

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
May 22, 2012

The Farmersville City Council met in a regular called session on May 22, 2012 at 6:00pm at the Civic Center with the following members present: Pansy Hundley, Michael Carr, Russell Chandler and Jim Foy. Billy Long was not present. Staff members present were City Manager Ben White and City Secretary Edie Sims.

**Item I) CALL MEETING TO ORDER, ROLL CALL**

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

Doug Laube, residing at 13162 CR 550, came before the Council to express concerns regarding the Lakehaven MUD contract. Mr. Laube encouraged the Council to study this contract and be very diligent as to the long term affects including the costs for the increased 1600 anticipated homes. Growth pressures, including the proposed density, will set the bar of how the demographics attract and detract people to Farmersville. Previous administrations have encouraged responsible growth. School capacity and traffic issues must also be investigated. The City should look at all aspects other than the wastewater treatment facility which will be attained from this development. Growth not in harmony with the current plan of the City could be detrimental.

**Item II - A) 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**

Mayor Helmberger opened the Public Hearing at 6:04pm and asked the audience to come forth and speak for the zoning amendment.

Jack Alexander, owner of 1001 Bargains located at 110 McKinney Street, came before the Council with a petition that was passed to the business owners, building/property owners and people that worked in the downtown area. The question on the petition asked their opinion of the 40% area space allowance for living quarters on the first floor in the downtown area. 42 people signed the petition agreeing with this proposal whereas 2 did not want to get involved and 1 stated the method was not correct in getting this proposal accomplished. Mr. Alexander stated he respectfully believes he should have the right to live on the first floor of his building as long as he meets the requirements as set by the Zoning Ordinances. Downtown would greatly benefit from having people living on the first floor which would promote more activity.

Donna Williams, residing at 1985 State Highway 78 and owner of Red Door Antiques, stated previously she and her husband were trying to buy the old Candy Kitchen; however that deal fell through. Mrs. Williams indicated that she no longer is in need specifically for this ordinance to pass; however she loves downtown and Farmersville and would like to see it be more vibrant and effective for Farmersville. She sees no problems with having renters on the first floor as long as the Planning and Zoning requirements are met. Having people live on the first floor will bring more eyes and ears to help with potential vandalism and could be a



great deterrent. Also having the restriction of living at the back of the building still promotes businesses for downtown.

Mayor Helmberger asked for anyone from the audience to speak in opposition of the zoning change for living quarters on the first floor of the downtown area. No one else came before the Council to speak. The Public Hearing was closed by Mayor Helmberger at 6:11pm.

Jim Foy stated the Council asked the Planning and Zoning to pursue this request and was sent back to P&Z to reconsider the owner/occupancy and living quarter size. The P&Z minutes reflect a very thorough discussion and gave good arguments for their stand to return the ordinance as originally presented. Farmersville's Main Street Director had reported other cities posed the same question of living quarters on the first floor of the downtown district did not have problems. Therefore, Jim Foy motioned to approve Ordinance # O-2012-0522-001 as presented. Russell Chandler seconded the motion. Russell Chandler indicated the Council has gone back and forth on this issue including asking other cities to make the best decision possible. Overall the indicators show the positive outweighs the negative. Mayor Helmberger also indicated the square footage of living space is in our Zoning Ordinance and that requirement has not changed. If the building does not allow the correct living square footage, then the building owner would not fall under this ordinance's condition as they cannot have a living space smaller than the required square footage. City Manager Ben White informed the Council that Planning and Zoning Chairman Tom Waitschies was present in support of the ordinance presented. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item II - 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**

Mayor Helmberger opened the Public Hearing at 6:13pm after identifying to the audience that the sidewalk amendments are specific widths and for newly developed locations. No one came before the Council to speak for or against the amendment regarding sidewalks. Mayor Helmberger closed the Public Hearing at 6:13:30pm.

Mayor Helmberger announced that the current ordinance calls for 5' wide sidewalks throughout the City. The proposed ordinance reduces the width to 4' in residential areas. Jim Foy expressed concern of the 4' width which does not account for mailboxes and light poles that are placed in the right of way. Mr. Foy stated he would like to see the word "unimpeded width" to address the placement of other utilities or mailboxes where the sidewalks are installed. Mayor Helmberger indicated that the right-of-way line has been moved back leaving 1' for power poles, mailboxes and other utilities. The sidewalks will no longer be allowed to be adjacent to the curb as is currently done. Mayor Helmberger also requested to have the word "sewer" removed from the Exhibits. City Manager Ben White stated the proposed requirements are consistent with current designs and would be unimpeded. Russell Chandler motioned to approve Ordinance # O-2012-0522-002 with the changes requested with Pansy



Hundley seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item III – A) FIRST READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2012-0612-001 TO AMEND THE MASTER FEE SCHEDULE REGARDING COMMERCIAL CURBSIDE RECYCLING FEES**

City Manager Ben White informed the Council that under Section 1, a commercial recycling rate is being added. The Contract with CWD allows them to bill us \$9.96 less 30%; however the City needed the official rate structure in our Master Fee Schedule. Mr. White indicated he will be negotiating with CWD to establish a commercial rate all the while trying to reduce the charge to be in the \$6 range. The contention is that Farmersville's commercial customers are not wide spread thereby not making significant route requirements.

Section 2 is in regard to the Civic Center facility rentals discussed at the last Council meeting. Section 3 opens changes for public copies and faxing. The Library now has a color copier which has more capabilities for the public to take advantage of. Due to the pricing projections and supply and demand, we will be watching over the next few months to ensure the pricing is on target. If not, then prices can be reduced.

Russell Chandler motioned to approve Ordinance # O-2012-0612-001 on first reading with Jim Foy seconding the motion. Jim Foy stated he was glad to see the City Manager working to reduce the commercial recycling rate. Pansy Hundley questioned the purpose of the vote and stated she could not encourage the increase of Civic Center charges. A poll of the Council was taken as follows: Pansy Hundley no, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion passed with a vote of 3 to 1.

**Item III – B) FIRST READING - CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2012-0612-002 AMENDING THE EXHIBITS REGARDING THE TAX INCREMENT REINVESTMENT ZONE**

City Manager Ben White informed the Council that after the TIRZ District was developed, 5 properties had been given two tax bills because the metes and bounds separated the properties. The Tax Office found the error and the TIRZ consultant has made the necessary corrections which will allow the entire parcels of the 5 properties to be included in the TIRZ District. The Council has received an ordinance to amend the zone with corrected metes and bounds and a corrected map. Jim Foy motioned to approve Ordinance # O-2012-0612-002 with Russell Chandler seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item III – 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**

City Manager Ben White introduced Section 3 to the Council which is a rate structure for penalties that includes 2 warnings. Mr. White stated he wanted to stay consistent with the other types of code violations with our Code Enforcement Officer. Mr. White also stated by



having 2 warnings his expectations of modifying customers watering behavior would be encouraged.

Jim Foy expressed concern of having a customer receive two warnings, pay an offense fine and then have the opportunity to restart the process again with receiving two warnings. This cycle is not productive nor does it accomplish the goal of conserving water. Mr. Foy stated he would rather see only one warning and start the offense fining process and not be able to have another warning for at least a year. City Manager Ben White stated the way the ordinance is presented, it would fall to interpretation. Jim Foy recommended one warning within one year; or if a lifetime then have two warnings. City Manager Ben White clarified so that the adjustment could be made with one warning during a calendar year and monetary penalties will ratchet up until the problem is solved. If during the calendar year the issue continues, the penalty will begin where left off. Mayor Helmberger stated the Council would take no action and allow the changes to be made and brought back for first reading at the June 12<sup>th</sup> meeting.

**Item IV – A) CONSIDER, DISCUSS AND ACT UPON ACCEPTING A DONATION OF \$600**

In 2010, City Secretary Edie Sims informed the Council that an unknown donor submitted \$600 cash to be used as a reward for vandalism that occurred on the square. Two years later, no one was convicted or prosecuted for this crime. The cash needs to be accepted into the General Fund and processed correctly. Russell Chandler motioned to accept the donation and properly process the funds with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion carried with full Council approval.

**Item IV – B) CONSIDER, DISCUSS AND ACT UPON AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY FOR JAIL SERVICES**

City Manager Ben White recommended the Council approve the Interlocal Agreement with Collin County for Jail Services as this is a routine document that is accomplished each year for jail services. The charge per inmate per day is \$69.79 which has not changed from last year's agreement. Pansy Hundley did not have any idea regarding this charge and wondered if the City could utilize a building to have a jail locally. All aspects were shared with Ms. Hundley that that venture would not be advantageous for the City and would be too costly to even think of.

Russell Chandler motioned to approve the Interlocal Agreement for Jail Services with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion carried with full Council approval.

**Item IV – C) ACCEPT RESIGNATION FROM JOHN POLITZ WHO SERVED ON THE PLANNING AND ZONING COMMISSION**

Mr. Politz has submitted his resignation from the Planning & Zoning Commission as he has been deployed to Afghanistan through the Army National Guard. Mr. Politz is greatly appreciated for his service to the City and our Country. Jim Foy motioned to approve Mr. Politz's resignation with Michael Carr seconding the motion. A poll of the Council was taken



as follows: Pansy Hundley yes, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion carried with full Council approval.

**Item IV – D) CONSIDER, NOMINATE AND APPOINT NEW MEMBERS AND COUNCIL LIAISONS TO BOARDS AND COMMISSIONS**

Mayor Helmberger recommended leaving all Council Liaisons to specified boards with the exception of Michael Carr who will take Paul Kelly's place. Russell Chandler motioned to leaving existing Council Liaisons and appointing Michael Carr to P&Z and the Building and Property Standards Commission with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion carried with full Council approval.

Jim Foy motioned to replace Eddy Daniel on the 4A Economic Development Corporation Board with Kevin Meguire and renew Robbie Tedford. Russell Chandler seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion carried with full Council approval.

Jim Foy motioned to replace Bill Daniel and Loydell Seward with Leaca Caspari and Jeanna Towns on the 4B Community Development Corporation Board and renew Charlie Whitaker. Michael Carr seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion carried with full Council approval.

Jim Foy motioned to renew Bill Nerwich to the Building and Property Standards Commission with Russell Chandler seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion carried with full Council approval.

Russell Chandler motioned to replace Alicia Wisdom and Jim Dawkins on the Library/Civic Center Board with Sarah Odom and Stanley Treadwell. Pansy Hundley seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion carried with full Council approval.

Russell Chandler motioned to renew Marianne Politz and Mark Vincent to the Parks and Recreation Board and to replace Alicia Wisdom with Glenn Bagwell. Pansy Hundley seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion carried with full Council approval.

Jim Foy motioned to replace John Politz on the Planning and Zoning Commission with Stanley Treadwell and renew Bill Nerwich. Michael Carr seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion carried with full Council approval.

Mayor Helmberger excused himself from the meeting at 6:54pm to attend his twin daughter's awards ceremony. Jim Foy, the newly appointed Mayor Pro-Tem assumed the remainder of the meeting.

**Item IV – E) CONSIDER, DISCUSS AND ACT UPON BOND RELATED BUSINESS**



City Manager Ben White stated that since the Bond Election has passed, First Southwest had a kickoff meeting with the City Manager and staff to discuss the next steps for utilizing the bond funds. After some discussion, \$1.5 million was the conclusion for the first draw. The projects placed in this grouping included the first 4 projects on the project list for Street System Improvements, the first 3 projects on the list for Water System Improvements and the first 4 projects on the project list for Waste Water System Improvements. None of these projects have included engineering costs. Mr. White also indicated that more bonds sold at one time a higher interest and cost factor will need to be addressed. Mr. White also wanted to ensure the projects are laid out well for this first round of bond acquisition. The funds do not go into effect until the bonds are sold and executed. A separate account will be set up for the bookkeeping of the General Obligation Bond. It is anticipated that construction could begin as early as August. There are some soft costs, according to Mr. White, including engineering and planning that will be allowed prior to the bonds being sold. This method of pre-planning will allow us to use our time more effectively as this is a very low risk while waiting for the bonds to sell.

Jim Foy expressed he is still unclear regarding the need to enhance Orange Street at this time as it doesn't have the traffic as some of the other streets noted in the project list of the bond. City Manager Ben White informed the Council that this street is next on the County's list of streets to enhance with their plan of upgrading all dirt/rock streets to asphalt streets. Collin County's Public Works Official Jon Kleinheksel came to the City of Farmersville and stated the City could either pay their portion through the existing bond for the Farmersville Parkway and have the amount reduced OR pay their portion by another means. City Manager Ben White indicated he felt the best solution since the road is shared by Collin County and the City was to go through the City's recent bond; this would allow the use of Orange Street during the construction period for the South Main bridge removal/installation. Orange Street would then become a viable connector between Highway 380 and the southern section of the City. However, the other issue would be the time it would take before the Main Street bridge is demolished which could be over a year. Jim Foy stated he is not committed to Orange Street overlay and requests the City Manager make efforts to have this project removed from the City's list of projects. Mr. White indicated he will negotiate with Collin County and at the very least try to delay the project if it is not dismissed and allow us to provide the funds at a later date.

Russell Chandler motioned to authorize the City Manager to proceed with Phase 1 of the bond with \$1.5 million dollars to expend on proposed projects with Pansy Hundley seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Russell Chandler yes and Jim Foy yes. Motion carried with full Council approval.

Mr. White also indicated that the bond topic will be on the agenda for the future agendas.



**Item IV – F) CONSIDER, DISCUSS AND ACT ON STAFF'S RECOMMENDATION TO PLANTING TREES AND BRICKS FOR PAST COUNCIL MEMBERS AND MAYORS RECOGNIZING SERVICE**

Mayor Pro-Tem Jim Foy indicated that in 2010 the Council discussed working with 4B to fund planting trees and installing commemorative bricks along the Chaparral Trail. Mayor Helmberger had asked that this program be reactivated. City Manager Ben White stated 4B Community Development may be a source of funding, but we are now in catch up mode back to approximately 2005. As we start to build this policy, Mr. White recommended bringing back an actual policy and working around that. Mr. White also indicated that a tree list probably needs to grow according to the species of trees. Mr. White also indicated the staff's recommendations to include Crepe Myrtles and a garden designed by City Staff. Council concurred to proceed with creating a policy.

**Item IV – G) INTERCONNECT CONTRACTS UPDATE**

City Manager Ben White informed the Council that of the three contracts being considered, Caddo Basin SUD is opting out and will be supplied water at a set rate of 135% which is not the same deal as contracting customers. By working with Caddo Basin SUD, an excessive pumping limit will be placed on them to include an additional 18% charge to keep pressure off our system. Caddo Basin SUD has reviewed the opt-out terms and has agreed.

North Farmersville WSC is satisfied with the contract and it should be signed before the end of May. Copeville SUD is still under negotiations since their lawyer is involved. Mr. White has requested the contract be signed by the end of May.

Jim Foy asked for clarification that the contracts are not take-or-pay, with Mr. White indicating that they are take-or-pay customers. The limits for each interconnector are well below our take-or-pay from North Texas Municipal Water District.

**Item IV – H) COMPREHENSIVE PLAN UPDATE**

City Manager Ben White stated a Kick-Off Meeting was held on May 9<sup>th</sup> with Mayor Helmberger, Daniel and Brown, Kimley-Horn and City Manager Ben White. At that time, the project overview and schedule was identified. Mr. White stated that group meetings will be planned with various groups to share information and help identify issues to help with the continued planning for the City. The goal is to have the completed Comprehensive Plan by March of next year. All information should be available by the end of this year.

**Item IV – I) CHAPARRAL TRAIL PROJECT UPDATE**

City Manager Ben White has received many flattering comments regarding the Chaparral Trail including an email included in the Council packet. Presently, a bid opening for the contractor to build the extension of the trail is slated for May 25<sup>th</sup>. This contractor will be responsible for preparing the surface, appurtenances, any painting required, et cetera. The funding for this project is through the Texas Parks and Wildlife Grant of \$200,000 and \$50,000 matching funds from 4B Community Development Corporation.

**Item V) REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS**

- Russell Chandler requested the water violation fee schedule be on the next agenda.

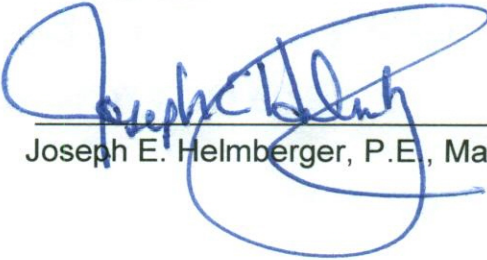


- Pansy Hundley stated the noise issue at the Onion Shed has not been readdressed. Ms. Hundley was informed that the Police Chief is working on this policy and will have it addressed with the Council.

**Item VI) ADJOURNMENT**

Council adjourned at 7:25pm.

APPROVED



Joseph E. Helmberger, P.E., Mayor

ATTEST

  
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Edie Sims, City Secretary