

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
August 13, 2013

The Farmersville City Council met in regular session on August 13, 2013 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Helmberger, John Klostermann, Michael Hesse and Jim Foy. Absent were Michael Carr and Russell Chandler. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, Fire Chief Kim Morris, City Attorney Alan Lathrom, Finance Director Daphne Hamlin, Court Clerk Christi Dowdy, 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. John Foster of First Baptist Church Farmersville 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 announced a thank you letter from Charles Curington for the dedication of the Charles R. Curington Public Safety Building held August 3, 2013.

Mayor Helmberger also announced August 11, 2013 as 811 Safe Digging Day as requested by Atmos Energy.

Item II) CONSENT AGENDA

Mayor Helmberger asked the Council if any items were needed to be pulled for discussion. Mayor Helmberger requested Items G – Public Works Report be pulled for discussion. Jim Foy motioned to approve Items A, B, C, D, E, F, H and I with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

Item G – Public Works Report: Mayor Helmberger questioned an item under Street Systems regarding Highway 380, if the dates with TxDOT have changed. City Manager Ben White stated he will address this item further in the agenda item for Highway 380. Mayor Helmberger also addressed the restroom project at Rambler Park which is being held by the Farmersville Community Development Corporation. Another item under the Electric System was brought up by Mayor Helmberger regarding funding of \$15,000 by the Farmersville Economic Development Corporation for Schneider Engineering to perform energy contracting services. Any amount beyond \$15,000 will need to be reimbursed to the FEDC.

John Klostermann motioned to approve the Public Works Report with Jim Foy seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse 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) FIRST READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE AMENDING CHAPTER 77, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, ARTICLE III, "NEW TYPES OF LAND USE; DISTRICTS", SECTION 77-138, "SPECIFIC USE PERMITS"

City Attorney Alan Lathrom indicated changes were made according to the request of Mayor Helmberger regarding the Specific Use Permit ordinance that was presented to the

Council on the July 23rd Council meeting. Jim Foy was reassured that once this ordinance passed that licensing and procedures will be developed for Game Rooms. Mr. Lathrom indicated the rules allowed the game room to be tied to the owner which was not proper. Under the presented method, the Specific Use Permit will run with the land and with the specified use rather than the owner. It will be easier to revoke a permit than changing the land use. If a game room is abandoned or closed for 6 months or as the ordinance states 180 days, the non-conforming rights are revoked and will be non-existent. John Klostermann motioned to approve the ordinance as presented at first reading with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – A) CONSIDER, DISCUSS AND ACT UPON THE PROPOSED TAX RATE, SET TWO PUBLIC HEARING DATES FOR THE TAX RATE, AND DIRECT STAFF IN THE PREPARATION OF AN ORDINANCE FOR THE ESTABLISHMENT OF THE SELECTED RATE

Finance Director Daphne Hamlin came before the Council recommending the same tax rate as last year of \$0.697500. With this amount, the budget is balanced and the correct values have been calculated. A budget workbook will be presented for the August 27th Council meeting. A special meeting will need to be held on September 3rd to allow a second public hearing for the tax rate. Jim Foy motioned to vote for the \$0.697500 tax rate, requesting the two public hearings be set for August 27, 2013 and September 3, 2013 and directing staff to prepare a budget ordinance with the \$0.697500 tax rate. Michael Hesse seconded the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval. Thanks were expressed to the Farmersville Times for holding the press time to allow the Notice of Public Hearing on Tax Increase to be published in this week's newspaper.

ITEM V – B) CONSIDER, DISCUSS AND ACT UPON AN AGREEMENT WITH LAKEHAVEN MUNICIPAL UTILITY DISTRICT

City Manager Ben White informed the Council he received a signed version from Lakehaven MUD at 3:00pm today, but there are changes still to be made. Starting on page 11 of the proposed agreement, sequential numbers are out of order. With the numbering being corrected will change a reference on page 16. Under Section 10, notices to the land owner needs to be changed to Julius "Jay" Hawes at a specified address in Dallas, Texas. Mr. White recommended the Council accept the agreement with the minor changes and requested the Mayor be allowed to sign the final document. The document allows for clarification and all parties have the same point of view. Jim Foy motioned to approve with the noted changes with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – C) CONSIDER, DISCUSS AND ACT UPON A LICENSE AGREEMENT WITH THE TEXAS WATER DEVELOPMENT BOARD FOR THE USE OF THE WATER IQ SERVICE MARK

Mayor Helmberger informed the Council the amendment presented will allow the agreement to be unending and allow the use of the Water IQ service mark until such time that the City does not wish to use the brand. Jim Foy motioned to approve the agreement as presented with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

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

A change order has been presented to the Council to add sod, picnic area sign and removable bollards. City Manager Ben White indicated the project has an overage and the requested change order items were originally in the add/alternates for the project. The grass and trees will be planted at the same time either early Fall or Spring 2014. Phase 3 of the project will include a water connection to Caddo Basin and irrigation which will allow watering of the grass and trees. After Phase 3 is complete, the project should be complete. John Klostermann motioned to approve the change order as presented with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – E) CONSIDER, DISCUSS AND ACT UPON AN AGREEMENT WITH COLLIN COUNTY FOR FIREFIGHTING AND FIRE PROTECTION SERVICES

The agreement between Collin County and the City of Farmersville was presented to the Council. The Fire Chief and the City Attorney has reviewed the document and all changes have been made to accommodate all parties, including Collin County. Michael Hesse 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 Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – F) CONSIDER, DISCUSS AND ACT UPON ACTIVITIES CONDUCTED BY THE CONTRACTORS FOR THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS WHERE CONCRETE WILL BE POURED AT 2:00 AM ON SPECIFIC DATES

City Manager Ben White stated the contractor for the LDS Church made a request to allow concrete to be poured at 2:00am on Wednesday August 14th and Wednesday August 21st. This request is due to the extreme temperatures that we have been experiencing. Letters have been sent to the residents in the area to be aware of this situation. According to our noise ordinance, our City Attorney submitted an exception allowing this type of activity with the approval of the City Council. Mayor Helmberger encouraged the Council to approve this particular instance since the hot temperatures are not allowing the concrete to cure properly and the proper temperature. Mayor Helmberger requested the noise ordinance be brought back to the Council for revisions to allow contractors to work with the City Manager for this type of issue without Council approval. John Klostermann motioned to approve the request regarding the LDS Church contractors to pour concrete at 2:00am on specified dates with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – G) CONSIDER, DISCUSS AND ACT UPON AN AGREEMENT BETWEEN THE FARMERSVILLE ISD AND THE CITY OF FARMERSVILLE REGARDING A SCHOOL RESOURCE OFFICER FOR THE 2013-2014 FISCAL YEAR

City Manager Ben White indicated some changes that needed to be addressed with the SRO Agreement prior to submitting to the Farmersville ISD. Those changes include changing the term of the agreement for the 2013-2014 school year and not the fiscal year. Under Article VI – Funding Formula, the SRO attending school extracurricular activities at the request of the Superintendent, principals or other FISD staff will be compensated “at overtime rates.” Under the same article, the paragraph regarding the City providing a vehicle was eliminated.

A few other typographical errors are to be corrected, but those were the major changes to be addressed per Mr. White. Police Chief Mike Sullivan was asked his input on this action. Chief Sullivan stated the Fisd has hired a Police Chief for the School District and will have other officers hired to complete a Department. After the Newtown, Connecticut shooting incident last year, schools are looking at security and safety in a different light.

Chief Sullivan stated he reviewed the agreement and did not find an issue with assisting the Fisd to have their own Police Department. The cost split of 55/45 has been the same for the past several years and Chief Sullivan did not see a need to change. After this upcoming school year, the school's Police Department will be on their own and should be self sufficient from the City's Police Department. Jim Foy motioned to approve the Interlocal Agreement with the changes referenced by City Manager Ben White. John Klostermann seconded the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – H) UPDATE ON THE MAIN STREET BRIDGE, CLOSURES AND HIGHWAY 380 IMPROVEMENTS

City Manager Ben White stated he contacted TxDOT and was assured the Main Street Bridge would be completed in December 2013. However, please remember that another portion of the project will be to connect the bridge to the roadway which is planned for February 2014. The first phase of drilling piers for the center beam is underway. When the eastbound lane is completed, then the westbound lane will be accomplished. Hamilton is also to be reopened September 1st.

Jim Foy questioned the piers being drilled and how it affected traffic. The center columns for the bridge are in the median which will not affect traffic flow either east or west bound. There are no other roads scheduled to be closed per TxDOT. Good news is that TxDOT is moving forward on the railroad bridge. Piers must be poured for that bridge as well. No Council action was required.

ITEM V – I) UPDATE ON THE ELECTRICAL SYSTEM

City Manager Ben White indicated that the power poles have been relocated at the Intermediate School in regard to the Safe Routes to School grant.

The cost analysis is done and we are waiting for a response from Sharyland to see what costs they would charge to continue offering maintenance of our system. Sharyland has requested an extension, but Mr. White refused stating the City must move forward in their decision of their electric utility. Mayor Helmberger stated his is not interested in selling the utility. The drop dead date for a decision is August 27, 2013.

Energy contract work is underway through Schneider Engineering. McCord Engineering is now funded through Farmersville Economic Development Corporation. The FEDC is willing to support the City of Farmersville stand up financially to take the electric utility system over. A rate ordinance will need to be developed along with pole setting, transformers, interconnection standards and other standards that affect the future of the utility. Mayor Helmberger stated he wanted this utility treated like an electric utility.

Mr. White stated the certified service area runs out to CR 547 and the City will need to stake a claim along Highway 380. The City has not been aggressive in pursuing service areas, especially in dually certified areas. The ordinances will need to be orchestrated to take care of our own utility. No Council action was required.

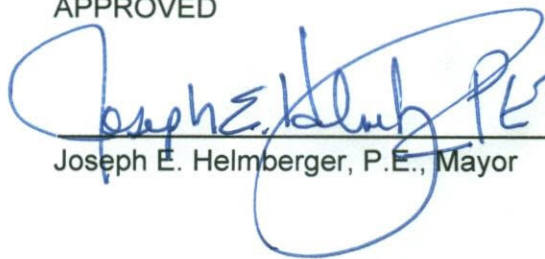
ITEM VI) REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

No one requested items for future agendas.

ITEM VII) ADJOURNMENT

Council adjourned at 6:57:10pm.

APPROVED

A large, stylized handwritten signature in blue ink, appearing to read "Joseph E. Helmberger".

Joseph E. Helmberger, P.E., Mayor

ATTEST

A handwritten signature in blue ink, appearing to read "Edie Sims".

Edie Sims, City Secretary

