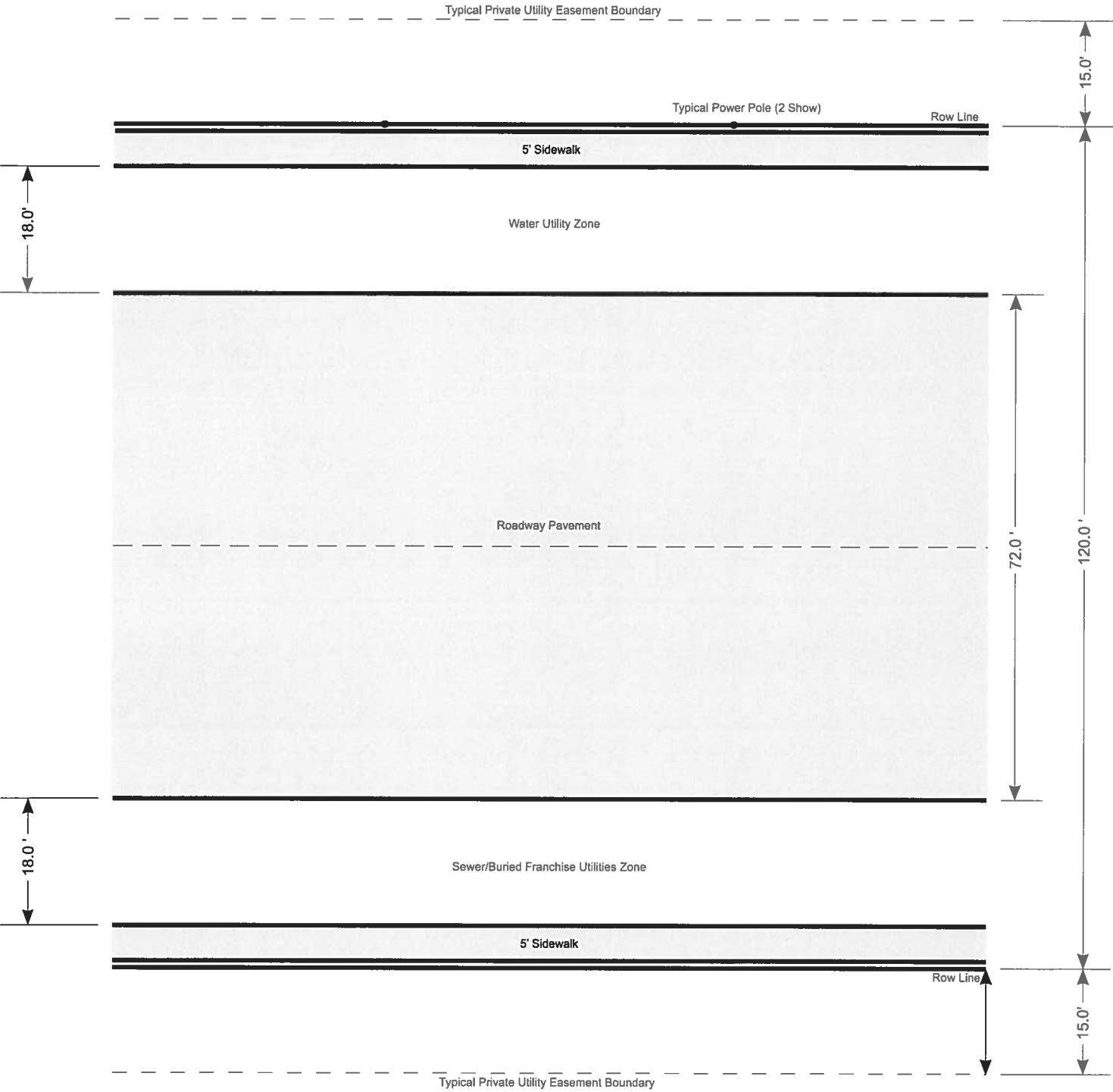


Exhibit B

Secondary Thoroughfare Sidewalk Placement

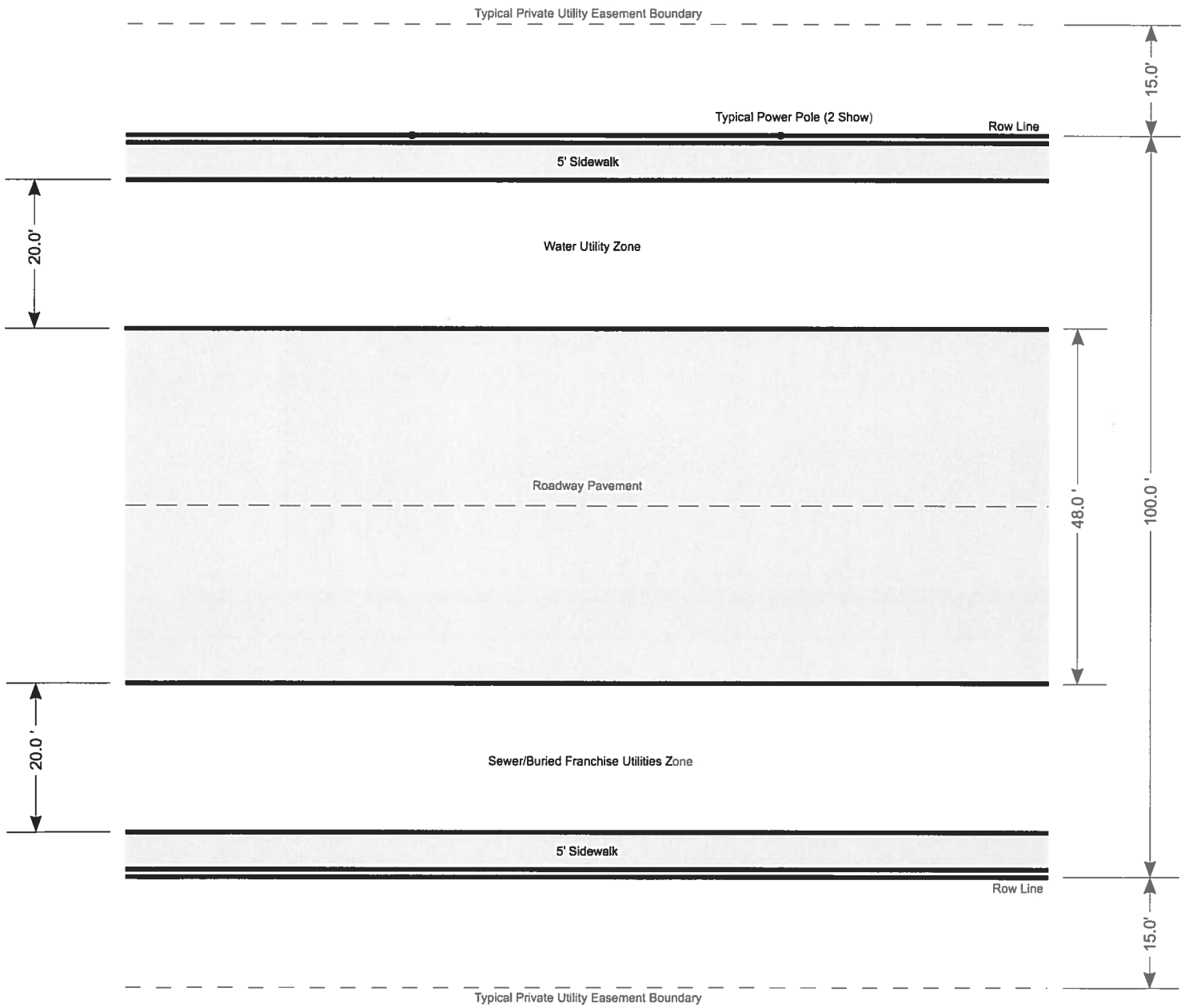


Exhibit C

Collector Roadway Sidewalk Placement

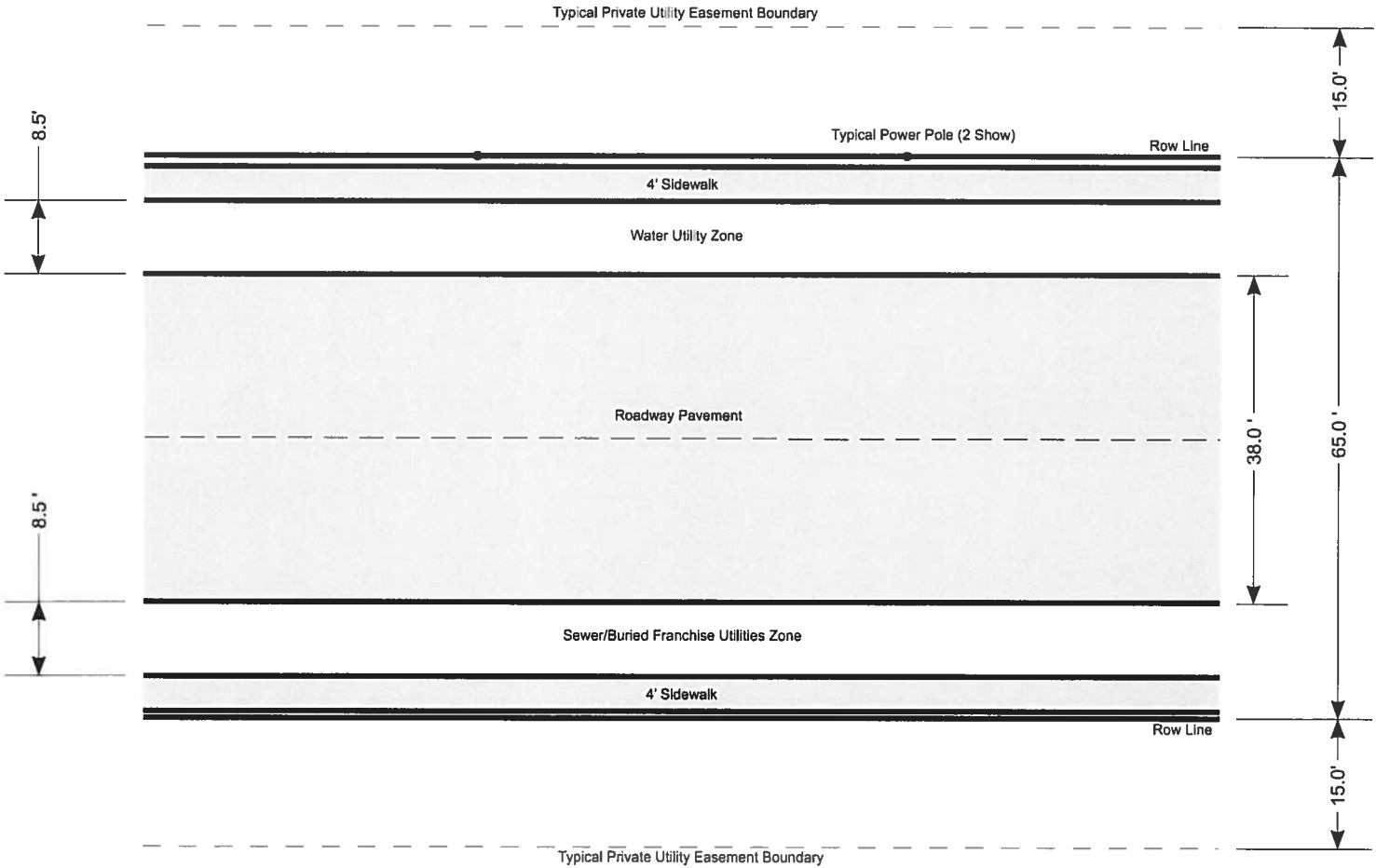


Exhibit D

Residential Street Sidewalk Placement

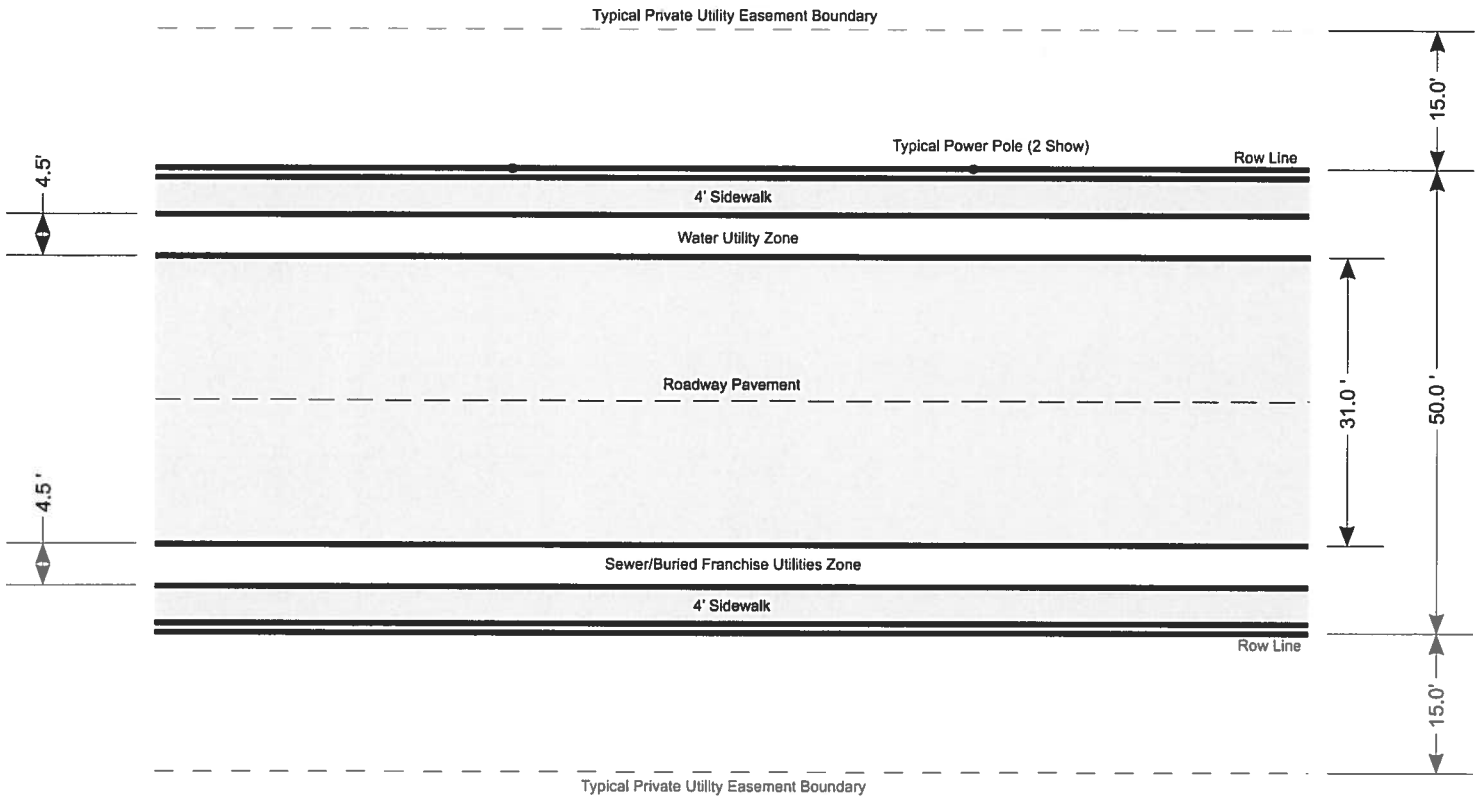
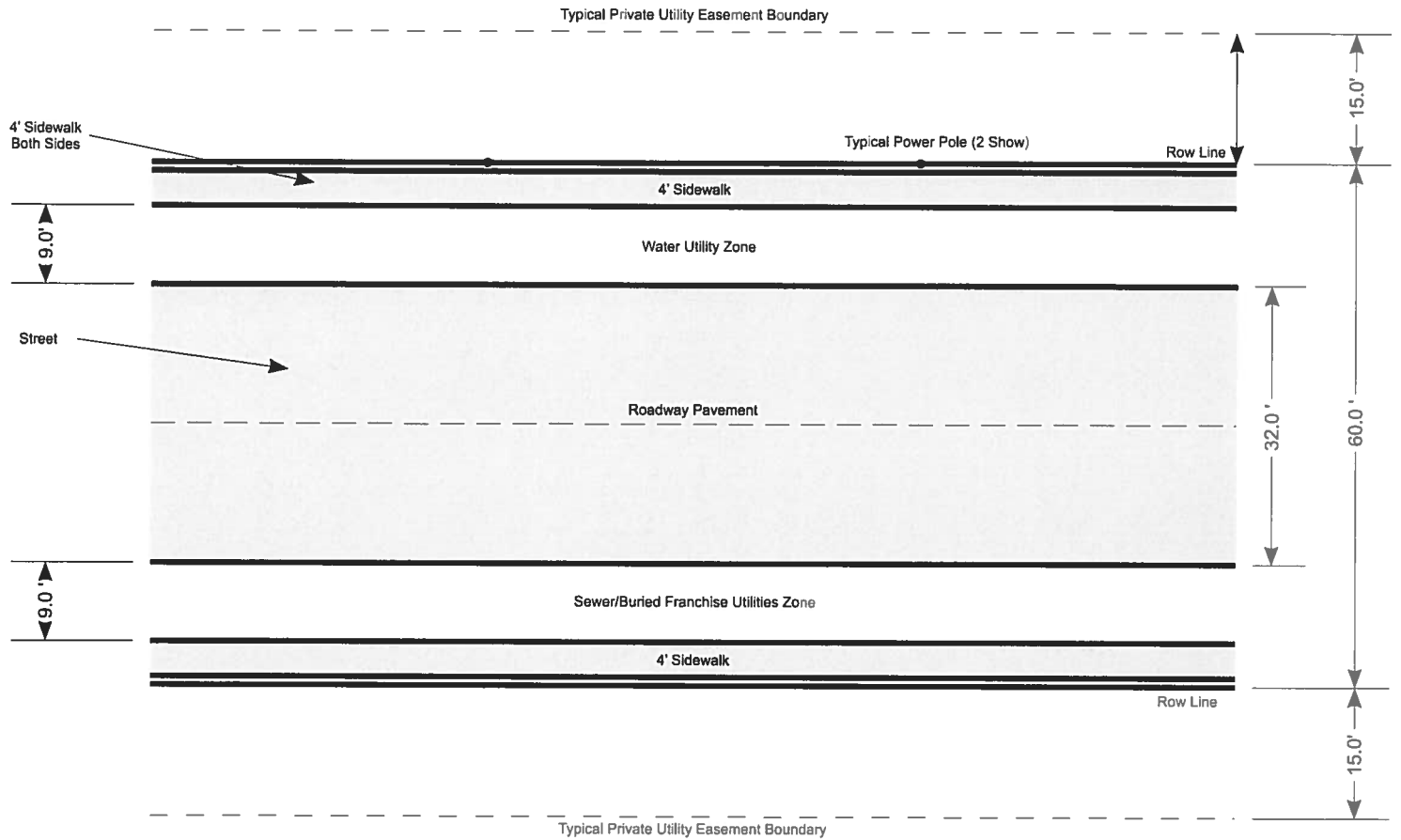


Exhibit E

Residential Estate Street Sidewalk Placement





TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 22, 2012

SUBJECT: First Reading – Consider, discuss and act upon Ordinance # O-2012-0612-001 to amend the Master Fee Schedule regarding commercial curbside recycling fees; changes to the Civic Center rental and deposit fees; and changes to the copy or faxing of customer's personal document fees

Ordinance # O-2012-0612-001 is attached for review.

ACTION: Approve or disapprove Ordinance # O-2012-0612-001 at first reading.

(III - A)

**CITY OF FARMERSVILLE
ORDINANCE # O-2012-0612-001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS AMENDING FARMERSVILLE CODE OF ORDINANCES AMENDING APPENDIX A, "MASTER FEE SCHEDULE," AMENDING ARTICLE II, "ELECTRICITY, WATER, SEWER AND REFUSE," SECTION 2-7 RECYCLING FEES; ARTICLE IV, SECTION 4-2, "FACILITY RENTALS"; AMENDING ARTICLE VII, SECTION 7-1, "MISCELLANEOUS FEES" REGARDING FAXING AND COPY FEES; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND SETTING AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1: That Appendix A, Article II, Master Fee Schedule - Miscellaneous of the Code of Ordinances of the City of Farmersville, Texas, is hereby amended to read as follows:

"Article II Recycling Fees, Section 2-7, to add:

.....

- Commercial Curbside recycling, \$9.96 per month

SECTION 2: That Appendix A, Article VII, Master Fee Schedule - Miscellaneous of the Code of Ordinances of the City of Farmersville, Texas, is hereby amended to read as follows:

"Article IV Facility Rentals – Civic Center

.....

- \$37.50 per hour up to 4 hours, \$50 refundable deposit
- \$300.00 for greater than 4 hours, \$200 refundable deposit
- Civic organizations rent the Civic Center for free; however they are responsible for any additional costs associated with post-rental clean-up efforts paid for by the City should they be necessary
- Full rent and deposit is due at the time of the reservation
- Deposits are not refundable if post-rental clean-up efforts are required

SECTION 3. That Appendix A, Article VII, Section 7-1 Master Fee Schedule – Miscellaneous fees of the Code of Ordinances of the City of Farmersville, Texas, is hereby amended to read as follows:

"Article VII Miscellaneous Fees – Copy or fax of customer's personal document

.....

- Letter size or smaller for copies, black and white \$.10, color \$.50
- Legal size for copies, black and white \$.20, color \$1.00

- 11x17 size for copies, black and white \$.50, color \$2.50

Faxing \$1.25 per side

SECTION 4. SEVERABILITY CLAUSE

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

SECTION 5. REPEALER CLAUSE

That all ordinances of the City of Farmersville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed.

SECTION 6: This Ordinance shall take effect after approval and adoption by City Council and with publication of the caption, as the law in such cases provides.

PASSED on first reading on the 22nd day of May, 2012, and second reading on the 12th day of June, 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 12th DAY OF JUNE, 2012.

APPROVED:

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

ATTEST:

Edie Sims, City Secretary



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 22, 2012

SUBJECT: FIRST READING – Consider, discuss and act upon Ordinance # O-2012-0612-002 amending the Exhibits regarding the Tax Increment Reinvestment Zone

Ordinance # O-2012-0612-002 is attached for review with the corrected Exhibits

ACTION: Approve or disapprove first reading of Ordinance # O-2012-0612-002.

(III - B)

**CITY OF FARMERSVILLE
ORDINANCE # O-2012-0612-002**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING ORDINANCE # O-2011-1219-00, TO AMEND THE REINVESTMENT ZONE BY BOUNDARY DESCRIPTION AND THE REINVESTMENT ZONE MAP AS PREVIOUSLY ADOPTED.

WHEREAS, on December 19, 2011, the City Council of the City of Farmersville adopted Ordinance # O-2011-1219-002; and

WHEREAS, it was found that adjustments were required regarding the metes and bounds of the Reinvestment Zone; and

WHEREAS, it was found that with the adjustments to the metes and bounds, a map recording said adjustments needed to be included for record;

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

Section 1. Findings and Determinations. The findings and determinations set forth in the preambles are hereby incorporated by reference for all purposes as Exhibit "A" and Exhibit "B".

Section 2. That it is hereby declared to be the intention of the City Council 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 shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 3. That from and after the effective date of this Ordinance, all previously adopted ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Farmersville, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed to the extent of any such conflict.

Section 4. That this ordinance shall take effect immediately from and after its passage and publication of the caption, as the law in such cases provides.

PASSED on first reading on the 22nd day of May, 2012, and second reading on the 12th day of June, 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 12th DAY OF JUNE, 2012.

Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary

CITY OF FARMERSVILLE

TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE

BOUNDARY DESCRIPTION (CORRECTED)

OBJECTID	Direction	Distance	COGO_Start Point of Beginning
6	N 1-29-59 E	366.63	
7	S 89-31-48 W	846.67	
8	N 1-8-17 E	240.3	
9	S 83-9-28 W	18.374	
10	S 4-23-15 E	31.38	
11	S 25-34-4 W	84.3	
12	N 57-59-45 W	63.4	
13	S 68-38-20 W	43.41	
14	S 82-20-26 W	152.07	
15	N 2-15-31 E	64.66	
16	N 73-25-47 W	113.14	
17	S 17-19-50 W	136.62	
18	N 89-17-53 W	112.991	
19	N 25-19-30 W	49.007	
20	N 82-33-1 W	144.831	
21	N 35-9-3 W	153.284	
22	S 88-44-51 W	91.522	
23	S 83-42-38 W	31.942	
24	S 47-33-47 W	23.712	
25	S 35-32-13 W	21.506	
26	S 70-20-49 W	14.867	
27	S 45-0-3 W	17.677	
28	S 75-57-46 W	14.431	
29	S 83-34-16 W	17.862	
30	S 72-38-47 W	16.763	
31	S 47-5-56 W	33.787	
32	S 41-54-20 W	26.201	
33	S 33-41-21 W	12.62	
34	S 0-0-0 W	30	
35	S 22-37-8 W	9.75	
36	S 68-11-54 W	18.849	
37	S 72-19-46 W	29.649	
38	S 86-45-32 W	26.543	
39	N 75-51-48 W	34.804	
40	N 48-22-2 W	21.073	
41	N 55-42-39 W	13.314	
42	N 63-26-14 W	14.535	

43 N 74-58-49 W	21.224
44 N 86-25-30 W	16.031
45 S 81-52-15 W	21.213
46 S 71-57-49 W	11.305
47 S 63-52-13 W	14.758
48 N 3-41-8 E	38.079
49 N 19-9-35 W	57.93
50 N 42-47-22 E	155.14
51 N 34-53-36 W	135.62
52 N 47-1-25 E	72.494
53 N 66-41-29 W	58.51
54 N 24-58-37 E	26.52
55 N 54-22-40 E	57.036
56 N 81-11-14 W	223.205
57 N 8-4-3 E	79.96
58 N 82-41-42 W	108.354
59 S 8-2-23 W	313.345
60 S 73-39-45 W	110
61 N 8-1-24 E	429.925
62 N 16-0-12 W	20.49
63 S 73-52-58 W	52.1
64 S 52-21-41 W	792.686
65 S 43-25-12 W	20.184
66 S 35-32-15 E	110.005
67 S 53-14-27 W	177.278
68 N 33-33-50 W	113.182
69 S 51-55-52 W	545.657
70 S 52-28-19 W	2028.594
71 S 40-9-21 W	109.034
72 S 60-43-44 W	156.233
73 S 53-16-35 W	92.069
74 S 51-57-57 W	906.967
75 S 51-24-48 W	184.017
76 N 89-29-11 W	302.191
77 N 72-15-0 W	44.88
78 S 88-54-22 W	100.825
79 N 89-29-18 W	228.423
80 N 13-25-0 W	703.978
81 N 71-58-2 E	310.459
82 N 0-30-13 W	438.006
83 N 22-23-43 W	371.244
84 N 26-53-46 W	153.57
85 N 42-13-10 W	187.44
86 N 30-28-10 W	244.2
87 N 61-20-40 W	114.058
88 N 45-15-18 W	204.752
89 N 29-0-13 W	495.599

90 S 84-54-40 W	757.312
91 N 89-57-9 W	443.04
92 S 32-34-31 W	245.672
93 S 32-6-54 E	516.115
94 S 61-16-11 W	555.082
95 S 63-3-46 W	272.135
96 N 46-23-12 W	98.091
97 N 78-12-4 W	259.741
98 S 72-3-35 W	238.604
99 N 89-54-19 W	334.268
100 S 32-30-23 W	38.627
101 S 89-40-8 W	365.023
102 N 85-0-23 W	13.181
103 N 83-0-31 W	13.181
104 N 80-30-30 W	19.77
105 N 77-30-22 W	19.77
106 N 74-30-27 W	19.77
107 N 71-30-31 W	19.77
108 N 68-10-23 W	100.917
109 N 59-38-58 W	23.109
110 N 65-38-56 W	16.51
111 N 70-39-1 W	16.511
112 N 76-8-49 W	19.81
113 N 81-27-50 W	15.28
114 N 89-34-5 W	489.649
115 N 74-35-33 W	10.957
116 N 67-5-40 W	12.519
117 N 57-35-36 W	17.202
118 N 45-30-46 W	20.559
119 S 88-37-11 W	315.684
120 S 75-8-46 W	366.013
121 S 86-51-49 W	126.996
122 N 22-24-41 W	340.597
123 N 22-24-41 W	962.477
124 N 37-45-40 W	1025.66
125 N 11-25-40 E	219.706
126 S 79-29-49 E	300.14
127 S 83-5-56 E	656.74
128 N 1-29-4 E	806.514
129 N 2-38-24 E	1160.816
130 S 88-51-2 E	554.22
131 N 89-55-10 E	1585.103
132 N 0-29-3 E	32.539
133 N 89-18-3 E	1600.723
134 N 0-19-9 W	411.304
135 N 89-51-17 E	27.418
136 N 0-6-7 W	66.151

388 S 90-0-0 E	294.208
389 N 0-32-35 E	1179.513
390 N 89-35-21 E	62.375
391 S 1-4-35 W	1180.115
392 N 90-0-0 E	258.585
393 S 85-52-12 E	131.162
394 N 87-35-19 E	224.523
395 N 90-0-0 E	1055.271
396 N 1-1-46 E	99.972
397 S 89-50-59 E	1308.464
398 N 77-26-11 E	72.506
399 S 89-48-30 E	903.513
400 N 0-49-28 W	456.523
401 N 90-0-0 E	1365.836
402 N 0-48-56 W	334.187
403 N 2-26-28 E	1831.892
404 S 89-35-8 E	1106.182
405 N 89-35-15 E	303.095
406 S 0-58-16 E	264.078
407 S 24-34-53 E	154.2
408 S 0-20-41 E	922.171
409 N 89-16-26 E	349.13
410 S 1-31-15 W	131.916
411 N 87-23-20 E	119.261
412 S 0-33-43 E	237.762
413 S 82-26-4 W	694.53
414 S 0-46-5 E	1467.406
415 S 88-0-11 E	585.11
416 S 0-12-53 W	428.815
417 S 86-34-35 E	203.481
418 S 86-21-47 E	30.521
419 N 0-3-0 E	22.983
420 S 75-49-59 E	405.839
421 N 69-46-17 E	60.017
422 N 23-53-48 E	407.175
423 N 30-49-19 E	238.234
424 N 24-23-7 E	217.218
425 N 21-41-29 E	30.135
426 S 89-32-49 E	666.713
427 S 0-0-0 W	222.67
428 S 89-36-56 E	194.985
429 N 89-13-5 E	192.403
430 S 0-46-7 E	30.526
431 N 90-0-0 E	747.008
432 N 0-0-0 E	249.003
433 N 90-0-0 E	460.022
434 N 0-0-0 E	122.391

435 S 89-47-25 E	333.882
436 S 88-59-46 E	324.41
437 S 1-14-43 W	106.768
438 S 88-58-50 E	669.854
439 S 19-17-56 W	542.392
440 N 88-12-56 E	90.512
441 N 15-59-8 E	221.822
442 N 19-51-56 E	125.153
443 N 24-30-26 E	194.187
444 S 89-7-39 E	250.257
445 S 0-35-34 E	529.889
446 N 88-45-1 E	27.275
447 S 3-0-33 E	289.898
448 S 71-42-55 W	193.349
449 S 0-17-45 E	926.912
450 S 89-29-18 W	868.222
451 S 1-4-44 E	458.028
452 N 87-38-47 E	156.476
453 S 3-14-30 W	203.776
454 N 88-14-39 E	39.606
455 S 0-22-40 W	154.189
456 S 88-51-43 W	75.515
457 S 1-28-12 E	75.027
458 S 90-0-0 W	22.985
459 S 0-25-4 W	92.106
460 N 89-14-55 E	8.881
461 S 0-43-35 E	58.58
462 N 86-56-54 E	49.865
463 S 0-30-51 E	76.652
464 N 88-22-35 E	268.823
465 N 0-25-45 W	72.913
466 N 89-12-45 E	115.387
467 S 0-52-29 W	73.741
468 N 89-36-53 E	346.443
469 S 0-35-53 W	91.384
470 N 89-40-32 E	231.669
471 N 0-0-0 E	140.464
472 N 90-0-0 E	224.742
473 S 0-0-0 W	35.755
474 N 89-23-16 E	209.578
475 N 0-12-58 E	254.486
476 S 87-43-17 E	16.182
477 N 0-2-52 W	418.955
478 N 89-41-34 E	656.26
479 S 0-0-34 W	760.442
480 S 89-39-58 E	187.41
481 S 0-18-37 E	74.274

482 S 89-22-24 E	354.078
483 N 82-44-12 E	93.384
484 N 0-0-0 E	269.932
485 N 90-0-0 E	322
486 N 0-20-32 E	572.91
487 N 89-26-16 E	1181.9
488 N 0-41-25 E	891.065
489 S 89-21-45 E	691.89
490 S 89-39-29 E	971.921
491 S 89-36-28 E	949.272
492 N 1-28-31 E	1731.342
493 N 87-44-59 E	101.862
494 S 89-38-14 E	675.272
495 S 87-25-15 E	94.892
496 S 85-39-15 E	94.89
497 S 83-53-14 E	94.891
498 S 82-24-22 E	74.449
499 S 80-42-43 E	74.448
500 S 79-1-11 E	74.45
501 S 77-19-43 E	74.448
502 S 75-38-4 E	74.448
503 S 74-7-42 E	87.93
504 S 72-12-17 E	87.933
505 S 70-16-54 E	87.93
506 S 68-21-33 E	87.931
507 S 66-45-54 E	116.25
508 S 65-39-19 E	116.249
509 S 64-32-44 E	116.249
510 S 64-12-45 E	647.158
511 S 64-18-11 E	2071.707
512 S 64-16-17 E	1118.377
513 S 64-31-40 E	58.426
514 N 89-52-51 E	76.993
515 S 89-52-29 E	3056.239
516 S 0-14-3 W	1022.662
517 S 89-30-2 E	1925.931
518 S 89-18-49 E	2048.406
519 S 0-26-31 W	871.828
520 S 14-4-21 W	109.754
521 S 0-2-56 W	1545.715
522 S 81-18-5 W	2405.409
523 S 29-17-10 E	340.45
524 S 14-3-43 E	116.249
525 S 25-9-25 E	119.142
526 S 2-3-58 W	71.659
527 S 25-9-12 E	963.927
528 S 28-3-49 E	24.339

529 S 23-3-44 E	36.498
530 S 18-33-52 E	18.256
531 S 14-33-45 E	30.419
532 S 9-33-48 E	30.42
533 S 5-2-39 E	37.852
534 N 89-43-54 W	1252.016
535 S 0-53-35 W	95.338
536 N 89-29-0 W	3082.276
537 N 0-38-13 E	1225.311
538 S 89-30-50 W	218.038
539 S 89-30-50 W	1548.478
540 N 89-41-17 W	400.156
541 N 1-0-0 E	1428.42
542 N 89-57-4 W	1290.553
543 N 89-58-11 W	792.793
544 N 0-35-44 W	280.594
545 S 90-0-0 W	53.48
546 N 0-0-0 E	513.794
547 S 90-0-0 W	463.267
548 N 0-12-38 E	610.058
549 S 87-52-41 W	144.165
550 N 89-47-59 W	546.87
551 N 87-3-51 W	200.45
552 S 89-23-18 W	248.93
553 N 89-45-4 W	541.68
554 S 0-30-15 W	410.967
555 S 89-38-6 E	272.575
556 S 0-31-28 W	1281.56
557 S 89-57-40 W	2798.98
558 N 1-16-36 E	238.987
559 S 71-46-30 W	229.825
560 N 87-45-19 W	696.686
561 N 27-4-20 W	201.805
562 N 10-38-15 E	1320.909
563 N 89-43-29 W	396.983
564 N 27-38-59 E	45.753
565 N 89-43-45 W	132.059
566 S 86-16-25 W	501.22
567 N 85-56-43 W	74.222
568 S 0-2-10 W	217.699
569 N 89-2-14 W	242.26
570 N 0-1-2 W	235.537
571 N 83-4-5 W	84.179
572 N 89-19-38 W	386.617
573 S 1-34-25 W	77.402
574 S 86-47-53 W	637.533
575 S 89-36-20 W	196.554

576 S 86-46-11 W	346.05	
577 S 88-41-54 W	71.618	
578 S 70-20-43 W	37.847	
579 S 89-24-40 W	315.454	
580 S 61-47-28 W	36.635	
581 S 89-30-54 W	209.413	
582 N 0-34-19 W	90.803	
583 N 88-29-34 W	305.089	
584 S 42-38-52 W	65.069	
585 S 89-41-16 W	276.351	
586 S 5-8-11 W	268.376	
587 S 89-57-18 W	364.448	
588 N 1-25-54 E	137.306	
589 S 37-25-35 W	627.425	
590 S 67-15-30 W	147.302	
591 S 87-38-44 W	1382.771	3113.87 Acres
592 N 89-16-16 W	50	To the point of beginning

City of Farmersville, Texas
Proposed Tax Increment
Reinvestment Zone
April 2012 (Corrected)

TIRZ = 3,113.87 Acres
Window = 43.83 Acres
Total = 3,070.04 Acres



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 22, 2012

SUBJECT: FIRST READING – Consider, discuss and act upon Ordinance # O-2012-0612-003 regarding the amendment of the Landscaping and Irrigation Regulations and adopting enforcement for the Water Management Plan

Ordinance # O-2012-0612-003 is attached for review

ACTION: Approve or disapprove first reading of Ordinance # O-2012-0612-003.

(III - C)

**CITY OF FARMERSVILLE
ORDINANCE # 2012-0612-003**

AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 74-188 TO ADOPT LANDSCAPING AND IRRIGATION REGULATIONS; AND AMENDING SECTION 74-160 TO ADOPT ENFORCEMENT FOR THE WATER MANAGEMENT PLAN; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville, Texas (the "City") recognizes its Water Management Plan as the official policy for the conservation of water;

WHEREAS, the City has determined that the adoption of its Water Management Plan should allow for the repeal of any preceding Plans;

WHEREAS, the City has determined the need to modify the existing ordinances regarding landscaping and irrigation regulations which will be effective with the Water Management Plan; and

WHEREAS, the City has determined the need to provide a fine per each offense.

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

SECTION 1. That Chapter 74, Section 177 is hereby amended to read as follows:

That there is hereby approved and adopted by reference, the same as if fully copied herein, the Water Management Plan dated March 2012. The City of Farmersville commits to implement the requirements and procedures set forth in the adopted plan. Any provision of this Code of Ordinances in conflict with the Plan is hereby repealed."

SECTION 2. The City and all City water connection users will adhere to the regulations as stipulated in the Water Management Plan regarding landscape water management measures under Section 4.8.4, Section 5.5.2, Section 5.5.3 and Section 5.5.4 of the Water Management Plan under each stage of drought contingency and water emergency preparedness.

SECTION 3. That Chapter 74, Section 160 is hereby supplemented by adding the additional statements as follows:

- a. Chapter 74, Section 160 is hereby amended to read as follows:
"No person shall knowingly allow the use of water from the city for residential, commercial, industrial, public, wholesale or any other purpose in a manner

contrary to any provision of this plan, or in an amount in excess of that permitted by the water emergency response stage in effect at the time, pursuant to action taken by the city manager, or his designee, in accordance with provisions of this plan.

- b. Mandatory water use restrictions shall be imposed in stage 2, stage 3 and stage 4 drought contingency and water emergency response stages as defined in the Water Management Plan. The penalties associated with the mandatory water use restrictions are stated below:

1 st Issue	Warning
2 nd Issue	Final Warning
1 st Offense	\$50.00
2 nd Offense	\$100.00
3 rd Offense	\$200.00
4 th Offense	\$400.00

Further issues will require service to be disconnected.

- c. When Water Emergency Response Stage 4 has been implemented, irrigation of new landscaping using treated water is prohibited. As such, new construction where a Landscape Plan has been approved will be placed on hold until such time that Stage 4 restrictions have been lifted. The City shall agree to accept escrow deposits in lieu of landscaping construction due to Stage 4 drought conditions. The property owner or developer shall deposit in escrow with the City an amount equal to 120 percent of the costs of design, construction, permits, reviews and approvals, inspections, insurance, and any additional costs incurred for the installation of landscaping. The escrow deposit shall be a non-interest bearing line item within the City's accounting. Once the escrow has been successfully arranged, the property owner/developer may proceed with attaining the Certificate of Occupancy. Once Water Emergency Response Stage 4 has been lifted, landscaping that was placed on hold may then be installed. Any remaining funds after the landscaping has been installed and inspected shall be returned to the property owner/developer.

SECTION 4. Severability Clause.

It is hereby declared to be the intention of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words,

phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional word, phrase, clause, sentence, paragraph or section.

SECTION 5. Savings Clause.

The Code of Ordinances, City of Farmersville, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

SECTION 6. Repealer Clause.

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 7. Penalty Clause.

Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars (\$2,000.00) per day and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

SECTION 8. Effective Date.

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

PASSED on first reading on the 22nd day of May, 2012, and second reading on the 12th day of June, 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 12th DAY OF JUNE, 2012.

APPROVED:

Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 22, 2012

SUBJECT: Consider, discuss and act upon accepting a donation of \$600

In 2010, the square was vandalized by windows being shot out. An unknown donor submitted \$600 cash reward for the City to hold if the vandals were caught and prosecuted. This money has served its purpose and needs to be processed correctly into the General Fund.

ACTION: Approve or disapprove accepting the \$600 cash donation and placing it in the General Fund

(IV - A)



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 22, 2012

SUBJECT: Consider, discuss and act upon an Interlocal Agreement with Collin County for Jail Services

Informational email and the Collin County amendment to the Contract is attached for review

ACTION: Approve or disapprove the ILA for Jail Services.

(IV - B)

Edie Sims

From: Jennifer Turner [jturner@co.collin.tx.us]
Sent: Tuesday, May 08, 2012 2:28 PM
To: Edie Sims
Subject: RE: Jail Services ILA

Please see the below stated on the agreement:

5.01 Basic Charge

The City shall pay the County a Basic Charge of \$69.79 per day or part of a day per inmate that the City requests be confined, and who is confined, in the County jail. If an inmate is arrested on the City's warrant by another agency and transported to the Collin County Jail, the City will not be charged if the inmate is released to the City within four (4) hours.

I hope this helps.

From: Edie Sims [<mailto:e.sims@ci.farmersville.tx.us>]
Sent: Tuesday, May 08, 2012 2:07 PM
To: Jennifer Turner
Subject: Jail Services ILA

Hello Jennifer,

I have the Interlocal Agreement scheduled to go before the Farmersville City Council on May 22nd; however, since we will be discussing the upcoming budget year and this ILA pertains, what is the basic charge for jail services? We understand this charge will fluctuate according to the number of inmates, but I wanted to confirm the amount for budgeting purposes.

Thanks you so much.

Edie Sims

City Secretary
City of Farmersville
205 S Main Street
Farmersville, TX 75442
phone: 972-782-6151 fax: 972782-6604
www.farmersvilletx.com

"Discover a Texas Treasure"

Amendment No. Eight (8)



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 22, 2012

SUBJECT: Accept resignation from John Politz who served on the Planning and Zoning Commission

Mr. Politz's resignation is attached.

ACTION: Approve or disapprove Mr. Politz's resignation

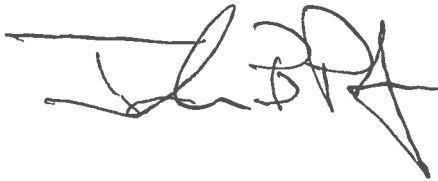
(IV - C)

To whom it may concern:

Effective immediately, I regret to inform you that I must resign my seat on the Planning and Zoning Board for the City of Farmersville. I begin training on the 17th of May for an upcoming deployment to Afghanistan with my Army National Guard Unit. It has been my pleasure to be a member of this Board and serve the citizens of Farmersville.

Thank you.

John Politz

A handwritten signature in black ink, appearing to read 'John Politz', with a stylized, sweeping flourish at the end.



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 22, 2012

SUBJECT: Consider, nominate and appoint new members and Council Liaisons to Boards and Commissions

Each Board and Commission's information is attached showing replacements and renewals.

ACTION: Council to nominate and appoint new members and Council Liaisons

(IV – D)

FARMERSVILLE ECONOMIC DEVELOPMENT CORP. (4A)

Term: Three years - Two Terms Max

Residency Requirements: 2 Of 5 must be City Residents; 3 must be in FISD OR
Have significant investment in City for more than 1 year

Name
Chris Lair 1 st Term Began 5/11 – Term ends 5/13
Bob Collins 1 st Term Began 5/11 – Term ends 5/13
Stefanie Hurst 2 nd Term Began 5/11 – Term ends 5/13
Robbie Tedford (Renewal) 1 st Term Began 5/09 – 1 st Term ends 5/12
Eddy Daniel (Need Replacement) 2nd Term Began 5/09– Term ends 5/12

MEETS: Third Wednesday of the month, 12:00 noon

COUNCIL LIAISON: _____

STAFF LIAISON: Daphne Hamlin, Finance Director

Board Candidate	Preferred Order of Board
Robbie Tedford	1 st Choice
Kevin Meguire	1 st Choice
Leaca Caspari	4 th Choice
Del Sergent	4 th Choice
Jeanna Towns	6 th Choice
Stanley Treadwell	7 th Choice

FARMERSVILLE COMMUNITY DEVELOPMENT CORP. (4B)

Term: Two years - Two Terms Max
Residency Requirements: Live in Fisd

Name
Jim Dawkins 2 nd Term Began 5/11 – Term ends 5/13
Diane Piwko 2 nd Term Began 5/11 – Term ends 5/13
Del Sargent 1 st Term Began 5/11 – Term ends 5/13
David Reynolds 1 st Term Began 5/11 – Term ends 5/13
Charlie Whitaker (Renewal) Fulfilled resigned Term ends 5/12
Bill Daniel (Need Replacement) 2nd Term Began 5/10 – Term ends 5/12
Loydell Seward (Need Replacement) 2nd Term Began 5/10 – Term ends 5/12

MEETS: 2nd Monday of the month, 5:45 p.m.

STAFF LIAISON: Main Street Manager, Adah Leah Wolf

COUNCIL LIAISON: _____

Board Candidate	Preferred Order of Board
Charlie Whitaker	1 st Choice
Del Sargent	2 nd Choice
Leaca Caspari	3 rd Choice
Jeanna Towns	4 th Choice
Stanley Treadwell	6 th Choice

BUILDING AND PROPERTY STANDARDS COMMISSION

Term: Three years – Two Terms Max
Residency Requirements: 1 year in the City Limits

Name
Michael Zilk 2nd Term Began 5/10 – Term ends 5/13
Leaca Caspari 1 st Term Began 5/11 – Term ends 5/14
Del Sergent 1 st Term Began 5/10 – Term ends 5/13
Patti Ford 1st Term Began 5/10 – Term ends 5/13
Bill Nerwich (Renewal) 1 st Term Began 5/09 – Term ends 5/12

Meet: as needed, 6:00 p.m.

Staff: Code Enforcement Officer

Council Liaison: _____

Board Candidate	Preferred Order of Board
Bill Nerwich	1 st Choice
Del Sergent	3 rd Choice
Stanley Treadwell	5 th Choice

LIBRARY/CIVIC CENTER BOARD

201 and 203 Orange Street
972-782-6681

Term: Three Years – Two Terms Max
Residency Requirements: None

Name
Judy Brandon 1 st Term Began 5/11 – Term ends 5/14
Loraine Smith 2 nd Term Began 5/10 – Term ends 5/13
Betty Sergeant 1 st Term Began 5/11 – Term ends 5/14
Alicia Wisdom (Needs Replacement) 2 nd Term Began 5/10 – Term ends 5/13
Jim Dawkins (Needs Replacement) 1 st Term Began 5/09 – Term ends 5/12

MEETS: 4th Tuesday of each month, 4:00 p.m., Library

STAFF: Paula Jackson 972-782-6151 and Trish Dowell, Librarian

COUNCIL LIAISON: _____

Board Candidate	Preferred Order of Board
Leaca Caspari	1 st Choice
Sarah Odom	1 st Choice
Stanley Treadwell	8 th Choice

PARKS AND RECREATION BOARD

Term: Three years – Two Terms Max
Residency Requirements: 1 year in City Limits

Name
Susan Dann 1 st Term Began 5/11 – Term ends 5/14
Tom Waitschies 1 st Term Began 5/11 – Term ends 5/14
Del Sergent 1 st Term Began 5/11 – Term ends 5/14
Marianne Politz (Renewal) 1 st Term Began 5/09 – Term ends 5/12
Mark Vincent (Renewal) 1 st Term Began 5/09 – Term ends 5/12
Alicia Wisdom (Needs Replacement) 2 nd Term Began 5/10 – Term ends 5/13

MEETS: When called: Every Third Tuesday (at least 4 times per year)

STAFF: Christi Dowdy

COUNCIL LIAISON: _____

Board Candidates	Preferred Order of Board
Mark Vincent	1 st Choice
Marianne Politz	1 st Choice
Marty Shelton	1 st Choice
Leaca Caspari	2 nd Choice
Stanley Treadwell	2 nd Choice
Del Sergent	5 th Choice

PLANNING AND ZONING COMMISSION

Terms: Three Years – Two Terms Max
Residency Requirements: 1 year in the City Limits

Name
John Politz Fill in Term Began 5/10 – Term ends 5/13
Craig Overstreet 1 st Term Began 5/11 – Term ends 5/14
Betty Sergent 1 st Term Began 5/11 – Term ends 5/14
Lee Warren – Completing David Corning's term effective 1/17/2012 1 st Term Began 5/10 – Term ends 5/13
Tom Waitschies 1 st Term Began 5/11 – Term ends 5/14
Doug Dann 2 nd Term Began 5/10 – Term ends 5/13
Bill Nerwich – Vice Chair (Renewal) 1 st Term Began 5/09 – Term ends 5/12

MEETS: 3rd Monday of the month, or as called, 6:30 p.m.

STAFF: Edie Sims

COUNCIL LIAISON: _____

Board Candidate	Preferred Order of Board
Bill Nerwich	1 st Choice
Stanley Treadwell	1 st Choice
Del Sergent	1 st Choice
Betty Sergent	2 nd Choice



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 22, 2012

SUBJECT: Consider, discuss and act upon bond related business

ACTION: Council to take action as deemed necessary.

(IV – E)



\$1,000,000
General Obligation Bonds, Series 2012

Projected Schedule of Events

Jun-12						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Jul-12						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Aug-12						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Complete

By	Day	Event
15-May-12	Tuesday	City Canvass Election Results
12-Jun-12	Tuesday	Provide initial draft of Preliminary Official Statement and send to City and Bond Counsel for comments and modifications
14-Jun-12	Thursday	End of Election Contest Period
20-Jun-12	Wednesday	Receive information from City and Comments from Bond Counsel
21-Jun-12	Thursday	Provide draft of Preliminary Official Statement to credit rating agency for review
25-Jun-12	Week of	Rating Agency Call
9-Jul-12	Monday	Receive credit ratings
11-Jul-12	Wednesday	Finalize Preliminary Official Statement Distribute Preliminary Official Statement electronically through i-Deal Prospectus
24-Jul-12	Tuesday	Award Bonds and adopt Ordinance at Council Meeting
31-Jul-12	Tuesday	Print Final Official Statement
23-Aug-12	Thursday	Closing and delivery of funds



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 22, 2012

SUBJECT: Consider, discuss and act on policy to planting trees and bricks for past council members and mayors recognizing service

ACTION: Council to take action as deemed necessary.

(IV - F)

City Servant Tree Planting Policy: Preliminary

A live tree, bush, or garden shall be planted with an accompanying etched brick for each past council member and mayor having served past the year 2005. The City Council may elect to plant a living plant with accompanying etched brick in the memory of a past City staff member if approved by a vote of the council.

Notes:

1. Acceptable tree types: Live Oak, Red Oak.
2. Acceptable bush type: Crepe Myrtle.
3. Garden as designed by the City staff and approved by City Council.
4. Brick design will closely match the current deployment along the Chaparral Trailhead.

CONSIDERATION AND ACTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY FOR LAW ENFORCEMENT DISPATCH SERVICES, IN AN AMOUNT NOT TO EXCEED \$28,000

The Council has previously considered the Interlocal Agreement as presented. Billy Long moved to approve authorizing the City Manager to execute an Interlocal Agreement with Collin County for law enforcement dispatch services. Paul Kelly seconded the motion. Motion carried unanimously.

CONSIDERATION AND ACTION APPROVING AN INTERLOCAL AGREEMENT WITH HUNT COUNTY REGARDING THE ENFORCEMENT OF THE CITY'S SUBDIVISION REGULATIONS AND BUILDING CODES IN THE EXTRATERRITORIAL JURISDICTION

City Manager John Moran requested the Council to table this item until next month to allow for more research.

CONSIDERATION AND POSSIBLE ACTION ESTABLISHING A POLICY FOR THE PURCHASE AND INSTALLATION OF TREES AND BRICKS IN ORDER TO RECOGNIZE SERVICE BY PREVIOUS CITY COUNCIL MEMBERS

Mayor Helmberger stated he has discussed this item with the 4B Community Development Board who may fund this project. Mayor Helmberger stated he would like to see the City have a policy in place as this is a viable recognition of those who have served Farmersville. Paul Kelly moved to approve establishing a policy for the purchase and installation of trees and bricks recognizing service by previous City Council members. Jim Foy seconded the motion. Motion carried unanimously.

DISCUSSION REGARDING THE PREPARATION AND FUTURE ADOPTION OF WRITTEN POLICIES AND PROCEDURES REGARDING ALL ASPECTS OF MEETINGS OF THE CITY COUNCIL, CITY BOARDS AND COMMISSIONS, INCLUDING BY WAY OF EXAMPLE ONLY, AND NOT LIMITING, THE POSTING AND DISTRIBUTION OF AGENDAS, PACKETS, REPORTS AND MINUTES

Mayor Helmberger requested this item return to the Council for discussion. The minutes and complete Council packets placed on the website will inform the citizens of topics to be discussed and decided upon. Mayor Helmberger stated the minutes could be posted on the website in draft form within a few days after a meeting. Paul Kelly questioned an audio recording during Executive Sessions. City Attorney Alan Lathrom cited the statutes from the Open Meetings Act stating an Executive Session is not required to be recorded, only written minutes are required and to be sealed. Mayor Helmberger stated he would also like to have each board's checkbook on the website and displaying the expenditures. Council instructed City Manager to prepare a policy and submit it to the Council at the next meeting.

Jim Foy stated the State Comptroller's Office acknowledges cities for their transparency by awarding the Leadership Circle Award.

DISCUSS HAVING CITY COUNCIL MEMBER'S EMAIL ADDRESSES AVAILABLE ON THE CITY'S WEBSITE

Council discussed the use of private emails and how the Public Information Act and the Freedom Information Act will not be compromised. It is preferred to have the Councilmembers keep a separate email for City business which would be subject to disclosure. Council concurred to have emails set up through the City's server and place the contact information on the website. City Attorney Alan Lathrom informed the Council not to use "Reply All" when replying to emails pertaining to City business. By using reply to the sender only will eliminate violations with the Open Meetings Act.



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 22, 2012

SUBJECT: Interconnect contracts update

ACTION: Council to discuss and take action as deemed necessary

(IV - G)

Water Interconnect Contracts Update

Three (3) water interconnect contracts under consideration:

Caddo Basin Special Utility District

Copeville Special Utility District

North Farmersville Water Supply Corporation

Notes:

1. Contracts created and distributed to each entity in March.
2. Caddo Basin SUD has opted out of a contract. An uncontracted rate will be set initially to 135% of the NTMWD rate.
3. The North Farmersville WSC contract is awaiting signature. Wording has been worked out. Rate is 125% of the NTMWD rate.
4. Copeville SUD contract is still under negotiation. Rate is 125% of the NTMWD rate.
5. The City of Farmersville has asked for approval by the end of May.



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 22, 2012

SUBJECT: Comprehensive Plan Update

ACTION: Council to discuss and take action as deemed necessary

(IV - H)

Comprehensive Plan Update

1. Comprehensive Plan contract executed between City of Farmersville and DBI
2. Comprehensive Plan subcontract executed between DBI and Kimley-Horn
3. Kick-Off meeting completed
 - a. Wednesday, 9 May 2012
 - b. Attendees
 - i. City of Farmersville
 1. Ben White
 2. Joe Helmberger
 - ii. DBI: Eddy Daniel
 - iii. Kimley-Horn
 - c. Project overview and schedule
 - d. Identify groups to meet with for initial interviews/issue identification/schedule as possible
 - e. Work session to identify issues (we had aerial maps to mark up)
 - f. Collect plans and data
 - g. Group tour of city

[illegible]

[illegible]



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: May 22, 2012

SUBJECT: Chaparral Trail Project Update

An informative email is attached.

ACTION: Council to receive information, no action is required.

(IV - I)

Joe Helmberger

From: Adah Leah Wolf [a.wolf@ci.farmersville.tx.us]

Sent: Wednesday, May 16, 2012 8:11 AM

To: 'Joe Helmberger'

Subject: RE: New Railbanking Rules

Can we ask him if he will submit his letter to the newspaper??

From: Joe Helmberger [mailto:JoeHelmberger@verizon.net]

Sent: Wednesday, May 16, 2012 6:28 AM

To: Mark Vincent; Ben White; Adah Leah Wolf

Subject: FW: New Railbanking Rules

Please see below.

Joe

From: bvbiker@aol.com [mailto:bvbiker@aol.com]

Sent: Tuesday, May 15, 2012 4:53 PM

To: Kathryn_Nichols@nps.gov; jrashmo@suddenlink.net; cbedford@paristexas.gov; cityofroxton@yahoo.com; jillmdrake@gmail.com; earl@1starnet.com; cityofavery@suddenlinkmail.com; joehelmberger@verizon.net; marknb@windstream.net; jimmyn@suddenlinkmail.com; mike.riley@christushealth.org; rob.rowley@yahoo.com; kshelton@c2cres.com; keyapp@valornet.com; farmermark80@yahoo.com.sg; awood@halff.com

Cc: jbarton@co.collin.tx.us; bobbledsoe@sbcglobal.net; jgoodwin@hwlochner.com; texasj@valornet.com; tony@crsgrrouponusa.com; citymayor@suddenlinkmail.com; Krista_Sherwood@nps.gov

Subject: Re: New Railbanking Rules

K,

Thanks for sending this along...though I might take a week to read thru it!!

Jerry Grady, Dan Reinboldt, and I rode over to the trailhead in Farmersville today, going thru Merit and taking pictures of the trail at different points along our route.

We got to the Onion Shed and rode the full length of the paved portion of the Audie Murphy Trail and it was great! We stopped to talk with a few people along the way who were regular users. At 10 am, we saw 5-6 folk in the 3-mile stretch. Kudos to the City of Farmersville for taking the bull by the horns and making a beautiful Trailhead for NETT.

Bob Mudie

Chaparral Trail Project Update

Type of Grant: Texas Parks and Wildlife

Grant Amount: \$200,000

Grant Match: \$50,000 (In-kind labor/equipment possible, funded by 4B)

Construction Begin Date: June 2012

Construction End Date: July 2014

Project Notes:

1. Decomposed granite drawings and specifications complete and approved.
2. Decomposed granite contract awarded to Tarrant Trucking. (\$47K)
3. Overall trail project drawings and specifications complete and approved.
4. Overall trail bid package complete.
5. Overall trail project package went out for bid on Thursday, 10 May 2012.
6. Overall trail bid opening planned for Friday, 25 May 2012.