

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
June 9, 2015

The Farmersville City Council met in regular session on June 9, 2015 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Joe Helmberger, John Klostermann, Michael Hesse, Leaca Caspari and Jim Foy. Councilmember absent at roll call was John Politz who arrived at 6:05pm. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, Fire Chief Kim Morris, City Attorney Alan Lathrom, Warrant Officer Rick Ranspot, Librarian Trisha Dowell and City Secretary Edie Sims.

Item I) CALL MEETING TO ORDER, ROLL CALL

Mayor Helmberger called the meeting to order. Edie Sims called the roll and announced a quorum was present. Mayor Helmberger welcomed all guests and visitors. Jim Foy offered the invocation with Mayor Helmberger leading the audience in the Pledge of Allegiance to the American Flag and the Texas Flag.

In honor of all veterans, Mayor Helmberger read a proclamation dedicating June 27, 2015 as Audie Murphy Day and invited all to attend the parade which begins at 10:00am.

Mayor Helmberger also announced the Veterans Center of North Texas Kick-Off Breakfast invitation on June 12, 2015 and extended the invitation to all the City officials and community leaders.

City Manager Ben White announced the latest achievement of the City by attaining the Silver Award and then completing the requirements for the coveted Platinum Award through the Texas State Comptroller for Texas Transparency and Open Government.

Item II) CONSENT AGENDA

Mayor Helmberger announced the items on the Consent Agenda. Jim Foy requested Item B – Police Department Report be pulled for further discussion. With no other items requested for discussion, John Klostermann motioned to approve all other items for the Consent Agenda as presented with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

Jim Foy was reminded of current events in our nation and of recent in McKinney, Texas where police actions are challenged. Mr. Foy questioned if there is a need to change the budget or policies to maintain the level of service provided by our Police Department. Police Chief Mike Sullivan stated there was not a need to change anything as he is paid to provide good service to the citizens of Farmersville. Resources are sufficient but has found a greater asset through social media and being engaged with the community. Jim Foy motioned to approve Item B with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz,

Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

Item III) INFORMATIONAL ITEMS

Council did not request any information or clarification regarding Informational Items.

ITEM IV – A) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO CHAPTER 77, ENTITLED “ZONING,” OF THE FARMERSVILLE CODE BY AMENDING SECTION 77-91 TO EXPAND THE PERMITTED LAND USES IN THE CENTRAL AREA (CA) DISTRICT TO ALLOW AN “ARTISAN SHOP,” OR “CUSTOM HANDCRAFTING” OR “SPECIALTY FOOD PROCESSING” SUBJECT TO CERTAIN CONDITIONS AND UPON THE APPROVAL OF A SPECIFIC USE PERMIT

Mayor Helmberger opened the Public Hearing at 6:09:24pm and asked for those FOR the zoning change request to come forward. Jim Terrell, owner of Happy Cucumber, came before the Council stating he would like to have his business located in downtown Farmersville. His business is a homemade canning facility which includes pickles, jellies and jams. He would like to have a restaurant in the future, but for now will have a store front. He produces his product through a commercial kitchen and sells at Farmers Markets. With no one else FOR the zoning change, Mayor Helmberger requested anyone OPPOSING the zoning change to come forward. With no one coming forward, Mayor Helmberger closed the Public Hearing at 6:11:10pm.

Mayor Helmberger stated in 2012, Council approved an ordinance to allow residents to live on the first floor with 40% being residential use and 60% being retail use. There was concern that we are so specific that this could be a hindrance. City Attorney Alan Lathrom stated the ordinance was crafted for the use of high quality products to produce their final product. Jim Foy stated he agrees with the purpose not to have mass manufacturing in the downtown area and the enforcement per the ordinance seems reasonable. Other Main Street cities have similar attractions which draw people to their city. Jim Foy motioned to approve the ordinance as presented with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM IV – B) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO CHAPTER 77, ENTITLED “ZONING,” OF THE FARMERSVILLE CODE BY AMENDING SECTIONS 77-1, 77-97 AND 77-273 TO ESTABLISH A “BANQUET/MEETING HALL” AS A PERMITTED LAND USE IN THE HIGHWAY COMMERCIAL (HC) DISTRICT UPON THE APPROVAL OF A SPECIFIC USE PERMIT AND ADDING A NEW SECTION 77-376 REGARDING SPECIAL REGULATIONS FOR THE ISSUANCE OF SPECIFIC USE PERMITS FOR CERTAIN USES INCLUDING A BANQUET/MEETING HALL

City Attorney informed the Council the ordinance presented was a result of the Planning & Zoning Commission's request to expand the use for a Banquet/Meeting Hall to include Commercial Districts. Mayor Helmberger opened the Public Hearing at 6:18pm and asked for those FOR the zoning change to come forward. Rosio Nunez, who owned and operated Big Taco on the square, came before the Council stating she has found a need for a facility to hold parties, receptions, weddings and banquets. She started this type of business downtown changing Big Taco from a restaurant to a banquet style facility. However this use was not allowed. She requested the Council to consider this ordinance to allow her to operate a business offering this service to Farmersville.

Mayor Helmberger requested those OPPOSING the zoning change to come forward. With no one coming forward, Mayor Helmberger closed the Public Hearing at 6:19pm.

Mayor Helmberger stated the definition of Banquet Hall per the ordinance is concerning. If the Chamber of Commerce wishes to use this facility, according to the definition presented, they would not be allowed to charge an admission. Mayor Helmberger requested the term "private" be removed. Under Section 5, there is also concern of the terminology regarding "gross floor area." The floor area should be equal to the event floor area and not include the kitchen or restrooms. Jim Foy requested the removal of admission charges as these events should be open. Leaca Caspari stated the event needs to be aware of their parking needs.

Michael Hesse motioned to approve the ordinance with the stated changes with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – A) SECOND READING TO CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE PROHIBITING PARKING ON SYCAMORE STREET

City Manager Ben White with all the residents whose driveways face Sycamore Street. All response was positive toward prohibiting parking on Sycamore Street as traffic has been problematic. John Klostermann motioned to approve the second reading with Michael Hesse seconded the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – B) SECOND READING TO CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE REGARDING THE RATE REVIEW MECHANISM SETTLEMENT BETWEEN ATMOS AND MEMBER CITIES OF ACSC

No changes were made to the first reading, therefore City Manager Ben White recommended Council to approve the ordinance as presented. Michael Hesse motioned to approve the ordinance as presented with Leaca Caspari seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM VI – A) CONSIDER, DISCUSS AND ACT UPON A PRELIMINARY PLAT FOR CAMDEN PARK PLANNED DEVELOPMENT

Mayor Helmberger recused himself from this item as he has interaction with Crannell & Associates who are representing the developer for Camden Park. Jim Foy officiated this item of the meeting.

City Manager Ben White repeated the motion made by Planning & Zoning with a list of contingencies. This list started with (1) approval of rezoning of the property to satisfy and cure the issues identified in comments 1 and 2 of the City Engineer's May 28, 2015 letter; (2) the proper extension of County Road 612 as approved by the City Engineer; (3) submission of engineering plans acceptable to the City Engineer; (4) satisfaction of the City's parkland dedication requirements or payment of cash in lieu of dedication subject to City Council approval; (5) the extension of proposed Street "J" or another roadway to provide a second point of ingress and egress; and (6) the provision of a lift station and all appurtenances necessary thereto to serve the project AND with such Preliminary Plat being disapproved upon Developer's failure to satisfy any of the listed contingencies.

Mr. White recommended approval of the Preliminary Plat with the contingencies and not to allow moving forward to the next step until all the items are dealt with. Jim Foy stated 2012 was the last time this Planned Development had changes that were approved. At that time, the zoning was for 55 and older which made the necessary filings through the Fair Housing Act. Significant changes are now being presented with only 20% of the housing project to be under 55+ housing and the remaining in Single Family zoning. The setbacks are the bare minimum. Other changes from 2012 include the alleys in the 55+ area which is greatly received. Jeff Crannell stated he can move the setbacks to 25' and can make the zoning return to the originating SF-3 and not restrict their market.

Jeff Crannell informed the Commission the intent to develop Phase 1 as the priority. Street A was an issue with Jim Foy as it leads into property owned by Texas New Mexico Power. There is also a concern regarding open space with this many homes. The open space requirement per our ordinance has not been satisfied; however the developer proposed to pay a sum equivalent for the City to develop a park in the future. Leaca Caspari expressed concern of the density and whether the ingress and egress will be sufficient.

Parking is an issue according to the density predicted per Michael Hesse. John Klostermann agreed along with the density in Phase 2. Jeff Crannell reported the parking will follow City Ordinances and no variances or exceptions have been requested. Each home will have a standard 2 car garage with 2 other spaces on the driveway. This space will then hold 4 vehicles which can be parked off the street and on the property. Regarding the park/open space issue, Mr. Crannell will relay the Council's request and have the developer review an area equivalent to 3 ½ acres. Mr. Crannell relayed there are no exceptions being requested regarding the density. The developer had expressed

paying cash rather than offer an open space area, but will hold an area specific to open space per the City's ordinance. The developer is also in favor of a regional lift station and is in agreement with all requirements.

Michael Hesse stated trails are more enticing than pools of water such as the detention ponds. City Attorney Alan Lathrom stated the planned development needs to be re-done and have the zoning equal the concept and preliminary plat and coordinate the green-space per the City's ordinance. Jeff Crannell stated he would like to have the guide for this development in the Planned Development Ordinance so the ordinance can dictate the proper zoning and placement of the development. City Manager Ben White recommended sending this project to Planning & Zoning with a new version that has met all the City's requirements. Leaca Caspari motioned to disapprove the plat as presented with John Politz seconding the motion. Further discussion included not charging for additional filing fees. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

Mayor Helmberger returned to resume the meeting.

ITEM VI – B) UPDATE ON ADA COMPLIANCY TASK FORCE AND ADA PROJECTS

City Manager Ben White asked for this item to be on the next agenda. The Task Force met last week. Mr. White will have a list to present that is prioritized with associated costs.

ITEM VI – C) CONSIDER, DISCUSS AND ACT UPON A CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR THE WASTEWATER TREATMENT PLANT AND INTERCEPTOR PROJECT

Mayor Helmberger himself from this item as he as interaction with Kimley-Horn and Associates. Jim Foy officiated this item of the meeting.

City Manager Ben White recommended approval of the contract as presented. The contract is similar to the professional agreement between the City and Daniel & Brown, Inc.

Jeff James with Kimley-Horn stated key components will be installed in the plan once the design has been laid out. Once the route has been chosen, property owners will be notified and easements will drive the remainder of the design phase. Mr. James stated he will take a conservative path. The software models will be included with the deliverables with like source codes, all models, definitions with all output data. Jim Foy requested all models be added to the deliverables. A question was raised regarding liability. Item 10-D covers such issues and the engineer takes the liability of construction related to the details. The contractor, however, is the safety officer. The liability clause is standard and not unusual.

The last paragraph of page 4 was asked to be stricken regarding reusing 3rd parties. The City is asked to indemnify the engineer. Michael Hesse motioned to approve

the contract with the changes as stated with Jim Foy seconding the motion. Motion passed with full Council approval.

Mayor Helmberger returned to resume the meeting.

ITEM VI – D) CONSIDER, DISCUSS AND ACT UPON A CHANGE ORDER FOR CHAPARRAL TRAIL PHASE 3

The Council reviewed the Change Order for the Chaparral Trail. The Trail has been washed out due to heavy rains. The Change Order will allow the hand rains to be commensurate and not as mechanical. The design will be aesthetically pleasing. Leaca Caspari motioned to approve the Change Order with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM VI – E) CONSIDER, DISCUSS AND ACT UPON A CHANGE ORDER FOR THE GENERAL OBLIGATION BOND WATERLINE PROJECT AT WASHINGTON AND SANTA FE

The Change Order presented is due to a need for a tracer wire and a test station that was not included in the original bid. Understood, these items should be standard. A tracer wire lies on top of a utility pipe which can be identified by a tool called a “sniffer.” Michael Hesse motioned to approve the Change Order as presented with Jim Foy seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM VI – F) CONSIDER, DISCUSS AND ACT UPON AWARDED THE BID FOR THE GENERAL OBLIGATION BOND WATERLINE IMPROVEMENT PROJECT AT AUSTIN AND HOUSTON STREETS

City Manager Ben White stated the award presented is the last of the water projects through the Bond. The project has been scoped down for funding allowances. A 2” galvanized pipe will be removed and the completion of a looping will assist with water flows in the area. Morton Construction was recommended by the City Engineer to be awarded this project. Leaca Caspari motioned to award the bid to Morton Construction with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.


ITEM VII) REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

Jim Foy requested an update on the signal light. No one else requested items to be placed on a future agenda.

ITEM VIII) ADJOURNMENT

Council adjourned at 7:49pm.

APPROVED



Joseph E. Helmberger, P.E., Mayor

ATTEST



Edie Sims, City Secretary

