FARMERSVILLE CITY COUNCIL
SPECIAL SESSION AGENDA
December 3, 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.
- Announcements relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, awards, acknowledgement of meeting attendees, birthdays, and condolences.
  - Annual Christmas Parade will be Saturday, December 14th at 7:00pm
  - Angel Tree angels are available at various stores and businesses, also go to http://farmersvilleangels.org for more information
  - Due to the holidays, the next Council meeting will be December 17th
  - City offices will be closed December 23rd – December 25th for the Christmas Holiday

II. READING OF ORDINANCES

A. Only Reading – Consider, discuss and act upon an ordinance to amend the Master Fee Schedule regarding refuse/garbage and recycle service

III. REGULAR AGENDA

A. Consider, discuss and act upon a replacement on the Planning and Zoning Commission

B. Consider, discuss and act upon garage sale restrictions

C. Consider, discuss and act upon Tax Increment Reinvestment Zone (TIRZ) financial results

IV. REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

V. ADJOURNMENT

Dated this the 25h day of November, 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 November 25, 2013 by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

CITY OF FARMERSVILLE TEXAS

Edie Sims, City Secretary

Farmersville
DISCOVER A TEXAS TREASURE

TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: December 3, 2013

SUBJECT: Only Reading – Consider, discuss and act upon an ordinance to amend the Master Fee Schedule regarding refuse/garbage and recycle service

- Ordinance is attached for review

ACTION: Approve or disapprove the ordinance as presented.

CITY OF FARMERSVILLE
ORDINANCE # O-2013-0723-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS AMENDING FARMERSVILLE CODE OF ORDINANCES AMENDING APPENDIX A, "MASTER FEE SCHEDULE," ARTICLE II, SECTION 2-6 "REFUSE/GARBAGE FEES" AND SECTION 2-7 "RECYCLING FEES"; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND SETTING AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION I: That Appendix A, Master Fee Schedule, Article II – Electricity, Water, Sewer and Refuse, Section 2-6: Refuse/Garbage Fees of the Code of Ordinances of the City of Farmersville, Texas, is hereby amended to read as follows:

SECTION 2:

REFUSE/GARBAGE SERVICE	**MONTHLY FEE** Once per week collection	**MONTHLY FEE** Twice per week collection
RESIDENTIAL		
Polycart:	$13.16	N/A
Additional Polycart	$8.50	N/A
Single bag additional trash	$0.40 per tag	N/A
Outside city limits	200% of current refuse rates except for customers prior to 1985, then fee is 150% of current rates	
Brush Collection	$50 initial minimum charge plus $20 per hour if minimum is exceeded	
COMMERCIAL RATES		
COMMERCIAL	**MONTHLY FEE** Once per week collection	**MONTHLY FEE** Twice per week collection
Polycart:	$25.67	$31.41
Additional Polycart	$17.40	$17.40
2 Yard Dumpster	$65.70	$110.05
3 Yard Dumpster	$74.56	$136.66
4 Yard Dumpster	$85.27	$165.05
6 Yard Dumpster	$132.97	$241.47
8 Yard Dumpster	$156.23	$275.09

EXTRA PICK-UPS	
2 Yard Dumpster	$29.10
3 Yard Dumpster	$34.92
4 Yard Dumpster	$40.74
6 Yard Dumpster	$46.56
8 Yard Dumpster	$52.38

REFILLS	
2 Yard Dumpster	$29.10
3 Yard Dumpster	$34.92

4 Yard Dumpster	$40.74
6 Yard Dumpster	$46.56
8 Yard Dumpster	$52.38

COMMERCIAL SPECIAL SERVICES	
Container Inside Four Side Enclosures – Per Pick-Up, Caster – (<4 cu. Yd.) Per Container	$9.32
Locks – Per Pick-Up, Per Container	$8.74

ROLL OFF COMPACTORS	
28 Cubic Yard Per Haul (up to 4 tons payload)	$465.57
35 Cubic Yard Per Haul (up to 4 tons payload)	$494.67
40/42 Cubic Yard Per Haul (up to 4 tons payload)	$535.40
Excess Payload Weight Charge per ton (if > 4tons)	$34.92
Trip Charge (Dry Run) – weekday	$104.76
Compactor Rental Per Day	

OPEN TOP ROLL-OFF CONTAINERS	
20 Cubic Yard Per Haul (up to 4 tons payload	$407.37
30 Cubic Yard Per Haul (up to 4 tons payload)	$459.75
40 Cubic Yard Per Haul (up to 4 tons payload)	$512.13
Excess Payload Weight Charge per ton (if > 4tons)	$34.92
Trip Charge (Dry Run) – weekday	$104.76
Delivery – Weekday	$104.76
Open Top Rental Per Day	$4.66

SPECIAL HAUL FEE	
Unacceptable Residential Waste	
1 Cubic Yard	$17.46
2 Cubic Yard	$29.10
3 Cubic Yard	$40.74
4 Cubic Yard	$52.38
5 Cubic Yard	$64.02
6 Cubic Yard	$75.66
7 Cubic Yard	$87.30
8 Cubic Yard	$98.94
9 Cubic Yard	$110.58
10 Cubic Yard	$122.22
Cost per Additional City Containers (1)	
2 Cu Yard Containers up to 2 additional	N/A
4 Cu Yard Containers up to 2 additional	N/A
6 Cu Yard Containers up to 2 additional	N/A
8 Cu Yard Containers up to 2 additional	N/A
20 Cu Yard Containers up to 2 annually	N/A
30 Cu Yard Containers up to 2 annually	N/A
40 Cu Yard Containers up to 2 annually	N/A
(1) Assumes delivery, 1 empty and 1 pickup (removal)	

SECTION 3: That Appendix A, Master Fee Schedule, Article II – Electricity, Water, Sewer and Refuse, Section 2-7: Recycling Fees of the Code of Ordinances of the City of Farmersville, Texas, is hereby amended to read as follows:

RECYCLING SERVICE	FEE
Curbside recycling (for residential and commercial)	$2.94 per month
Drop-off recycling	$0.35 per month
Additional or Replacement Recycling Bins	$50

SECTION 4. SEVERABILITY CLAUSE

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

SECTION 5. REPEALER CLAUSE

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

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

PASSED on first and only reading on the 3rd day of December, 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 3rd DAY OF DECEMBER, 2013.

APPROVED:

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

ATTEST:

_____
Edie Sims, City Secretary

Farmersville
DISCOVER A TEXAS TREASURE

TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: December 3, 2013

SUBJECT: Consider, discuss and act upon a replacement on the Planning and Zoning Commission

- Candidate information is attached for review

ACTION: Council to nominate and appoint a replacement for the Planning and Zoning Commission.

PLANNING AND ZONING COMMISSION

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

Name
Lee Warren **NEEDS REPLACEMENT TO FULFILL REMAINDER OF TERM** 2nd Term Began 5/13 – Term ends 5/16
Patti Ford filling second term for Bill Nerwich 2nd Term Began 5/12 – Term ends 5/15
Mark Vincent 1st Term Began 9/12 – Term ends 5/15
Craig Overstreet 1st Term Began 5/11 – Term ends 5/14
Todd Rolen 1st Term Began 5/13 – Term ends 5/16
Tom Waitschies 1st Term Began 5/11 – Term ends 5/14
Bryce Thompson 1st Term Began 5/12 – Term ends 5/15

MEETS: 3rd Monday of the month, or as called, 6:30 p.m.
COUNCIL LIAISON: **John Klostermann**
STAFF: Edie Sims

Potential Candidates	Choice and meets residency requirements
Barton, Autumn	3rd Choice and yes
Politz, John	1st Choice and yes

Farmersville
DISCOVER A TEXAS TREASURE

TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: December 3, 2013

SUBJECT: Consider, discuss and act upon garage sale restrictions

- Garage Sale Ordinance is attached for review

ACTION: Discuss and act upon garage sale restrictions.

CITY OF FARMERSVILLE
ORDINANCE NO. 2009 - 37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, PROVIDING A PROCESS FOR THE PERMITTING OF OCCASIONAL GARAGE, ESTATE, FARM OR YARD SALES; PROVIDING DEFINITIONS; PROVIDING FOR THE ISSUANCE OF PERMITS; PROVIDING FOR RESTRICTIONS ON THE CONDUCT AND TIME PERIOD OF SUCH SALES; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville, Texas is a Type A General-Law Municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Farmersville, Texas, finds and determines that providing a permitting process for garage sales and yard sales is in the best interest and public health, safety, and welfare of the citizens of the City of Farmersville, Texas.

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

SECTION 1: INCORPORATION OF FINDINGS

1.1 The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

SECTION 2: DEFINITIONS

2.1 **"Garage Sale"** shall mean a sale or an offer for sale of miscellaneous items to the general public, upon residential property not otherwise being used for commercial purposes. The term "Garage Sale" shall also include an "Estate Sale," "Farm Sale," "Patio Sale," "Porch Sale," "Driveway Sale," "Yard Sale," and any other form of sale or auction held upon residential property within the City's corporate limits.

2.2 **"Occupant"** shall mean either the owner-occupant of the premises whereon such sale is to be conducted or the tenant of the owner provided such tenant is actually residing upon said premises, and dependent members of the immediate family of the owner-occupant or tenant.

2.3 **"Personal Property"** shall mean property that is owned, utilized, and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. This specifically excludes merchandise that was purchased or acquired for resale or attained on consignment.

SECTION 3: PERMITS AND FEES

3.1 No later than three (3) days prior to holding any garage sale, the occupant of the residence where such sale is to occur shall obtain a permit from the City to hold a garage sale. Members of no more than three (3) residences may join together in obtaining a garage sale permit.

3.2 The application for the permit shall set forth the following information:

A. The full name and address of each applicant;

B. The address/location at which the proposed garage sale is to be held;

C. The date/s upon which the garage sale shall be held;

D. The date/s of any other garage sales participated in or conducted by each applicant within the current calendar year;

E. If the proceeds of the garage sale are used directly for a bona fide, tax-exempt charitable, religious, fraternal or governmental organization;

F. An affirmative affidavit that the property to be sold is owned by the applicant or was donated for the garage sale and that it was neither acquired nor consigned for resale; and

G. If the garage sale is not for charitable purposes, the affidavit shall state that the property for sale is not from an inventory or a stock of goods in trade.

3.3 The City Secretary shall charge and collect, before the issuance of any garage sale permit, a fee as established by the City Council in the fee schedule ordinance for the City.

SECTION 4: RESTRICTIONS ON THE CONDUCT OF THE SALE

4.1 No more than three (3) separate residences, locations, and/or family units may join together, participate in, or sell property at any one garage sale, except that any bona fide tax-exempt charitable, religious, educational, fraternal or governmental organization is exempt from this requirement when the proceeds of the garage sale are used directly for the institution's or organization's charitable purposes, and the goods or articles are not sold on a consignment basis.

4.2 No more than four (4) garage sale permits shall be issued to any one address/location and/or residence and/or family during any one (1) calendar year, provided further that at least ten (10) days must lapse between garage sales conducted at the same address/location. The issuance of a garage sale permit to an individual family member shall be deemed the issuance of a garage sale permit to all members of the permittee's immediate family residing with the permittee at the time the application for the garage sale permit is made. If members of more than one (1) residence join in requesting a garage sale permit, then such permit shall be considered as having been issued for each and all such residences.

4.3 No property acquired for the purpose of resale may be sold a garage sale.

4.4 A copy of the garage sale permit shall be displayed in a conspicuous place during the entire time and on the premises where the garage sale is being held.

4.5 No garage sale shall last in excess of all or part of seventy-two (72) consecutive hours.

4.6 All personal property offered for sale may be displayed in any portion of the yard of the residence, as well as in the residence, in the garage or carport, or on the driveway. However, no property shall be displayed or sold on or within fifteen (15) feet of any public road, street, highway, or sidewalk.

4.6 It shall be the seller's responsibility to remove any signs pertaining to his or her garage sale from any City or State right-of-way within twenty-four (24) hours of the end of the garage sale. Attaching or otherwise placing signs or advertisements to utility poles at any time and for any purpose is expressly prohibited.

SECTION 5: PENALTIES FOR VIOLATION OF THE ORDINANCE

5.1 The City Manager or his/her designee may revoke any garage sale permit or refuse any application for the issuance of a garage sale permit if the application submitted by the applicant or permit holder contains any false, fraudulent, or misleading information.

5.2 If any person, firm or corporation is convicted of an offense under this ordinance, that person shall not participate in, benefit from, or be issued a permit for any garage sale until the expiration of twelve (12) consecutive months from the date of the conviction.

5.3 Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $10.00 nor more than $500.00. A separate offense shall be deemed committed each day or portion of a day during or on which the violation continues or otherwise occurs.

SECTION 6: SEVERABILITY

6.1 It is hereby declared to be the intent of the City Council that the several provisions of this Ordinance are severable. In the event that any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid, or unenforceable.

SECTION 7: REPEALER

7.1 This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all Ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 8: PUBLICATION

8.1 The City Secretary is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty, and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 9: ENGROSSMENT AND ENROLLMENT

9.1 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 10: SAVINGS

10.1 All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 11: EFFECTIVE DATE

11.1 This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

[Signatures continued on following page.]

PASSED AND APPROVED this 8th day of December, 2009, at a regularly scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date above set out.

APPROVED THIS 8TH DAY OF DECEMBER, 2009.

BY: _____
Donald C. Smith, Mayor

CITY OF FARMERSVILLE TEXAS

ATTEST:
BY: _____
Edie Sims, City Secretary

APPROVED AS TO FORM: _____
Alan D. Lathrom, City Attorney

Farmersville
DISCOVER A TEXAS TREASURE

TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: December 3, 2013

SUBJECT: Consider, discuss and act upon Tax Increment Reinvestment Zone (TIRZ) financial results

- TIRZ Information is attached for review
- City Manager Ben White to discuss this item

ACTION: Council to make decisions as deemed necessary.

Farmersville TIRZ #1 SUMMARY

TAX YEAR 2012

AS OF SUPPLEMENT 14, 3/6/2013

Farmersville - TIRZ 1		2012 VALUE	LESS BASE YR WITH AG VALUE	Capt. Appr. Val.
CERTIFIED TAXABLE VALUE WITH ADJUSTMENTS FOR AG ACCOUNTS	CITY	$49,006,176	$48,946,113	$60,063
	COUNTY	$52,575,077	$52,614,802	-$39,725
2012 TAX RATES/$100 VALUE				
FARMERSVILLE CITY RATE				$0.697500
COUNTY RATE				$0.240000
TOTAL LEVY ON TAX INCREMENT BASED ON PARTICIPATION PERCENTAGE				
FARMERSVILLE CITY @ 100% PARTICIPATION				$418.94
COUNTY @ 50% PARTICIPATION				-$47.67
LESS TIF TAXES DELINQUENT (REMAINING OUTSTANDING) FOR 2012				
FARMERSVILLE CITY				**$638.79**
COUNTY				**$110.00**
AMOUNT TO BE BILLED TO EACH ENTITY				
FARMERSVILLE CITY @ 100% PARTICIPATION				$0.00
COUNTY DUE @ 50% PARTICIPATION				$0.00
TOTAL				**$0.00**

** Captured Appraised Value figures do not include any net losses in value on individual accounts since the base year including newly exempt property.*

This report reflects all collections through March 8, 2013.