

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
June 11, 2013

The Farmersville City Council met in regular on June 11, 2013 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Helmberger, John Klostermann, Michael Carr, Michael Hesse, Russell Chandler and Jim Foy. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, Fire Chief Kim Morris, Finance Director Daphne Hamlin, City Attorney Alan Lathrom, Court Clerk Christi Dowdy, Assistant to the City Manager Paula Jackson, 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. Ben Matthews, Bishop for the Church of Jesus Christ of Latter Day Saints offered the invocation with Mayor Helmberger leading the audience in the Pledge of Allegiance to the American Flag.

Mayor Helmberger offered the guests and visitors to speak on a non-agenda item with no one coming forward.

Mayor Helmberger read a Proclamation naming June 22, 2013 as Audie Murphy Day in Farmersville and invited all to attend the Audie Murphy Day events celebrating and honoring our veterans. This is the 14th year that Farmersville has held the Audie Murphy Day event which will include a fly-over and parade.

Mayor Helmberger announced State Representative Scott Turner to be officing from the Best Center the first and third Monday's of each month from 10:00am to 4:00pm.

The Public Safety Building has been dedicated as the Charles R. Curington Public Safety Building and a plaque has been made in his honor.

And lastly, announced was to continue to inform the citizens that Farmersville remains under Stage 3 drought conditions.

Item II) CONSENT AGENDA

Mayor Helmberger asked the Council if any items were needed to be pulled for discussion. With no one requesting items for discussion, Mayor Helmberger requested Items D – Code Enforcement/Animal Control Report be pulled for discussion & H – Public Works Report be pulled for discussion. Jim Foy motioned to approve Items A, B, C, E, F, G, I and J as presented with Russell Chandler seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Carr yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item D – Code Enforcement/Animal Control Report: Mayor Helmberger questioned the columns on the Code Enforcement Report labeled Proactive and Reactive. Police Chief Sullivan reported the Code Enforcement Officer is working on proactive issues before they become reactive. There are still issues surrounding these types of calls. Mayor Helmberger stated most Code Enforcement works mostly from complaints. Chief Sullivan pointed to a chart in the report reflecting that 90% of the issues reported are proactive. Michael Carr motioned to approve Item D with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Carr yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item H – Public Works Report: Mayor Helmberger questioned the potholes in the construction zone right-of-way on Highway 380 due to the Highway 380 widening project. City

Manager Ben White indicated the TxDOT right-of-way interfacing with adjoining streets are very poor. TxDOT has been contacted and it has been requested to have the areas improved. Orange and Rike Streets are exceptionally bad. The areas where the traffic has been moved are thin and the potholes are becoming a huge problem. Bad weather makes matters worse. Mr. White stated he understands why TxDOT would hold off doing any repairs so that the new construction will be ready for travel and an expense would be saved; however, the need for safe passage is a higher priority. Mr. White also indicated that the issues with the railroad have not been resolved to allow construction to continue on the railroad bridge. The good side to that allows the streets connecting to the right-of-way to move forward. Some closures are still expected including Mimosa and Hamilton Streets. Mayor Helmberger requested pressure to remain on TxDOT to have the construction area drivable and safe. Russell Chandler motioned to approve Item H with Michael Carr seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Carr yes, Michael Hesse yes, Russell Chandler 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) SECOND READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE ADOPTING A RATE SCHEDULE FOR ATMOS ENERGY CORPORATION AS RECOMMENDED BY THE ATMOS CITIES STEERING COMMITTEE

City Manager Ben White indicated the ordinance presented is a standard rate schedule which was submitted by Atmos Cities Steering Committee and chaired by attorney Geoffrey Gay. The Council approved the first reading of this ordinance on May 21st and Mr. White recommended the ordinance be approved as presented upon second reading. John Klostermann made the motion to approve the ordinance as presented with Jim Foy seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Carr yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item IV – B) SECOND READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO AMEND THE SIGN ORDINANCE REGARDING ELECTRONIC MESSAGING CENTER SIGNS

City Manager Ben White stated the Council approved the first reading of the Sign Ordinance amendment on May 21st and that revisions had been made according to Jim Foy's request. Mr. Foy requested a revision be made whereas the existing signs are not fully grandfathered. The changing of patterns and styles of display must still meet the ordinance requirements according to Paragraph 2. Mr. White recommended the ordinance be approved as presented. Jim Foy motioned to approve the ordinance as presented with Michael Carr seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Carr yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item V – A) CONSIDER, DISCUSS AND ACT UPON A REAPPOINTMENT TO THE FARMERSVILLE ECONOMIC DEVELOPMENT CORPORATION AND THE FARMERSVILLE COMMUNITY DEVELOPMENT CORPORATION

City Secretary Edie Sims stated the recent appointment of one member of the Economic Development Board has breached the residency requirement as two of the five board members must live within the City of Farmersville. Three members (at the discretion of the Council) may

be non-City residents. The three non-City board members must either be residents of the Farmersville ISD or have a significant investment in the City for more than one year. Robbyn Keith lives outside the City Limits and thereby does not meet the residency requirements. Kris Washam was appointed to the Community Development Board, but would rather serve on the FEDC Board. Staff also recommended David Ketcher to make her replacement on the FCDC Board as residency requirements state the board members must live within the boundaries of the Farmersville ISD. Future recommendations from staff will include residency requirements and notes of whether applicants meet those requirements.

Russell Chandler motioned to approve as recommended by Staff with Michael Carr seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Carr yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – B) CONSIDER, DISCUSS AND ACT UPON APPOINTING A BOARD MEMBER TO THE FARMERSVILLE HOUSING AUTHORITY

Mayor Helmberger opened this topic for the Council to announce if they had found a nominee for this position. With no one making a nomination, Edie Sims and Ben White stated they would take this responsibility. Edie Sims also stated that Diane Piwko had called same date as the Council meeting and offered herself to serve on this board if no one was interested. Mayor Helmberger stated he felt the City Manager would be the best fit for this board. Jim Foy motioned to appoint City Manager Ben White to represent Farmersville on the Housing Authority Board with Michael Carr seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Carr yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – C) CONSIDER, DISCUSS AND ACT UPON APPOINTING AN ELECTED OFFICIAL TO THE NORTH TEXAS COUNCIL OF GOVERNMENTS GENERAL ASSEMBLY WITH VOTING RIGHTS

Russell Chandler motioned to appoint Jim Foy to the North Texas Council of Government's General Assembly with voting rights. Michael Carr seconded the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Carr yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – D) CONSIDER, DISCUSS AND ACT UPON THE RIDING ARENA AGREEMENT BETWEEN THE FARMERSVILLE RIDING CLUB AND THE CITY OF FARMERSVILLE

Mayor Helmberger stated he reviewed the number of members of the Farmersville Riding Club who live in the City, that number was zero. The City is subsidizing the arena for non-residents with 38% being in the Farmersville area and 62% completely out of Farmersville.

Per Daphne Hamlin, Finance Director, the City funds \$2,200 per year for utilities. Mayor Helmberger also stated the City subsidizes the Pee Wee Football and Baseball. All these event locations are good investments for Farmersville. With no hard figures attributed to income coming from the users of these facilities, we know that fuel, drinks, food and other items may be purchased due to their being in Farmersville. Mr. White stated from a Staff perspective, the individuals that keep up the maintenance of the facility do quite a bit to keep the facility active and viable. Jim Foy motioned to approve the Agreement as presented with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Carr yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – E) CONSIDER, DISCUSS AND ACT UPON SPECIFIC WATERING DAYS DURING DROUGHT CONDITIONS

City Manager Ben White stated he distinctly remembered having a conversation with the Council regarding specific watering days; however those dates were not implemented in the Water Conservation Plan when originally approved. Therefore, the topic is totally open for citizens to choose their date to water. Jim Foy stated he recalled the discussion and the decision was to use the property's trash day as the watering date.

Russell Chandler stated he brought this issue to light as many people work Monday thru Friday and the watering date may not fit the scheduling needs; therefore he would like to see Saturdays and Sundays be included for use. Mayor Helmberger stated the reason the trash day was used as watering dates was due to Code Enforcement. Jim Foy agreed that the trash day for watering may be an inconvenience to some of our residents.

Mr. Foy suggested an alternative. For customers that have sprinkler systems, including commercial, industrial and residential can remain on their trash day to water; whereas those who do not have a sprinkler system allow the use on any day of their choosing. This suggested method would be available to any stage of drought conditions. City Manager Ben White stated he will put a proposal together and present to the Council at the next meeting.

Michael Carr agreed with Mr. Chandler for individuals to choose their watering day. Mr. White indicated this idea is good in some respects, to allow the watering days be spread out. The biggest use of water is irrigation and there is a concern for fire protection. Police Chief Sullivan expressed concern of how the Code Enforcement Officer would enforce if watering days are not known. Mr. White indicated the new meter systems can keep data up to 4 days which will let the City know if water is being overly used. The only issue is the electronic meters are not installed throughout the City yet. Mr. White stated he will bring a proposal to the Council for review at the next Council meeting.

ITEM V – F) CONSIDER, DISCUSS AND ACT UPON A CHANGE ORDER FOR THE CHAPARRAL TRAIL PROJECT

City Manager Ben White informed the Council the Change Order placed before them was to correct the funding issues and bring into alignment with the actual expenditures and the budget. Eddy Daniel, City Engineer, has worked very closely with Cole Construction and both parties have come to an agreement which is presented to the Council. By the Change Order being signed, this will complete the project. This includes the punch list.

Mayor Helmberger stated the staging area has not been leveled; the forms were left at the 1 ½ mile marker and the filter fabric was left between the 2 and 3 mile marker. Mr. White stated he will investigate those issues.

Russell Chandler motioned to approve the Change Order as presented with Michael Carr seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Carr yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – G) CONSIDER, DISCUSS AND ACT UPON A PRESENTATION FROM POLICE CHIEF SULLIVAN REGARDING VANDALISM AND ISSUES AT THE CITY PARK AND ONION SHED

Police Chief Mike Sullivan spoke to the Council about recent issues regarding vandalism at the City Park and the Onion Shed. Most of the issues began at the latter part of the school year heading into Summer. Fights and hard language have been frequent. The location of the Onion Shed and City Park make catching perpetrators in the act more difficult as the policemen

are seen long before arriving at the scene. Many cities have loitering ordinances, but these do not help the problem.

Chief Sullivan stated his recommendation is to place cameras to help mitigate the problem. There is a cost associated with this method of approximately \$3,000. Chief Sullivan will check on opportunities, but quality is the highest priority. City Manager Ben White stated he supports Chief Sullivan's position to install surveillance cameras. The vandalism is a constant issue and the cost factor is becoming a huge problem. The latest vandalism occurred between Houston and Austin Streets where 9 light globes were demolished. Time, money and effort are being expended and the cost is becoming exorbitant.

Chief Sullivan stated with public property, there will be damage; but he hopes this method will slow down the intensity. With one officer on duty weekends and nights, it makes the opportunity for vandalism greater. Mayor Helmberger questioned if a Citizen on Patrol would help this problem with Chief Sullivan stating the Police Department currently does not have the infrastructure to support this type of community policing. It would take 3-4 months for a training program and he needs a full staff before implementing another program. Mayor Helmberger tried to explore any options that would stop the vandalism including having the Fire Department or Ambulance stage at the Onion Shed. Russell Chandler stated this was not a good idea since the volunteers at the Fire Station have specific duties that must be fulfilled at the Fire Station. Chief Sullivan stated it is not uncommon to have more offenses during the summer months.

Jim Foy stated vandalism was an issue 20 years ago. He was against cameras then, but has now changed realizing the positive effects as cameras are common place now. Jim Foy encouraged the purchase of High Definition to capture the individuals clearly. Mr. Foy also encouraged requesting the funds for this expenditure from the Farmersville Community Development Corporation. Council concurred to investigate the cost and quality of cameras and to get this problem under control.

ITEM V – H) CONSIDER, DISCUSS AND ACT UPON HIRING A WARRANT OFFICER. PRESENTATION BY FARMERSVILLE MUNICIPAL COURT

Christi Dowdy, Court Clerk, came before the Council offering a presentation to implement a Warrant Officer Program through the Farmersville Municipal Court. The City had a Warrant Officer and proved successful, but the program was cut short. Ms. Dowdy further expressed the need for the Warrant Officer position as revenues are uncollected and the amount of uncollected warrants is growing. Currently the Farmersville Municipal Court has \$461,000 of outstanding warrants and approximately 50 warrants are added each month.

Ms. Dowdy stated the benefits of collecting these warrants reflect in the City's General Fund as the majority of the collected amounts stays within the City. Collection agencies have been used in the past and have proven to be unsuccessful. A certified peace officer is more effective.

If the Warrant Officer program is put into place, the Warrant Officer will work solely under the direction of the Court and will ultimately answer to the City Manager. Another duty that will fall to the Warrant Officer is the Court Bailiff to ensure courtroom security and serve process for the Court. The annual expense for a Warrant Officer is approximately \$56,000 which includes benefits. Any computer hardware/software will be funded by the Court Technology Fund. Other items can be furnished with funds from the Court Building Security Fund. An unmarked vehicle would be used on occasion.

Ms. Dowdy emphasized that collecting only 15% of the outstanding warrants would fund this position and the position would continue to fund itself. City Manager Ben White indicated he would propose the Council fund this program for 3 months. If the Warrant Officer funded

itself, then the program would continue. However, if the Warrant Officer did not fund itself, then the officer and the program would be evaluated.

Council concurred to include the Warrant Officer program in the budget process for 2013-2014.

ITEM VI) EXECUTIVE SESSION – SECTION 551.071, CONSULTATION WITH CITY ATTORNEY, AND SECTION 551.086, COMPETITIVE MATTERS OF A PUBLIC POWER UTILITY: CONSULTATION WITH CITY ATTORNEY REGARDING AND CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING COMPETITIVE MATTERS OF THE CITY-OWNED PUBLIC UTILITY AS ALLOWED BY SECTION 551.086 OF THE TEXAS GOVERNMENT CODE FOR PURPOSES OF MAINTAINING THE CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO COMPETITIVE ELECTRIC UTILITY MATTERS ENGAGED IN OR TO BE ENGAGED IN BY THE CITY OF FARMERSVILLE

Council went into Executive Session at 7:16pm. Council exited Executive Session at 8:33pm.

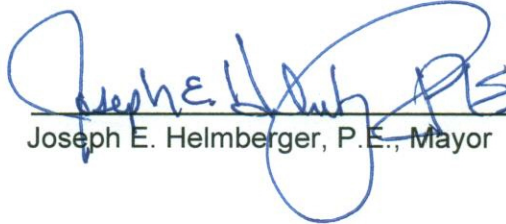
ITEM VII) REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

No one requested items for future agendas.

ITEM VIII) ADJOURNMENT

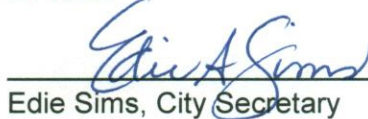
Council adjourned at 8:33:20pm.

APPROVED



Joseph E. Helmberger, P.E., Mayor

ATTEST



Edie Sims, City Secretary

