

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
APRIL 9, 2013

The Farmersville City Council met in a regularly called session on April 9, 2013 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Joe Helmberger, Pansy Hundley, Michael Carr and Jim Foy. Absent were Russell Chandler and Billy Long. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, Fire Chief Kim Morris, Court Clerk Christi Dowdy, Librarian Trisha Dowell, Finance Director Daphne Hamlin, City Attorney Alan Lathrom 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. Jim Foy offered the invocation with Mayor Helmberger leading the audience in the Pledge of Allegiance to the American Flag. All visitors were welcomed and offered an opportunity to speak on a non-agenda item.

Martie Shelton, residing at 801 Merit Street, came before the Council expressing concern regarding the amount of trash along Merit Street from Murchison Street northward to FM 2194. Ms. Shelton stated the trash comes from Waste Management trash trucks and attendees at the Spain Athletic Complex litter. Ms. Shelton requested the Council to reduce the amount of environmental pollution along Merit Street as the area looks like a landfill is nearby.

**Item II) CONSENT AGENDA**

Mayor Helmberger asked the Council if any items were needed to be pulled for discussion. Jim Foy requested the following items be pulled: Item B – City Financial Reports; Item C – Police Department Report; Item H – Public Works Report; and Item J – City Manager's Report. Jim Foy motioned to approve all other items with the exception of Item B, C, H and J on the Consent Agenda with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes and Jim Foy yes. Motion passed with full Council approval.

Item B – City Financial Reports: Jim Foy stated he was interested in the sales tax income. He was surprised that the income had not increased. Finance Director Daphne Hamlin stated we are on target at 41% with what was budgeted. Ms. Hamlin stated with increased sales taxes last year the budgeted amount was increased for this year and we are right on track per the budget. Michael Carr motioned to approve Item B with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes and Jim Foy yes. Motion passed with full Council approval.

Item C – Police Department Report: Jim Foy expressed concern regarding traffic enforcement along Highway 380 while under construction and if tickets or accidents have increased due to the construction area. Police Chief Mike Sullivan stated that only 2-3 accidents have occurred since the speed limit was lowered to 40 mph. There is not a shoulder with which patrol officers can actually work enforcement. Chief Sullivan expressed concern of the crossing at the ramps by Dairy Queen as the visibility is minimal. Jim Foy motioned to approve Item C with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes and Jim Foy yes. Motion passed with full Council approval.

Item H – Public Works Report: Jim Foy questioned the status of the Chaparral Trail project. The full status will be provided further into the meeting as a Regular Agenda Item. However, City Manager Ben White informed the Council that mile markers have been installed



every 1/2 mile of the trail. Ultimately signage will be installed at each street intersection, but presently cross streets are not marked along the Trail. A conversation ensued regarding the safety of those on the Trail and if an issue were to occur that required support, it would be difficult to find people on the Trail without some type of markers. Mayor Helmberger stated it has been difficult to keep vehicles off the Trail since the bollards are easily removed. With combination locks in the process of being installed, City Manager Ben White indicated this issue should be resolved soon. However under the upcoming Phase of the Chaparral Trail, signage was not included. That need will be addressed during Phase 3 through another grant contract. Chief Sullivan stated it would be ideal to have a communications portal, but again vandalism is always an issue. Jim Foy motioned to approve Item H with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, and Jim Foy yes. Motion passed with full Council approval.

Item J – City Manager's Report: Jim Foy questioned the status of updating the ordinances through Municode. City Secretary Edie Sims informed the Council that slow progress has been made. We understood from Municode that missed information would not be charged to the City. Unfortunately this is a slow process. Mayor Helmberger also questioned the ordinance regarding game rooms and the process for Specific Use Permits. Edie Sims informed the Council this item is being presented to the Planning & Zoning Commission Monday, April 15<sup>th</sup>. Jim Foy motioned to approve Item J with Michael Carr seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, and Jim Foy yes. Motion passed with full Council approval.

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

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

#### **Item IV – A) CONSIDER, DISCUSS AND ACT UPON A RESOLUTION TO RENEW THE INVESTMENT POLICY FOR THE CITY OF FARMERSVILLE**

Jim Foy questioned the authorized investments that the City should allow. According to the Investment Policy presented, there are 8 types of investments however only two are actually necessary – CD's and TexPool which is a public fund investment pool permitted by Government Code 2256.016. Mr. Foy suggested limiting the types of investments and eliminate the others in our Investment Policy. Daphne Hamlin stated the Policy was a template provided by Government Financial Officers Association (GFOA) and is a basic tool used by most cities. Jim Foy motioned to approve the Resolution with a change to the Investment Policy which would strike authorized investments 1, 3, 4, 5, 6 and 7 leaving investment types 2 and 8. Michael Carr seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, and Jim Foy yes. Motion passed with full Council approval.

#### **Item IV – B) CONSIDER, DISCUSS AND ACT UPON RENTING A SAFETY DEPOSIT BOX AT THE FIRST NATIONAL BANK OF TRENTON**

City Manager Ben White indicated the use of the Safety Deposit Box is primarily for our IT Department to deposit backup tapes in a fire proof separate environment. The Safety Deposit box can be used for other purposes and the bank does not charge the City for this service. Michael Carr motioned to approve renting a 3X10 Safety Deposit Box from First National Bank of Trenton at no cost with Pansy Hundley seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Michael Carr yes, and Jim Foy yes. Motion passed with full Council approval.



#### **Item IV – C) UPDATE REGARDING THE LAKEHAVEN MUD AGREEMENT**

City Manager Ben White stated after the last discussion with the Council, minor changes had been made regarding the Lakehaven MUD Agreement which included concerns of the First Responders and emergency personnel. Collin County has lifted their concerns regarding the MUD. The MUD attorney's have been working with our City Attorney to finalize the documents including the transfer of the discharge permit, escrow deeds and right of entry documents. Once all documents are agreed upon via the attorneys, the final documents will be presented to the Council. Presently the detail is in the documentation.

Kyle Kruppa as the representative for Lakehaven MUD has agreed to pay all attorney fees. Council did not take action as this was an informational item only.

#### **ITEM IV – D) UPDATE REGARDING THE CHAPARRAL TRAIL PROJECT**

City Manager Ben White informed the Council that the contractor for Phase 1, Cole Construction, has not completed the project due to signage and bollards. The City is holding a retainer. Presently Cole Construction has not given the City a final end date. The signs are being blamed for the recent delay. Per Mr. White, the City has a few choices: continue to wait until the project is completed by Cole Construction; make a judgment against the contract due to the damages from not completing the project; take the liquidated damages and bonding then complete the remainder of Phase 1. Mayor Helmberger stated there are definite issues with vehicles being on the Trail since the bollards are missing. The picnic area is being used as ramps. Mayor Helmberger stated the City has been more than patient as this project was supposed to have been completed mid December. A letter needs to be considered from the attorney to demand completion of the project or face legal action. The discussion continued to be specific with the steps according to the contract for cancelling the contract or other demands.

Phase 2 of the Trail project is awaiting contracts to be signed by Northstar Construction. The contractor will have 90 days to complete the project from their Notice to Proceed. City Attorney Alan Lathrom indicated Council action would be required if the contract with Cole Construction should be cancelled.

City Manager Ben White stated the TxDOT Enhancement funding was no longer viable and a grant with Texas Parks & Wildlife will take Phase 3. Council did not take action as this was an informational item only.

#### **ITEM IV – E) UPDATE ON ELECTRICAL SYSTEM**

City Manager Ben White stated there is a delay due to the need to relocate some electric poles due to the Safe Routes to School project. This particular part of the electrical system is on backlog.

There are a series of questions that were posed to McCord Engineering which dealt with the insurability of the electric system. In the meantime, Garland Electric has been asked to provide preliminary costs of power. A new electric service ordinance will need to be prepared and compare to our current ordinance. Another question posed was to address an electric end-user that requires a large quantity of electricity, who would provide the connection, transformer and other needed installation for this new end-user? Mr. White asked McCord Engineering to correct the rules for all situations to buffer our costs. The Farmersville Economic Development Corporation has contributed funding for the electric study which has been greatly appreciated.

Texas New Mexico Power owned a substation that was later sold to Sharyland (i.e. Caprock). There is a question of ownership of the equipment. We are also investigating a contract rate. The FEDC received all the electrical information that was presented to City Council.

Mayor Helmberger stated the Council could exit into Executive Session to discuss the electric utility further or have this addressed in an Executive Session on the next Council meeting. The latter was chosen. Council did not take action as this was an informational item only.

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

Pansy Hundley requested the Council to discuss the rate increases for water and sewer.

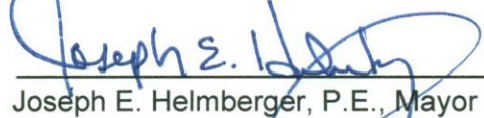
**ITEM VI) ADJOURNMENT**

Council adjourned at 6:50pm.

ATTEST

  
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Edie Sims, City Secretary

APPROVED

  
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Joseph E. Helmberger, P.E., Mayor

