

**FARMERSVILLE CITY COUNCIL
REGULAR SESSION AGENDA
FEBRUARY 26, 2013, 6:00 P.M.
Council Chambers, City Hall
205 S. Main Street**

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance
- Welcome guests and visitors: Anyone wanting to speak on any items that are not the subject of a Public Hearing on this agenda is asked to speak at this time, with an individual time limit of 3 minutes. This forum is limited to a total of 30 minutes. Please note that the City Council cannot comment or take any action on this item.

II. PUBLIC HEARINGS

- A. Public hearing to consider, discuss and act upon a Specific Use Permit for Triple Crazy Game Room located at 865 West Audie Murphy Parkway, Farmersville
- B. Public hearing to consider, discuss and act upon an amendment to the Comprehensive Plan to change the land use designation from Highway Commercial to Light Industrial zoning for the property located at 701 State Highway 78 South, Farmersville
- C. Public hearing to consider, discuss and act upon a zoning change from Highway Commercial zoning to Light Industrial zoning for the property located at 701 State Highway 78 South, Farmersville

III. READING OF ORDINANCES

- A. Second Reading – Consider, discuss and act upon an ordinance to adopt the new Comprehensive Plan
- B. First Reading – Consider, discuss and act upon an ordinance to amend the Master Fee Schedule to increase the water and sewer rates effective March 1, 2013; add an administrative fee; amend the zoning and rezoning application fees which include specific use permits, and appeals to the board of adjustment; and add a Pre-Permit Plan Review retainer fee

IV. REGULAR AGENDA

- A. Presentation from Progressive Waste Solutions (previously IESI) for their year-end report
- B. Consider, discuss and act upon an Interlocal Agreement with the Farmersville Chamber of Commerce
- C. Consider, discuss and act upon blind replacements in the Council Chambers at City Hall
- D. Consider, discuss and act upon burning under certain circumstances
- E. Update on the electrical system
- F. Update on the Main Street Sidewalk/Lighting project

G. Update on the Main Street Bridge, closures and Highway 380 improvements

H. Update on the Chaparral Trail projects

V. EXECUTIVE SESSION

A. Enter into Executive Session pursuant to Section 551.072 of the Texas Government Code; deliberate a legal matter which pertains to the purchase, exchange, lease, or value of real property for municipal purposes and all matters related thereto

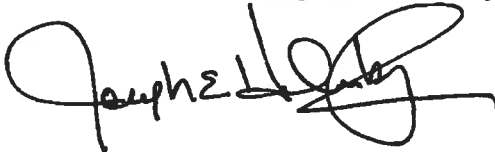
B. Reconvene Regular Session from Executive Session consider, discuss and act on matters discussed in Executive Session

VI. REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

VII. ADJOURNMENT

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

Dated this the 22nd day of February, 2013.



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 February 22, 2013 by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.



Edie Sims, City Secretary





TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: February 26, 2013

SUBJECT: Public hearing to consider, discuss and act upon a Specific Use Permit for Triple Crazy Game Room located at 865 West Audie Murphy Parkway, Farmersville

- Specific Use Permit Application Packet approved by Planning and Zoning Commission for a term of 6 months
- Ordinance is attached

ACTION: ACTION:

- a) **Open the Public Hearing and call the time.**
- b) **Ask for anyone to come forward and speak who is FOR the Specific Use Permit.**
- c) **Ask for anyone to come forward and speak who OPPOSES the Specific Use Permit.**
- d) **Close the Public Hearing and call the time.**
- e) **Council to discuss the matter and approve or disapprove the Specific Use Permit.**



Farmersville
DISCOVER A TEXAS TREASURE

**CITY OF FARMERSVILLE
SPECIFIC USE PERMIT APPLICATION**

APPLICANT'S NAME: Triple Crazy
APPLICANT'S ADDRESS: 865 W. Audie Murphy Pkwy
APPLICANT'S CONTACT NUMBERS: Linda Story 903-413-5078
NAME OF OWNER: Dale & Linda Story
ADDRESS OF OWNER: P.O. Box 401 Bonham, TX 75418
LOCATION OF PROPERTY: 865 W. Audie Murphy Pkwy

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. N/A TRACT 96-0057238 BLOCK NO. N/A
PLAT According to County Record ^{SEE DETAIL on back} ADDITION: N/A
SURVEY: See attached NUMBER OF ACRES: 1/2

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed, and a complete legal field note description.

PROPOSED USE: Triple Crazy Game Room
see exhibit B

ATTACH A LETTER describing all processes and activities involved with the proposed uses.

See exhibit attached
ATTACH A SITE PLAN drawn to scale with the information listed on the back of this sheet.

See attached back page
THE EIGHT CONDITIONS listed on the back of this sheet **MUST** be met before City Council can grant a Specific Use Permit.

ATTACH THE APPROPRIATE FEE:

LESS THAN 1/2 ACRE	\$100.00
1/2 ACRE OR MORE AND LESS THAN 5 ACRES	\$250.00
5 ACRES OR MORE	\$500.00
PUBLIC HEARING FEE (PER HEARING).....	\$ 12.50

I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, landscaping and parking areas depicted on the site plan shall be adhered to as amended and approved by the City Council.

SIGNATURE OF APPLICANT: Andi Skaf Date: 11-26-12

SIGNATURE OF OWNER: Andi Skaf Date: 11-26-12
(If not applicant)

INCLUDE THE FOLLOWING INFORMATION ON A SITE PLAN. THE PLAN MUST BE DRAWN TO SCALE.

See exhibit C

- Boundaries of the area covered by the site plan. on plot
- The location of each existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roof line, gross floor area and location of building entrances and exits.
- The location of existing drainage ways and significant natural features.
- Proposed landscaping and screening buffers. Na
- The location and dimensions of all curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities, and outside trash storage facilities. Na
- The location, height and type of each wall, fence, and all other types of screening. Na
- The location, height and size of all proposed signs.

In accordance w/ sign ordinance

THE ZONING ORDINANCE REQUIRES THAT THESE EIGHT CONDITIONS MUST BE MET BEFORE A SPECIFIC USE PERMIT CAN BE ISSUED:

See exhibit D

- That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity; and
- That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property. explain
- That adequate utility, access roads, drainage and other necessary supporting facilities have been or will be provided. address
- The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development. please address
- That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration. address
- That directional lighting will be provided so as not to disturb or adversely affect neighboring properties. address
- That there are sufficient landscaping and screening to insure harmony and compatibility with adjacent property Address
- That the proposed use is in accordance with the Comprehensive Plan. Address

Exhibit A

I agree that:

The game room located at 865 W. Audre Murphy, Farmersville, Tx 75442, will not impede the normal and orderly development and improvement of my property

The game room's directional lighting will not disturb or adversely affect my property

The game room's specific use will be compatible with and not injurious to the use and enjoyment of my property and not significantly diminish or impair property values within the immediate vicinity.

Home at 855 Audre Murphy Pkwy, Larry Howard, owner

Larry Howard

Vacant Building, Larry Howard, owner

Larry Howard

Sonic - Drive IN.

Edward Rogoe

Exhibit B

Proposed Use:

40 gaming machines - are set up on a point scale.

Customers may purchase with points gifts that are provided by Game Room. No payouts on any credit or debit cards. All prizes + gifts are ~~are~~ redeemed at game room only.

Additional entertainment at no charge, Karaoke

Pre packaged snacks and sodas are provided at no charge.

EXHIBIT ~~C~~ C

- 1) Boundaries of the area covered by the site plan: ON ATTACHED PLAT
- 2) Location of each existing and proposed building and structure in the area covered by the site plan, number of stories, height, roof line, gross floor area and location of building, entrances and exits: ON ATTACHED PLAT
- 3) Location of existing drainage ways and significant natural features: ON ATTACHED PLAT
- 4) Proposed landscaping and screening buffers: ON ATTACHED PLAT, DONE BY PREVIOUS TENANT
- 5) Location and dimensions of all curbs: N/A
- 6) Public and private streets: N/A
- 7) Parking and loading areas: N/A
- 8) Pedestrian walks, lighting fixtures and outside trash storage facilities: SEE ATTACHED PLAT
- 9) Location, height and type of each wall, fence and all other types of screening. N/A
- 10) Location, height and size of all proposed signs. IN ACCORDANCE WITH SIGN ORDINANCE – PLEASE SEE ATTACHED PLAT

EXHIBIT D

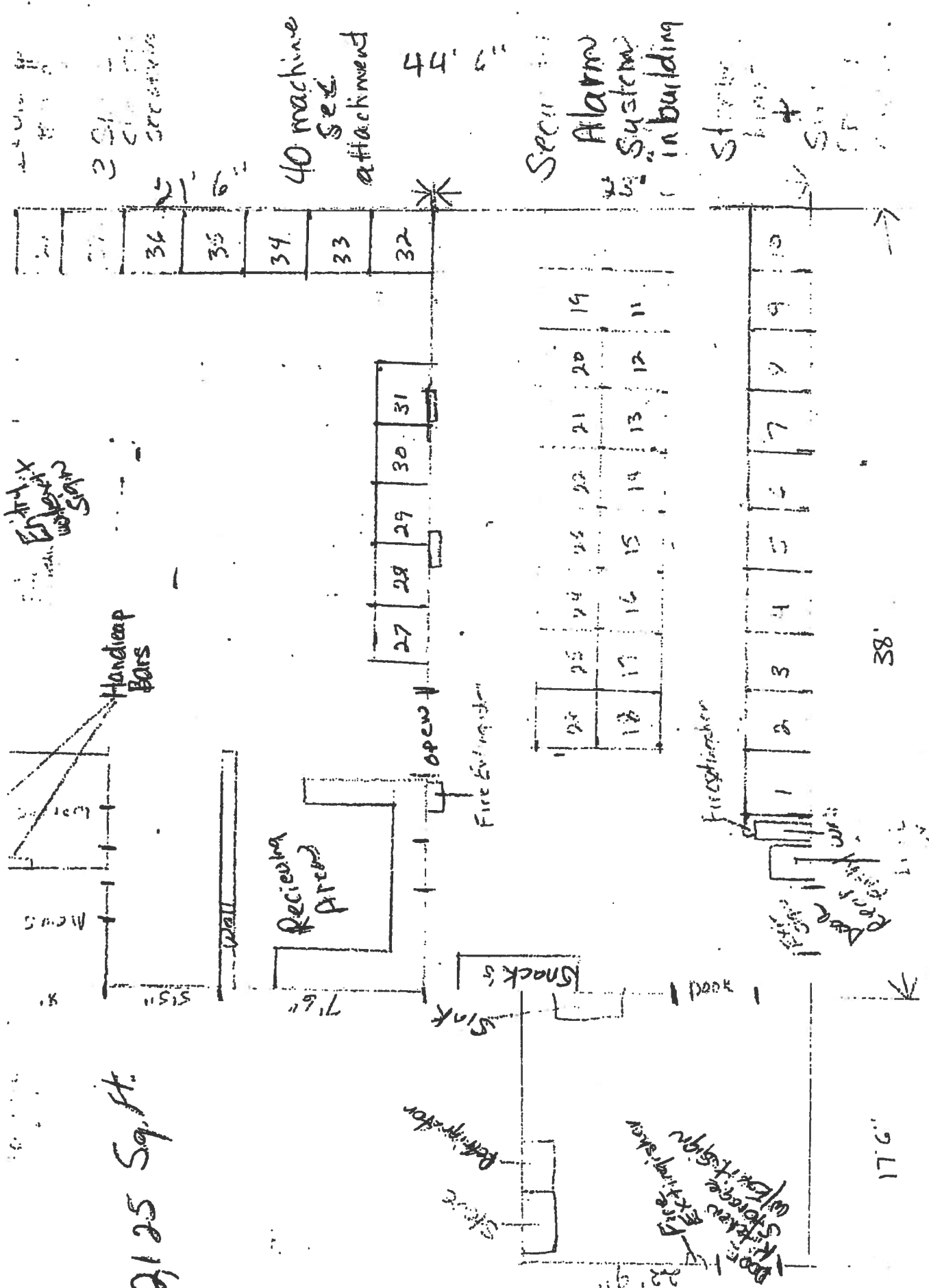
- 1) That the specific use will be compatible with and not injurious to the use and enjoyment of other property nor significantly diminish or impair property values within the immediate vicinity and explain: YES, PLEASE SEE ATTACHED EXHIBIT A.
- 2) That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property: YES, PLEASE SEE ATTACHED EXHIBIT A.
- X 3) The adequate utility access roads, drainage, and other necessary supporting facilities have been provided. *There are no utility access Rd or Drivng around Bldg.*
- 4) The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adequate development: ALL PARKING IN BACK OF BUILDING AND DOES NOT AFFECT ADJACENT DEVELOPMENT.
- 5) The adequate nuisance prevention measures have been or will be taken to prevent control of offensive odor, fumes, dust, noise and vibration: N/A
- 6) The directional lighting will be provided so as not to disturb or adversely affect neighboring properties: NO DIRECT LIGHTING OTHER THAN AT THE BACK OF THE PROPERTY AND WILL NOT AFFECT NEIGHBORING PROPERTIES, EXHIBIT A.
- 7) That there are sufficient landscaping and screening to insure harmony and compatibility with adjacent property: DONE BY PREVIOUS TENANT.
- X 8) That the proposed use is in accordance with the comprehensive plan: *on line* yes, meet these Requirements.

GAME PALACE:

By:


LINDA STORY

2125 Sq. ft.



AFTER RECORDING RETURN TO:

Jody Howard
Box 3, Box 135
Farmersville, TX
75442

96- 0057238

WARRANTY DEED

(DRAFTED WITHOUT BENEFIT OF TITLE EXAMINATION OR TITLE INSURANCE)

THE STATE OF TEXAS

)

) KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN

)

THAT We, A.M. SNYDER and wife, IRENE SNYDER, of the County of Collin, and State of Texas, for and in consideration of the sum of ONE AND NO/100 DOLLAR (\$1.00) to the undersigned paid by the grantee herein named, the receipt of which is hereby acknowledged, and in consideration of the love and affection which I bear toward grantee, have GRANTED, GIVEN AND CONVEYED, and by these presents do GRANT, GIVE AND CONVEY unto our daughter, JODY HOWARD, (herein called "grantee") of the County of Collin, and State of Texas, as grantee's sole and separate property, the following described real property in Collin County, Texas, to-wit:

(See EXHIBIT A attached hereto and made a part hereof for all purposes.)

Except, however, that the Grantors herein reserve, and it is expressly agreed that they should have, for themselves and their assigns, the full possession, benefit and use of the above described property, as well as the rents, revenues and profits thereof, for and during their natural lives. In other words, this reservation of life estate shall terminate on the date of death of the last to die of the two Grantors.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING:

1. Rights of the public to any portion of the above described property lying within the boundaries of dedicated or existing roadways or which may be used for road or street purposes.
2. Visible and apparent easements over or across subject property.
3. Rights of parties in possession.
4. Any and all easements, restrictions, covenants, conditions and reservations of record, if any, applicable to the herein conveyed property or any part thereof.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said grantee, grantee's heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators to-WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee, grantee's heirs and assigns, against every person whosoever lawfully claiming or to claim the same or any part thereof.

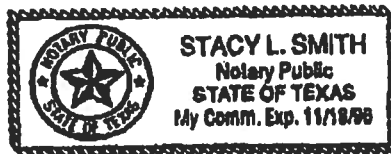
EXECUTED this 3rd day of July, 1996.

A.M. Snyder
A.M. SNYDER

Irene Snyder
IRENE SNYDER

THE STATE OF TEXAS
COUNTY OF COLLIN

This instrument was acknowledged before me on July 3, 1996 by A.M. SNYDER and wife, IRENE SNYDER.



Stacy L. Smith
Notary Public, State of Texas
Notary's Printed Name:
Stacy L. Smith
My commission expires: 11-18-98

EXHIBIT A

SITUATED in Collin County, Texas, and in the D.J. Jaynes Survey, Abstract No. 471, and being a part of a tract of 24.26 acres described in a deed from T.M. Lovell and wife, to Doyle Skinner dated November 26, 1945, and recorded in Volume 360, Page 6, Collin County Deed Records; and the beginning corner of this tract was located as follows:

BEGINNING at the most Easterly southeast corner of said 24.26 acres;

THENCE SOUTH 88° West 6.15 chains to the beginning corner of this tract; said beginning corner is also located at the southwest corner of a lot 125 feet wide, east and west, that was conveyed to M.S. Sellers on April 2, 1956, by Doyle Skinner and wife;

THENCE SOUTH 88 degrees West 2.48 chains to a stake;

THENCE SOUTH 79 degrees West 6.00 chains;

THENCE SOUTH 1/2 degree West 1.76 chains;

THENCE SOUTH 83-1/2 degrees West 5.67 chains;

THENCE SOUTH 71 degrees West 2.00 chains to a stake in the west line of the City Limits of Farmersville;

THENCE NORTH 71 degrees West 1.20 chains to a stake;

THENCE NORTH 66-3/4 degrees West 3.09 chains to a stake;

THENCE NORTHERLY 7.70 chains, more or less, to the southeast corner of a tract of land conveyed by T.M. Lovell and wife to Alton Roberts, as per deed recorded in Volume 323, Page 318, Collin County Deed Records.

THENCE NORTH 5-3/4 degrees East 2.30 chains to Roberts' northeast corner;

THENCE SOUTH 83 degrees 40' East 148 feet to the north west corner of a one acre tract described in a deed from Doyle Skinner et ux, to A.M. Snyder, dated Dec. 29, 1950 and recorded in Volume 422, Page 320, Collin County Deed Records.

THENCE SOUTH 210 feet to the southwest corner of said one acre tract;

THENCE EASTERLY 210 feet, parallel with the south line of U.S. Highway No. 24, to the southeast corner of said one acre tract;

THENCE NORTH 210 feet to the N.E. corner of said one acre tract;

THENCE with the south line of said Highway South 83 deg. 40' East 13.34 chains, more or less, to the northwest corner of said lot 125 feet wide east and west that was conveyed to M.S. Sellers on April 2, 1956;

THENCE SOUTH 5.12 chains more or less, with the west line of said 125 foot lot to the place of beginning, containing 15.00 acres of land, more or less.

Being the same property conveyed from Doyle Skinner and wife, Roberta Skinner to A.M. Snyder in a deed dated April 2, 1956 and recorded in Volume 514, page 415, Deed Records of Collin County, Texas.

LESS AND EXCEPT:

The following property which was conveyed from A.M. SNYDER and wife, IRENE SNYDER to THOMAS GLENN CARAWAY POST NO. 7426 VFW in deed dated April 24, 1990 and recorded in the Land Records of Collin County, Texas, to-wit:

SITUATED in the D.J. Jaynes Survey, Abst. No. 471 in Collin County, Texas, and being part of a 15 acre tract of land that was conveyed to A.M. Snyder in Deed recorded in Volume 514, Page 415 of the Deed Records of Collin County, Texas, being more particularly described by metes and bounds to-wit:

BEGINNING at a pipe found being the Southeast corner of said tract;

THENCE SOUTH 88 degrees 06 minutes West with the North line of a 15.909 acre tract described in Deed recorded in Volume 2161, Page 979 of the Land Records of Collin County, Texas, 261.5 feet to an iron pin found;

THENCE SOUTH 76 degrees 48 minutes West with said north line of 337.25 feet to an iron pin, then continuing a total of 358.74 feet to a point in the centerline of a creek;
THENCE with the centerline meanders of said creek as follows:

North 6 degrees 56 minutes West 108.6 feet;
North 83 degrees 16 minutes East 163.1 feet;
North 4 degrees 49 minutes West 65.4 feet;
North 85 degrees 44 minutes 52 seconds East 192.93 feet;
North 79 degrees 02 minutes East 143.5 feet;
South 52 degrees 11 minutes East 65 feet;
North 61 degrees 19 minutes East 93 feet to a point in the East line of said 15 acre tract.

THENCE SOUTH 0 degrees 24 minutes East with said East line 147.9 feet to the place of beginning,
CONTAINING 1.806 acres.

THIS INSTRUMENT WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, ON JULY 9, 1996, AT 11:25A. THE INSTRUMENT WAS FILED IN THE PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, ON JULY 9, 1996, AT 11:25A. THE INSTRUMENT WAS FILED IN THE PUBLIC RECORDS OF COLLIN COUNTY, TEXAS, ON JULY 9, 1996, AT 11:25A.

JUL 09 1996

Helen Starnes



COUNTY CLERK, COLLIN COUNTY, TEXAS

Filed for Record in:
COLLIN COUNTY, TX
HONORABLE HELEN STARNES

On 1996/07/09

At 11:25A

Number: 96- 0057238
Type : D1 15.00
K:\clerk-j\JENYDER.BX

Property Tax Record

Kenneth L. Maun
 Collin County Tax Assessor Collector
 2300 Bloomdale Rd. Ste 2324
 McKinney, TX 75071
 Ph: 972-547-5020

 [Print Friendly Version](#)
[New Search](#)

Account: R647100102801
APD: 2664032
Location: 0000855W AUDIE MURPHY PKWY
Legal: ABS A0471 D J JAYNES SURVEY, BLK 1,
 TRACT 28, 1.268 ACRES
Owner: HOWARD JODY M
 1131 BUSINESS 78
 FARMERSVILLE TX 75442--550

Acres: 1.268
Yr Built: 0
Sq Ft: 0
Def. Start: NONE
Def. End: NONE
Roll: R

2012 Values
 Improvement Non-Home Site 92,604
 Land Non-Home Site 110,467
2012 Exemptions

Click on the e-Statement button to view Total Tax Due.

Click on the e-Payment button to make a credit card or eCheck payment.

[Current status](#)
[All years](#)
[Tax Estimator](#)
[e-Payment](#)
[e-Statement](#)

Year	Unit	Levy Amount	Levy Paid	Levy Due	Penalty	Interest	Col Penalty	Total Due	Receipt Date
2012	01	487.37	0.00	487.37	0.00	0.00	0.00	487.37	
2012	11	1,418.42	0.00	1,418.42	0.00	0.00	0.00	1,418.42	
2012	55	2,782.07	0.00	2,782.07	0.00	0.00	0.00	2,782.07	
2012	60	175.25	0.00	175.25	0.00	0.00	0.00	175.25	
2012 Totals		4,861.11	0.00	4,861.11	0.00	0.00	0.00	4,861.11	

Property Search

Property ID: 2664032 - Tax Year: 2013

General Information

Property ID	2664032
Property Status	Active
Geographic ID	R-6471-001-0280-1
Property Type	Real
Property Address	855 W Audie Murphy Pkwy Farmersville, TX 75442
Total Land Area	1.2680 acres
Total Improvement Main Area	8,043 sq. ft.
Abstract/Subdivision	D J Jaynes Survey
Primary State Code	E (Real Farm & Ranch Single Family)
Legal Description	Abs A0471 D J Jaynes Survey, Blk 1, Tract 28, 1.268 Acres

Owner Information

Owner ID	425946
Owner Name(s)	Howard Jody M
Exemptions	None
Percent Ownership	100.00%
Mailing Address	1131 Business 78 Farmersville, TX 75442-5505

2013 Value Information

Value information for Property ID 2664032 in the 2013 tax year is unavailable. Value information for prior years may be available in the [Value History](#) section below.

Entities & Exemptions

Taxing Entity	Exemptions	Amount	Taxable Value	Tax Rate	Tax Ceiling	Collected By
CFC (Farmersville City)	-	-	-	0.697500 (2012 Rate)	-	Collin County Tax Office
GCN (Collin County)	-	-	-	0.240000 (2012 Rate)	-	Collin County Tax Office
JCN (Collin College)	-	-	-	0.086299 (2012 Rate)	-	Collin County Tax Office
SFC (Farmersville ISD)	-	-	-	1.370000 (2012 Rate)	-	Collin County Tax Office

Improvements

Improvement #1	Residential
State Code	E (Real Farm & Ranch Single Family)
Homesite	No
Market Value	n/a
Total Main Area	1,344 sq. ft.

Detail #	Type	Year Built	Sq. Ft.
1	MA - Main Area	1962	1,344
2	CP - Covered Porch/patio	1962	216

Land Segments

Land Segment #1	Farm And Ranch Single Family
State Code	E (Real Farm & Ranch Single Family)
Homesite	No
Market Value	n/a
Ag Use Value	n/a
Land Size	0.2755 acres 12,000 sq. ft.

Land Segment #2	Commercial
State Code	F1 (Real Commercial)

Improvement #2		Residential		Homesite		No
State Code		E (Real Farm & Ranch Single Family)		Market Value		n/a
Homesite		No		Ag Use Value		n/a
Market Value		n/a		Land Size		0.9925 acres
Total Main Area		384 sq. ft.				43,233 sq. ft.
Detail #	Type	Year Built	Sq. Ft.			
1	MA - Main Area	1975	384			
2	DETG - Detached Garage	1975	384			

Improvement #3		Commercial	
State Code		F1 (Real Commercial)	
Homesite		No	
Market Value		n/a	
Total Main Area		2,315 sq. ft.	
Detail #	Type	Year Built	Sq. Ft.
1	MA - Main Area	1962	1,375
2	MA - Main Area	1962	760
3	MA - Main Area	1962	180

Improvement #4		Commercial	
State Code		F1 (Real Commercial)	
Homesite		No	
Market Value		n/a	
Total Main Area		n/a	
Detail #	Type	Year Built	Sq. Ft.
1	CON - Concrete Paving	2007	5,000

Improvement #5		Commercial	
State Code		F2 (Real Industrial)	
Homesite		No	
Market Value		n/a	
Total Main Area		4,000 sq. ft.	
Detail #	Type	Year Built	Sq. Ft.
1	MA - Main Area	1980	4,000

Value History

Year	Improvement	Land	Market	Ag Loss	Appraised	HS Cap Loss	Assessed
2012	\$92,604	\$110,467	\$203,071	\$0	\$203,071	\$0	\$203,071
2011	\$79,533	\$110,467	\$190,000	\$0	\$190,000	\$0	\$190,000

Deed History

Deed Date	Seller	Buyer	Instr #	Volume/Page
08/03/1999	Snyder A M-Ie	Howard Jody M		99-0087426/4471-4228
07/03/1996	Snyder A M	Howard Jody		96-/0057238
07/03/1996	Howard Jody	Snyder A M-Ie		96-/0057238



FARMERSVILLE POLICE DEPARTMENT

134 North Washington Street

Farmersville, Texas 75442

972-782-6141

Fax 972-782-7693

11/15/2012

To: City of Farmersville/Planning & Zoning Board

Pursuant to Ordinance No. 0-2010-1109-002, 10-D Specific Use Permit Application Requirements for Game Rooms; specific to: Renewal of current pending SUP's of "Game Room's" as described in said ordinance; and in anticipation of future Planning and Zoning hearings set for re-application of said SUP's this report is provided.

The City of Farmersville Code Enforcement Division, operated and managed out of the police department, conducted said inspections pursuant to said ordinance and in anticipation of the aforementioned P&Z SUP hearings. Inspections were conducted of all establishments known to have and/or believed to have a "coin-operated machine(s) or device(s) as defined in said ordinance under Section 2. 57. (A) Game Room.

Two separate inspections were conducted by Code Enforcement Officer K. Dixon on 09/17/2012 and 11/06/2012 (Please see attached report). Specific to the 4 Game Rooms as defined in said ordinance and operating on current SUP's; two (2) were found to have more machines than originally reported on their current permit/SUP and two (2) were found to be operating within their current permit/SUP as it pertains to machines. In regards to area and the required physical game room requirements, all seemed to be in compliance.

Upon review of the aforementioned game room permits a check was conducted through the Texas State Comptroller's Office in regards to compliance with the State Tax Code pertaining to Amusement-Coin operated Machines. This check was made based on Owner information provided by the applicant's permit on file with the city.

Reference: OCCUPATIONS CODE, TITLE 13. SPORTS, AMUSEMENTS, AND ENTERTAINMENT, SUBTITLE D. OTHER AMUSEMENTS AND ENTERTAINMENT, CHAPTER 2153. COIN-OPERATED MACHINES, SUBCHAPTER A. GENERAL PROVISIONS.

Sec. 2153. 151. LICENSE OR REGISTRATION REQUIRED. Except as otherwise provided by this chapter, a person may not engage in the business of manufacturing, owning, buying, selling, renting, leasing, trading, lending, furnishing to another, maintaining, transporting within this state, storing, or importing a music or skill or pleasure coin-operated machine unless the person holds a license or registration certificate issued under this subchapter.

Pursuant to the aforementioned statute and permit applications the city has on file, the following was discovered: **Paradise Isles** and **Jokers Wild** were found to be licensed and registered with the State Comptroller's office.

The Texas State Comptroller's office was not able to find any record of "**American Glory**". Previously, this location where American Glory is today was named "Game Palace". According to the State Comptroller's office records, Game Palace hasn't been active since 2010. The owners listed at that time were co-owner, Chris Filline and co-owner Linda Story.

Our current permit for **American Glory** shows that Chris Ball is the owner/applicant. According to the Texas State Comptroller's office, Mr. Ball had an amusement license from 2000, 2001, and 2002 for an address at 11648A N. Central Expressway but it hasn't been active since 2002. Beyond the aforementioned record for Mr. Ball, there's no record of **American Glory** listed with State Comptroller's office, either by business name or owner's name.

The Texas State Comptroller's office advised that **Triple Crazy** has an inactive-file. According to the Comptroller's office, Linda Story applied for an amusement license on 01/27/2010 for Triple Crazy Game Room, located at 865 W. Audie Murphy Parkway. According to the Amusement Division of the Comptroller's office, there have been no taxes or fees paid under this account since it was applied for. Beyond the aforementioned record for Mrs. Story, there's no record of **Triple Crazy** listed with State Comptroller's office, either by business name or owner's name.

Conclusion: I cannot verify with any degree of certainty who actually owns said game rooms **American Glory & Triple Crazy**. Our State statutes cover these type of businesses and the requirements, protocols, and taxes that they're regulated to comply with. The aforementioned game rooms (American Glory & Triple Crazy) may be owned and/or operated under another name, LLC, or corporation? To date, I've not been able to find such a record.

With that said, I refer the board back to the ordinance Section 4. "10D. Specific Use Permit Application Requirements for Game Rooms, numbers 15 & 16.

(15) The grant of an SUP shall not relieve the applicant, owner and/or operator of a game room or the subject coin-operated machines or devices from any other and further obligations under the Farmersville City Code; and,

(16) Nothing herein shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table, or gaming machine, the keeping, exhibition, operation, display or maintenance of which is illegal or in violation of any ordinance of the city, any section of the penal code of this state, or the constitution of this state.

It is my recommendation, as the police chief and manager of code enforcement services for the city that we verify who owns the aforementioned game rooms. Secondly, I would recommend to the board that said businesses comply with the city's permit requirements as well as, verify if said business are complying with state regulations as it pertains to amusement coin-operated game rooms. Third, I cannot recommend Triple Crazy or American Glory for granting an SUP until the aforementioned verifications can be made.

Respectfully,

Michael P Sullivan
Chief of Police

NAME	ADDRESS	# OF MACHINES KNOWN/APPROVED	EXPIRATION DATE OF PERMIT		Insp 9/17/12	Insp 11/6/12
American Glory	2202 W. Audie Murphy Parkway	50	01/01/2013		53	53
Jokers Wild	812 McKinney	40	01/01/2013		39	39
Paradise Isles	1055 W. Audie Murphy Parkway Suite 103	40	01/01/2013		38	39
Triple Crazy	865 W. Audie Murphy Parkway	40	01/01/2013		60	57
Stop N Buy	316 N. Main	1			3	3
Farmersville Shell	304 E. Audie Murphy Parkway	1			1	1
Quick Check	815 McKinney	?			0	0
K-Mart	S Hwy 78				4	1

NAME	ADDRESS	# OF MACHINES KNOWN/APPROVED	EXPIRATION			
			DATE OF PERMIT	Inspected 9/17/12	Inspected 11/6/12	Inspected 02/06/13
Triple Crazy	865 W. Audie Murphy Parkway	40	01/01/2013	60	57	40

**CITY OF FARMERSVILLE
ORDINANCE # O-2013-0226-002**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING COMPREHENSIVE ZONING ORDINANCE AND ESTABLISHING A SPECIAL USE PERMIT; PROVIDING FOR THE OPERATION OF A GAME ROOM ON PROPERTY DESCRIBED HEREIN; PROVIDING FOR RESTRICTIONS; AMENDING THE OFFICIAL ZONING MAP; AND PROVIDING FOR PENALTY, SEVERABILITY AND AN EFFECTIVE DATE.

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

SECTION I: PERMIT

A Special Use Permit is hereby established for Triple Crazy Game Room, located at 865 West Audie Murphy Parkway, Farmersville, TX 75442 providing for the following use:

Game Room

SECTION II: RESTRICTIONS

The development shall be in accordance with the following special restrictions, conditions, and regulations:

1. No one under the age of 18 years allowed in building at any time
2. Sign stating under 18 not allowed, clearly posted on the entrance of said business.
3. A maximum of 40 Machines
4. Hours set for the Game Room are as follows:
 - Monday-Thursday, Open 8:30 a.m.; Close at 11:00 p.m.
 - Friday and Saturday, Open 8:30 a.m.; Close at 12:00 a.m.
 - Sunday, Open 12:00 p.m.; Close at 11:00 p.m.
5. Permit re-evaluation in **6 months** from the date the Ordinance is approved by Council, at no cost to applicant
6. **The Special Use Permit granted herein is specific to Triple Crazy Game Room (Linda and Dale Story), 865 West Audie Murphy Parkway, and shall not be transferred to any other person or entity or any other location without the approval of the City of Farmersville**

SECTION III: PENALTY

Any person, firm or corporation violating a provision of this Ordinance, upon conviction, is guilty of an offense punishable by a fine not to exceed two thousand dollars (\$2000); and each day or portion thereof during which the violation is committed, continued or permitted shall be a separate offense.

SECTION IV: SEVERABILITY

If any section, paragraph, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision hereof, other than the part so decided to be invalid or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION V: EFFECTIVE DATE

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

DULY PASSED by the City Council of the City of Farmersville, Texas on the 26th day of February, 2013.

APPROVED:

Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: February 26, 2013

SUBJECT: Public hearing to consider, discuss and act upon an amendment to the Comprehensive Plan to change the land use designation from Highway Commercial to Light Industrial zoning for the property located at 701 State Highway 78 South, Farmersville

- Application for Zoning Change is attached for review.
- This item was presented to the Planning & Zoning Commission on January 24, 2013 and was denied by P&Z

ACTION: ACTION:

- a) Open the Public Hearing and call the time.
- b) Ask for anyone to come forward and speak who is FOR the Land Use change.
- c) Ask for anyone to come forward and speak who OPPOSES the Land Use change.
- d) Close the Public Hearing and call the time.
- e) Council to discuss the matter and approve or disapprove the Land Use change.



Application for Zoning Change

Applicant: Kimberly Trieu d.b.a Walnut Hilltop Corp		
Mailing Address: 2313 Norwich Drive	City/State/Zip: Carrollton, TX 75006	Daytime Telephone: 972-418-6737 682-478-7781 (cell)
Property Address: 701 State Highway 78	City/State/Zip: Farmersville, TX 75442	Email: Ktrieu98@yahoo.com
Legal Description: Pecan Creek Subdivision, Lot /tract 2, .9734 Acres		
Lot(s): Lot/tract 2	Block(s):	Subdivision: Pecan Creek Sub.
Acreage: ((If acreage, provide separate metes and bounds description) Land 42,401 square feet (.9734 Acres) Building size 7,295 square feet, 5 suites, A,B,C,D,E		
Existing Use and Current Zoning of Property: Currently use as Commercial shopping Center. Back in 2010, there was a Farmersville FunZone game room, then Lucky Dragon Game Room.		
Give explanation of proposed rezone and use of property. Attach maps, drawings and other supporting information. Allow Suite E&D to use as a Game Room. Hope you would consider Grandfather right, since it had a Game Room before. The center has 81% to 62% vacancy for the past 6 years. The 2 current Tenants are moving out if I could not create more traffic. I only got serious phone calls from Game Room Tenants, but I could not Lease. This change will survive my center. I am willing to support the City in all events to help the City going strong.		

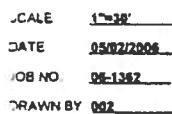
Kimberly Trieu

Property Owner Signature

12-21-12

Date

REQUEST THE ENTIRE PROPERTY BE RE-ZONED TO
LIGHT INDUSTRIAL.



From: Kimberly Trieu
Walnut Hilltop Corp.
2313 Norwich Drive
Carrollton, TX 75006
Tel: 682-478-7781, email: ktrieu98@yahoo.com

To: Mr. Benjamin L. White, City Manager
City of Farmersville
205 S. Main,
Farmersville, TX 75442
c/o Ms. Edie Sims, email: e.sims@ci.farmersville.tx.us

RE: Zoning Request @ 701 State Highway 78, Farmersville, Shopping Center

Dear Mr. White:

Thank you so much for your kind response. Also, thank you for giving me the opportunity to file the Zoning Change Request Application. I understand, the answer could be "No", but I don't want to give up my hope yet! ☺

In the past years, I invited many National stores like Pizza Hut, Subway, Church's, Little Ceasar, Verizon, AT&T, Family Dollars ... and offered them a special move-in package like free rent, cash, built-to-suite ... But, our center location traffic was not big enough to move them in.

In the past years, I only got serious phone calls from Game Room Tenants. I believe that Game Room in Farmersville attracted clients from neighbor cities like Princeton, Plano, Wylie, Greenville, McKinney... This would create more works and traffic in Farmersville.

I remember, back in 2010, at our center, there was Farmersville FunZone Game Room and then, Lucky Dragon Game Room moved in to replace. When we bought the center, it included Lucky Dragon Game Room Lease, but they canceled Lease shortly after that. Not sure, the City would consider Grandfather Right for this request?

From my heart, I would like to support the City in every way that I could to help the City going strong and stronger with or without my Zoning change. In Farmersville, I found people, neighbors and City staffs are very nice and friendly.

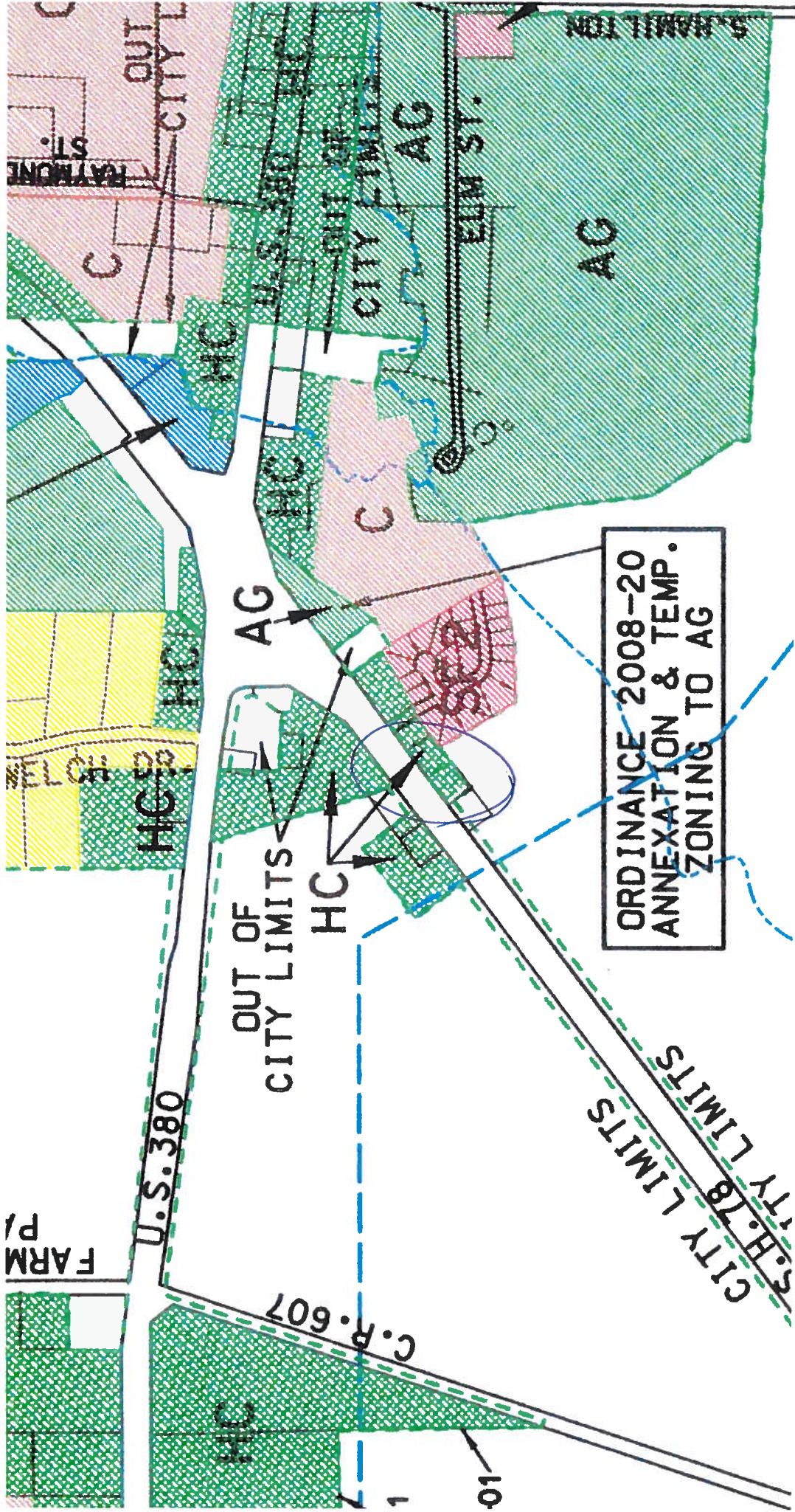
Enclose is my Zoning Change Request Application. Thank you in advance for your help to address my request to the City Council and related department in the City.

Again, thank you for your kind words of 'hoping for the better' at our center.

I wish you and your family a very Merry Christmas and a Happy New Year.

Regards,


Kimberly Trieu



ORDINANCE 2008-20
ANNEXATION & TEMP.
ZONING TO AG



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: February 26, 2013

SUBJECT: Public hearing to consider, discuss and act upon a zoning change from Highway Commercial zoning to Light Industrial zoning for the property located at 701 State Highway 78 South, Farmersville

- Please see Item II – B as the Zoning Change requests the change from Highway Commercial zoning to Light Industrial zoning.
- This item was presented to the Planning & Zoning Commission on January 24, 2013 and was denied by P&Z

ACTION: ACTION:

- a) Open the Public Hearing and call the time.**
- b) Ask for anyone to come forward and speak who is FOR the Land Use change.**
- c) Ask for anyone to come forward and speak who OPPOSES the Land Use change.**
- d) Close the Public Hearing and call the time.**
- e) Council to discuss the matter and approve or disapprove the Land Use change.**



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: February 26, 2013

SUBJECT: Second Reading – Consider, discuss and act upon an ordinance to adopt the new Comprehensive Plan

- Ordinance is attached for review
- Council approved first reading of said ordinance on February 12, 2013

ACTION: Approve or disapprove the ordinance as presented.

**CITY OF FARMERSVILLE
ORDINANCE # O-2013-0226-001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, ADOPTING THE FARMERSVILLE COMPREHENSIVE PLAN DATED JANUARY, 2013, AND ALL COMPONENT PLANS CONTAINED THEREIN AS THE FARMERSVILLE COMPREHENSIVE PLAN; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, OR RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2012 the City Council and the citizens of Farmersville undertook a "citizen-driven" process to update the City's Comprehensive Plan, originally adopted in 1996, due to anticipated urbanization and related population growth; and

WHEREAS, the Comprehensive Plan dated January, 2013, ("2013 Comprehensive Plan") is divided into the following elements: the Farmersville Vision, Farmersville's Demographic Trends, Land Use Plan, the Transportation Plan, the Utilities/Infrastructure/Public Facilities Plan, Parks and Open Space Plan, and the Strategic Implementation Plan; and

WHEREAS, the 2013 Comprehensive Plan updates the 1996 Farmersville Comprehensive Plan with the city utilizing the following planning tools: Chapter 65: Subdivision Ordinance (2007) and Chapter 77, Zoning Ordinance (2008), a Zoning map (2008), a Thoroughfare Plan Map (2011) and a Future Land Use Map (2004), these documents providing a basis for the development of this plan; and

WHEREAS, the 2013 Comprehensive Plan establishes and articulates a community-based vision focused on retaining the small City feel and sense of identity of the city, continuing to enhance the City's high quality of life with emphasis on parks, trails, natural areas and open spaces, creating quality jobs in the City so people can live, work and play within Farmersville and the City's youth will remain in the City, supporting infrastructure improvements to provide a solid basis for future growth, protecting and enhancing the unique historic center of the community, providing linkages between central Farmersville and other areas of the City, continuing to enhance the education system at a variety of levels including public education, job training and community college, and providing an environment where community spirit flourishes and people want to continue to volunteer and be involved in the community; and

WHEREAS, the City Council and the citizens of the City of Farmersville recognize the value of the 2013 Comprehensive Plan to guide growth and development of the City; and

WHEREAS, the 2013 Comprehensive Plan updates and reaffirms all of the components intended to continue the City's stated vision to not only preserve the country atmosphere and natural environment that makes Farmersville a unique and desirable community, but also create a great place to live, work and play that sustains the community that has been created; and

WHEREAS, after public 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 of the City of Farmersville, Texas, has determined that it is in the public's best interest and in support of the health, safety, morals, and general welfare of the citizens of the City of Farmersville that the 2013 Comprehensive Plan of the City of Farmersville, Texas, be adopted together with all of the component plans associated therewith, making up and comprising the 2013 Comprehensive Plan.

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 findings 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: 2013 COMPREHENSIVE PLAN AND COMPONENT PLANS ADOPTED.

The 2013 Comprehensive Plan together with all component Plans referenced in the preamble to this Ordinance, as updated and amended, specifically including the Future Land Use Plan, Master Thoroughfare Plan, Trail Master Plan together with the goals and strategies related thereto, as well as the goals and strategies for the Utilities/Infrastructure/Public Facilities Plan and Parks and Open Space Plan, and the Strategic Implementation Plan are hereby adopted as the Farmersville Comprehensive Plan. A true and correct copy of the Farmersville Comprehensive Plan adopted by and through this ordinance is attached hereto as Exhibit A.

SECTION 3: RELATIONSHIP BETWEEN FARMERSVILLE COMPREHENSIVE PLAN AND REGULATIONS.

- (a) The adoption or amendment of future regulations regarding the development of land and the growth of the City shall be consistent with the Farmersville Comprehensive Plan.
- (b) Applications for rezoning shall be consistent with the land use categories designated for the property in question as reflected on the Future Land Use Plan component of the Farmersville Comprehensive Plan.
- (c) Subdivisions, development plans, concept plans, and site plans for property shall be consistent with the land use and planning guidelines set forth for the subject property and surrounding areas as set forth for such areas in the Farmersville Comprehensive Plan.

SECTION 4: AMENDMENTS TO FARMERSVILLE COMPREHENSIVE PLAN.

No zoning change shall be approved to any zoning district that is inconsistent with the land use designation for the property in the Farmersville Comprehensive Plan.

Consistency with the Comprehensive Plan land use designations shall be determined based on the district purpose statements, the nature of the district regulations and the description of the land use category in the Farmersville Comprehensive Plan. Comprehensive Plan amendments shall not be required for zoning changes proposing single-family detached residential land uses that are less dense than those allowed pursuant to the existing land use category and single-family detached zoning district; however, notwithstanding the foregoing, a zoning change proposing a single-family detached use in an existing multifamily, duplex or single-family attached zoning district located in a high density land use category shall not be approved without a Comprehensive Plan amendment. Any person having a proprietary interest in any property within the corporate limits of the City, requesting a change or amendment to the Comprehensive Plan shall file an application applying for such change or amendment with the City. Each application shall be accompanied by the following:

- (1) A clear statement or description of the requested change or amendment.
- (2) A drawing, at a scale of not less than one inch to 200 feet, indicating the following:
 - a. Existing land use categories;
 - b. Proposed land use categories in a format that identifies boundaries between different land use categories;
 - c. Comprehensive Plan features, whether existing or proposed, from any or all of the following elements: Land Use Plan, Transportation Plan, Utilities/Infrastructure/Public Facilities Plan, Parks and Open Space Plan, and the Strategic Implementation Plan.
- (3) A vicinity map indicating the general location of the subject property.
- (4) A filing fee in the amount established by the City.
- (5) If the City determines that the proposed amendment may have an impact on the water, wastewater or thoroughfare plan components of the Comprehensive Plan the City may require an evaluation of such impacts as it deems necessary.

SECTION 5: REPEALER.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Farmersville, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances or any resolution of the City, in which event the conflicting provisions of such ordinances or resolutions are hereby repealed.

SECTION 6: SEVERABILITY.

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 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, and said remaining portions shall remain in full force and effect.

SECTION 7: 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 8: PUBLICATION AND EFFECTIVE DATE.

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.

SECTION 9: PUBLICATION AND EFFECTIVE DATE.

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the City of Farmersville, Texas.

PASSED on first reading on the 12th day of February, 2013, and second reading on the 26th day of February, 2013 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:

Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: February 26, 2013

SUBJECT: First Reading – Consider, discuss and act upon an ordinance to amend the Master Fee Schedule to increase the water and sewer rates effective March 1, 2013; add an administrative fee; amend the zoning and rezoning application fees which include specific use permits, and appeals to the board of adjustment; and add a Pre-Permit Plan Review retainer fee

- Ordinance is attached for review.

ACTION: Approve or disapprove ordinance as presented.

**CITY OF FARMERSVILLE
ORDINANCE # O-2013-0312-002**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS AMENDING FARMERSVILLE CODE OF ORDINANCES AMENDING APPENDIX A, "MASTER FEE SCHEDULE," ARTICLE III, SECTION 3-5 "ZONING AND REZONING APPLICATIONS, SPECIFIC USE PERMITS, AND APPEALS TO BOARD OF ADJUSTMENT"; AMENDING THE WATER SERVICE FEES ADOPTED THROUGH SECTION 11.122.4, ENTITLED "WATER SERVICE FEES" AND BY AMENDING THE SEWER SERVICE FEES ADOPTED THROUGH SECTION 11.122.6, ENTITLED "SEWER SERVICE FEES"; ADDING A SECTION, ARTICLE III, SECTION 3-7 "ADMINISTRATIVE FEE"; AMENDING THE BUILDING PERMIT FEE, ARTICLE III, SECTION 3-1 TO INCLUDE A RETAINER FEE; 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 I: That Appendix A, Article III, Master Fee Schedule – Zoning and Rezoning Applications, Specific Use Permits and Appeals to Board of Adjustment of the Code of Ordinances of the City of Farmersville, Texas, is hereby amended to read as follows:

"Article III Zoning and rezoning applications, specific use permits and appeals to board of adjustment

.....

APPLICATION OR PERMIT	FEE
Zoning Application	Actual cost of publication, actual cost of notifications + administrative fee based on time for processing
Rezoning Applications; Specific Use Permit Applications; Appeals to Board of Adjustment	Actual cost of publication, actual cost of notifications + administrative fee based on time for processing

SECTION 2. MASTER FEE SCHEDULE FOR WATER SERVICE AMENDED

From and after the effective date of this Ordinance, the Master Fee Schedule is hereby amended in part by deleting the current Water Service Fee charges and replacing said fees with new Water Service Fees in accordance with Section 11.122.4 of the Code of Ordinances to read as follows:

[See Table on following page.]

WATER SERVICE	MONTHLY FEE
Inside City Limits:	
Meter Charge (Includes 1,000 gallons)	
3/4 inch or less	\$ 11.74
1 inch	19.42
1 ½ inch	38.63
2 inch	61.68
3 inch	69.37
4 inch	192.32
6 inch	384.42
Volumetric Charges (per 1,000 gallons)	
1,001 to 10,000 gallons	\$ 5.29
10,001 to 20,000 gallons	7.01
In excess of 20,000 gallons	8.71
Outside City Limit Customers of Record Prior to 1985 Rate Information:	
Meter Charge (First 1,000 gallons)	
3/4 inch or less (First 1,000 gallons)	\$ 17.61
1 inch (First 1,000 gallons)	29.13
1 ½ inch (First 1,000 gallons)	57.95
2 inch (First 1,000 gallons)	92.52
3 inch (First 1,000 gallons)	104.06
4 inch (First 1,000 gallons)	288.48
6 inch (First 1,000 gallons)	576.63
Volumetric Charges (per 1,000 gallons)	
1,001 to 10,000 gallons	\$ 7.94
10,001 to 20,000 gallons	10.52
In excess of 20,000 gallons	13.07
Outside City Limit Customers of Record Since to 1985 Rate Information:	
Meter Charge (First 1,000 gallons)	
3/4 inch or less (First 1,000 gallons)	\$ 23.48
1 inch (First 1,000 gallons)	38.84
1 ½ inch (First 1,000 gallons)	77.26
2 inch (First 1,000 gallons)	123.36
3 inch (First 1,000 gallons)	138.74
4 inch (First 1,000 gallons)	384.64
6 inch (First 1,000 gallons)	768.84
Volumetric Charges (per 1,000 gallons)	
1,001 to 10,000 gallons	\$ 10.58
10,001 to 20,000 gallons	14.02
In excess of 20,000 gallons	17.42

SECTION 3. MASTER FEE SCHEDULE FOR SEWER SERVICE AMENDED

From and after the effective date of this Ordinance, the Master Fee Schedule is hereby amended in part by deleting the current Sewer Service Fee charges and replacing said fees with new Sewer Service Fees in accordance with Section 11.122.6 of the Code of Ordinances to read as follows:

SEWER SERVICE	MONTHLY FEE
Inside City Single Family Customers:	
Minimum monthly charge based on first 1,000 gallons water consumption	\$ 25.26
Water consumption over 1,000 gallons for customers with an annually computer average winter water consumption for Dec/Jan/Feb to a maximum of 15,000 gallons	Based on the lesser of actual consumption or the average winter water consumption at \$7.87 per 1,000 gallons
For new customers without a winter average	Based on actual consumption to a maximum of 7,000 gallons at \$7.87 per 1,000 gallons
Inside City Customers Other Than Single Family	
Minimum monthly charge based on first 1,000 gallons water consumption	\$ 25.26
In excess of 1,000 gallons	\$ 7.87 per 1,000 gallons

SECTION 4. ADMINISTRATIVE FEE

From and after the effective date of this Ordinance, the Master Fee Schedule is hereby amended in part by adding Administrative Fees by adding Section 3-7 of Article III Building and Inspection of the Code of Ordinances to read as follows:

ADMINISTRATIVE SERVICE	FEE
Cost per hourly rate	\$45.00

SECTION 5.

From and after the effective date of this Ordinance, the Master Fee Schedule is hereby amended in part by deleting the current Pre-Permit Plan Review Fee and replacing said fees with a new Pre-Permit Plan Review Fees and Retainer Fee in accordance with Section 8, Building Permit Fees of the Code of Ordinances, Master Fee Schedule to read as follows:

[See Table on following page.]

BUILDING PERMITTING	FEE
Pre-Permit Plan Review (Requires drawing with dimensions of original structure with location and dimensions of structure and/or addition)	\$400 minimal under 2,500 square feet. Residential projects over 2,500 square feet and all commercial projects will require to pay a \$1,000 Retainer Fee to pay for engineering, attorney fees and other subcontracted costs, if necessary, as pass through fees. In the event costs exceed the initial \$1,000 Retainer Fee, the applicant will be required to pay another \$1,000 Retainer Fee until all costs have been paid. Any fees remaining from the Retainer Fee will be refunded to the applicant after completion of the Building Permit process.
Pre-Permit Plan Review – Additions or alterations to residence	\$25.00 per room, minimum \$400

SECTION 6. 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 7. 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 8: 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 26th day of February, 2013, and second reading on the 12th day of March, 2013 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 MARCH, 2013.

APPROVED:

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

ATTEST:

Edie Sims, City Secretary



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: February 26, 2013

SUBJECT: Presentation from Progressive Waste Solutions (previously IESI) for their year-end report

- A representative from Progressive Waste Solutions will present their year-end report

ACTION: Receive information. No action is required by Council.



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: February 26, 2013

SUBJECT: Consider, discuss and act upon an Interlocal Agreement with the Farmersville Chamber of Commerce

- Interlocal Agreement between the City of Farmersville and the Farmersville Chamber of Commerce is attached
- The Chamber of Commerce Board has approved and signed the agreement as presented

ACTION: Approve or disapprove Interlocal Agreement as presented.

Edie Sims

From: lisa@farmersvillechamber.com
Sent: Wednesday, February 20, 2013 2:36 PM
To: Edie Sims
Subject: Inter-Local Agreement
Attachments: Agreement between City and Chamber re Visitors Center Final

The Chamber of Commerce Board of Directors approved the Inter-Local Agreement presented as written and greatly appreciate the opportunity this provides our Chamber.

Lisa Eastman
Executive Director
Farmersville Chamber of Commerce

Office (972) 782-6533
Fax (972) 782-6603
Email: Lisa@farmersvillechamber.com

Website www.farmersvillechamber.com

PLEASE NOTE OUR NEW EMAIL AND WEBSITE ADDRESS.

INTERLOCAL AGREEMENT BETWEEN THE CITY OF FARMERSVILLE AND THE FARMERSVILLE CHAMBER OF COMMERCE FOR OPERATION OF THE VISITOR CENTER

This Agreement ("Agreement") is made by and among the City of Farmersville, Texas ("City"), and the Farmersville Chamber of Commerce ("Chamber"), each acting by and through its authorized representative, as follows, that

WHEREAS, the City and the Chamber have found it advisable to enter into an Interlocal Agreement for the provisions of property and services relating to maintenance and operation of the Visitor's Center; and

WHEREAS, the City is the owner of property located at 201 South Main Street known as the Visitor's Center ("the Property").

WHEREAS, the Chamber does not have the financial resources available at this time to purchase a separate location, perform necessary maintenance and repairs and pay the utility bills for the Property when required; and

WHEREAS, the City wishes to enter into an Interlocal Agreement with the Chamber in order to perform necessary maintenance, construction, and repairs and pay the utility bills for the Property as required; and

WHEREAS, the Chamber will staff the Visitors Center; and

WHEREAS, the governing bodies of each party find that this project or undertaking is necessary for the benefit of the public and that each party has the legal authority to provide the governmental function or service which is the subject matter of this Interlocal Agreement; and

WHEREAS, the parties desire to enter into an agreement for the sharing of such services and the costs associated therewith, including operation of a Center, in order to provide a Center for the City;

NOW, THEREFORE, in consideration of the promises, covenants and agreements contained herein, the parties hereto mutually agree as follows:

SECTION 1. Purpose; Operation of Visitor Center.

The Chamber will be solely responsible for staffing and operation of the Center in the City's auxiliary building adjacent to City Hall, located at 201 South Main Street. The Chamber will establish the duties of its personnel, set the hours of operation, provide for office equipment and supplies, postage, advertising, and determine the dress code of its personnel. Operation of the Center provides an important service to existing citizens, visitors to the City and to Chamber members.

SECTION 2. Visitor Center, Duties of Chamber and City.

- a) The Center, currently owned by the City, will be operated by the Chamber during the term hereof, pursuant to this Agreement, in consideration and exchange for which the Chamber may use and occupy the building as its office during such term, without rent payment to the City for such use and occupancy.

- b) The Center's operational policy shall be further developed by the Chamber and made as Exhibit "A".
- c) City will provide, at its sole cost, property and public liability insurance, routine maintenance of the building, refuse removal, and electric and water utilities for the Center.
- d) Any complaints received by the City concerning operation of the Center shall be investigated and considered by the City Manager, who shall then report to the City Council and the Chamber Board, with his recommendation, and a final determination shall be made by the City Council after consultation with the Chamber Board.
- e) The term of this Agreement shall be annually from October 1 through September 30, and shall automatically renew for an additional one year term thereafter, after review and acceptance by both parties, before October 1 of the following year. ~~The Chamber will present to the City for such review an annual budget for operation of the Center. The proposed budget will be reviewed by the City Council during its regular budget cycle.~~

SECTION 3. Miscellaneous.

- a) Any notice required or permitted to be delivered in connection with this Agreement shall be deemed received when hand delivered or when sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the parties hereto.
- b) This Agreement constitutes the only agreement of these parties with regard to the subject matter hereof and supersedes any prior understandings or written or oral agreements between the parties respecting this subject matter.
- c) This Agreement may be amended by the mutual written agreement of the parties prior to October 1.
- d) Either party may terminate its participation in this Agreement by furnishing thirty (30) days' written notice to the other party of such intent. In no event shall the City have any financial responsibility for the costs of employment of Chamber personnel under the terms of this Agreement.
- e) In the event any provision of this Agreement shall be held invalid by a Court of competent jurisdiction, such holding shall not affect the other provisions of this Agreement, which shall be construed as if such invalid provision had never been contained herein.

SECTION 4. The Chamber agrees to enter into a lease with the City in the form of this Interlocal Agreement for an initial term of one (1) year which lease shall automatically renew for 99 successive one-year terms in exchange for rent/lease free use of the Property and perform necessary maintenance, construction, and repairs to the Property as required.

SECTION 5. The City will pay for all materials and labor required for improvements and maintenance to the Property unless a specific project which will enhance the use of the Property solely by the Chamber. In such case, the

Chamber will be responsible for all materials and labor required for the specialized improvements to the Property.

SECTION 6. To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this agreement.

SECTION 7. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this agreement. The parties agree that this agreement is performable in Collin County, Texas and that exclusive venue shall lie in Collin County, Texas.

SECTION 8. The provisions of this agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the agreement shall be enforced as if the invalid provision had never been included.

SECTION 9. This agreement embodies the entire agreement between the parties and may only be modified in writing executed by both parties.

SECTION 10. This agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this agreement without the written consent of the other party.

SECTION 11. It is expressly understood and agreed that, in the execution of this agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this agreement, the parties do not create any obligations, express or implied other than those set forth herein, and this agreement shall not create any rights in parties not signatories hereto.

SECTION 12. This agreement shall be effective upon execution by both parties for an initial term of one year and shall thereafter automatically renew 99 successive one-year terms.

SECTION 13. The declarations, determinations and findings declared, made and found in the preamble to this Agreement are hereby adopted, restated and made part of the operative provisions hereof.

SECTION 14. Each person signing this Agreement hereby confirms that any requisite approvals from the governing body of such signatory have been obtained, and all prerequisites to the execution, delivery and performance hereof have been obtained by or on behalf of that party.

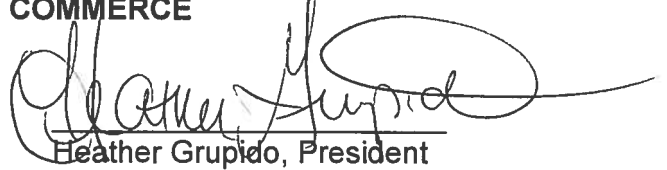
This Agreement shall be effective as of the _____ day of _____, 2013.

EXECUTED by the parties hereto on the dates shown below.

THE CITY OF FARMERSVILLE, TEXAS

**FARMERSVILLE CHAMBER OF
COMMERCE**

Joseph E. Helmberger, P.E., Mayor


Heather Grupido, President

Attest:

Edie Sims, City Secretary



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: February 26, 2013

SUBJECT: Consider, discuss and act upon blind replacements in the Council Chambers at City Hall

- Blind information is attached for review.

ACTION: Approve or disapprove improving the blinds in the Council Chambers of City Hall



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: February 26, 2013

SUBJECT: Consider, discuss and act upon burning under certain circumstances

- Burn Ordinance from 1969 is attached for review

ACTION: Provide direction to staff regarding this topic.

ORDINANCE NO.

69-3

AN ORDINANCE PRESCRIBING REGULATIONS FOR THE BURNING OF RUBBISH, GARBAGE, TRASH, WASTE, LEAVES, GRASS, LUMBER OR OTHER COMBUSTIBLE MATERIALS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR THE PUBLICATION FOR THE CAPTION HEREOF AND AN EFFECTIVE DATE FOR THIS ORDINANCE.

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

SECTION I. It shall be unlawful for any person, firm or corporation to burn or cause to be burned or allow to be burned on any public street, alley or premises owned or occupied by such person, firm or corporation, any rubbish, trash, waste, leaves, grass, lumber or any other combustible materials within the City of Farmersville.

SECTION 2. That it shall be unlawful for any person, firm or corporation to burn or cause to be burned, any rubbish, trash, waste, leaves, grass, lumber or any other combustible materials in the City of Farmersville on any lot or parcel of land and to allow or permit such fire to spread onto any public street, alley, place or premises owned or occupied by another, or to permit or allow the smoke or fumes from such burning to spread onto the property of another in such a manner so as to constitute a nuisance.

SECTION 3. That any person who finds it necessary to burn any combustible material except garbage as that term is defined herein shall:

- (A) Such person, firm or corporation may make application to the Fire Marshal for a permit to burn such materials other than in an approved incinerator. Such application shall be on a form furnished by the Fire Marshal and shall contain sufficient information to allow the Fire Marshal to determine the hazards involved in such proposed burning, and may, after proper investigation, determine whether or not such proposed burning is extra hazardous and

justified, and if in the opinion of the Fire Marshal of the City of Farmersville, such burning can take place without undue danger to persons or property in the vicinity, such permit may be granted.

If such application is denied by the Fire Marshal, such aggrieved Applicant may appeal the ruling of the Fire Marshal to the Board of Adjustment within fifteen (15) days from the date of the denial of such application as in other cases provided.


(B) If the permit provided for in Section A hereof is granted , and in the opinion of the Fire Marshal it is necessary to protect persons or property, that fire fighting apparatus be stationed at the site of such burning, the Fire Marshal may require that the cost thereof be paid by such Applicant prior to the issuance of the permit of such burning.

SECTION 4. The term "garbage" as used in this Ordinance shall be held to mean all animal or vegetable matter such as waste materials and refuse from kitchens, residences, grocery stores, drug stores, butcher shops, restaurants, cafes, hotels, rooming houses and other deleterious substances, and it shall be unlawful to burn garbage in the City limits of Farmersville.

SECTION 5. Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be fined any amount not to exceed \$200.00.

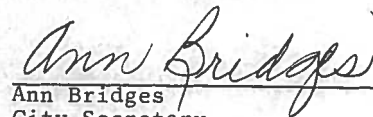
SECTION 6. The caption of this Ordinance shall be published two (2) times only in a newspaper having general circulation in the City of Farmersville, and shall be effective immediately upon such publication.

PASSED AND APPROVED by the City Council of the City of
Farmersville, Texas, on this the 9 day of SEPT.,
1969.



Raymond Brandon, Mayor

CORRECTLY RECORDED:



Ann Bridges
City Secretary



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: February 26, 2013

SUBJECT: Update on the electrical system

- Update from City Manager Ben White is attached for review

ACTION: No action is necessary by Council

Electrical System Update

1. The Economic Development Corporation has funded the following:
 - a. Electric System Model
 - b. Electric System Inventory
2. Requested that McCord activity be complete by March 2013.
 - a. Inventory activity: 100% complete.
 - b. Appraisal activity: 70% complete.
 - c. Capital Improvement Program (CIP): 100% complete.
 - d. Electrical system model: 100% complete.
3. Electrical surcharge rate of \$0.005 per kilowatt-hour approved and implemented.
4. The safe routes to school program will require relocation of utilities including major changes to our power pole locations along the route. These improvements will start taking place once the electrical system surcharge is approved.
5. Sharyland scheduled for yearly electrical system review to Council on 12 Feb 2013.



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: February 26, 2013

SUBJECT: Update on the Main Street Sidewalk/Lighting project

- City Manager Ben White will provide a verbal update

ACTION: No action is necessary by Council



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: February 26, 2013

SUBJECT: Update on the Main Street Bridge, closures and Highway 380 improvements

- City Manager Ben White will provide a verbal update

ACTION: Council to discuss and take action as deemed necessary



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: February 26, 2013

SUBJECT: Update on the Chaparral Trail projects

- Project information is attached for review

ACTION: No action is necessary by Council

Chaparral Trail Update

Description	Total Project Estimate	City's Share	Estimated Construction Begin Date	Estimated Construction Completion Date	Comments and Status
Chaparral Trail Grant Texas Parks & Wildlife (Phase I)	\$200,000	\$50,000 4B Funded	Oct-12	Mar-13	Construction 90% complete. Picnic area complete. Decomposed granite down except for work area. Working on completing signage and bollards. 4B assisting by paying for grass around picnic area.
Chaparral Trail Grant Collin County Open Space (Phase II)	\$300,000	\$150,000 (4B: \$50K) (CoF, \$100K)	Mar-12	Aug-13	Bid opening held on 21 Feb 2013. Bid award will happen on 12 Mar 2013.
Chaparral Trail Grant TxDOT Enhancement Program Grant (Phase III)	\$250,000	\$48,750 cash match + \$3,500 application fee	Not Awarded Yet	Not Awarded Yet	Application complete. Need cash match in 2013/2014 budget. Awaiting approval, Feb 2013.
Chaparral Trail Grant Texas Parks & Wildlife (Phase IV)	\$200,000	\$50,000	Not Awarded Yet	Not Awarded Yet	Application turned in. Awaiting award.