

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
June 12, 2012

The Farmersville City Council met in a regularly called session on June 12, 2012 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Joe Helmberger, Pansy Hundley, Michael Carr, Billy Long, Russell Chandler and Jim Foy. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, City Attorney Alan Lathrom, Fire Chief Kim Morris, Finance Director Daphne Hamlin, 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.

Mayor Helmberger introduced Travis Pecht who is interning from Texas Tech with our Main Street Manager.

Mayor Helmberger announced that Paula Jackson has given 20 years of service to the City and her tenure is greatly appreciated.

Mayor Helmberger announced a training session to be held on Saturday June 16, 2012 to include Open Meetings Act, Public Information Act and Budget Training.

The first of three Comprehensive Planning Meetings has taken place on June 11<sup>th</sup> and the next two dates are June 14 and June 18. These meetings are hosted by the City to gather data for the Comprehensive Plan.

Audie Murphy Day will be celebrated on June 23<sup>rd</sup> this year. The events include a Fly Over, Parade and Veteran's Program. Mayor Helmberger read the Proclamation proclaiming June 23<sup>rd</sup>, 2012 as Audie Murphy Day.

A Budget Workshop will be held at the next scheduled Council Meeting on June 26<sup>th</sup>.

Mayor Helmberger invited everyone to attend the "Sparks of Freedom" fireworks display at Southlake Park on July 4<sup>th</sup>. This event is being sponsored by the Farmersville Fire Department.

**Item II) CONSENT AGENDA**

Mayor Helmberger requested Item A – City Council Minutes, that the minutes from May 8, 2012 be pulled and reconsidered at a later meeting due to a potential discrepancy.

Jim Foy requested Item B – City Financial Reports; Item C – Police Department Report; Item H – Public Works and Customer Service Report; and Item I – Library Report be removed for further discussion.

Billy Long motioned to approve Items A (less the minutes from May 8, 2012), D, E, F, G, and J from the Consent Agenda with Russell Chandler seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item B – Mr. Foy indicated the sales tax revenue was significantly up from the projected budget figures. Finance Director Daphne Hamlin stated the State Comptroller's office did an audit and found an error. The error was recompensed with a one-time payment of \$175,000. Jim Foy motioned to approve Item B of the Consent Agenda with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item C - Mr. Foy commented on the traffic stops and citations. The report reflects that the officers are writing approximately 1 ticket per shift which averages 90 tickets per month. Mr. Foy stated this was a good number to keep in mind for the upcoming budget sessions. Police



Chief Sullivan stated the numbers will ebb and flow but this has been fairly consistent. Jim Foy motioned to approve Item C of the Consent Agenda with Russell Chandler seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item H – Mr. Foy had previously requested a chart which would reflect an entire year of water usage in order to have a comparison to existing year's usage. City Manager Ben White stated he included the daily usage on a chart from July 2010 thru June 2012. Mr. Foy asked for a chart to reflect this year's and last year's usage, perhaps on a monthly basis. Jim Foy motioned to approve Item H of the Consent Agenda with Pansy Hundley seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item I – Mr. Foy expressed his disappointment that Collin County is the wealthiest county yet lacks expending funding to libraries. Jim Foy motioned to approve Item I of the Consent Agenda with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

### **Item III) INFORMATIONAL ITEMS**

Council was informed that the Demolition Order for 613 Maple Street from the Building and Property Standards was carried out by the property owner and final cleanup is underway by the property owner.

All other Informational Items were presented to the Council. Council did not request further information or clarification regarding Informational Items.

### **Item IV – A) READING OF ORDINANCES – SECOND READING: CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2012-0612-001 TO AMEND THE MASTER FEE SCHEDULE REGARDING CHANGES TO COMMERCIAL RECYCLING FEES; CIVIC CENTER DEPOSIT AND RENTAL FEES; AND MISCELLANEOUS FEES FOR COPIES AND FAXES**

First reading of Ordinance # O-2012-0508-001 was passed on May 22, 2012. Russell Chandler motioned to approve the second reading of Ordinance # O-2012-0612-001 with Jim Foy seconding the motion. Upon discussion, Jim Foy questioned the recycling fee. In an email sent to the Council, the recycling fee was agreed by Community Waste Disposal to be reduced from \$9.96 to \$2.90 which is the same for residential recycling. City Manager Ben White indicated that the rate as reflected in the Ordinance was to have a dedicated amount; then afterwards another Ordinance could amend the residential price. After more discussion leading to changing the Ordinance to reflect the correct price, Russell Chandler and Jim Foy rescinding their original motion. Jim Foy motioned to approve Ordinance # O-2012-0612-001 with an amendment to the price for the commercial recycling to reflect \$2.90 with Russell Chandler seconding the motion. Pansy Hundley requested confirmation that the vote was also inclusive of the Civic Center deposit and rental fee increases, with a response being yes – the Ordinance did include that section. A poll of the Council was taken as follows: Pansy Hundley no, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with Council vote 4 to 1.

### **Item IV – B) SECOND READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2012-0612-002 AMENDING THE EXHIBITS REGARDING THE TAX INCREMENT REINVESTMENT ZONE**

First reading of Ordinance # O-2012-0612-002 was passed on May 22, 2012. Jim Foy motioned to approve the second reading of this ordinance with Billy Long seconding the motion.



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

**Item IV – C) FIRST READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2012-0626-001 REGARDING THE AMENDMENT TO THE LANDSCAPING AND IRRIGATION REGULATIONS AND ADOPTING ENFORCEMENT FOR THE WATER MANAGEMENT PLAN**

City Manager Ben White presented the Council with the Council's requests regarding the penalty to enforce the mandatory water use restrictions. Council discussed the need and dates for designated watering dates while under Stage 2 for water restrictions consisting of two days per week. Billy Long suggested utilizing designated trash pick-up days as watering days. Russell Chandler added that some people with children are not home until very late. Jim Foy insisted that specifying dates to water is important and needs to be decided. Mayor Helmberger encouraged the Council to be aware of the smart meters that will be installed which can give accurate readings of water loss. City Manager Ben White also stated that citizens that are watering more than allowed will have a greener lawn, thereby indicating watering outside the parameters of the Water Management Plan. The discussion continued with Jim Foy stating we will have an enforcement nightmare without specified watering dates and Mr. White indicating there will be issues no matter which direction we take.

Michael Carr stated we should add a line on the water bills stating when the watering dates will be so that all residents will be informed, as well as add this to the City's website.

Jim Foy requested an amendment to the Ordinance presented to include in Section 4(b) that Monday's and Thursday's are designated watering days under Stage 3. These dates are routine garbage pick-up dates. Billy Long asked when Stage 2 would be lifted. City Manager Ben White stated that until 2014 when a new pipe is online with Lake Texoma, Stage 2 will not be lifted by North Texas Municipal Water District.

Jim Foy motioned to approve Ordinance # O-2012-0626-001 with revisions regarding Monday's and Thursday's as designated watering dates. Billy Long seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler no and Jim Foy yes. Motion passed with the vote 4 to 1 approval.

**Item IV – D) FIRST READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2012-0626-002 REGARDING RESCINDING AND REPEALING ORDINANCE # O-2011-0125-001 REGARDING THE DUTIES AND OFFICE OF THE MUNICIPAL COURT JUDGE**

City Manager Ben White indicated that the point of this ordinance is to make a decision on hiring a judge. State Law mandates how the Court is operated and there must be a separation of powers. To simplify the process, Wylie and other cities use a Resolution to appoint the judge. State Law puts into place requirements for a non-Home Rule City to create, establish and set up the Court. The Council was informed that the Court Clerk is clearly an employee of the City at the City Managers direction; however this position works separately and follows guidelines set out by the State. Mr. White indicated the rescinding of this ordinance is the best solution and not bring on present or future problems. Mayor Helmberger announced that if the Judge is not appointed within 90 days after the May election, the position reappoints itself. Mayor Helmberger announced his support in rescinding the ordinance as this was the previous City Manager's solution to control the Judge and the Court. Jim Foy stated his satisfaction that the Clerk's position is not an issue. Jim Foy motioned to approve Ordinance # O-2012-0626-002 with Pansy Hundley seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.



**Item IV – E) FIRST READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2012-0626-003 REGARDING THE REMOVAL OF STOP SIGNS ON FARMERSVILLE PARKWAY AT HAMILTON STREET AND JOHNSON STREET**

City Manager Ben White brought to the Council's attention that the stop signs will not be removed until the final order of this ordinance is approved. Jim Foy requested that an additional sign be added to state: "Cross Traffic Does Not Stop." Mr. White stated he will order the signs and place properly after the other stop signs are removed. Russell Chandler motioned to approve first reading of Ordinance # O-2012-0626-003 with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item IV – F) FIRST READING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2012-0626-004 REGARDING RESCINDING AND REPEALING ORDINANCE # 2009-29 REGARDING THE CREDIT CARD PROCESSING FEE**

City Manager Ben White stated he had a study performed to see if removing the processing fee impacted the amount of people utilizing this service to pay utility bills, permits and court fees. After reviewing the 3 month study, the evidence was found that more people are paying with their debit and credit cards allowing them to use this service with the City. Warrants were more noticeable utilizing credit cards as a method of payment. Jim Foy stated very few companies charge a fee to use a credit card. Mr. White also indicated the cost of business is very small in comparison to offering this service. Jim Foy motioned to approve Ordinance # O-2012-0626-004 with Pansy Hundley seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item V – A) CONSIDER, DISCUSS AND ACT UPON RESOLUTION # R-2012-0612-001 REGARDING MUNICIPAL JUDGE APPOINTMENT**

Mayor Helmberger requested the statement, "...with subsequent two year terms" be removed from the Resolution as this statement indicates an automatic renewal which is not the pleasure of the Council. City Manager Ben White stated the current rate of pay is \$1,250 per month. Council concurred to leave the amount at the same rate. Mr. White indicated that Judge Douglas did not ask for a rate increase and is happy to serve at the current rate. Mayor Helmberger stated he is confident that Terry Douglas is doing a good job and fulfilling his duties, that he has good rapport with citizens, staff and police. Billy Long motioned to approve the appointment of Terry Douglas as Municipal Court Judge at \$1,250 per month with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item V – B) CONSIDER, DISCUSS AND ACT UPON AUTHORIZING THE CITY MANAGER TO IMPLEMENT STAGE 2 OF THE WATER MANAGEMENT PLAN**

With North Texas Municipal Water Districts' announcement to return to Stage 2 watering restrictions, City Manager Ben White indicated that the City's water is achieving a 5% reduction. For most citizens, Stage 2 will be a relief for watering restrictions. Jim Foy motioned to approve authorizing the City Manager to implement Stage 2 of the Water Management Plan with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.



**Item V – C) CONSIDER, DISCUSS ACT UPON AUTHORIZING THE CITY MANAGER TO EXPEND \$9,000 FROM THE ELECTRICAL FUND FOR DETERMINING THE REQUIREMENTS AND ESTIMATED COSTS CONCERNING THE ELECTRIC SYSTEM AND TO CONSIDER A SURCHARGE TO SUPPORT THE ELECTRICAL SYSTEM IMPROVEMENTS AND MAINTENANCE**

City Manager Ben White expressed reservations of how the electrical system has been managed and what it would take to actually function, manage and operate our system. Presently the only information given to know this data is by a yearly report we receive from Sharyland. Mr. White stressed to the Council that the electric system is our asset. We could sell, but that would not be advantageous. We must know what we have and have full knowledge of our asset. McCord Engineering, an electrical engineering firm who is very familiar with our electric system, has estimated fees to help determine the necessary data so that further discussions and decisions can be made. Out of 5 items that need to be discovered by an electrical engineer, the cost factor would be \$9,000. The study would include determining the requirements and estimated costs for the City to set up its own Electric Utility Operations and Maintenance Department; determine the average consulting engineering fees required to support the City on an as-needed basis as a yearly amount; and provide a list of the typical annual maintenance costs such as pole replacement, transformer replacement, etc. Mr. White indicated that if the Council becomes serious about taking care of our system, we would need an engineer to model the system to help us understand.

To do this, we will follow a three step system: 1) understand the system and costs required; 2) understand what we have by utilizing a pole by pole inventory along with an appraisal of the current electric distribution system; and 3) make a decision to keep or sell the system. If the Council decides to keep the system then we will work toward tying the model to become an actual Department.

Mayor Helmberger stated the system is important as a utility and to treat it no differently that the water utility. We rely too heavily on Sharyland even though we own the utility. By having an overall game plan, standards can be put into place. Mr. White informed the Council that the electric fund makes most of the revenue for the City. Also more funds should be put back into the system for maintenance. Our system has been neglected by ourselves for years and we need to make some changes. Mr. White also indicated that a surcharge may be another mechanism to help maintenance costs. Development of this surcharge needs to include a method that will keep these funds within our system and not have the capability of being taken by future Councils or City Managers.

Sharyland is on track to becoming deregulated and will no longer deal with neither wholesale electric power nor reading meters. The plan is to be deregulated by January 2014. We presently have a two year window so we don't have a great deal of time.

Jim Foy motioned to approve authorizing the \$9,000 expenditure by the City Manager from the Electric Fund; however delaying the surcharge at this time. Billy Long seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item V – D) CONSIDER, DISCUSS AND ACT UPON BIDS FOR THE CONSTRUCTION OF THE CHAPARRAL TRAIL AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH BIDDER**

Per City Manager Ben White, it is in the best interest of the City to re-bid this project because of limited funds. The bids presented are way beyond the scope of \$250,000. Bids ranged from \$508,000 to \$614,000. One bidder completely pulled their bid due to lack of



bonding capabilities. Mr. White stated he wants the area to be something the City can be proud of.

Mr. White indicated that the scope of the project could be reevaluated decreasing some of the footage to meet the grant funding available. Per City Attorney Alan Lathrom, if the City did not cancel this bid, the City would be held liable financially for the full balance of the project to the bidder. By rebidding the project, the City will not obligate the funds beyond the grant funds. Mr. White also stated that a bid add alternate will be included in case of a low bid that can be decreased by 25%. At that point, a change order can be made.

Russell Chandler motioned to reject all bids and allow re-advertising and changing the scope of the project. Pansy Hundley seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

**Item V – E) CONSIDER, DISCUSS AND ACT UPON THE IMPLEMENTATION OF THE NEXT WATER AND SEWER RATE INCREASE SCHEDULE ACCORDING TO THE RATE STUDY AS ADOPTED BY ORDINANCE # O-2011-0426-002**

Per Ordinance # O-2011-0426-002, a second water and sewer rate increase was to be implemented around June 2012. One rate increase has been implemented. Staff has recommended that we implement the second rate increase in September. By the previous decision of the Council, the deficit in the water fund was paid through the surplus. Mr. White indicated we may have to be in one more cycle to clear the deficit. Pansy Hundley thought the bond would make the difference thereby not requiring the rate increases. Mr. White stated the bond will be used for maintenance purposes, not the ongoing needs of the water and sewer systems.

Mayor Helmberger stated the bond will help by the installation of the new water meters that will read more accurately and detect leaks immediately. Mr. White stated that the increase in the rates and the improvements paid by the bond will not reduce his staff. Mr. White also indicated that after 5 years, the maintenance costs will be about the same with the same issues existing, just a different location within the City.

The bond projects will help as undersized lines make a difference, but other issues regarding proper pressures and flows to areas that have nothing do are maintenance issues. The bond funds will replace problem areas only.

Per Daphne Hamlin, Finance Director, the revenues are expected to increase and we are on schedule with revenues and expenditures for this years' budget. Jim Foy noted an article in the TML Cities and Towns Magazine showing the rates of cities across Texas. We seem to be on track for the water rates but the sewer rates are definitely higher. Mr. White indicated that the infiltration to our sewer system has dropped. Mr. White suggested we build in the cost to have a camera check the sewer lines for further problems where sewer lines may have separated or to indicate other problems within the lines. Council concurred to delay the water and sewer rates until September 2012.

**Item V – F) CONSIDER, APPROVE AND ACT UPON COMMERCIAL RECYCLING RATES**

Council previously approved the commercial recycling rate change during Item IV – A by Ordinance # O-2012-0612-001. No action was required on this item.

**Item V – G) INTERCONNECT CONTRACTS UPDATE**

City Manager Ben White informed the Council that North Farmersville WSC contract with the City of Farmersville has been signed. Copeville SUD is expected to have signed at their board meeting on June 14<sup>th</sup>. No action was required on this item.



**Item V – H) COMPREHENSIVE PLAN UPDATE**

City Manager Ben White informed the Council that Comprehensive Planning Meetings are underway. Leaders throughout the community have been invited to come and express their thoughts for Farmersville's future. The next meetings will be held on June 14<sup>th</sup> and June 18<sup>th</sup>. These meetings are being conducted by Janet Tharp from Kimley-Horn Engineering.

**Item V – I) CONSIDER, DISCUSS AND ACT UPON A REAPPOINTMENT TO THE 4B COMMUNITY DEVELOPMENT CORPORATION BOARD**

At the last meeting, Jeanne Towns was appointed to this board; however Ms. Towns has moved and will not be available to serve on this board. Jim Foy motioned to appoint Dick Seward to fill the term on the 4B Community Development Corporation Board. Russell Chandler seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, Billy Long yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

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

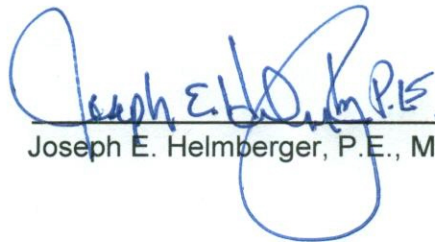
Jim Foy requested an action item to rename the alley behind the East end of the square as Onion Alley.

No other requests were made.

**Item VII) ADJOURNMENT**

Council adjourned at 7:30pm.

APPROVED



Joseph E. Helmberger, P.E., Mayor

ATTEST

  
\_\_\_\_\_  
Edie Sims, City Secretary

