

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
SEPTEMBER 25, 2012

The Farmersville City Council met in a regularly called session on September 25, 2012 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Joe Helmberger, Michael Carr, Billy Long and Jim Foy. Pansy Hundley 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. Pastor Mike Phillips of Step of Faith offered the invocation.

Leaca Caspari, residing at 405 Summit, came before the Council on behalf of Steven and Leaca Caspari, Mike and Billie Goldstein, Wayne and Lisa Strickland, Tom and Herta Bentley, Tommy and Jane Lovell, Leon and Judy Brandon and Gary Dodson, to invite all members of the council to attend a meeting scheduled for October 11, 2012 at 7:00pm at the Civic Center. Rita Beving has been invited to speak regarding the Seaway Pipeline that is planned to be constructed near Farmersville. The meeting is for informational purposes due to a lot of interest and concern. Ms. Caspari commended the Council on their efforts as they are the only city that has questioned and expressed concerns of this pipeline construction and operation.

Mayor Helmberger announced upcoming events including Old Time Saturday on October 6<sup>th</sup> to be held at the Onion Shed and South Main Street and National Night Out on October 16<sup>th</sup> sponsored by the Farmersville Police and Fire Departments.

Mayor Helmberger presented Fire Chief Kim Morris and offered congratulations for completing and receiving a "Head of Department Certification" through the Texas Commission on Fire Protection.

**Item II) PUBLIC HEARING – FIRST PUBLIC HEARING FOR CONSIDERATION OF COMMENTS ON THE ANNEXATION OF 20.537 ACRES BY THE CITY OF FARMERSVILLE**

Mayor Helmberger opened the public hearing at 6:06pm and asked for those FOR the annexation presented to come forward. Mayor Helmberger articulated the property which was recently purchased by the Community Development Corporation north of the Spain Athletic Complex. With no one coming forward, Mayor Helmberger asked for those OPPOSING the annexation to come forward. With no one coming forward, Mayor Helmberger closed the public hearing at 6:07pm.

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

Mayor Helmberger stated that the Council approved the first reading of an ordinance to rescind and revoke Ordinance # 2009-30 regarding the Juvenile Case Manager Fund at the September 11, 2012 Council meeting. With no discussion, Billy Long motioned to approve the second reading of the same ordinance with Russell Chandler seconding the motion. A poll of the Council was taken as follows: Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.



**Item III – B) SECOND READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO ESTABLISH POLICIES AND PROCEDURES REGARDING A RECORDS MANAGEMENT PROGRAM**

Mayor Helmberger stated that the Council approved the first reading of an ordinance regarding establishment of policies and procedures surrounding a Records Management Program at the September 11, 2012 Council meeting. With no discussion, Billy Long motioned to approve the second reading of the same ordinance with Michael Carr seconding the motion. A poll of the Council was taken as follows: Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item III – C) FIRST READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO CHANGE THE MASTER FEE SCHEDULE TO INCREASE THE WATER RATES EFFECTIVE OCTOBER 1, 2012 DUE TO THE PASS THRU FROM NTMWD**

City Manager Ben White affirmed the rate increases due to the pass thru from North Texas Municipal Water District as presented on the ordinance. Mr. White drew attention to the Caddo Park customers which had not been included with outside rate increases. In 2006, the City signed an agreement which should have brought the rates charged to Caddo Park customers up to the outside rates; however none of these customers (50+ meters) have had a rate increase equal to the outside rate structure. The rates reflected for Caddo Park reflects an increase about half of the current outside rate and the remainder of the rate increase will be in March to bring Caddo Park customers completely up to the correct rate structure. Mr. White stated he is trying to uphold the original agreement. Russell Chandler and Jim Foy stated they like the increase as presented.

Jim Foy pointed out that the rate pass-thru increase does not actually cover the cost of water loss or line loss, thereby we are not passing thru the accurate cost. Mr. White responded the rate increases are also driven by the market. Russell Chandler motioned to approve the ordinance as presented with Jim Foy seconding the motion. A poll of the Council was taken as follows: Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

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

City Manager Ben White stated he has reviewed the Planned Development document at great length with the City Attorney. All issues have been corrected and included with the exhibits which are attached to the ordinance which will amend the zoning of the Planned Development for Camden Park.

Jim Foy expressed his main concern throughout this process has been the age restrictions and guaranteeing the development will remain with this restriction if something were to change from the present day developer. Mr. Foy stated his concerns have been addressed.

Mayor Helmberger brought an error to the attention of Jeff Crannell, project engineer, where the design standards are referenced as Farmersville's Ordinance # 2004-01 and the revisions in 2005. Mr. Crannell indicated that this was an error as it was transferred from old data and not updated from 4-5 years ago when this concept was presented. Mayor Helmberger requested to have the exact dates stricken and reflect "the latest revision."

Jim Foy motioned to approve the ordinance as presented with the revision on the Zoning Exhibit striking Ordinance # 2004-01 and reflections of 2005 and replace with "as amended." Billy Long seconded the motion. A poll of the Council was taken as follows: Michael Carr yes,



Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

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

City Manager Ben White requested this item be passed and return at the next meeting for further clarification on the policies. No action was taken by the Council on this item.

**Item IV – B) CONSIDER, DISCUSS AND ACT UPON AN ANNUAL CONTRACT WITH TLC NETCON FOR IT SERVICES**

City Manager Ben White introduced several changes that have been included in the annual contract with TLC NetCon. Included with the monthly service, on-site support will include scheduled and non-scheduled maintenance during TLC NetCon's regular business hours. Monthly service will also include basic hardware upgrades, software upgrades and file restoration. Not included in the monthly services will be non-scheduled maintenance due to client oversight, negligence or malicious intent and major upgrades or hardware or software involving new equipment or applications.

New system installation and migration of an existing system will be billed at a flat rate of \$250.00. A new server installation and migration from an existing server will be billed at a flat rate of \$1,000.00. The most important change from last year's contract was the final statement which states: "All uncovered work will be billed at regular hourly rate of \$75.00 per hour and major projects will be billed at an amount agreed upon by TLC and Client."

Mr. White applauded Tony Linton and his service provided in the last year. Billy Long motioned to approve the contract as presented with Michael Carr seconding the motion. A poll of the Council was taken as follows: Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item IV – C) CONSIDER, DISCUSS AND ACT UPON INFORMATION REGARDING THE COMPREHENSIVE PLAN AND RECEIVE A COMPREHENSIVE PRESENTATION**

Janet Tharp gave a power point presentation which displayed the recent community wide workshops and the thoughts from the public which helped to drive the Comprehensive Plan of what the public feels are issues, assets to build on, desired future development and locations for growth, and the long term dream for Farmersville.

One of the slides included growth projections from North Central Texas Council of Governments. The growth charts anticipate a population between 14,124 and 25,067 by 2035. Mayor Helmberger implicated the growth will not be feasible until the City's wastewater treatment plant has greater capacity and growth capacity. Once that issue is solved, there is no reason that the eastern side of Collin County cannot grow as the western side of Collin County. There is a great need for infrastructure in the ground. Ms. Tharp indicated she expects the population figures are low and Farmersville should plan for significant growth. Ms. Tharp also expressed that she was impressed with the quality of life issues that Farmersville has already addressed which places us ahead of the planning process.

During this process, surrounding cities have been contacted to work with mutual boundaries. It was noted that Blue Ridge has recently annexed a large amount of land which has land locked Farmersville to the north. Blue Ridge's Mayor has indicated that he will work with Farmersville on a mutual boundary as well as Princeton and Copeville. Currently Nevada is being approached. Mayor Helmberger also stated he would like to see Farmersville extend into Hunt County. Eddy Daniel, City Engineer, indicated to go to the creek towards Merit. City



Manager Ben White indicated that having annexed property in Hunt County will help with funding opportunities.

With a planning calendar, Ms. Tharp indicated the Comprehensive Plan should be ready for adoption in January 2013. Also an impact fee study will begin in December 2012 with an expected completion date of March 2013. An additional meeting would be helpful to present the completed information prior to the final approvals of the Planning and Zoning Commission and the City Council. Mayor Helmberger indicated the additional meeting would be very beneficial and should be planned in November. City Manager Ben White suggested November 8th and to include not only Council, but P&Z members where all can get a preview of the final documents. Mayor Helmberger and Mr. White both requested the electric utility be included with the Comprehensive Planning.-

**Item IV – D) CONSIDER, DISCUSS AND ACT UPON CODE ENFORCEMENT AND THE OPERATIONS AND MECHANISMS OF HOW CODE ENFORCEMENT OPERATES**

Police Chief Mike Sullivan came before the Council and stated he would like to address the process for Code Enforcement. Questions have been raised if issues presented have been addressed with 9 out of 10 being completed. Per Chief Sullivan's power point, a pie chart reflected the following statistics: inspections performed 925 or 43.9%; warnings issued 738 or 35.0%; notice of violation issued 437 or 20.7%; citations issued 8 or 0.4%. These figures are from January to September 2012. Chief Sullivan stated the majority of issues are corrective without elevating to a citation status. The public may not be aware of the timeline it takes to go from initial complaint to having the issue resolved. Once a complaint is received, the violator must be given a notice of time to rectify the violation. Our Code Enforcement Officer, Karen Dixon, prefers to work with the people as funding is involved in most cases. As long as efforts are being made, Ms. Dixon will work with the people until the issue is corrected.

Chief Sullivan requested the Council refer code enforcement issues to be directed to the Police Department. Chief Sullivan stated it was phenomenal for 1 person to have made 925 inspections. One of the major concerns has been having a reactive style of code enforcement. Per records reflected on a pie chart, 51 calls or 5.6% were complaints called in that were investigated. However, Chief Sullivan was pleased to present those 862 calls, or 94.4%, have been investigated on a proactive level without contact from a complainant. Chief Sullivan also presented a similar pie chart reflecting the activity from January to September regarding Animal Control activities.

Chief Sullivan conferred that he would like to have access on the website for complainants to report code and animal violations. Presently, the Police Department has phone contact information, but Chief Sullivan would like a mechanism for communication enhanced. A protocol for citizens to follow up on reported items on the website is also being considered. Looking at the existing method of monthly reporting, Chief Sullivan requested direction from the Council which type of reporting they prefer. Jim Foy expressed he is content with the existing report which reports each address and the action taken. The only change would be to remove completed items that have been subjected to the Council's review.

After completing the presentation, Mayor Helmberger stated the information reflected shows that the method of complaints regarding code enforcement should remain complaint driven. Jim Foy stated he was amazed of the proactive numbers. Council requested the charts be included with the monthly reports for historical purposes.

Only one statement was made which came from Michael Carr, requesting Ms. Dixon not stop in the middle of the street, abandoning her vehicle to act on an issue.



**Item IV – E) CONSIDER, DISCUSS AND ACT UPON AUTHORIZING THE CITY MANAGER TO CONTRACT WITH PAUL GLENN REGARDING AN ADA TRANSITION PLAN**

City Manager Ben White informed the Council that while at a recent ADA Compliance training, he was informed of a class action suit brought against a small town, Wills Point, by the Justice Department for sidewalk compliancy of ADA requirements. With the aforementioned training, Mr. White is the City's ADA coordinator. The City must have an ADA transition plan and must have said plan readily available for the Justice Department to inspect.

Paul Glenn has come highly recommended by Eddy Daniel with Daniel and Brown, Inc. Mr. Glenn has performed several ADA compliancy inspections for grants in Farmersville as well as other large cities including Plano. Eddy Daniel informed the Council that all sidewalks in town are not ADA compliant; however not all sidewalks will not be able to be brought up to ADA compliancy. The City will need to decide if some sidewalks will need to be removed completely.

Mr. Glenn's proposal to evaluate the City's sidewalks was originally slated at \$3,200. This estimate was based on other small towns our size; however Mr. Glenn was to make an on-sight evaluation and have further information with all the City owned buildings. The cost may be higher, but this can be reevaluated through Council action. Billy Long wanted to be ensured that Mr. Glenn's recommendations could be acted upon with Mr. Daniel confirming that Mr. Glenn has the experience to make the correct decisions.

Billy Long motioned to approve authorizing the City Manager to contract with Paul Glenn regarding an ADA Transition Plan with Michael Carr seconding the motion. During a final discussion, Eddy Daniel did state that the estimate presented was for \$3,200 and Mr. Glenn may have to come back as he feels the cost estimated is under-estimated. Eddy Daniel expected a cost between \$4,000 to \$4,500. Mr. White indicated the proposal is an approximate cost but if we can begin this process we can modify and report back to the Council to make any adjustments. Mr. Long added to his motion "not to exceed" \$3,200 and Michael Carr concurring the second. A poll of the Council was taken as follows: Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item IV – F) CONSIDER, DISCUSS AND ACT UPON ELECTING THE BOARD OF TRUSTEES FOR THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL**

Council was presented with ballots for four places regarding Board of Trustee candidates. City Manager Ben White stated staff's recommendation was to elect incumbents as there is not a reason for change on the board. Mr. White continued that TML IEBP Board Members have served the City of Farmersville well.

Jim Foy motioned to cast votes for all incumbents with Billy Long seconding the motion. A poll of the Council was taken as follows: Michael Carr yes, Billy Long yes, Russell Chandler no and Jim Foy yes. Motion passed 3-1 for approval.

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

Mayor Helmberger opened this topic for discussion by first reading a chronology of events as prepared by City Manager Ben White.

City Manager Ben White stated that this project had been presented to the Bond Committee as was forthcoming with this project with the Council as well. Mr. White contended that the City should participate with Collin County regardless of how many non-citizens of Farmersville live on this stretch of road. Mr. White recommended to move forward with this project on Orange Street. Billy Long stated he drove down this road more than once and found it to be in terrible condition. Mr. Long stated in lieu of the events, he is in favor of the overlay



project on Orange Street via Collin County Public Works. Russell Chandler stated he too is in favor of this project and added that since the Bond Committee approved this project, we should move forward. Jim Foy stated he spoke with two members from the Bond Committee who do not recall Orange Street being discussed. Mr. Foy stated the Bond members understood that Council has the authority to change the list of projects.

Mr. Foy stated again that his concern is that Orange Street parallels with South Main Street. The fact that only a couple of people live on this street that are within the City Limits does not justify spending \$93,000 for the County to repave this street. There are other streets that are in need of attention, one being Sid Nelson.

Mayor Helmberger stated that the County has had this project on their list for a year and they want to have this project completed. Mayor Helmberger also stated he wants to nurture the relationship between the City and the County. We must also continue to support the residents in the area with fire and police. The road is unsafe in its present condition. Jim Foy asked about the right-of-way and questioned if the road is to be expanded. City Manager Ben White understood that the improvements only included the pavement. Mr. Foy brought up the concern of the lift station which may potentially have to be moved. The lift station is right off the street and is a problem if the County does anything other than paving. The lift station is already a problem as it has very low flow, this action will place it on high priority.

Billy Long motioned to proceed with the overlay of Orange Street in conjunction with Collin County Public Works with Russell Chandler seconding the motion. A poll of the Council was taken as follows: Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy no. Motion passed 3-1 for approval.

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

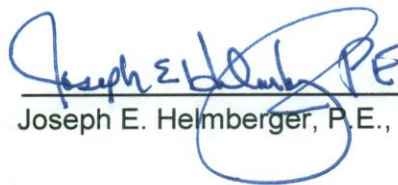
Russell Chandler requested an item regarding no parking on Merit and Murchison Streets at the Spain Athletic Complex.

Jim Foy requested an item regarding the sidewalk policy including replacement and repairs.

**Item VII) ADJOURNMENT**

Council adjourned at 7:43pm.

APPROVED

  
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Joseph E. Helmberger, P.E., Mayor

ATTEST

  
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Edie Sims, City Secretary

