

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
SEPTEMBER 11, 2012

The Farmersville City Council met in a regularly called session on September 11, 2012 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Joe Helmberger, Pansy Hundley, Michael Carr, Billy Long and Jim Foy. Russell Chandler was absent. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, Fire Chief Kim Morris 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. Mayor Helmberger welcomed all guests and visitors. Brother John Foster of First Baptist Church Farmersville offered the invocation.

City Manager Ben White announced his and the Council's appreciation to Daphne Hamlin, Finance Director, and recognized her service to the City through the budget process and the daily financials that she handles.

Mayor Helmberger read the Proclamation regarding September 17 – 23, 2012 as Constitution Week.

**Item II) CONSENT AGENDA**

With no items being withdrawn for further examination, Jim Foy motioned to approve the Consent Agenda as presented with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

**Item III) INFORMATIONAL ITEMS**

Mayor Helmberger noticed on the Planning and Zoning minutes that two of the board members abstained from a vote; however neither recused themselves from the meeting nor was any information supporting the abstaining votes. City Manager Ben White stated he will investigate this issue further. Mayor Helmberger requested a reminder to be sent to all board liaisons to inform board members of their legal duties to vote and the correct measures for abstaining.

**Item IV – A) DISCUSS GENERAL NTMWD ISSUES, THE NTMWD PIPELINE PROJECT AND THE EFFECT THE PIPELINE PROJECT WILL HAVE ON THE WATER RATES FOR FARMERSVILLE**

Bill Harrison, liaison for the City of Farmersville for North Texas Municipal Water District, introduced Mike Rickman, Mike Anderson and Jim Parks from NTMWD.

Mike Rickman presented a power point, included in the Council packet, of why NTMWD is planning the construction of a new pipeline connecting Lake Texoma and bringing water south to the treatment plant in Wylie. The main purpose is the infestation of zebra mussels. With Lake Texoma being 28% of NTMWD's water supply, the zebra mussels have caused a problem allowing the continued pumping to Lake Lavon. When NTMWD turned off the pumps voluntarily at Lake Texoma in 2009, zebra mussels were found on August 3, 2009. Another hurdle regarding the pumping from Lake Texoma has been boundary lines between Oklahoma and Texas regarding Lake Texoma. Since the defined boundary lines have been determined, the pump station on Lake Texoma is now primarily located in the State of Oklahoma. The original NTMWD pumping station was permitted in Texas.

Due to the infestation of zebra mussels, NTMWD has investigated all types of alternatives to allow full capacity of water to provide for all NTMWD customers, including Farmersville. With the zebra mussel being such a resilient creature, they can survive 15 days being clammed up where it could withstand chlorine or other chemicals. The use of chlorine would kill other creatures downstream. Presently the only result that is 100% effective is the construction of a pipeline that will carry the zebra mussels downstream to the treatment facility in Wylie where the mussels are treated and the water is prepared for human consumption. The pipeline will have pumps of 6,000 horsepower. The velocity of the water will not allow a large number of mussels to attach, but some mussels will travel through the pipeline. The mussels will be treated and the continued maintenance will be ultimately a long term process.

Pansy Hundley questioned Mr. Rickman on why cleaning out the existing pipe has not been done. Mr. Rickman replied that the pipeline has been cleaned multiple times and that the zebra mussels procreate at such a fast rate, that the cleaning is not a cost effective measure. The pipeline will be connected at Sister Grove Creek where it is currently; however the pipeline will not allow the zebra mussels to flow into open water sources. The pipeline will keep the zebra mussels confined and then treated when arriving at the Wylie treatment facility. NTMWD has also opened a treatment facility in Leonard. Future planning is being prepared if something happened to Lake Lavon so that other water sources will be available.

Other invasive species have been investigated by NTMWD that present potential issues to our water supply to include golden algae. The proposed pipeline would take care of invasive species of various types being transferred from lake to lake prior to treating.

The existing treatment plant in Leonard is comparable to Wylie and is closer in proximity to supply water to Bonham. The proposed pipeline is scheduled to begin construction Fall 2013. The Lacey Act, Corp of Engineers, and federal and state regulations must be dealt with which is extending the process, especially regarding the location of the pump station in Lake Texoma. Presently NTMWD is working on right-of-way acquisitions. NTMWD also recommends continuing Stage 2 water drought conditions as 28% of Lake Lavon's water is down due to not being able to pump from Lake Texoma. Stage 2 will remain in effect until the new pipeline is online.

The biggest question is the cost of constructing this pipeline and the effect to the member cities financially. The plan is to have a pass-thru cost of approximately \$0.21 per 1,000 gallons of water used. This figure is very conservative and NTMWD is trying not to over build.

Jim Parks, Executive Director of NTMWD, expressed that they are poised to pull the permit through federal agencies, but even so the loss of supply is great. With this summers' rain events, the water table has improved in Lake Lavon; however the upcoming Fall and Spring rains are determining if we start in June with a 6' loss. By using the drought of record, Texoma can stay out of Stage 4 drought conditions and potentially not elevate beyond Stage 3. If the drought continues and intensifies, the need to have the supply back on line from Texoma is greater than expected. According to the Corp of Engineers, Lake Lavon cannot be pumped lower than 492'. History reflects that Lake Lavon was built to help with flooding. NTMWD has been asked to hold as much in Lake Lavon, but Mr. Parks stated he is unsure if the drought is truly over. Demands still have to be met even with a 28% loss of supply.

Jim Foy stated it is key to keep the zebra mussels out of our water supply. Questions still remained as to why building a pipeline that does not eliminate nor can guarantee invasive species from propagating. Unfortunately, a long period of time must pass before the federal government realizes the impact of this particular invasive species. It is expected that 1.6 million people are affected by the threatened water supply in this area alone. There are criminal

penalties involved if NTMWD starts pumping water from Lake Texoma to Lake Lavon without 100% effective treatment measures. The pipeline proposed will be the most effective method.

On another topic with NTMWD, Jim Foy questioned the repurposing of pipelines with tar sand oil. NTMWD has had meetings with the company proposing a pipeline regarding crude oil. NTMWD will be monitoring this construction, but there is no legal recourse at this time.

**Item IV – B) CONSIDER, DISCUSS AND ACT UPON APPROVING THE ECONOMIC DEVELOPMENT CORPORATION PROPOSED BUDGET AND GOALS FOR FISCAL YEAR 2012-2013**

Mayor Helmberger opened the item with no discussion from the Council. Pansy Hundley motioned to approve the budget and goals for the Economic Development Corporation as presented with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

**Item IV – C) CONSIDER, DISCUSS AND ACT UPON APPROVING THE COMMUNITY DEVELOPMENT CORPORATION PROPOSED BUDGET AND GOALS FOR FISCAL YEAR 2012-2013**

Mayor Helmberger opened the item with no discussion from the Council. Jim Foy motioned to approve the budget and goals for the Community Development Corporation as presented with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

**Item IV – D) CONSIDER, DISCUSS AND ACT UPON A RESOLUTION DESIGNATING THE AUTHORIZED REPRESENTATIVES FOR TEXPOOL RELATIVE TO THE FARMERSVILLE COMMUNITY DEVELOPMENT CORPORATION**

Mayor Helmberger announced that David Reynolds has been appointed as the Vice Chair for the Community Development Corporation, thereby the request to add him to the TexPool account is being presented from the FCDC. Jim Foy motioned to approve the resolution to designate David Reynolds as an authorized representative for TexPool relative to FCDC with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

**Item IV – E) CONSIDER, DISCUSS AND ACT UPON REPLACING A MEMBER OF THE PLANNING AND ZONING COMMISSION, THE LIBRARY/CIVIC CENTER BOARD AND THE COMMUNITY DEVELOPMENT CORPORATION BOARD**

With three boards requiring a replacement, Mayor Helmberger requested each board to have a separate vote.

First reviewed was the Planning and Zoning Commission. Mr. Treadwell's job has kept him from being able to be sworn in and attending Planning and Zoning Commission as well as the Library/Civic Center Board. Mayor Helmberger announced that Mark Vincent would serve on the Planning and Zoning Commission. Pansy Hundley motioned to appoint Mark Vincent to the P&Z Commission with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

For the Library/Civic Center Board, Leaca Caspari was the only candidate. Therefore Jim Foy motioned to appoint Leaca Caspari to the Library/Civic Center Board with Michael Carr

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

For the Community Development Corporation Board, Phillip Weiss has applied for this position. Pansy Hundley motioned to appoint Phillip Weiss to the Community Development Corporation Board with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

**Item IV – F) CONSIDER, DISCUSS AND ACT UPON A RESOLUTION TO ADOPT FINANCIAL POLICIES FOR THE CITY OF FARMERSVILLE**

Mayor Helmberger noticed some discrepancies from the Financial Policies presented versus the budget ordinances to be discussed further in the meeting. Mayor Helmberger requested the Council table this topic to have some adjustments made and bring back at a later time. No action was taken by the Council.

**Item IV – G) CONSIDER, DISCUSS AND ACT UPON THE STREET OVERLAY OF ORANGE STREET**

City Manager Ben White requested direction from the Council regarding the Orange Street overlay. In October 2011, Jon Kleinheksel, Director of Collin County Public Works, came to the City asking to have the City participate monetarily with the paving of Orange Street since the road is a mutual boundary between the City of Farmersville and Collin County. The paving would connect Highway 380 to Old Josephine Road. Mr. White stated he saw an opportunity to fund this project through the bond. Mr. White expressed his intention to utilize Orange Street as another route to travel to the Southern portion of the City while the South Main Bridge is down during Highway 380 construction. Orange and Rike Streets provide alternative routes. Per Mr. White, having Orange Street paved would add value as an alternative path while the bridge is down. Jim Foy asked about the ramps being available for traffic to travel. Mr. White indicated there may be times when the ramps are not available. Mr. White also indicated that a portion of Orange Street could be paved rather than the entire length of the rock road. Options for consideration: do nothing; pave up to Heron; or pave the entirety of Orange Street from Highway 380 south to Old Josephine Road. The recommendation from Mr. White is to pave the entirety of Orange Street.

Unfortunately, the County is playing hardball and suspending all activities surrounding Farmersville. There are more complicated issues than what is being presented on the surface. Mayor Helmberger stated that TxDOT has always provided transportation routes; however Orange Street is critical for life and safety issues. Billy Long expressed this is a valid concern of residents who are not in the City Limits. The Bond Committee agreed with this expenditure and this project was presented in front of the public during the bond process. An expenditure of \$90,000 was expected through the bond which did not include right-of-way acquisition, design or drainage. Collin County is taking care of the entire project. Jim Foy felt the need to utilize these funds within the City. Mr. Foy contended that South Main parallels with Orange Street and he does not see the importance or traffic flow to repave this street when so many others are in need. Mr. Foy also expressed his dissatisfaction of the County putting pressure on the City. Mr. White stated he sees Mr. Kleinheksel's point as a Public Works Director as this project is upsetting his budget and not allowing him to move forward. Mayor Helmberger also stated that Farmersville has a much larger fire district than the City and we must answer those calls in a timely fashion. Response is everything, no matter where the people live.

Mr. Foy stated he could see paving Orange Street to Herron, approximately 1 block, but questioned why go all the way when travel on South Main is parallel to Orange Street, which is a concreted street. Jim Foy contended that we are accountable for bond money and he feels he would have a hard time explaining working on Orange Street and not other streets within the City. Billy Long questioned if semis and larger trucks would use this alternate route with Mr. White indicating that would not be necessary for that size of vehicle, but for local traffic only.

Mr. White expressed the condition of Orange Street by stating the Assembly of God Church has a heavily used driveway on Orange Street which is very rough; past Herron Street the street turns to gravel. Jim Foy continued that Orange Street is not going to be accessible when the ramps are built on Highway 380. Mr. Foy is right, stated City Manager Ben White, but transitionally Orange Street would offer an alternative path. Billy Long recommended tabling this issue and allow all the Council to drive down Orange Street. Michael Carr stated he would like to review the bond information again and think of the best way to use the bond funds. No action was taken by Council.

**Item IV – H) PRESENT INFORMATIONAL PACKET CREATED AS A JOINT EFFORT BETWEEN THE CITY OF FARMERSVILLE AND THE FARMERSVILLE CHAMBER OF COMMERCE**

A partnership between the Chamber of Commerce and the City of Farmersville has produced an informational packet to be presented to potential businesses and others who are interested in coming to Farmersville. This is very detailed and useful information that will now become a living document. Pansy Hundley was impressed with the volume of information.

**Item V – A) ONLY READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO ADOPT THE 2012 TAX APPRAISAL ROLL**

With no discussion, Jim Foy motioned to approve the ordinance to adopt the 2012-2013 Tax Appraisal Roll as presented with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

**Item V – B) ONLY READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO ADOPT THE PROPERTY TAX RATE FOR FISCAL YEAR 2012-2013**

With no discussion, Jim Foy motioned that property taxes be increased by the adoption of a tax rate of \$0.6975 per \$100 assessed valuation on all taxable property within the corporate limits of the City of Farmersville as of January 1, 2013, and to approve an ordinance fixing and levying municipal ad valorem taxes for the fiscal year beginning on October 1, 2012 and ending on September 30, 2013, and for each fiscal year thereafter until otherwise provided. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval. Mr. Foy indicated that the Mayor could take vote on this topic with Mayor Helmberger voting yes.

**Item V – C) ONLY READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO ADOPT THE BUDGET FOR FISCAL YEAR 2012-2013**

City Manager Ben White indicated that intra- and inter-departmental fund transfers be changed on the ordinance to read intra-departmental fund transfers. This will be more in line with the correct method of authority the Council is giving to the City Manager. Mayor Helmberger stated the financial policy presented earlier in the meeting did not reflect equally with this ordinance. This change will need to be made in the header and Section 5. Pansy Hundley motioned to approve an ordinance adopting the budget for fiscal year beginning

October 1, 2012 and ending on September 30, 2013, and making appropriations as reflected in said budget as amended with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

Pansy Hundley motioned to ratify the property tax revenue increase reflected in the 2012-2013 municipal budget with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

**Item V – D) ONLY READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO ADOPT THE 2006 SERIES CERTIFICATION OF OBLIGATION ANNUAL BUDGET FOR FISCAL YEAR 2012-2013**

City Manager Ben White indicated that the issue with intra-departmental transfers will still be valid for the 2006 Series Certification of Obligation as it was for the passing of the budget; however he requests that the Council reword the ordinance to remove inter-departmental transfers. Pansy Hundley motioned to approve an ordinance adopting the annual budget for fiscal year 2012-2013 for the 2006 Certificate of Obligation as amended with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

**Item V – E) SECOND READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO INCREASE THE WATER AND SEWER RATES EFFECTIVE SEPTEMBER 1, 2012**

With the ordinance being effective September 1, 2012, Jim Foy motioned to approve the ordinance to increase the water and sewer rates with Pansy Hundley seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

**Item V – F) FIRST READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO RESCIND AND REVOKE ORDINANCE # 2009-30 REGARDING THE JUVENILE CASE MANAGER FUND**

City Manager Ben White noted that funds were being collected for a Juvenile Case Manager that might come in the future. However, Mr. White stated it was more advantageous to revoke this ordinance. Mr. White expressed concerns of holding these funds which would become a risk-factor; therefore nullifying the ordinance would resolve the potential hazards since there are no intentions of hiring a Juvenile Case Manager. Questions have been posed as to the disbursement of these funds including sending to Collin County Juvenile Case Manager. The law is clear of attaining a Juvenile Case Manager and how to use these collected funds. Pansy Hundley motioned to approve the ordinance as presented to rescind and revoke Ordinance # 2009-30 with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

**Item V – G) FIRST READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE ESTABLISHING POLICIES AND PROCEDURES REGARDING A RECORDS MANAGEMENT PROGRAM**

The City of Farmersville has a Records Management Program in-house, but according to Edie Sims, City Secretary, a process has not been completed at the State level which would allow records to be properly destroyed. Police Chief Sullivan stated he has cases from 1976 and 1977 which need to be destroyed. Current records at both the City Hall and Police Department

are scanned, but the presented ordinance will allow for destruction of paper documents. Billy Long motioned to approve the ordinance as presented with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

**Item V -H) ONLY READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE AMENDING THE ZONING OF THE PLANNED DEVELOPMENT FOR CAMDEN PARK**

Jeff Crannell, engineer for the project, came before the Council requesting the approval of the zoning changes in the Planned Development for Camden Park. Mr. Crannell indicated that the project has been the development for the elderly population which would include a senior center and a storage facility.

Jim Foy expressed concerns regarding the parking and front setbacks. Mr. Foy contended that some residents may have a long vehicle which might cover some of the sidewalk area. Mr. Crannell indicated that most parking is a minimum of 20', but there are others that have a longer parking area. Mayor Helmberger also pointed out that a greenbelt is required per our Sidewalk Restrictions between the sidewalk and the curb.

The second issue that Mr. Foy expressed was the fact that the amenities are not contained in the written ordinance. Mr. Foy was concerned that if something happened to the present property owner and developer, another developer could take advantage of the zoned area and build cheap homes on very small lots and not utilize the original plan. If this happens, the City would have no recourse as the zoning has been put into place and we have no mechanisms to protect the City's best interests. The reason the zoning is being changed is strictly for the condition of a 55 and over population. The exhibits presented are inclusive to the ordinance, but need more attention to the amenities. Mr. Crannell stated that the developer, Ted Zadeh, and he wish to keep the intent of the project the same for now as well as the future. Mayor Helmberger stated that the statement of the 55 and over population requirement can be added with the Preliminary Plat as well as the Development Agreement and Deed Restrictions can be added as another layer to substantiate the restrictions. Jim Foy stated he is still concerned that nothing states the age restriction. City Manager Ben White indicated that the developer must still go through the Preliminary Platting process, and with that all the restrictions must be agreed to by Planning & Zoning and then the City Council. Mr. Crannell stated he would like to have the age restrictions also included in the ordinance.

Mayor Helmberger stated that the exhibits presented are a governing document which does indicate the desire of the developer for this planned development. City Attorney Alan Lathrom stated that Mr. Foy is correct in that all components need to be clear of the same intent. Mr. Crannell stated that if anything varies from the presented Zoning or Concept Plan, that he would be required to go through the approval process which would include final approval by the City Council. The proper order of exhibits should be the Land Description, Zoning, and then the Concept Plan.

City Attorney Alan Lathrom indicated that a clause could be added to the ordinance that complied with the Federal Housing Act when the development comes in. The Development Agreement will spell out the details of how the age restriction requirement will be enforced by having a Property Owners Association or a Homeowners Association. Mr. Foy stated it is critically important to keep the 55+ classification.

Council concurred to have this ordinance brought back to Council and have the 55 and older age restrictions included in the ordinance and on the drawings to show the trails. Per Mayor Helmberger, the trails also need to have indicated who owns and maintains the open space areas. This topic is to be brought back to the September 25<sup>th</sup> Council meeting.

**Item V -I) ONLY READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE AMENDING THE THOROUGHFARE PLAN TO REMOVE A TYPE D COLLECTOR STREET EXTENDING NORTH FROM HIGHWAY 380 TO COUNTY ROAD 567 REGARDING CAMDEN PARK**

Billy Long motioned to approve the ordinance presented which will remove the Type D Collector Street through Camden Park with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

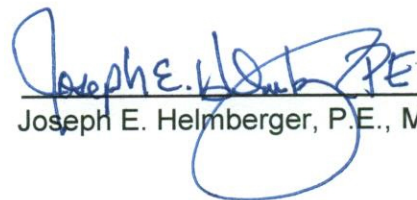
**ITEM VI) REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS**

No one had items to be placed on future agendas.

**Item VII) ADJOURNMENT**

Council adjourned at 8:29pm.

APPROVED

  
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Joseph E. Helmberger, P.E., Mayor

ATTEST

  
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Edie Sims, City Secretary

