

**FARMERSVILLE CITY COUNCIL
REGULAR SESSION AGENDA
October 8, 2013, 6:00 P.M.
Council Chambers, City Hall
205 S. Main Street**

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance
- Welcome guests and visitors: Anyone wanting to speak on any items that are not the subject of a Public Hearing on this agenda is asked to speak at this time, with an individual time limit of 3 minutes. This forum is limited to a total of 30 minutes. Please note that the City Council cannot comment or take any action on this item.
- Announcements relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, awards, acknowledgement of meeting attendees, birthdays, and condolences.
 - Due to the upcoming holidays, Council Meeting dates for November and December have been changed to:

November 5th and **November 19th** (Monthly Reports will be presented on 11/19/13)

December 3rd and **December 17th** (Monthly Reports will be presented on 12/17/13)
 - The Chamber of Commerce's 3rd annual Trick It Up Bike Ride will begin at 9am on October 26th
 - The Chamber of Commerce's Scare on the Square will begin at 5:30pm on October 26th

II. CONSENT AGENDA

Items in the Consent Agenda consist of non-controversial or "housekeeping" items required by law. Council members may request prior to a motion and vote on the Consent Agenda that one or more Items be withdrawn from the Consent Agenda and considered individually. Following approval of the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.

- A. City Council Minutes
- B. Police Department Report
- C. Code Enforcement/Animal Control Report
- D. School Resource Officer Report
- E. Fire Department Report
- F. Municipal Court Report
- G. Public Works Report
- H. Library Report

I. City Manager's Report

III. INFORMATIONAL ITEMS

These Informational Items are intended solely to keep the City Council apprised of the actions and efforts of the various boards and commissions serving the City of Farmersville. Council members may deliberate and/or request further information or clarification regarding any one or more of the items contained in this provision. City Council approval of, or action on, these items is not required or requested.

- A. FEDC (4A) Financial Report
- B. FCDC (4B) Financial Report
- C. Planning & Zoning Minutes
- D. Sign Board of Appeals Minutes
- E. Capital Improvements Advisory Commission Minutes
- F. FCDC (4B) Meeting Minutes
- G. FEDC (4A) Meeting Minutes
- H. Parks Board Minutes
- I. Main Street Board Minutes
- J. Main Street Report
- K. Building & Property Standards Minutes
- L. TIRZ Minutes
- M. Farmersville Public Housing Authority
- N. North Texas Municipal Water District Board Agenda

IV. READING OF ORDINANCES

- A. Second Reading – Consider, discuss and act upon an ordinance regulating game rooms and amusement redemption machines
- B. Second Reading – Consider, discuss and act upon an ordinance regarding Atmos' 2013 Annual Rate Review Mechanism
- C. Second Reading – Consider, discuss and act upon an ordinance amending the Noise Ordinance pertaining to construction noise
- D. Only Reading – Consider, discuss and act upon amending the Master Fee Schedule for water and sewer rate increases from North Texas Municipal Water District

V. REGULAR AGENDA

- A. Consider, discuss and act upon an Interlocal agreement with the Collin County Fire Marshal's Office
- B. Consider, discuss and act upon amending the revenue recovery services billing agreement between the City of Farmersville and Intermedix, previously known as Revenue Rescue
- C. Consider, discuss and act upon a resolution appointing the newspaper of major circulation

- D. Consider, discuss and act upon appointing a Council member as a liaison to the Farmersville School Board
- E. Consider, discuss and act upon detour options from Highway 380 and Highway 78
- F. Consider, discuss and act upon dumpsters located in right-of-ways of City streets
- G. Consider, discuss and act upon changes in the Personnel Manual

VI. EXECUTIVE SESSION

A. Section 551.071, CONSULTATION WITH CITY ATTORNEY, and Section 551.086, COMPETITIVE MATTERS OF A PUBLIC POWER UTILITY

- 1. Consultation with City Attorney regarding and consideration, discussion and possible action regarding Farmersville Electric competitive matters 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.

B. Section 551.071, CONSULTATION WITH CITY ATTORNEY, and Section 551.072, DELIBERATION REGARDING REAL PROPERTY

- 1. Consultation with City Attorney regarding and consideration, discussion and possible action regarding real property

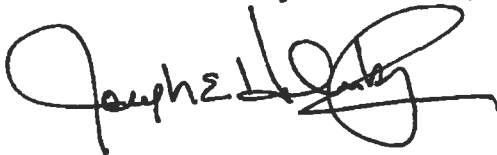
C. Section 551.074, PERSONNEL MATTERS

VII. RECONVENE FROM EXECUTIVE SESSION AND CONSIDER, DISCUSS AND ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION

VIII. REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

IX. ADJOURNMENT

Dated this the 4th day of October, 2013.



Joseph E. Helmberger, P.E., Mayor

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.175-183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code, including, but not limited to, Section 321.3022 (Sales Tax Information).

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted October 4, 2013 by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

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

Edie Sims, City Secretary





TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: CONSENT AGENDA - City Council Minutes

Electronic minutes are found at the following link:

http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.jsp

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
August 27, 2013

The Farmersville City Council met in regular session on August 27, 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, 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. Edie Sims offered the invocation with Mayor Helmberger leading the audience in the Pledge of Allegiance to the American Flag.

Mayor Helmberger announced the Council will hold a special meeting on September 3rd, 2013 to hold a second public hearing for the proposed 2013 property tax rate. The Council was asked to have a group photo at the meeting on September 10th.

Mayor Helmberger read a Proclamation naming September 8, 2013 as Public Safety Sunday.

Item II – A) FIRST PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED 2013 PROPERTY TAX RATE FOR THE CITY OF FARMERSVILLE

Mayor Helmberger opened the Public Hearing at 6:03:41pm and asked for anyone to speak for the tax rate proposed of \$0.6975 per \$100 value for 2013. With no one coming forward, Mayor Helmberger asked for anyone opposing the proposed tax rate to come forward. With no one coming forward, the Public Hearing was closed at 6:04:02pm.

Item II – B) FIRST PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON AMENDING THE CITY'S LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLAN AND IMPACT FEES

Mayor Helmberger opened the Public Hearing at 6:04:20pm and asked for anyone to speak for the amendment to the City's Land Use Assumptions, Capital Improvement Plan and Impact Fees. With no one coming forward, Mayor Helmberger asked for anyone opposing the amendment to the City's Land Use Assumptions, Capital Improvement Plan and Impact Fees. to come forward. With no one coming forward, the Public Hearing was closed at 6:04:47pm.

Item III – A) FIRST READING TO CONSIDER DISCUSS AND ACT UPON AN ORDINANCE TO UPDATE AND AMEND THE CITY'S LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLAN AND IMPACT FEES

City Manager Ben White addressed the Council stating the Capital Improvements Advisory Commission (CIAC) reviewed the current impact fees and the impact fee study performed by Kimley-Horn and Associates. The impact fee process will be completed including with the Comprehensive Plan through the ordinance presented. The Capital Improvements Advisory Commission recommended the Council consider charging 60% of the maximum allowable amount which calculates to \$2,507 per 3/4" water meter for a water impact fee and \$787 per 3/4" water meter for sewer impact fee for a total of \$3,294 per service. Mayor Helmberger stated the Planning and Zoning Commission and the CIAC looked at information at a 10 year growth rate.

Jim Foy clarified that the water impact fee is based on the meter size and meter equivalency. Mr. Foy expressed concern of additional charges being implemented for tap fees and a fire suppression system. Mr. Foy stated he felt the charges were discouraging to businesses and not realistic to charge a fire sprinkler (suppression) fee, tap fee and impact fee. Mr. White stated he will research and confirm with our City Engineer. Typically a fire suppression system is not metered. A tap fee is separate from the impact fee. Mr. Foy stated he would like to review the tap fees in the near future.

City Attorney Alan Lathrom indicated to the Council of two separate impact fee tables which cover the existing fees for properties that have already been platted and a secondary impact fee table of charges for properties that have not been platted. The ordinance presented includes the Land Use Assumptions and the Capital Improvement Plan. Russell Chandler motioned to approve the first reading of the ordinance to amend the City's Land Use Assumptions, Capital Improvement Plan, and Impact Fees 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 III – B) SECOND READING TO 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"

Mayor Helmberger announced the Council approved the first reading of the ordinance presented regarding Specific Use Permits. With no questions or concerns being addressed by the Council, John Klostermann motioned to approve the second reading of the ordinance amending the Zoning regarding Specific Use Permits 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 – A) CONSIDER, DISCUSS AND ACT UPON THE CITY FINANCIAL REPORTS

City Manager Ben White delighted to inform the Council the water fund is tracking up and looking better. With no other questions or concerns being addressed by the Council, Russell Chandler motioned to approve the City Financial Reports 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 IV – B) UPDATE AND DISCUSSION REGARDING THE ELECTRICAL SYSTEM

City Manager Ben White introduced Steve Moffitt of Schneider Engineering who will be working with the City of Farmersville regarding an energy contract. Mr. Moffitt described the power supply process from the RFP development to the final contract. There are many suppliers that have interest in making a proposal to the City of Farmersville to provide energy. Mr. Moffitt will prepare the RFP, evaluate the proposals according to models that will allow equal comparison and submit the final contenders to the City Council. The total timeframe for the project would be 4 months or less. Mr. Moffitt informed the Council of the attractive prices for electricity and encouraged the Council to have a contract in place before December 31st to take advantage of lower prices and being locked in to those prices. Mr. Moffitt clarified that the new contract would not take effect until the existing contract ends.

Natural gas costs make a difference in how the electric prices are set. There are concerns, particularly in summer and winter, that adequate generation supply may not be

available if weather drives the peak demands up. Since 1895, we have not seen hot summers as we have experienced in 2010, 2011 and 2012. With extreme temperatures, the generation is tasked to provide enough power. ERCOT decides if "brown-outs" are necessary to relieve the grid. Heat rates are a measure of the commodity and are a component of the electric rate that brings the prices down. Heat rate times gas price divided by 100 equals the per kilowatt.

Mr. Moffitt described three levels of potential risks involved regarding the summer forecast. One is the forecasted season peak load with 2,946 capacity available for operating reserves. An extreme load/typical generation outage risk has the capacity available for operating reserves at 417 and finally an extreme load/extreme generation outages has the capacity available for operating reserves of -1,274. Natural gas prices have come down since 2011 and the forecast shows prices to continue to drop or stay in the general lower area.

Energy prices are forecasted to average around \$0.0679. Preliminary average prices were presented for a one, three and five year contract. Whatever rates are locked in at signing do not include transmission rates which are pass thru charges. Jim Foy questioned the Power Cost Recovery Factor (PCRF) fee. Mr. Moffitt stated the prices would be a flat cost without a PCRF.

Mr. Moffitt explained the three types of contracts and the risk level involved. The first is a Full Requirement contract where Farmersville will pay one fixed price for energy. The supplier takes on all management of load and serves all kilowatt hours needed at one price. This method has the least risk to Farmersville. The second type of contract is a Load Shape. This contract will be based on historical load patterns for energy. If more energy is needed than the historical patterns, then it is procured at market price. If less energy is needed than historical patterns, excess is sold at market price and credited to Farmersville. The supplier manages all procurement but Farmersville has risk based on the price of market energy. This is the "middle of the road" risk profile. The last type of contract is the Load Shape. This contract would allow Farmersville to buy blocks of energy that match peak loads. Shortages still bought at market price and excess is still credited at market price. The supplier works with Farmersville to optimize procurement and manage risk. This is the most risky contract but carries the lowest potential price. Garland Power and Light uses the Load Block method. Mr. Moffitt stated he was encouraging the Full Requirements contract method as it has the least risk to Farmersville, the contract is simple and it makes sense for the condition of the system. Mr. Moffitt requested the Council to allow him to present the Request For Proposal (RFP) to 5 – 7 of the electric providers he feels most comfortable with and knows and respects these firms. Mr. Moffitt stated he did not recommend the City working with banks for the RFP. Mr. Moffitt also recommended a 5 year term. Mr. Moffitt finalized his presentation by stating he preferred having risk adverse for Farmersville rather than risk tolerant. No action was taken by City Council.

Item IV – C) CONSIDER, DISCUSS AND ACT UPON ACCEPTING PHIL WEISS' RESIGNATION FROM THE FARMERSVILLE COMMUNITY DEVELOPMENT CORPORATION

Jim Foy motioned to approve Phil Weiss' resignation from the Farmersville Community Development Corporation 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 IV – D) CONSIDER, DISCUSS AND ACT UPON APPOINTING A REPLACEMENT TO THE FARMERSVILLE COMMUNITY DEVELOPMENT CORPORATION

Paul Kelly was recommended to the Council to complete Phil Weiss' term on the Farmersville Community Development Corporation Board. Mr. Kelly has stated he would serve

on this Board. Jim Foy motioned to appoint Paul Kelly to this position 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 IV – E) CONSIDER, DISCUSS AND ACT UPON APPOINTING TWO MEMBERS TO THE SENIOR CITIZENS ADVISORY COMMITTEE

Two places on the Senior Citizens Advisory Committee are in need of replacing. Billy Harrison and Rafiq Huddleston have agreed to serve on this Committee. Russell Chandler motioned to appoint Billy Harrison and Rafiq Huddleston to the Senior Citizens Advisory Committee 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 – F) CONSIDER, DISCUSS AND ACT UPON REVISING THE NOISE ORDINANCE REGARDING CONSTRUCTION NOISE

Mayor Helmberger stated the noise ordinance needs to have an option for construction noise due to extreme temperatures. Recently the LDS Church needed to pour concrete at 2am due to the extreme hot temperatures. The heat was allowing the concrete to dry too fast and not allowing it to cure properly. Mayor Helmberger suggested adding an allowance for construction noise within 200 feet of a residential area and the contractor schedule the necessary information in advance with the City Manager. The Council does not need to have these types of construction issues brought before them for action. If there are objections, then the objections could be presented to the Council. Jim Foy stated we need a method to handle complaints, even if just one. Mayor Helmberger requested other cities be evaluated for their noise ordinance regarding construction noise. No action was taken by the Council.

V) 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 POWER 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

Mayor Helmberger and Council went into Executive Session at 7:12:12 and invited City Attorney Alan Lathrom, City Manager Ben White, and electric contract consultant Steve Moffitt to attend the Executive Session.

VI) RECONVENE FROM EXECUTIVE SESSION AND CONSIDER, DISCUSS AND ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION

Mayor and Council reconvened from Executive Session at 7:52:16 with no action from Executive Session.

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

No one requested items for future agendas.

ITEM VIII) ADJOURNMENT

Council adjourned at 7:52:34.

APPROVED

Joseph E. Helmberger, P.E., Mayor

ATTEST

Edie Sims, City Secretary

DRAFT

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
September 10, 2013

The Farmersville City Council met in regular session on September 10, 2013 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Helmberger, John Klostermann, Michael Hesse, Russell Chandler and Jim Foy. Absent was Michael Carr. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, Fire Chief Kim Morris, City Attorney Alan Lathrom, Finance Director Daphne Hamlin, Assistant to the City Manager Paula Jackson, Main Street Manager Adah Leah Wolf, 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. Russell Chandler 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 also announced October 5, 2013 as the Old Time Saturday event.

Item II) CONSENT AGENDA

Mayor Helmberger asked the Council if any items were needed to be pulled for discussion. With Council not requesting any items to be pulled for discussion, Mayor Helmberger requested Items E, G, and I be pulled. Jim Foy motioned to approve Items A, B, C, D, F, and H with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item E – Fire Department Report: Under Item 3 regarding fire service for Collin County, Mayor Helmberger questioned what was driving the changes with the mutual aid system. Fire Chief Kim Morris stated the fire departments no longer have a Collin County Fire Chief's Association nor the Collin County Firefighters Association. As fire departments have changed, the County has combined the two Associations to have the Collin County Fire Alliance. The Alliance will allow the County to deal with each fire department individually rather than collectively. Instead of the existing mutual aid requests, the Alliance is considering a "Call Box" system for mutual aids. The nearest department would be called out to aid a neighboring department. Additional departments would "back-fill" until the situation is resolved. Chief Morris stated Collin County Dispatch would be responsible for calling out departments. Chief Morris expressed concern as volunteer departments may not have enough people staffed to either make the calls or be on call as "back-fill." More information will be made available as the Alliance sets their new by-laws and constitution for operation.

Mayor Helmberger also questioned the Ambulance contract as denoted on Item 4 of the Fire Department Report. Chief Morris stated the EMS Advisory Board, of which he is a member, has made a recommendation to Collin County Commissioner's Court for an ambulance provider. One of the Commissioners had a question regarding insurance and the item was tabled until next Monday's meeting. City Manager Ben White indicated concern as other Fire Chief's may not be able to attend the 1:00pm Commissioner's Court meeting and show support. There is some opposition. The issue stems from the City of Melissa as they

want another provider. A conflict has been made visible as the Medical Provider would be the same as the new ambulance provider if a particular firm is chosen by Commissioner's Court. The insurance issue was not really an issue as the County has always preferred \$500,000 insurance coverage.

Mayor Helmberger also questioned the location of the ambulance station in Farmersville. Chief Morris stated a new mandate has been implemented that the ambulance must arrive at its destination after being called out within 13 minutes. The station will remain in the Farmersville area, but will no longer be housed in the Charles R. Curington Public Safety Building. It may relocate to the Vamvakas insurance building on Highway 78.

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

Item G – Public Works Report: Mayor Helmberger questioned Item 2(c) under the Street System section of the Public Works Report regarding reconstruction to include curbs. The original plan was to do an overlay project only for Orange Street, CR 557 and North Hamilton Street. City Manager Ben White indicated he investigated other options and had a contractor give a cost estimate. Barson Utilities was recommended for fact finding on these street projects. Barson Utilities recommended digging up the existing street, using the recycled material as base, stabilize the sub-grade, install new overlay and include installation of new curbs. The original costs provided by Kimley-Horn were compared to Barson's estimate and Collin County Public Works estimate. Of course, a bidding process will occur to have Council award the contract, but the costs presented were for planning purposes only. Mr. White investigated all the overlay projects originally planned by the 2012 Bond and compared prices to Barson Utilities and Collin County Public Works, not just the initial projects planned by the first draw-down of the Bond. Overall, if we re-evaluate the projects based on Barson Utilities prices, we may be able to have reconstruction of the base, overlay and curbing completed well under budget of the original \$1.2 Million for all 7 overlay projects. The numbers from Kimley-Horn were very high. Mr. White stated he is comfortable with a 3" overlay and rebuilding of the curbs. Mayor Helmberger stated we rely on our curbs to help carry the water flow during rain events. With the lowering of the costs, we may now be able to fund the driveway aprons. Mayor Helmberger questioned City Attorney Alan Lathrom regarding the existing requirement for contractors to install concrete streets and we are challenging our own Subdivision Ordinance by reconstructing asphalt streets with asphalt. Alan Lathrom indicated the Subdivision Ordinance refers to newly developed subdivisions. The City is performing maintenance and improvements of existing streets and therefore does not conflict with ordinances. City Manager Ben White stated he intends to go full speed ahead to have these streets completely reconstructed rather than an overlay and include curbs. Separate bids will be requested for curbs and aprons. Jim Foy requested information on the Bond Project Sheet to be updated. Mr. White stated he will revamp the schedule.

Mayor Helmberger stated the onion shed was demolished on the south side of the railroad tracks at the Summit Street intersection. The trash belongs to TxDOT not Jack Hendricks and requested City Manager Ben White to push to have the trash removed.

An agreement has been reached with Lakehaven MUD, however it has not been executed. City Manager Ben White stated he and Eddy Daniel have reviewed the Easement and Right-Of-Entry documents and they are correct and ready for signature. Two other documents remain to be completed by Lakehaven MUD, the Escrow Deed and the Transfer of

Permit. John Klostermann motioned to approve Item G – Public Works Report with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item I – City Manager's Report: Mayor Helmberger questioned item b (ii) regarding the SUP/Game Room processes. City Manager Ben White indicated the second reading for the zoning process will be presented to Council further in the meeting. The second phase of this process is to have an ordinance regarding the permitting stage and fees. This ordinance will be presented at the next Council meeting with the second reading in October. The Game Rooms will then be requested to bring their information before the Planning & Zoning Commission in October and completed by Council action at the second Council meeting in October.

Mayor Helmberger also noted the codification progress. City Manager Ben White indicated all ordinances have been reviewed and submitted to Municode for correction. When the next supplement comes out in October, a second review will take place to ensure all ordinances have been included.

Jim Foy motioned to approve Item I – City Manager's Report with Russell Chandler seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item III) INFORMATIONAL ITEMS

Mayor Helmberger questioned Item H – Parks Board Minutes regarding the Adopt-A-Spot on the Chaparral Trail and what was intended by clarifying the parameters of the Adopt-A-Spot. City Manager Ben White stated the clarification regarded the length of the adopted areas. The Chaparral Trail is marked in 1/2 mile sections. There is concern that 1/2 mile areas may be too long. The Parks Board will discuss this issue at their next meeting along with kiosks.

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

Item IV – A) CONSIDER, DISCUSS AND ACT UPON APPROVING THE COMMUNITY DEVELOPMENT CORPORATION PROPOSED PROJECTS FOR BUDGET YEAR 2013-2014

Leaca Caspari, Chairman of the Farmersville Community Development Corporation, was present to answer any questions or concerns regarding the FCDC's budget which included funding projects at the City's request. One of the projects to be pursued in the upcoming year is the National Registry Project. Adah Leah Wolf expressed to the Council that 1/2 the work has been completed and the National Registry Project is very beneficial to the City. This project places historical sites on a map, and is a tourist and economic tool. Mayor Helmberger thanked the FCDC for funding the Main Street Program, a viable part of our City. Jim Foy motioned to approve the FCDC's budget for 2013-2014 with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

ITEM IV – B) CONSIDER, DISCUSS AND ACT UPON APPROVING THE AMENDED MAIN STREET PROGRAM BYLAWS

Leaca Caspari, Chairman of the Farmersville Community Development Corporation, was available to answer questions or concerns. Ms. Caspari also presently serves as the FCDC liaison for the Main Street Board. The bylaws were approved by the Main Street Board and the FCDC which place the appointment of the Main Street Board members under the City Council. Also, the FCDC liaison would become an ex-officio, non-voting member. Jim Foy

expressed concern of the budget process being completed prior the City's budget being adopted. Ms. Caspari informed the Council the Main Street budget process will begin immediately upon new appointments to the Board and all budget proposals will be submitted to the FCDC for approval well in advance of the City's budget approval process. Michael Hesse motioned to approve the amended bylaws as submitted with Russell Chandler seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

ITEM IV – C) CONSIDER, DISCUSS AND ACT UPON APPROVING THE ECONOMIC DEVELOPMENT CORPORATION PROPOSED PROJECTS FOR BUDGET YEAR 2013-2014

Bob Collins, Chairman of the Farmersville Economic Development Corporation, was available to answer questions or concerns. Mr. Collins reviewed the development projects which included \$100,000 pledged to the Collin College sewer and street project; \$150,000 pledged to the wastewater treatment facility; \$125,000 dedicated to the electric study and \$50,000 for the façade grant program. After these expenditures are made, the FEDC will have ample reserves to cover those and other expenditures as needed. City Manager Ben White indicated that the FEDC has made an agreement to be discussed further in this meeting to allow a partial payback of funds borrowed for the electric system. The FEDC will be operating as a bank for electric utility funding. John Klostermann motioned to approve the FEDC budget as presented 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 IV – D) CONSIDER, DISCUSS AND ACT UPON A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE FARMERSVILLE COMMUNITY DEVELOPMENT CORPORATION AND THE CITY OF FARMERSVILLE FOR THE MAIN STREET MANAGER

City Manager Ben White indicated the Professional Services Agreement between the FCDC and the City sets up the relationship between the FCDC and the City for the Main Street Manager. Section 1 offers direction the Main Street Director receives and reporting requirements. Section 2 refers to the funding commitment which will have a renewal of 4 years. Section 3 allows termination which will not take place until September 30th of any given year. The funding will be committed by the FCDC and will be dispersed October 1. If any funds remain, they will be refunded to FCDC. Mr. White stated this is a good agreement and recommends approval. Jim Foy motioned to approve the Professional Services Agreement as presented with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

ITEM IV – E) CONSIDER, DISCUSS AND ACT UPON AN AGREEMENT BETWEEN THE FARMERSVILLE ECONOMIC DEVELOPMENT CORPORATION AND THE CITY OF FARMERSVILLE FOR ELECTRIC UTILITY FUNDING

City Manager Ben White indicated the agreement was to formalize an agreement between the FEDC and the City regarding electric utility funding. FEDC has already committed \$15,000 toward the creation and implementation of a system energy contract without reimbursement to Steve Moffitt. The City Manager made a request at the August 1st FEDC meeting for FEDC to allow funding for the electrical system not to exceed \$193,000 with the City electric system paying back 50% of the funds during the 2014-2015 budget year. Mayor Helmberger stated the first "whereas" covers the system wherever the CCN is. Bob Collins, Chairman of the FEDC, stated FEDC is well within the rules by lending the funds to the City's

electric system based on a return of the investment. For clarification, Mayor Helmberger requested Article III have a statement that the funds are interest free. Mayor Helmberger questioned using the name "Farmersville Electric" and asked to have this as an item for discussion at the next meeting. Jim Foy motioned to approve the agreement with the change as recommended with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Russell Chandler left the meeting at 7:00pm; a quorum was still present to continue the meeting.

ITEM IV – F) CONSIDER, DISCUSS AND ACT UPON MAKING AN APPOINTMENT TO THE MAIN STREET BOARD

With the newly adopted bylaws for the Main Street Board, a position is available for a board member and the FCDC Liaison is now an ex-officio, non-voting member. With that, staff has recommended Sarah Jackson-Butler to fill the unfulfilled seat. Jim Foy motioned to act on staff recommendation and appoint Sarah Jackson-Butler to the Main Street Board 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 IV – G) CONSIDER, DISCUSS AND ACT UPON A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO INITIATE THE BID PROCESS FOR CERTAIN ELECTRIC UTILITY EQUIPMENT AND INITIATE THE PROCESS FOR FINANCING SAID EQUIPMENT

City Manager Ben White approached the Council with a resolution that authorizes the City Manager to initiate the bidding process for certain electric utility equipment and initiate the process for financing said equipment. David Medanich with First Southwest has been conversing with Mr. White and Daphne Hamlin, Finance Director, in planning the best financial mechanism to fund the necessary equipment. A "tax note" has been recommended as the best method as it fits the time frame and the cost to sell said notes is minimal. Also the payback can be set at 5 years, which is preferred by Mr. White. Michael Hess motioned to approve the Resolution as written 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. Jim Foy stated it should be publicized that the revenues will be from the electric utility.

ITEM IV – H) CONSIDER, DISCUSS AND ACT UPON A NOTICE OF AWARD FOR THE SAFE ROUTES TO SCHOOL PROJECT TO AXIS CONTRACTING, INC.

City Manager Ben White informed the Council TxDOT actually awarded the bid for the Safe Routes to School project to Axis Contracting, but as a formality, the Council will act upon the same recommendation. Jim Foy motioned to approve TxDOT's decision to award Axis Contracting, Inc. for the Safe Routes to School project 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 IV – I) CONSIDER, DISCUSS AND ACT UPON ACCEPTING NANCY FOSTER'S RESIGNATION FROM THE LIBRARY/CIVIC CENTER BOARD

Jim Foy motioned to accept Nancy Foster's resignation from the Library/Civic Center Board 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 IV – J) CONSIDER, DISCUSS AND ACT UPON APPOINTING A REPLACEMENT TO THE LIBRARY/CIVIC CENTER BOARD

With the opening on the Library/Civic Center Board, staff recommended Autumn Barton to fill the opening on the Board. Jim Foy motioned to appoint Autumn Barton with John Klostermann seconding the motion. City Manager Ben White stated Sharon Spangler was recommended by Librarian Trisha Dowell and asked Ms. Dowell to come forth and express why she felt Ms. Spangler was the better candidate. Ms. Dowell stated Ms. Spangler attends the Library frequently and offers her feedback when questioned about various topics and felt Ms. Spangler would be a great asset to the Board. Jim Foy withdrew his motion and John Klostermann withdrew his second. Jim Foy motioned to appoint Sharon Spangler to the Library/Civic Center Board 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 IV – K) CONSIDER, DISCUSS AND ACT UPON REVISING THE NOISE ORDINANCE REGARDING CONSTRUCTION NOISE

Mayor Helmberger had requested other cities be queried regarding their regulations in their Noise Ordinance in relation to construction noise. Mayor Helmberger reviewed the information provided and felt the City of Rockwall was the only one that had a good method to resolve this issue. There are times during the extreme summers that would not allow contractors to pour cement during day time hours. Mayor Helmberger stated he would like to see our ordinance reflect “reasonable noise will be allowed with approval by the City” and not have this topic brought before the City Council each time. An amendment will be presented to the Council at a future meeting.

ITEM IV – L) UPDATE ON MAIN STREET BRIDGE, CLOSURES AND HIGHWAY 380 IMPROVEMENTS

Mayor Helmberger expressed concern regarding the various streets being shut down by TxDOT. TxDOT has now shut down Mimosa Street due to storm water drainage, not an excusable reason per Mayor Helmberger. The agreement with TxDOT was to have only 1/2 of the street closed off at a time allowing for traffic to flow. TxDOT has informed the City that the “jug-handles” will be closed soon along Highway 380. The City was guaranteed that only one side of the “jug-handles” would be closed at a time until the Main Street Bridge was completed at the end of December 2013. Mayor Helmberger requested communications be held between the City and TxDOT and reiterate that street closures are not to be at will.

City Manager Ben White indicated more bridge beams are being installed Saturday. Traffic on Highway 380 will be disrupted for approximately 15 minute increments. Traffic will not be redirected during this process.

ITEM IV – M) UPDATE ON ELECTRICAL SYSTEM

City Manager Ben White stated with the Council's approval of the Resolution earlier, purchases of equipment will not be secured without Council approval. The Anticipation Note will need to be prepared and there is still a great amount of work to be done. Mr. White stated he has been impressed with Versalift trucks, but will go through the proper bidding process. Jim Foy stated we are not speaking of borrowing funds that affects the taxes and asked to have the wording clarified as a Revenue Anticipation Note.

ITEM V – A) ONLY READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO ADOPT THE BUDGET FOR THE FISCAL YEAR 2013-2014

Finance Director Daphne Hamlin came before the Council and informed them of the \$10,000 that was amended to fund the Parks Board. Jim Foy motioned to approve the ordinance to adopt the budget for Fiscal Year 2013-2014 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 – B) ONLY READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO ADOPT THE GENERAL OBLIGATION BOND SERIES 2012 ANNUAL BUDGET FOR FISCAL YEAR 2013-2014

Finance Director Daphne Hamlin came before the Council and stated the ordinance presented is for the \$1.5 million dollars through the bond that has been advanced to the City. The funds not expended are carried over to next year's budget. Jim Foy motioned to approve the ordinance adopting the General Obligation Bond Series 2012 budget for Fiscal Year 2013-2014 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 – C) ONLY READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO ADOPT THE TAX RATE FOR FISCAL YEAR 2013-2014

With no discussion by the Council, John Klostermann motioned to approve the ordinance as presented to adopt the tax rate for Fiscal Year 2013-2014 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 V – D) ONLY READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO ADOPT THE 2013 TAX APPRAISAL ROLL

With no discussion by the Council, Jim Foy motioned to approve the ordinance as presented to adopt the 2013 Tax Appraisal Roll 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) SECOND READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO UPDATE AND AMEND THE CITY'S LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLAN, AND IMPACT FEES

At the last meeting in August, Council had questions regarding fire suppression and sprinkler systems and how these will be affected by the impact fees. City Manager Ben White informed the Council of his research regarding the fire suppression and sprinkler system are required to have separate taps and would be charged separate tap fees per meter. Fire suppression systems are not metered. With this information, Jim Foy motioned to approve the second reading with the ordinance as presented. 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.

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

No one requested items for future agendas.

ITEM VII) ADJOURNMENT

Council adjourned at 7:38:11pm.

APPROVED

Joseph E. Helmberger, P.E., Mayor

ATTEST

Edie Sims, City Secretary

DRAFT

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
September 24, 2013

The Farmersville City Council met in regular session on September 24, 2013 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Helmberger, John Klostermann, Michael Hesse, Russell Chandler and Jim Foy. Absent was Michael Carr. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, City Attorney Alan Lathrom, 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. Matt Stuffle with Trinity Baptist Church 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 any non-agenda item with Bonnie Smith, representative of the Farmersville Quilters Guild, requested respect from the City as they are a vital part of the City by providing quilts to the Fire Department, Police Department and Veterans during Audie Murphy Day. Ms. Smith stated they have been denied storage space at the Civic Center and use/storage at the Best Center as well.

Item II – A) FIRST READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE REGULATING GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES

Mayor Helmberger opened the topic of discussion by having the term of Amusement Redemption Machine explained. City Attorney Alan Lathrom indicated the term is used to distinguish 8-liners and other types of gaming machines from coin operated machines such as found in Chuck-E-Cheese's.

Mayor Helmberger requested the statement "along U.S. Highway 380 and State Highway 78 given the size of the community" be removed from the first 'Whereas' since an ordinance has been in place to allow game rooms be located only in Light Industrial zoning of the City.

Another area Mayor Helmberger asked to be removed is the 2nd and 3rd 'Whereas' since the Light Industrial zoning eliminates the need for the second 'Whereas' and the recent approval of the Specific Use Permit ordinance eliminates the need for the 3rd 'Whereas.'

In the 5th 'Whereas,' the statement should stop after Amusement redemption Machine Game Rooms and remove the remainder of the sentence as it continues to duplicate what has been accomplished with the Light Industrial zoning requirement.

Each machine will pay an Occupational Tax and a permit. If a business chooses to have an Amusement Redemption Machine, the business will still be obligated to pay the Occupational Tax but will not be required to have a license if only one machine is located within their business establishment. The State of Texas charges \$60 per machine and the City is allowed to charge 25% of the Occupational Tax which equals \$15 per machine. Mayor Helmberger stated the Occupational Tax on Amusement Redemption Machines is not meant to be a money generator and felt the charge of \$100 per machine was exorbitant. Mayor Helmberger suggested \$10 per machine. Jim Foy expressed that game rooms make money and \$100 per machine is peanuts compared to what they make. The \$100 per machine charge is not out of line. Russell Chandler stated he was thinking a range between \$25 - \$50 per machine. Michael Hesse and John Klostermann stated \$100 per machine does not bother them. Mayor Helmberger stated to

leave the charge at \$100 per machine and change Section 8-303 (D) to read "...shall be 50% of the original occupational tax paid."

Mayor Helmberger questioned why we are regulating the hours of business as the game rooms are private businesses. Mayor Helmberger queried Police Chief Mike Sullivan regarding regulating the game room hours of operation. Chief Sullivan stated he prefers the restrictions as manpower to patrol and deal with incidents can be an issue. Mayor Helmberger agreed to leave the regulation of hours with an exception to change Sundays and holidays to be the same time as Fridays and Saturdays.

With specific requirements being necessary for site plans and landscape plans, Mayor Helmberger did not feel these types of plans are relevant to a game room, particularly since they are typically occupying existing buildings. With this statement, Mayor Helmberger requested Section 8-307 (16) have the site and landscape plans removed as well as "and sealed by a professional engineer or professional architect licensed by the state..." Jim Foy added that if the owner/applicant makes a false statement, the license by the City can be pulled. A discussion continued regarding habitual criminal activity that may be allowed. Chief Sullivan stated that the owner may not be involved with criminal activity and therefore may not be responsible; however it must be proven the owner allowed criminal activity. City Attorney Alan Lathrom indicated language will be added for the second reading of the ordinance regarding this topic. It will be better for the City to progress from suspension to revocation.

Section 8-310 was a concern for Mayor Helmberger regarding the use of the municipal court to appeal the City's decision. City Attorney Alan Lathrom indicated this was a buffering mechanism but will add further language to clarify the appeals process.

Under Section 8-313 Inspections, the presented ordinance refers to the Fire Marshal and the City of Farmersville presently does not have a Fire Marshal on staff. City Manager Ben White indicated the Fire Marshal will be a topic at the next Council meeting where this issue may be addressed.

Section 8-315 Parking Facilities brought an interesting topic to light with bicycles. City Attorney Alan Lathrom stated this portion of the ordinance was utilized from the City of Austin. Mayor Helmberger requested "and bicycles" be removed from this section as well as Section 8-316 which pertains solely to bicycle storage racks.

Mayor Helmberger also questioned whether fees should be specified solely in the Master Fee Schedule and not in the text of the ordinance. Mr. Lathrom indicated this was a correct method and will be changed for the second reading of the ordinance.

John Klostermann motioned to approve the ordinance on first reading with the changes as discussed. Jim Foy seconded the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item II – B) FIRST READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE REGARDING ATMOS' 2013 ANNUAL RATE REVIEW MECHANISM

City Manager Ben White informed the Council his recommendation to approve the ordinance as presented as we are a part of a conglomerate who represents us and other cities. The increases are associated with operation costs. Russell Chandler motioned to approve the ordinance on first reading with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

Item II – C) CONSIDER, DISCUSS AND ACT UPON REVISIONS TO THE NOISE ORDINANCE PERTAINING TO CONSTRUCTION NOISE

Mayor Helmberger requested a change to the 4th 'Whereas' to read "...which may cause the concrete not to meet specifications set by the licensed engineer of the project." With this statement change, the noise ordinance should be covered. Jim Foy motioned to approve the first reading of the ordinance with the revision as stated. Russell Chandler seconded the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

ITEM III – A) CONSIDER, DISCUSS AND ACT UPON A SITE PLAN FOR A DENTIST OFFICE TO BE LOCATED AT 1704 WEST AUDIE MURPHY PARKWAY

The Planning and Zoning Commission recommended approval of the site plan provided contingencies with the landscape and irrigation plans are met. Mayor Helmberger stated our current standard specifications for concrete thickness requires 6" depth whereas the plans call for 5". These issues will need to be addressed prior to the issuance of the building permit. Mayor Helmberger stated he would like to have the specifications discussed at a later meeting, but this was the only issue he found outside the stated revisions as discussed by the Planning and Zoning Commission. Fray Webster, builder for the project, came before the Council and thanked the staff and Council for working diligently to have this project move forward. Michael Hesse motioned to approve the site plan based on the contingencies stated with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

ITEM III – B) RECEIVE, DISCUSS AND ACT UPON A PRESENTATION FROM FIRST SOUTHWEST REGARDING FUNDING FOR THE ELECTRIC UTILITY

David Medanich, representative of First Southwest, came before the Council to describe the different options of lending in order to fund needs of the electric utility. Mr. Medanich stated the best opportunity for the City is the "Anticipation Note (otherwise known as a Tax Note)." This type of note does not require voter authorization or notice of intent to sell. Anticipation Notes can be secured by and are payable from a pledge of revenues (including ad valorem taxes or utility system revenues). In our situation, the pledge will be from the utility system revenues. With the Anticipation Note, the City does not have to levy any taxes. Jim Foy requested we use the term Anticipation Note so the voters are clear that the City is not using tax dollars for this expenditure. Mr. Medanich stated the clarity is understood, however buyers of the note will also want to know that tax dollars can support the repayment of the loan.

City Manager Ben White recommended a 5 year note. Jim Foy questioned where the note would be sold, if through local banks or other limited areas. Mr. Medanich stated he will gladly send information to offer the sale to our local banks; however there will be a limited offering for buyers as this will be a competitive sale.

Council concurred to move forward with an Anticipation Note.

ITEM III – C) UPDATE ON THE ELECTRICAL SYSTEM AND RELATED ITEMS REGARDING THE TRANSITION FROM SHARYLAND UTILITIES TO THE CITY OF FARMERSVILLE

City Manager Ben White stated he understands from Council to move forward with an Anticipation Note to finance the electrical utility needs. With that, Mr. White stated he will attain all the costs comparisons between Versalift and Altec.

The proposals for energy contracts are in and the results look good. They are in line with the budget for energy contracts. The Mayor, City Manager and Councilman Foy will meet with Steve Moffitt on October 14th to review the energy contracts.

City Manager Ben White also indicated the "Farmersville Electric Transition Plan" which shows the timelines to have the Farmersville Electric service online.

ITEM III – D) CONSIDER, DISCUSS AND ACT UPON NAMING THE MUNICIPALLY OWNED ELECTRIC SYSTEM

Mayor Helmberger requested the Council to propose naming the municipally-owned electric system. With no suggestions coming forward, Mayor Helmberger stated he searched for several names and reviewed the acronym to see if the name fit our City and utility. "Farmersville Electric" was the name originally suggested by staff. Jim Foy motioned to name our electric system "Farmersville Electric" with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion passed with full Council approval.

ITEM III – E) CONSIDER, DISCUSS AND ACT UPON THE CITY FINANCIAL REPORTS

City Finance Director Daphne Hamlin reported the budget is on target. The water funds are on track. Jim Foy questioned \$8,000 was not spent from the Street Department. Ms. Hamlin stated this was due to equipment sold and earmarked for Public Works Building improvements. The funds will be carried over until the project is completed.

Ms. Hamlin informed the Council that the revised budget will have the finances reflected accurately when reported in October. Jim Foy also questioned if the City will exceed the budget for the water/wastewater supplies since we are a "Take and Pay" customer of North Texas Municipal Water District. Ms. Hamlin stated we will hit the budget exactly. Mr. Foy also questioned the Electric Fund since we are a quarter behind from the payment from Sharyland. Ms. Hamlin assured the Council the payment will be retroactively applied when received in November.

City Manager Ben White indicated the budget is down from what was originally expected to be \$100,000 over budget. With a good job by staff, the budget will be over \$30,000. Mayor Helmberger stated some of the decrease was attributed to the bond funds.

Russell Chandler motioned to approve the City's Financial Reports 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 III – F) CONSIDER, DISCUSS AND ACT UPON NOMINATING A CANDIDATE TO SERVE ON THE CENTRAL APPRAISAL DISTRICT OF COLLIN COUNTY BOARD OF DIRECTORS

Council concurred to not take action on this item.

ITEM III – G) CONSIDER, DISCUSS AND ACT UPON AN IT CONTRACT WITH TLC NETCON, INC.

City Manager Ben White informed the Council the presented contract is the same as last year's contract with exception of the rates. The rates reflect a 5% increase over last year. Jim Foy stated the numbers are in line and is standard throughout the industry. Jim Foy motioned to approve the contract with TLC NetCon, Inc. 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 III – H) UPDATE ON MAIN STREET BRIDGE, CLOSURES AND HIGHWAY 380 IMPROVEMENTS

City Manager Ben White indicated Mayor Helmberger and himself met with TxDOT and Ed Bell Construction regarding the Highway 380 project. TxDOT has agreed to leave the south and north jughandles open for Old Time Saturday until October 6th. On October 6th, only the north jughandle will be taken out of service. TxDOT has plans of shutting down Highway 380 at night on October 1st and 2nd to install railroad beams. Detour paths will be made available to include Hamilton Street back to Main Street and Highway 380 traffic to Farmersville Parkway. City Manager Ben White stated there may be confusion for travelers who do not know the route from Raymond Street to Highway 78 to connect back to Farmersville Parkway. Discussion was held regarding low hanging utility lines on Hamilton Street (which will be checked out prior to the Highway closure) may make a difference how the detours should be directed.

The railroad will also be installing signals, so Summit and Main Streets will be closed except to area residents. August 2014 is the new date of completion for the project. The City requested the center median be removed from the bridge and that it be striped instead with TxDOT agreeing.

The City expressed to TxDOT a concern of additional stop signs and crosswalks which will affect the north and south bound traffic on Main Street. The City has requested the stop signs be removed from the plans and the east/west crosswalks also be removed. TxDOT agreed to look into the removal but must get consent from the Traffic Operations Division. TxDOT will also be checking to ensure if accessibility rules apply to the two stops on Main Street as they were not required in the past.

ITEM IV) EXECUTIVE SESSION: SECTION 551.071, CONSULTATION WITH CITY ATTORNEY, AND SECTION 551.072, And DELIBERATION REGARDING REAL PROPERTY

Council went into Executive Session at 7:16:36pm.

Council reconvened into Regular Session at 8:06:19pm with no action from the Executive Session.

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

John Klostermann requested a review of the Thoroughfare Map at the next meeting. No one else requested items for future agendas.

ITEM VII) ADJOURNMENT

Council adjourned at 8:07:09pm.

APPROVED

Joseph E. Helmberger, P.E., Mayor

ATTEST

Edie Sims, City Secretary



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: CONSENT AGENDA - Police Department Report



Farmersville Police Department
134 North Washington Street
Farmersville, TX 75442
972-782-6141

Farmersville Police Department Monthly Report September-13

Total Calls For Service:

425

Tier 1 Crimes

Robbery:

0

Assault:

4

Theft:

15

Burglary:

8

Motor Vehicle Theft:

1

Tier 2 Crimes

Forgery:

0

Fraud:

3

Criminal Mischief:

6

Weapons:

0

DWI:

2

Public Intoxication:

0

Disorderly Conduct:

1

Drugs:

7

Miscellaneous

Traffic Stops:

157

Citations:

49 (57 violations)

Alarms:

4

Major Accidents:

2

Minor Accidents:

9

Agency Assist:

17

Cases filed with the District Attorney's Office:

Felony:

7

Misdemeanor:

5

Exceptionally Cleared:

0



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: CONSENT AGENDA – Code Enforcement/Animal Control Report

**Farmersville Police Department
Code Enforcement**

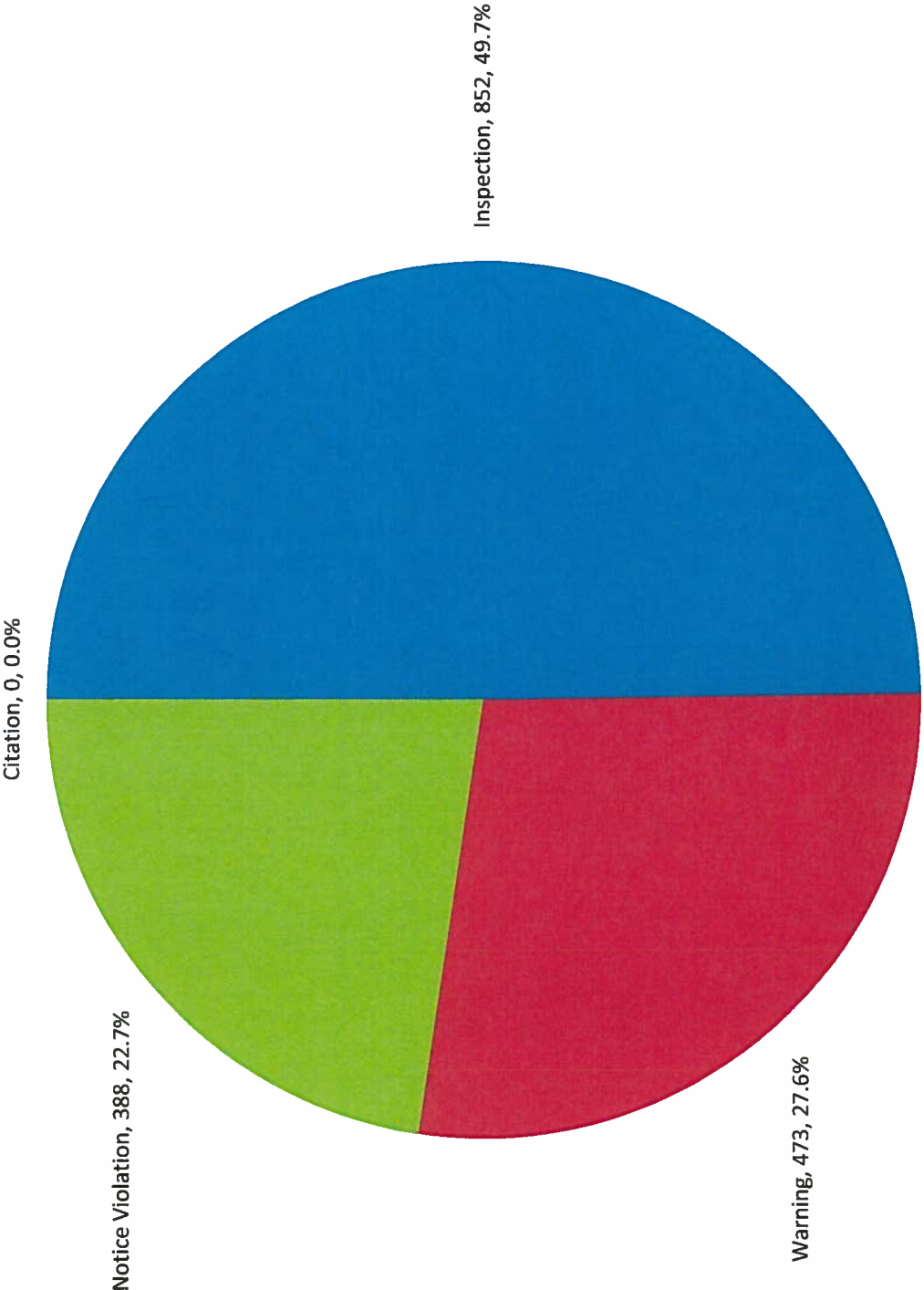
| Date | Address | Violation | Inspect | Warn | Notice | Cite | Proactive | Reactive | Closed | Notes/CFS |
|-------------|---------------------|-------------------|----------------|-------------|---------------|-------------|------------------|-----------------|---------------|--------------------------------|
| 09/03/2013 | 424 Sherry | Grass | X | X | | | X | | 09/03/2013 | Recheck |
| 09/03/2013 | 425 Sherry | Grass | X | | X | | X | | 09/11/2013 | Letter Sent |
| 09/03/2013 | 500 Pendleton | Brush | X | X | X | | X | | 09/03/2013 | Recheck |
| 09/03/2013 | Old Golf Course | Grass | X | X | X | | X | | 09/03/2013 | Recheck |
| 09/03/2013 | 314 Rolling Hills | Grass | X | X | | | X | | 09/09/2013 | Spoke w/Owner |
| 09/03/2013 | Exxon | Sign | X | X | | | X | | 09/13/2013 | Spoke w/Owner |
| 09/03/2013 | 409 Neathery | Debris Back Yard | X | X | X | | X | | | 9/13/2013 Extended |
| 09/03/2013 | Heath-Haislip | Grass | X | | X | | X | | 09/30/2013 | Given to City |
| 09/03/2013 | 202 S. Rike | Brush, Grass | X | X | X | | X | | 09/03/2013 | Recheck |
| 09/03/2013 | 301 Hill | Debris | X | X | | | X | | 09/03/2013 | Recheck |
| 09/03/2013 | 305 College | Debris | X | X | X | | X | | | Extended 9/30/2013 for 1 Month |
| 09/03/2013 | 115 Buckskin | Grass | X | X | X | | X | | 9/18/20123 | Prop Management Board |
| 09/03/2013 | 415 N. Main | Brush | X | X | | | X | | 09/18/2013 | Improving Extended 9/3/2013 |
| 09/03/2013 | Atmos Energy-6th St | Shed | X | | X | | X | | | Extended 9/30/2013 |
| 09/03/2013 | 420 N. Washington | Tree | X | X | | | X | | 09/25/2013 | Extended 9/13/2013 |
| 09/03/2013 | 316 Windom | Grass | X | | X | | X | | | Extended 9/30/2013 |
| 09/03/2013 | 308 Austin | Fridge, Debris | X | X | | | X | | 09/03/2013 | Recheck |
| 09/03/2013 | 502 Waterford | Grass | X | | X | | X | | 09/06/2013 | Extended 9/3/2013 |
| 09/03/2013 | 608 Meadowview | Grass | X | | X | | X | | 09/06/2013 | Extended 9/3/2013 |
| 09/04/2013 | 410 N. Main | Brush | X | | X | | X | | 09/04/2013 | Recheck |
| 09/05/2013 | 317 College | Debris Front Yard | X | | X | | X | | 09/13/2013 | Letter Sent 9/5/2013 |
| 09/05/2013 | 302 College | Grass Back Yard | X | | X | | X | | 09/25/2013 | Letter Sent 9/5/20123 |
| 09/05/2013 | 421 N. Main | Grass | X | X | | | X | | 09/09/2013 | Left Card |
| 09/05/2013 | 420 N. Main | Grass | X | X | | | X | | 09/18/2013 | Left Card |
| 09/05/2013 | 213 N. Main | Grass | X | X | | | X | | 09/10/2013 | Spoke w/Owner |

| | | | | | | | | | | | | | |
|------------|--------------------------|-------------------|---|---|--|--|---|--|---|--|--|------------|-----------------------------|
| 09/10/2013 | 303 Windom | Grass | X | X | | | | | X | | | 09/18/2013 | Left Card |
| 09/10/2013 | 311 Windom | Grass | X | X | | | | | X | | | 09/18/2013 | Left Card |
| 09/11/2013 | 514 Jackson | Grass | X | X | | | | | X | | | 09/23/2013 | Spoke w/Owner |
| 09/11/2013 | 426 Sherry | Grass | X | | | | X | | X | | | 09/18/2013 | Letter Sent 9/12/2013 |
| 09/11/2013 | 303 N. Hamilton | Appliances | X | | | | X | | X | | | 09/18/2013 | Letter Sent 9/12/2013 |
| 09/11/2013 | Burch-Pendleton | Grass | X | | | | X | | X | | | 09/18/2013 | Letter Sent 9/12/2013 |
| 09/11/2013 | 304 Pendleton | Grass | X | | | | X | | X | | | 09/30/2013 | Extended 9/18/2013 |
| 09/11/2013 | Stop N Buy | Fees for Permit | X | X | | | | | X | | | 09/11/2013 | Sent to City Hall |
| 09/11/2013 | 305 Pendleton | Check Well | X | | | | | | X | | | 09/11/2013 | Covered |
| 09/11/2013 | 311 N. Washington | Grass | X | X | | | X | | X | | | 09/23/2013 | NOV 9/18/2013 |
| 09/13/2013 | 126 N. Main | Brush | X | X | | | X | | X | | | 09/13/2013 | |
| 09/13/2013 | McGil-Haislip | Tree Down | X | | | | X | | X | | | | Extended 9/30/2013 |
| 09/13/2013 | 412 Haislip | Tree Down | X | | | | X | | X | | | 09/13/2013 | |
| 09/13/2013 | Church Latter Day Saints | Grass | X | | | | X | | X | | | 09/30/2013 | 9/13/2013 Extended |
| 09/13/2013 | Given's Chapel | Grass | X | X | | | X | | X | | | | Call City |
| 09/13/2013 | 505 Waterford | Grass | X | | | | | | X | | | | Left Card |
| 09/13/2013 | 610 Jouette | Grass | X | | | | X | | X | | | | Extended 9/30/2013 |
| 09/13/2013 | 608 Jouette | Grass | X | | | | X | | X | | | | Extended 9/30/2013 |
| 09/13/2013 | 612 Jouette | Grass | X | | | | X | | X | | | | Extended 9/30/2013 |
| 09/13/2013 | DR Horton-Jouette | 3 Lots Grass | X | | | | X | | X | | | | Extended 9/30/2013 |
| 09/18/2013 | 713 N. Washington | Grass | X | X | | | | | X | | | 09/30/2013 | Spoke w/Owner |
| 09/18/2013 | 424 N. Main | Grass, Brush | X | X | | | | | X | | | 09/23/2013 | Spoke w/Owner |
| 09/18/2013 | 425 N. Main | Grass, Appliances | X | | | | X | | | | | 09/25/2013 | NOV 9/23/2013-Appliances |
| 09/18/2013 | 307 N. Main | Brush | X | X | | | | | X | | | | Extended 9/30/2013 |
| 09/18/2013 | Celebration Station | Grass | X | | | | X | | X | | | | Letter Sent 9/18/2013 |
| 09/18/2013 | 551 W. Audie Murphy | Grass | X | | | | X | | X | | | | Extended 9/30/2013 |
| 09/18/2013 | Givens Chapel | Grass | X | | | | | | X | | | | Call City |
| 09/18/2013 | 307 S. Washington | Debris | X | | | | X | | X | | | | Extended 9/30/2013 |
| 09/18/2013 | Nesmith-Santa Fe | Grass | X | | | | X | | X | | | | Extended 9/30/2013 |
| 09/18/2013 | 216 Santa Fe | Debris | X | | | | X | | X | | | 09/30/2013 | Letter Sent 9/18/2013 |
| 09/23/2013 | 113 Lee | Brush-Recheck | X | X | | | X | | X | | | | Final Notice Sent 9/24/2013 |

| | | | | | | | | | | | | |
|------------|-------------------|-------------------|---|---|---|--|--|--|---|--|------------|-----------------------|
| 09/23/2013 | 801 S. Main | Grass-Recheck | X | X | | | | | X | | 09/23/2013 | |
| 09/23/2013 | 407 Jackson | Grass | X | | X | | | | X | | | Letter Sent 9/24/2013 |
| 09/23/2013 | AT&T | Grass | X | | X | | | | X | | 10/01/2013 | Send Letter |
| 09/23/2013 | 416 Houghton | Appliance | X | | X | | | | X | | | NOV 9/30/2013 |
| 09/23/2013 | 503 Park | Appliance, Grass | X | X | | | | | X | | 09/30/2013 | Spoke w/Owner |
| 09/23/2013 | 105 N. Johnson | Grass | X | X | | | | | X | | 09/25/2013 | Spoke w/Owner |
| 09/23/2013 | 603 Maple | Take Pictures | | | | | | | X | | 09/23/2013 | Prop Manage Board |
| 09/24/2013 | 613 Maple | Grass | X | | X | | | | X | | | Letter Sent 9/25/2013 |
| 09/24/2013 | 219 Maple | Grass | X | | | | | | X | | 10/02/2013 | Call City |
| 09/25/2013 | 218 N. Washington | Tree | X | X | X | | | | X | | 09/25/2013 | Recheck |
| 09/25/2013 | 305 College | Big Rig on Street | X | X | | | | | X | | 09/30/2013 | |
| 09/25/2013 | 308 College | Grass | X | X | | | | | X | | 09/30/2013 | Spoke w/Owner |
| 09/25/2013 | McCloud's | Grass | X | X | | | | | X | | 09/30/2013 | Spoke w/Owner |
| 09/25/2013 | 214 Austin | Grass | X | X | | | | | X | | 09/30/2013 | Spoke w/Owner |
| 09/25/2013 | 209 Austin | Grass | X | | X | | | | X | | | NOV 9/30/2013 |
| 09/25/2013 | 515 Windom | Grass | X | | X | | | | X | | 10/03/2013 | Letter Sent 9/25/2013 |
| 09/30/2013 | 400 S. Main | Debris | X | X | X | | | | X | | 09/30/2013 | Recheck |

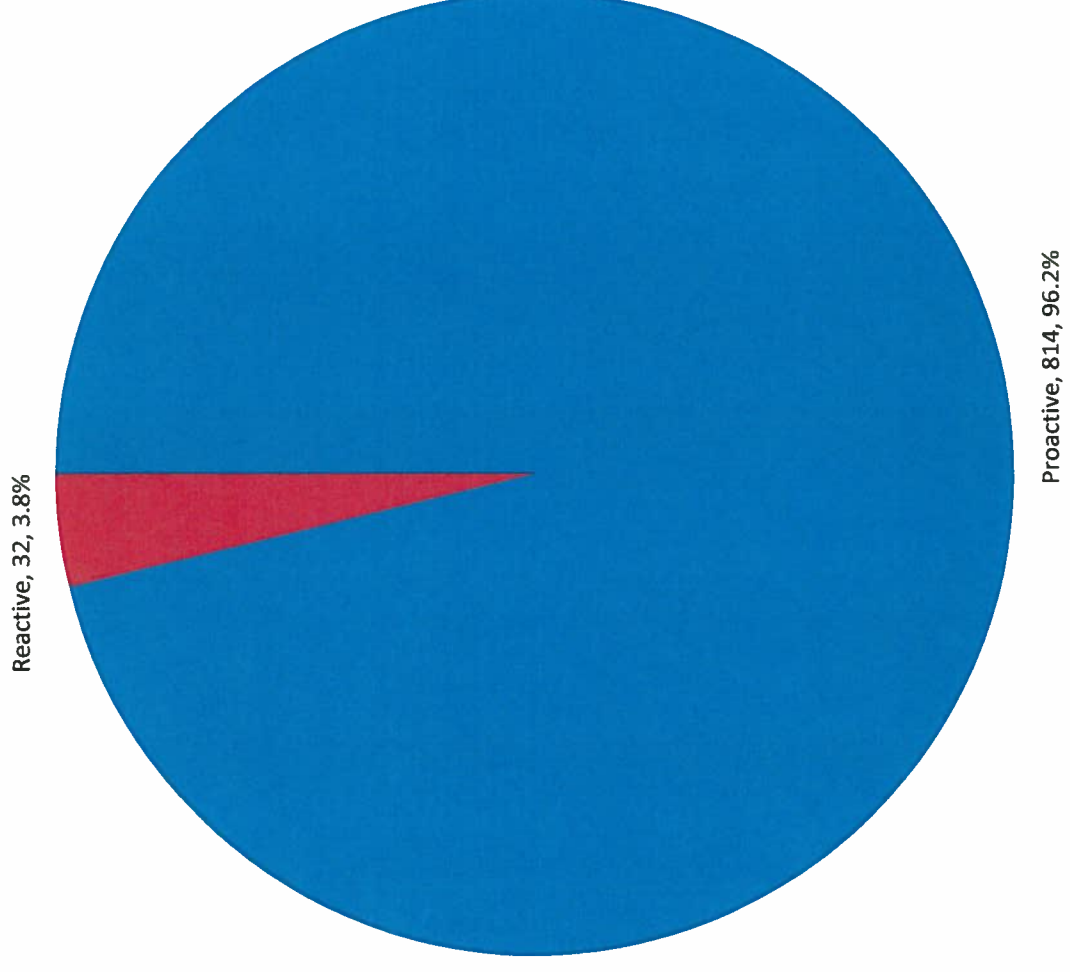
Code Enforcement Activity Results

City of Farmersville Police Department

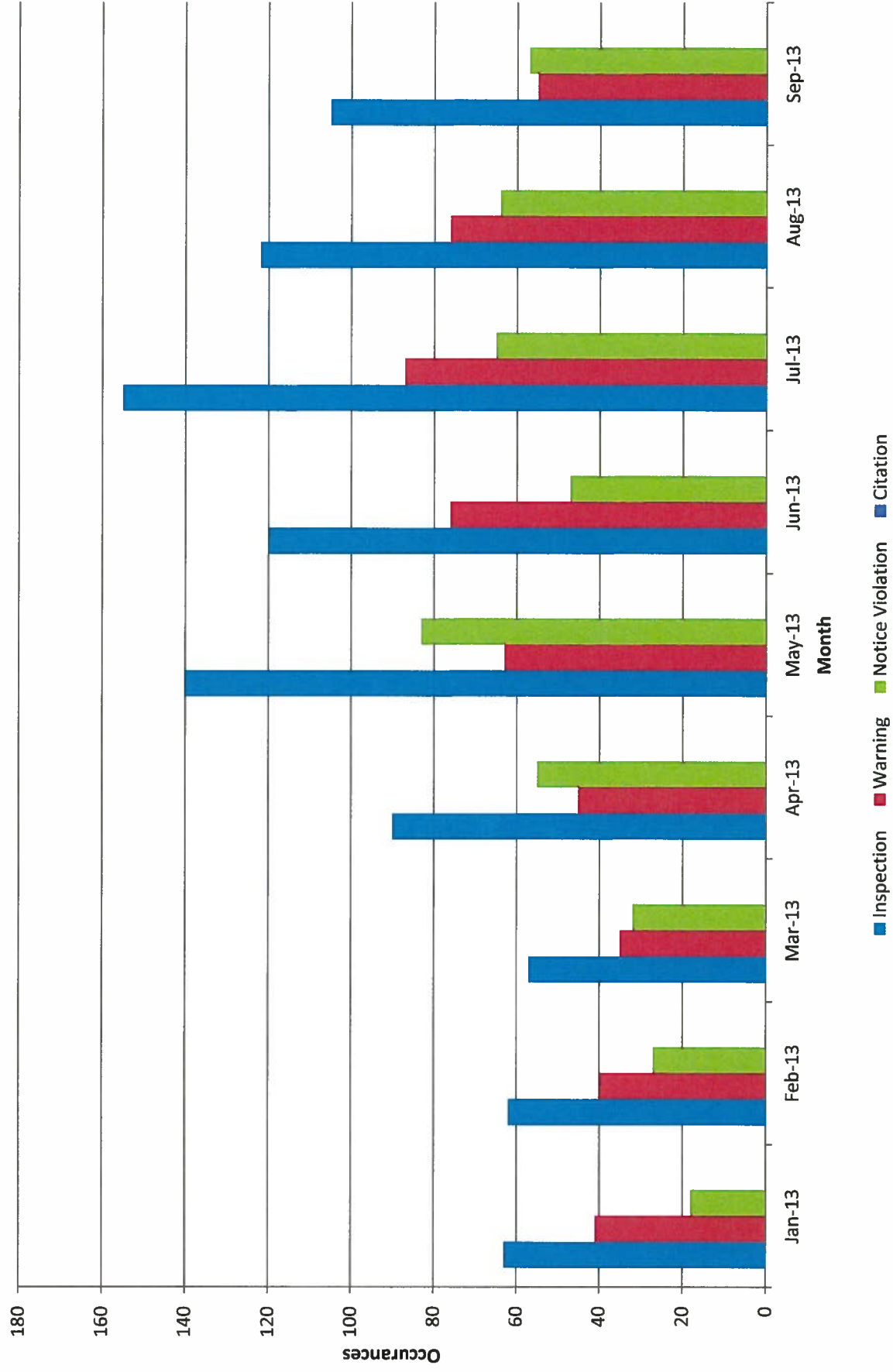


Code Enforcement Activity Results

City of Farmersville Police Department



Code Enforcement Activity Results City of Farmersville Police Department



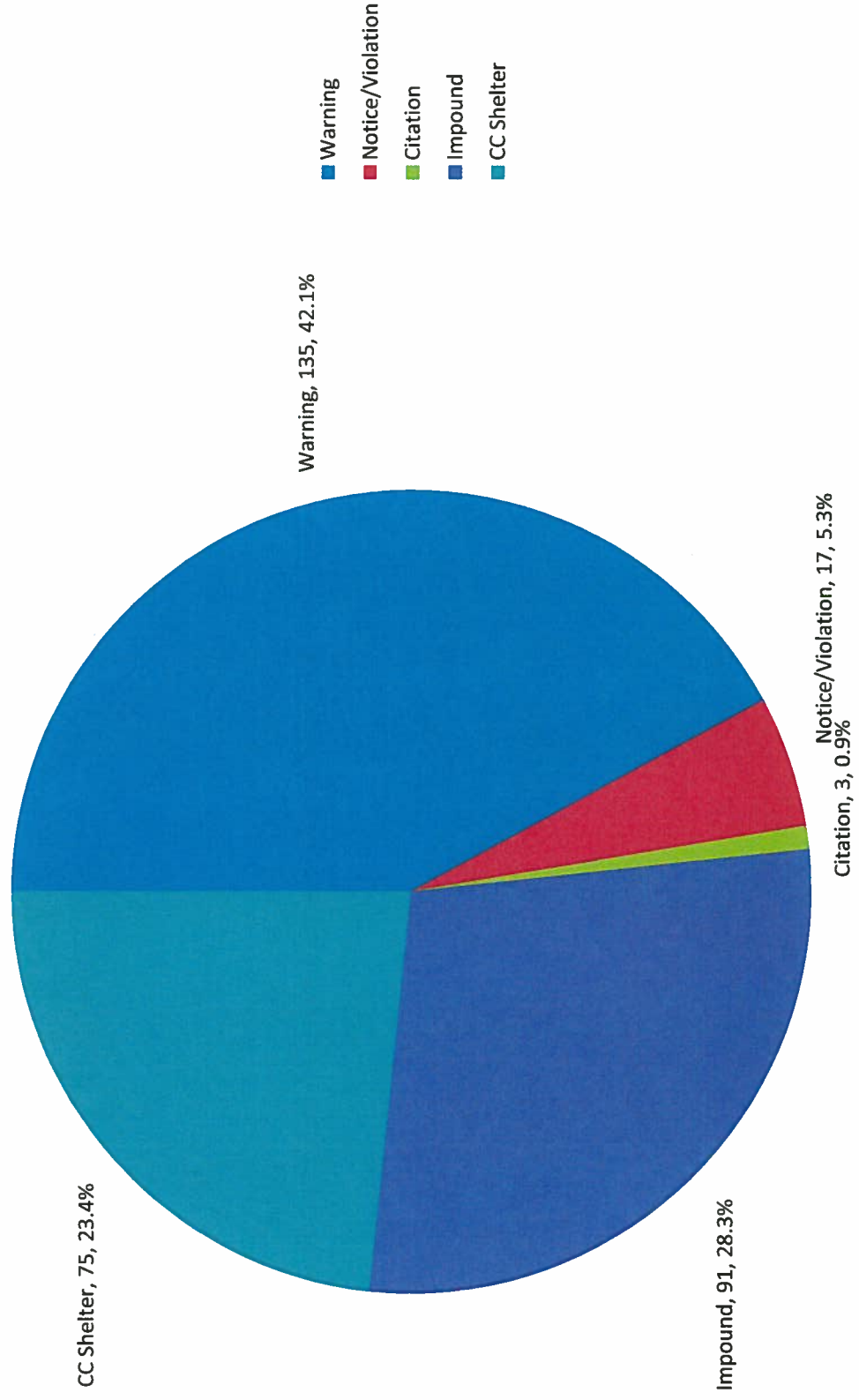
**FARMERSVILLE POLICE DEPARTMENT
PUBLIC SERVICE OFFICER: ANIMAL CONTROL MONTHLY REPORT**

| DATE | TYPE OF CALL | ADDRESS | VIOLATION | WARNING | NOTICE /VIOL | CITATION | IMPOUND | CC SHELTER | CFS# |
|------------|----------------------------------|--------------------|-------------------|---------|--------------|----------|---------|------------|------|
| 09/03/2013 | Skunk | 1St Baptist Church | Unable to Locate | | | | | | |
| 09/03/2013 | Snakes | 106 Herron | Left Card | | | | | | |
| 09/03/2013 | Loose Dog | Neathery | Neighbor Took Dog | X | | | | | |
| 09/03/2013 | Goat | Duran-Buckskin | NOV 24 Hrs Given | | X | | | | |
| 09/04/2013 | Dead Possum | Red Oak | Gone | | | | | | |
| 09/04/2013 | Goat | Duran-Buckskin | Goat Removed | X | | | | | |
| 09/05/2013 | Loose Dog | 311 Raymond | Left Card | X | | | | | |
| 09/05/2013 | Loose Dogs | S. Hamilton | Returned to Owner | X | | | | | |
| 09/05/2013 | Loose Cow | Hwy 78 | Returned to Owner | X | | | | | |
| 09/06/2013 | Loose Livestock | Chapararel Trail | CCAS | | | | | X | |
| 09/06/2013 | Loose Cow | Hwy 78 | Unable to Locate | | | | | | |
| 09/07/2013 | Stray Dog | High School | Pound | | | | X | | |
| 09/07/2013 | Loose Cow | 1411 Pecan Creek | Returned to Owner | X | | | | | |
| 09/07/2013 | Stray Dog | 210 S. Buckskin | Pound | | | | X | | |
| 09/08/2013 | Loose Cows | Hwy 78 | Put Back in Fence | | | | | | |
| 09/09/2013 | Barking Dogs | Hwy 78 | Unable to Locate | | | | | | |
| 09/09/2013 | Pick Up Dogs | Pound | CCAS (2) | | | | | X | |
| 09/10/2013 | Loose Dogs | 418 N. Washington | Returned to Owner | X | | | | | |
| 09/10/2013 | Loose Dog | 512 N. Washington | Returned to Owner | X | | | | | |
| 09/10/2013 | Loose CHieckens801 S. Main | | | | | | | | |
| 09/10/2013 | Loose Dog | 107 Wilcoxson | Spoke w/Owner | | X | | | | |
| 09/11/2013 | Loose Dog | Old McKinney Rd | Spoke w/Owner | X | | | | | |
| 09/11/2013 | Stray Dog | FM 547 | CCAS | | | | | X | |
| 09/11/2013 | Loose Cow | N. Washington | Cow Secured | | | | | | |
| 09/13/2013 | Loose Dog | 418 N. Washington | Returned to Owner | X | | | | | |
| 09/13/2013 | Barking Dogs | 303 Raymond | Left Card | | | | | | |
| 09/13/2013 | Loose Dog | | Returned to Owner | X | | | | | |

| | | | | | | | | | |
|------------|-----------------|-------------------|-------------------------|---|---|--|--|---|--|
| 09/13/2013 | Loose Dog | 213 Hill | Went Into Junk Yard | | | | | | |
| 09/13/2013 | Loose Dog | 212 S. Rike | Returned to Owner | X | | | | | |
| 09/16/2013 | Loose Dogs | 213 Hill | 1 Resecured/1 Junk Yard | | | | | | |
| 09/17/2013 | Kittens/Cat | 302 Woodard | CCAS (7) | | | | | X | |
| 09/17/2013 | Return Cage | 302 Woodard | | | | | | | |
| 09/18/2013 | Loose Dog | PR 100 #11 | NOV | | X | | | | |
| 09/18/2013 | Loose Dog | 213 Hill | Went to Junk Yard | | | | | | |
| 09/22/2013 | Barking Dogs | 418 N. Washington | Unable to Locate | | | | | | |
| 09/22/2013 | Loose Livestock | Hwy 78 | CCAS | | | | | X | |
| 09/23/2013 | Loose Dog | 203 Central | Put in Fence | | | | | | |
| 09/23/2013 | Loose Dogs | 305 S. Hamilton | Spoke w/Owner | X | | | | | |
| 09/24/2013 | Loose Dog | Trail | Unable to Locate | | | | | | |
| 09/24/2013 | Loose Dogs | 1009 S. Main | CCAS (2) | | | | | X | |
| 09/25/2013 | Loose Dog | Sid Nelson | Spoke w/Owner | X | | | | | |
| 09/25/2013 | Loose Dog | Neathery | Spoke w/Owner | X | | | | | |
| 09/25/2013 | Loose Dog | N. Washington | Spoke w/Owner | X | | | | | |
| 09/25/2013 | Loose Dog | 206 Herron | Spoke w/Owner | X | | | | | |
| 09/25/2013 | Rooster | 311 College | Spoke w/Owner | X | | | | | |
| 09/25/2013 | Loose Livestock | CR 616 | Went Back on Property | | | | | | |
| 09/26/2013 | Abandoned Dogs | 121 N. Lincoln | Kept Dog | | | | | | |
| 09/26/2013 | Barking Dogs | 418 N. Washington | Spoke w/Owner | X | | | | | |
| 09/27/2013 | Snake | 710 Hwy 78 | Released in Woods | | | | | | |
| 09/27/2013 | Stray Dogs | Tatum Elementary | CCAS (2) | | | | | X | |
| 09/29/2013 | Dog Bite | 517 N Main | Kept Contained | X | | | | | |
| 09/30/2013 | Pick Up Dog | 517 N. Main | CCAS (Quarantine) | | | | | X | |
| 10/01/2013 | Stray Puppy | Hwy 380 | CCAS | | | | | X | |
| 10/01/2013 | loose Dog | Tatum Elementary | Returned to Owner | X | | | | | |

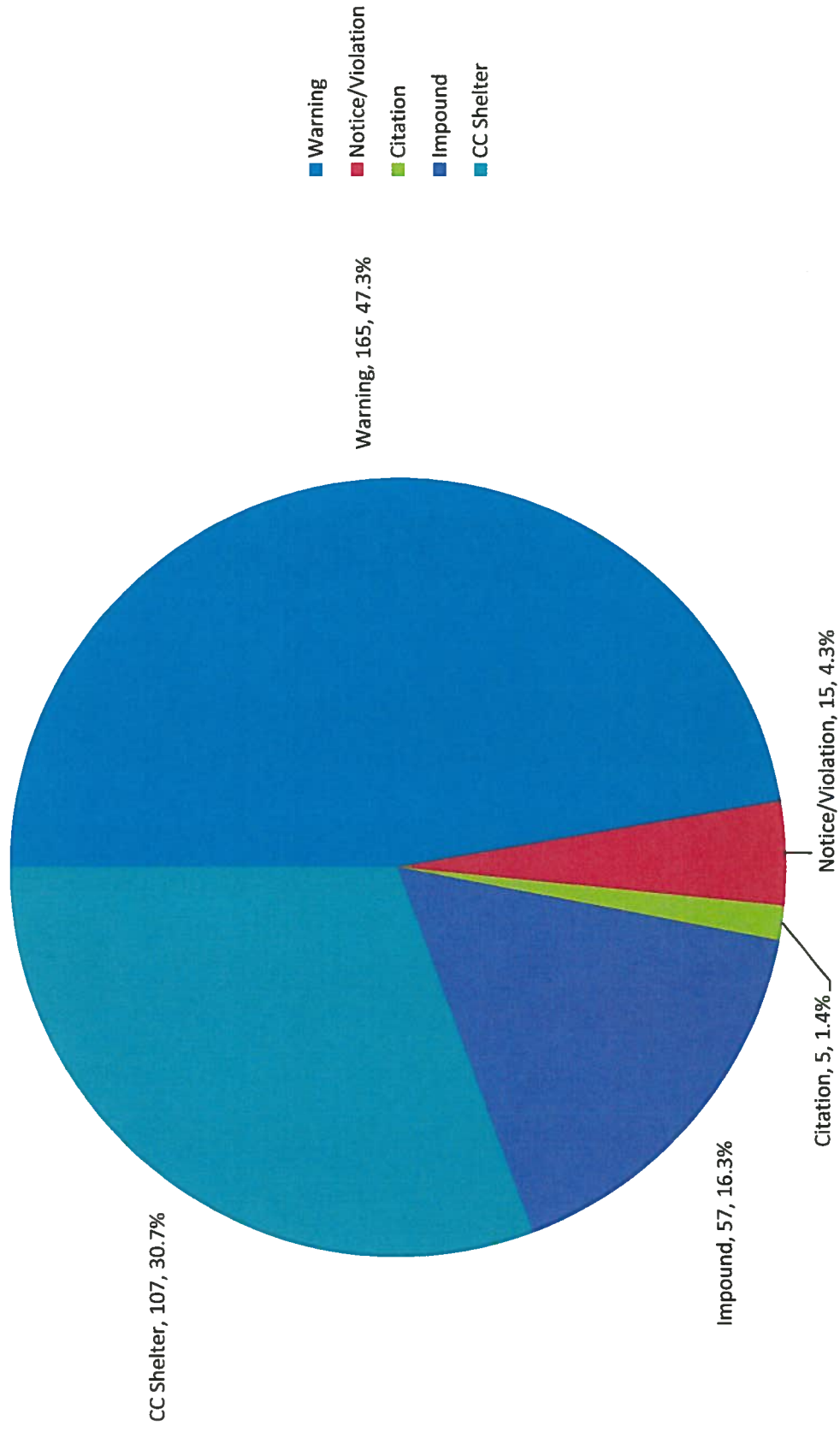
Animal Control Activity Results

Farmersville Police Department
Cumulative, Calendar Year 2012



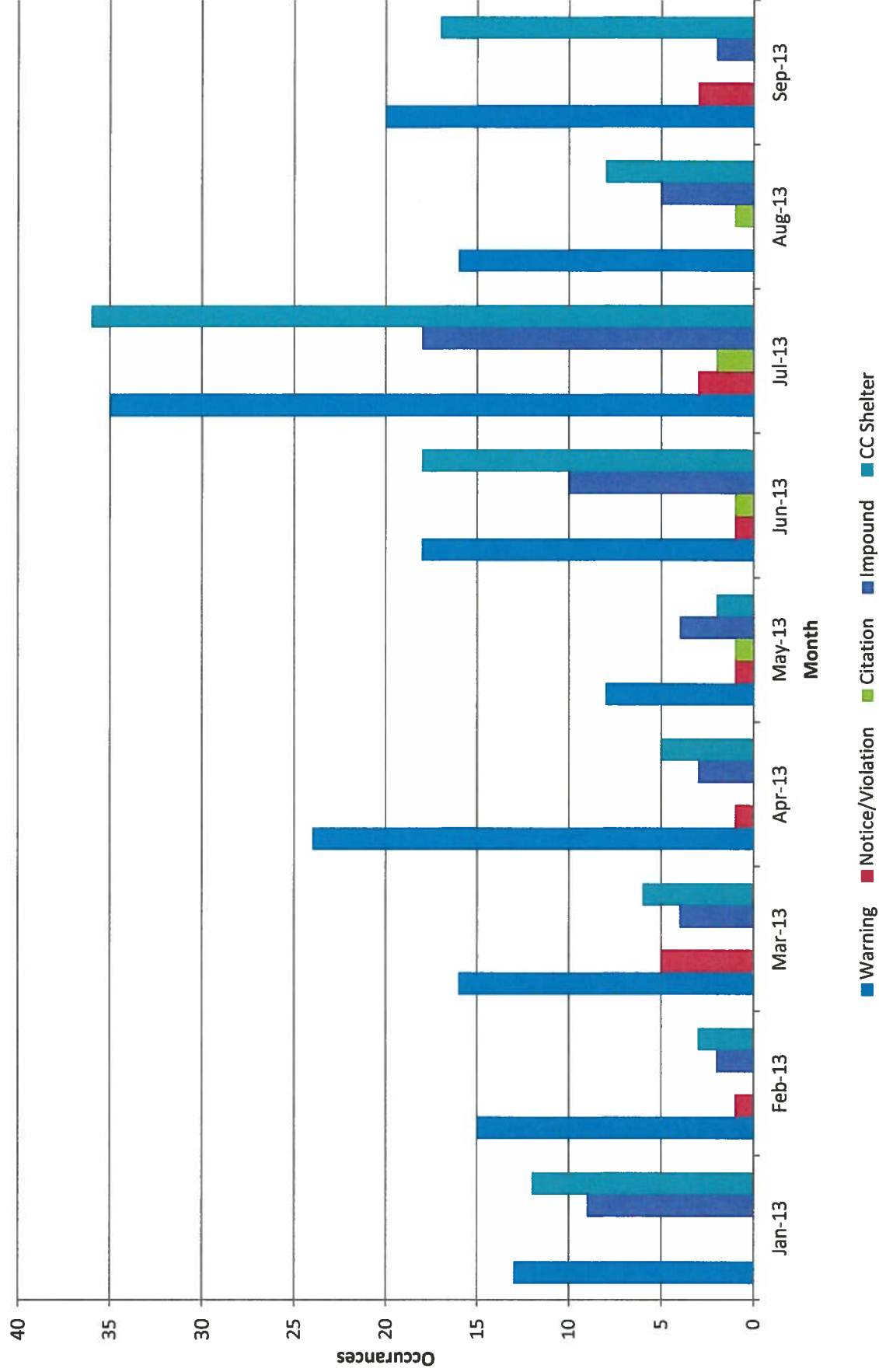
Animal Control Activity Results

Farmersville Police Department
Cumulative, Calendar Year 2013



Animal Control Activity Results

Farmersville Police Department





TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: CONSENT AGENDA – School Resource Officer Report

Month of:

Septemb

Officer: Williams

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | TOTAL |
|-----------------|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|
| FTA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Curfew Viol | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Trespassing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Drug Para | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| MIP Tobacco | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MIP Alcohol | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Assault M/C | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| D/C Language | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| D/C Fighting | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Class Disrupt | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Disrup Trans | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| LETS Hours | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Presentation | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 |
| Events Worked | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 4 |
| Off/Inc Reports | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| Arrest | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Extra Patrols | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Student Contact | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 4 |
| PTA Meetings | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Counsel Forms | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Safety Drills | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Parent Contacts | 0 | 0 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 10 |
| Res Chks | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Traffic Stops | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| TOTAL | 0 | 0 | 6 | 0 | 1 | 0 | 1 | 0 | 2 | 4 | 2 | 3 | 3 | 0 | 0 | 0 | 0 | 2 | 5 | 2 | 0 | 0 | 0 | 4 | 4 | 0 | 1 | 0 | 0 | 0 | 0 | 40 |



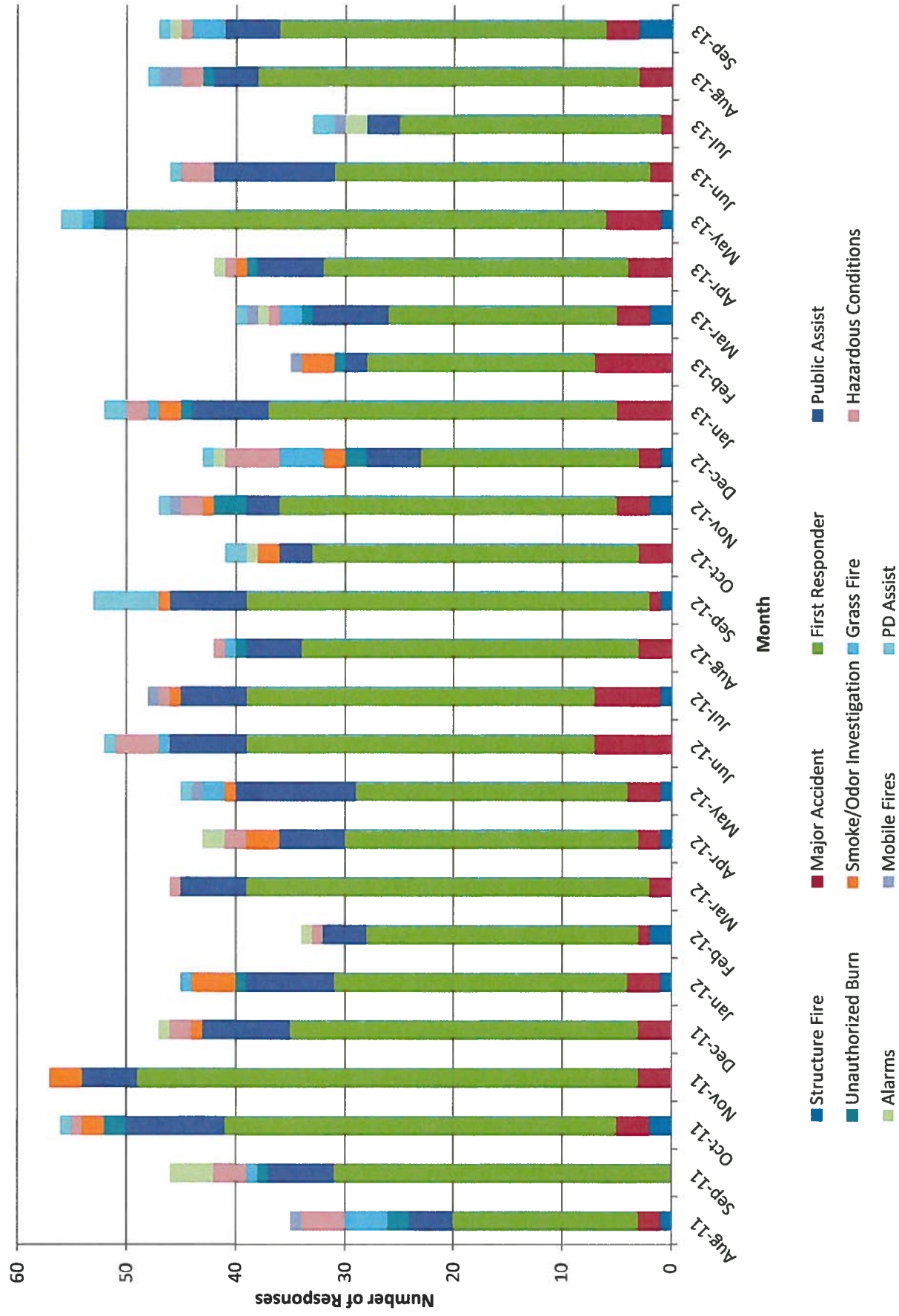
TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: CONSENT AGENDA – Fire Department Report

**FARMERSVILLE FIRE DEPARTMENT
CITY COUNCIL REPORT
SEPTEMBER 2013**

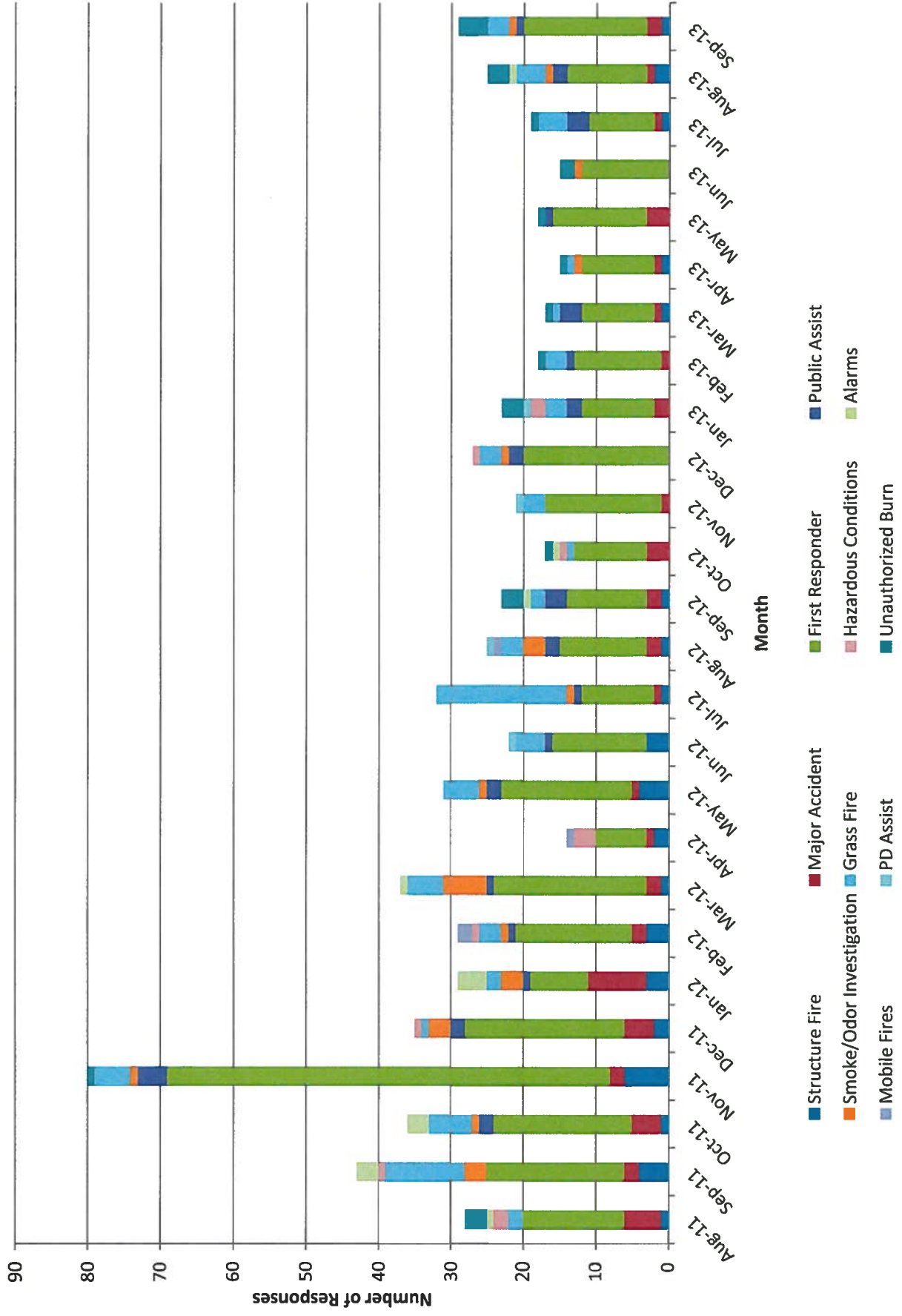
1. The department did another fire drill at the Wylie Fire Department utilizing their burn house. Both the Quint and new Engine were taken. Josephine Fire Department sent a crew and truck to stand by at the Farmersville station until we returned.
2. We had a very large grass fire that was found to be nearly 30 acres and threatened 4 structures. There were 5 departments who assisted with extinguishment along with the Texas Forestry Service who brought out two dozers from Greenville and the Collin County Fire Marshal's office. There was no damage to property or livestock.
3. The department will be participating in a Muscular Dystrophy Drive by setting up a booth during Old Time Saturday.
4. Several members of the department will be attending the National Fire Protection Operations Management class in McKinney during October.

KIM R. MORRIS
Farmersville Fire Chief

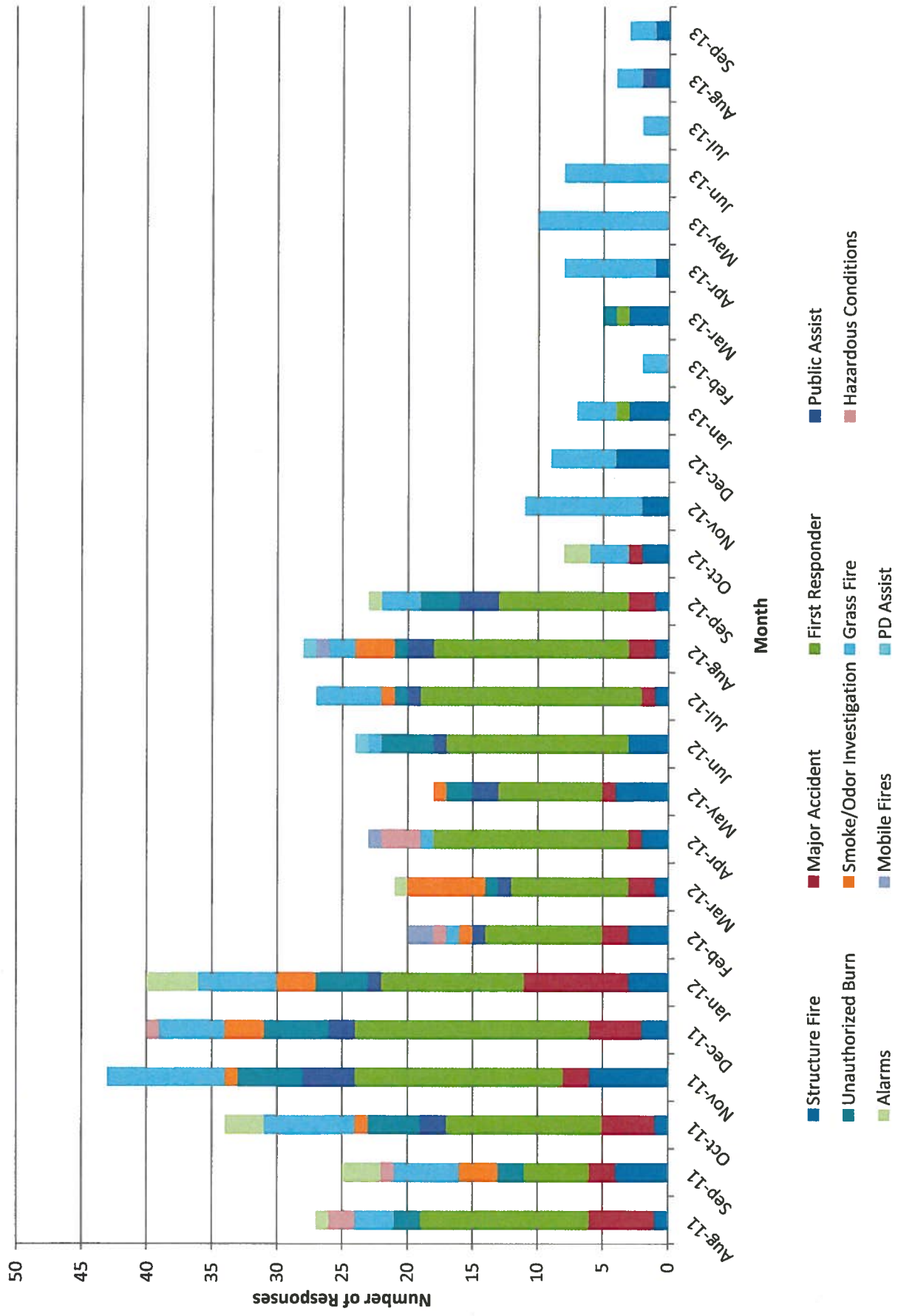
Farmersville Fire Department City Responses



Farmersville Fire Department County Responses



FARMERSVILLE FIRE DEPARTMENT MUTUAL AID RESPONSES





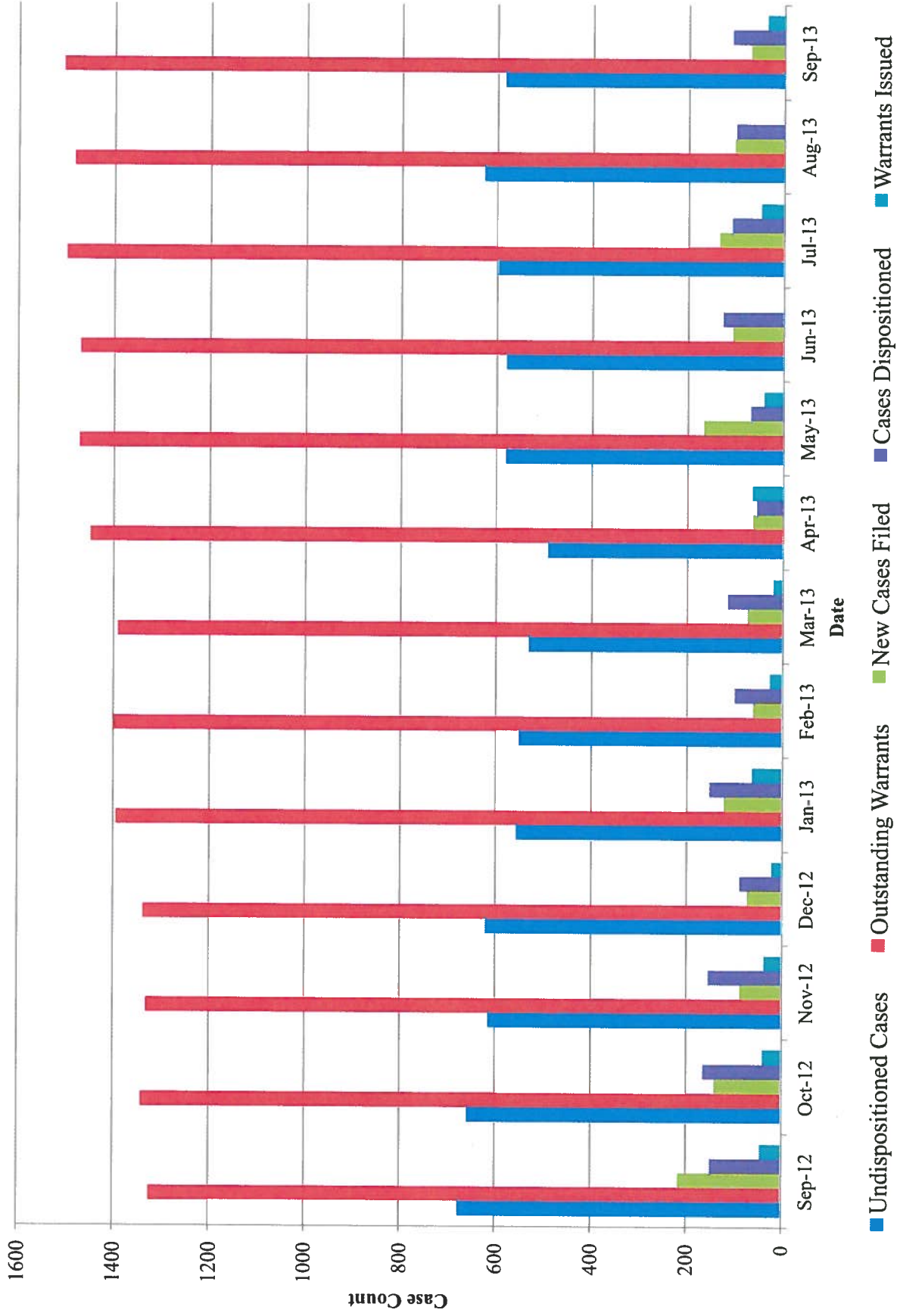
TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: CONSENT AGENDA – Municipal Court Report

FARMERSVILLE MUNICIPAL COURT

MONTHLY REPORT SEPTEMBER 2013

| | |
|---|--------------|
| Cases Filed | 70 |
| Class C Complaints Received | 0 |
| Dispositions Prior to Trial | 51 |
| Pre-Trial Hearings Held | 0 |
| Non-Jury Trials Held | 0 |
| Jury Trials Held | 0 |
| Cases Dismissed | |
| After Driving Safety Course | 10 |
| After Deferred Disposition | 0 |
| After Proof of Financial Responsibility | 2 |
| Compliance Dismissal | 4 |
| Dismissed at Trial (By Prosecutor) | 0 |
| FTA's Issued | 14 |
| Warrants Issued | 36 |
| Total Outstanding Warrants | 1506 |
| Total Due from Outstanding Warrants | \$472,273.02 |
| Warrants Cleared by Court | 14 |
| Number of Disposed Cases | 108 |
| Total Revenue | \$15,491.00 |
| Total Kept by City | \$10,943.82 |
| Total Remitted to State | \$4,547.18 |

Municipal Court Case and Warrant Rate



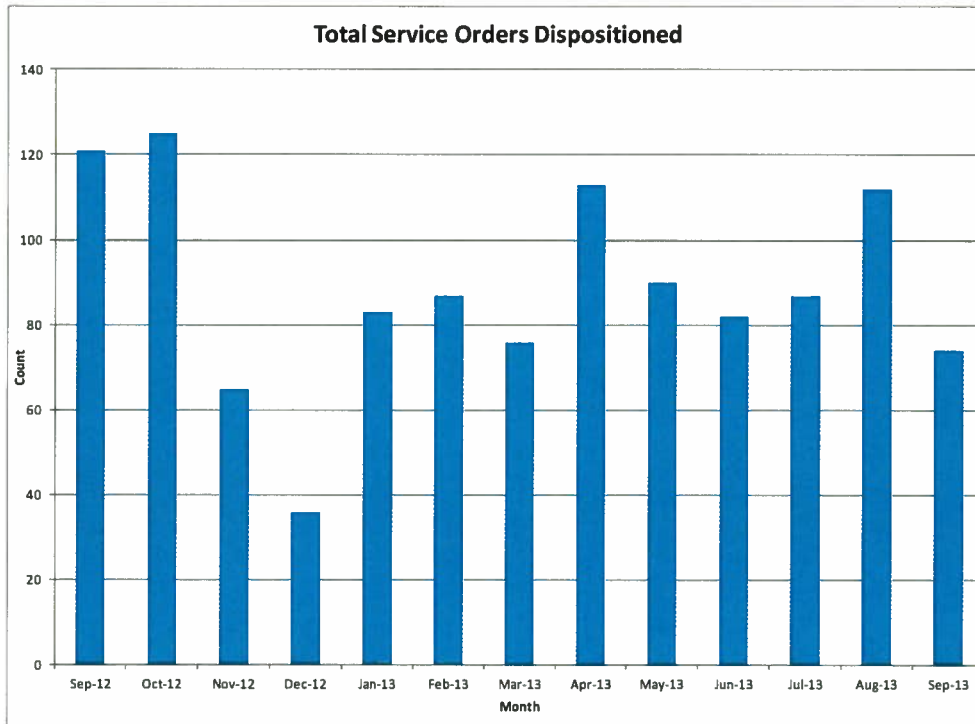


TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: CONSENT AGENDA – Public Works Report



Public Works Monthly Report

Service Order Status



| Service Order Group | Sep-12 | Oct-12 | Nov-12 | Dec-12 | Jan-13 | Feb-13 | Mar-13 | Apr-13 | May-13 | Jun-13 | Jul-13 | Aug-13 | Sep-13 |
|------------------------|------------|------------|-----------|-----------|-----------|-----------|-----------|------------|-----------|-----------|-----------|------------|-----------|
| Utility Billing | 18 | 25 | 20 | 17 | 12 | 30 | 15 | 24 | 27 | 12 | 29 | 32 | 31 |
| Street System | 7 | 7 | 3 | 1 | 5 | 2 | 2 | 7 | 1 | 3 | 3 | 2 | 1 |
| Water System | 17 | 13 | 8 | 2 | 14 | 12 | 24 | 39 | 36 | 32 | 28 | 15 | 22 |
| Waste Water System | 3 | 3 | 5 | 2 | 10 | 4 | 7 | 4 | 1 | 6 | 1 | 2 | 3 |
| Storm Water System | 3 | 3 | 0 | 2 | 0 | 4 | 1 | 4 | 4 | 1 | 0 | 4 | 0 |
| Property and Buildings | 43 | 42 | 12 | 4 | 16 | 10 | 10 | 2 | 4 | 5 | 0 | 2 | 2 |
| Electrical System | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Refuse System | 23 | 18 | 9 | 6 | 22 | 18 | 15 | 28 | 9 | 16 | 16 | 39 | 14 |
| Projects | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Vehicles | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| Public Works | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| Miscellaneous | 6 | 14 | 8 | 2 | 3 | 7 | 2 | 5 | 8 | 6 | 10 | 15 | 1 |
| Total | 121 | 125 | 65 | 36 | 83 | 87 | 76 | 113 | 90 | 82 | 87 | 112 | 74 |

Note:

1. Number of outstanding service orders, 22 days or older (backlog): 18
2. Number of elevated service orders: 2 completed, 0 outstanding

Public Works General

1. No increase in lost time accidents for the year.
 - a. Total Number for 2012-2013: 0
 - b. Total lost days for 2012-2013: 0

- c. Accidents in Month: None

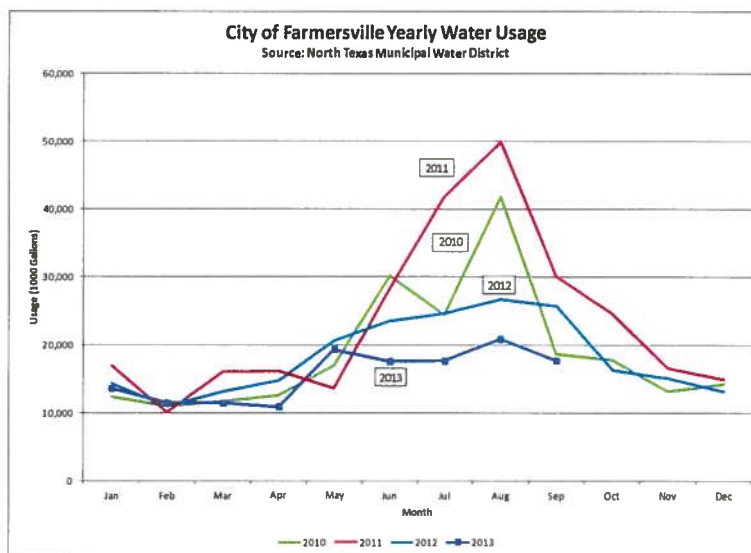
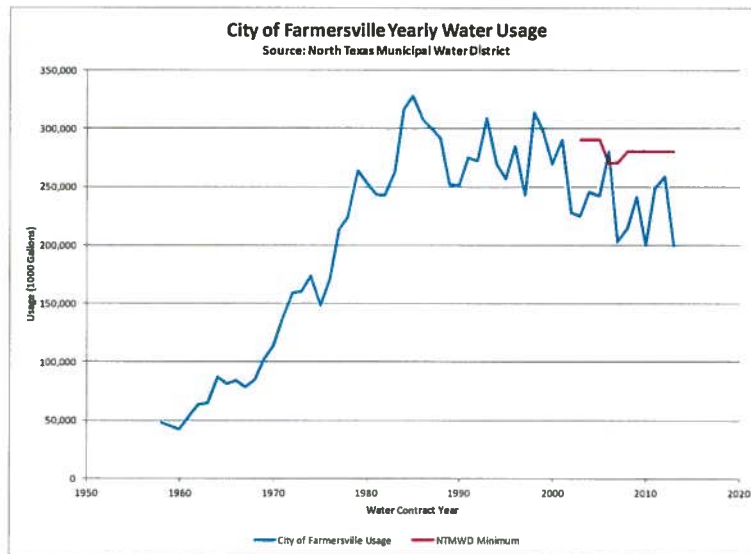
Street System

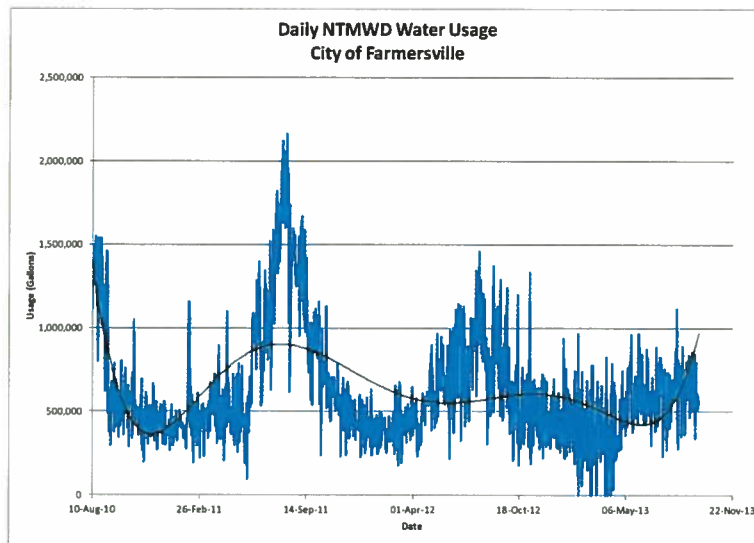
1. Project Backlog
 - a. Maintenance resurfacing and panel replacement.
 - i. Summit at Rike Street.
 - ii. West Santa Fe.
 - iii. Rike at East Santa Fe.
 - b. Safe Routes to School. See project status below.
 - c. Install remainder of school zone signs.
2. GO Bond related projects. Also see project status below.
 - a. Overlay projects Request for Proposal complete.
 - b. Entered engineering phase for Washington, Santa Fe, Hamilton, and Sid Nelson reconstruction projects.
3. US 380 Highway Project status.
 - a. 1st Railroad Bridge, Passing Track: Apr 2013 thru Dec 2013
 - b. 2nd Railroad Bridge, Main Track: Mar 2014 thru Sep 2014
 - c. 380 Roadway, East Bound: July 2013 thru Dec 2013. Mimosa Street currently scheduled to reopen in October 2013
 - i. East Bound Off-Ramp (Southwest Ramp), Complete Summer 2014
 - ii. East Bound On-Ramp (Southeast Ramp), Complete Dec 2013
 - d. 380 Roadway, West Bound: Complete April 2014
 - i. West Bound Off-Ramp (Northeast Ramp), Complete Feb 2014
 - ii. West Bound On-Ramp (Northwest Ramp), Complete Summer 2014
 - e. Main Street Bridge Construction: Jul 2013 thru mid-Dec 2013. Completely closed during construction. Use alternative paths: Orange, Rike, Hamilton, Mimosa, Beene etc.
 - i. North 380 Jughandle: Closed 6 Oct 2013 thru Dec 2013
 - ii. South 380 Jughandle: Closed first couple weeks in Dec 2013
 - iii. Main Street Roadway: Complete Dec 2013
 - f. Hill Street Crossing: Complete Mar 2014
 - g. Walnut Street Crossing: Complete Mar 2014
 - h. Main/Summit Street Crossing: Complete Mar 2014

Water System

1. Project backlog
 - a. Waterline extension for Caddo Park.
 - b. Investigate interconnections with customers along Hanna Drive to see that they are properly metered. Ordered strap-on meter to help develop data.
 - c. Transfer NTMWD customers to CoF along Hwy 380.
 - d. GO Bond related engineering. See project status below.
 - e. Install water line on Lee Street to replace extremely poor 2" galvanized line. Currently working on easement documentation.
2. Meter Report (1392 + 4):
 - a. Residential Meters (1154 + 2)
 - b. Commercial Meters (182 + 2)

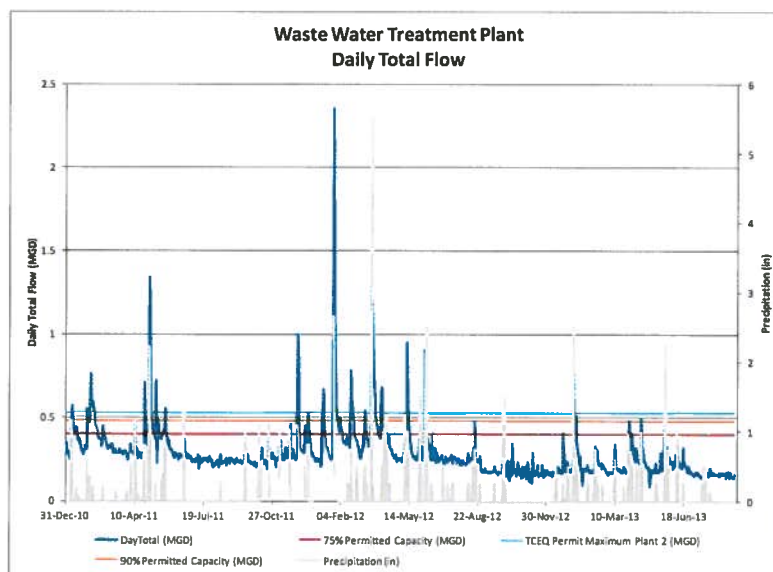
- c. Industrial Meters (30,+0)
- d. Public Meters (19, +0)
- e. Wholesale Meters (6, +0)
- 3. Consumption Report (Calendar Year Start 21 Dec 2012, Month 23 Aug 2013 thru 19 Sept 2013, 28 days)
 - a. Inflow (NTMWD), Calendar Year to Date: 145,299,000
 - b. Inflow (NTMWD), Month: 17,800,000
 - c. Usage, Calendar Year to Date 133,909,580 gallons
 - d. Usage, Month: 19,943,800 gallons
 - e. Usage, Average Daily Water Usage for the Month: 712,278 gallons
 - f. Calendar Year Water Loss Percentage (to date): 7.83%
- 4. Stage 3 water restrictions are in place.





Waste Water System

1. Project backlog:
 - a. Community Development Block Grant (CDBG) to fund sewer system project. See project status below.
 - b. GO Bond related engineering. See project status below.
 - c. Orange Street sewer lift station reconfiguration.
2. Worked on Lakehaven MUD agreement. Main document signed by Lakehaven personnel!! Now working on 4 preliminary documents for signature: Plant Site Right to Entry (Complete), Plant Site Sanitary Sewer Easement (Complete), Plant Site Escrow Deed, TCEQ Permit Transfer.
3. Flo-Dar waste water flow meters installed and working. Recorded 2 rainfall events. Currently working with Hach to analyze data.



Storm Water System

1. Project backlog:
 - a. Drainage issues behind Hurst Antiques.
 - b. Drainage issues behind May Furniture building.

- c. Storm water line down Clairmont in need of upgrades.

Property and Buildings

1. City Hall
 - a. Backlog: Additional window tinting.
2. JW Spain
 - a. Parking lot culverts replaced.
 - b. Restroom and concession stand door replacement/upgrade. (Underway)
3. Onion Shed
 - a. No new news.
4. West Onion Shed
 - a. No new news.
5. Public Safety Building
 - a. Break in waterline being repaired. Waiting on replacement parts. (Underway)
6. Chaparral Trail
 - a. See project status below.
 - b. Replaced culvert at PR 5101.
 - c. Replaced light poles damaged by vandalism.
7. Rodeo Arena.
 - a. Replaced contactor for lighting system.
8. Public Works maintenance barn. (Integrated plan with Electric System plan)
 - a. Backlog: Reconfigure and update indoor space.
 - i. Bathroom
 - ii. Locker space
 - iii. Shower
 - iv. Kitchenette/lunchroom
 - v. Office space
 - b. Backlog: Shelving
 - c. Backlog: Lean-to covered area for parts.
9. Rambler Park.
 - a. Upgrade project. (Underway)
 - i. Move gazebo closer to splash pad.
 - ii. Sidewalk connector to the gazebo.
 - iii. Replace Rambler's Park sign.
 - iv. Replace Splash Zone sign.
 - v. New placards indicating park time for watering restriction levels.
 - b. Upgraded irrigation system to replace controller and repair system leaks.
10. North Lake
 - a. Construct Police shooting range. Received slab design.
11. South Lake Park
 - a. Backlog: The following items are due for replacement/maintenance:
 - i. Repair/remove broken portal.
 - ii. Replace hanging bars, 10.
 - iii. Replace missing grill, qty 2.
 - iv. Replace bench at the boat ramp.

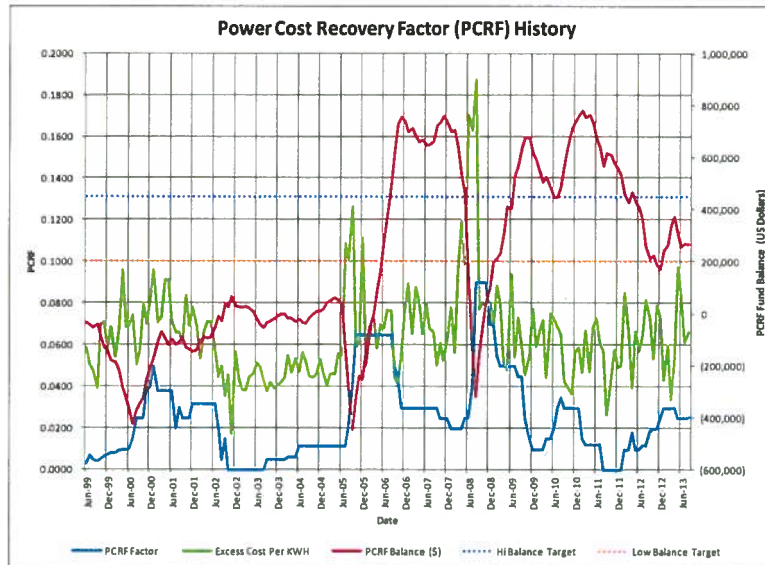
- v. Replace weak boards on fishing pier.
 - vi. Improve hose bib installation
- 12. Civic Center/Library
 - a. Backlog: Handicap ramp compliance issues.
 - b. Backlog: Handicap parking striping and signage.
 - c. New striping for parking lot. Library striping complete.
- 13. Best Center
 - a. Backlog: Change locks.
- 14. Senior Center
 - a. Backlog: Concrete for entrance area.
 - b. Carpet replacement. Funding approved by Centennial Committee.
 - c. Backlog: Lights for the parking lot.
 - d. Repaired air conditioning system, water heater, and smoke detectors.
- 15. City Park
 - a. Backlog: The following items are due for replacement/maintenance
 - i. Place sand box around slide.
 - ii. Remove rock from underneath playground equipment and replace with sand.
- 16. Downtown
 - a. Backlog: Replace hanging planters on the median.
 - b. Backlog: Install banner mounts.
 - c. Completed irrigation system.
 - d. Arborist treated the second live oak from the east for water/heat stress.
 - e. Installed new flagpole at freedom square.
- 17. Install historical markers for the following items:
 - a. Backlog: Old city standpipe location.
 - b. Backlog: Ramblers Baseball Park.
 - c. Backlog: Old Train Depot site.
 - d. Backlog: Downtown square, William Gotcher
 - e. Backlog: Looney-Dowlin First Public School

Electrical System

1. Completed discussions relating to the City of Farmersville taking over the electrical system. Council decided to pursue the CoF option and take over management, maintenance, and operation of Farmersville Electric.
2. First Southwest began process of securing financing for \$600K to support capital procurements and building improvements.
3. New energy contract work is underway via Schneider Engineering (Steve Moffitt).
 - a. Release of RFP: 6 Sep 2013 (Complete)
 - b. Proposals Due: 20 Sep 2013 (Complete)
 - c. Begin Contract Negotiations: 9 Oct 2013 (Underway)
 - d. Steve Moffit presentation to Council: 22 Oct 2013
 - e. Contract Effective Date: 1 May 2014
4. Continued discussions with Versalift and Altec concerning procurement of trucks.
5. Meeting established with Sharyland on 10 Oct 2013 to discuss transition plan.

6. Created transition planning document.
7. Asked McCord Engineering to proceed forward with work related to the following tasks. Bottom two items are scheduled for completion by the end of the year.

| McCord Engineering Item Description | Cost |
|---|--------|
| Help during the upcoming year to establish CoF option (hourly charges) | <\$95K |
| Create a rate ordinance or update the existing one | \$28K |
| Set up through ordinance the standards for underground electric utilities | \$20K |



Refuse System

1. No new news.

Inspections, Permits, Plats

1. No new news.

Vehicles/Tools

1. No new news.

Special Projects/Grants

| Description | Total Project Estimate | City's Share | Estimated Construction Begin Date | Estimated Construction Completion Date | Comments and Status |
|--|------------------------|---|-----------------------------------|--|---|
| Safe Routes to School Grant Funded by TxDOT | \$674,000 | \$5,000 CoF Funded | Sep-13 | Feb-14 | Preconstruction conference set for 10 Oct 2013 at 10:00. |
| Main Street Grant Texas Capital Fund | \$150,000 | \$15,000 Cash CoF Funded | Mar-12 | Feb-13 | Grant audit complete. Awaiting fund reimbursement, \$122,064. |
| Chaparral Trail Grant Texas Parks & Wildlife (Phase I) | \$200,000 | \$50,000 4B Funded | Oct-12 | May-13 | Construction complete. Processing final paperwork. Reimbursement amount: \$150,000. |
| Chaparral Trail Grant Collin County Open Space (Phase II) | \$300,000 | \$150,000 (4B, \$50K) (CoF, \$100K) | May-13 | Oct-13 | Construction complete except for: sod, tree planting, mile markers, water taps, extra bollards, culvert, picnic sign, and final punch list. |
| Chaparral Trail Grant Collin County Open Space (Phase III) | \$300,000 | \$150,000 | Not Awarded Yet | Not Awarded Yet | Grant package submitted to Collin County. Awaiting response. |
| Waste Water System Community Development Block Grant (CDBG) | \$275,000 | \$41,250 (Cash) | Awarded | Awarded | Awarded, awaiting State contract. |
| Waste Water Treatment Plant Texas Revolving Fund | \$14,000,000 | Loan, 100% | Not Awarded Yet | Not Awarded Yet | Application turned in. This does not obligate the City but does give us an option |
| Farmersville Parkway TIGER Grant | \$4,823,208 | CC, \$1,900,000 CoF, \$100,000 | Not Awarded Yet | Not Awarded Yet | Application turned in. Awaiting award. |
| Farmersville Parkway Phase III Collin County Bond | \$3,800,000 | \$1,900,000 | On-Hold | On-Hold | On hold awaiting matching funding, 50%. |
| Floyd Street Extension Collin County Bond | \$200,000 | \$100,000 | On-Hold | On-Hold | On hold awaiting matching funding, 50% |

Red indicates change from last council meeting.

General Obligation Bond Projects

| Project Number | Project Name | Budget/Cost | Status | Estimated Construction Start Date | Estimated Construction End Date |
|--|---|-------------|------------------------|-----------------------------------|---------------------------------|
| Street Projects | | | | | |
| 1 | Sycamore Street Panel Replacement (Hwy 78 to Jackson) | 123,000 | Construction | Apr-13 | Jan-14 |
| 2 | Orange Street Overlay (380 to Old Josephine, Partially County Funded) | 93,245 | Engineering | Mar-14 | May-14 |
| 3 | CR557 Overlay (US 380 to SH 78), Majority County Funded | 4,583 | Complete | Oct-12 | Jul-13 |
| 4 | Hamilton Street Overlay (Yucca to Gaddy) | 88,000 | RFP | Dec-13 | May-14 |
| 5 | Street Signs and Installation | 95,000 | Ready for Construction | Feb-14 | Dec-14 |
| 6 | Beech Street Overlay (Main to Beene) | 137,000 | RFP | Dec-13 | May-14 |
| 7 | Windom Overlay (Maple to McKinney) | 46,000 | RFP | Dec-13 | May-14 |
| 8 | Westgate Overlay (Hwy 78 to Wilcoxson) | 94,000 | RFP | Dec-13 | May-14 |
| 9 | Central Overlay (College to Prospect) | 101,000 | RFP | Dec-13 | May-14 |
| 10 | South Washington from Farmersville Parkway to Sid Nelson | 88,000 | Engineering | Apr-14 | Jun-14 |
| 11 | Sid Nelson from South Washington to Hamilton | 88,000 | Engineering | May-14 | Jun-14 |
| 12 | Hamilton Street from Hwy 380 to Farmersville Parkway | 1,384,000 | Engineering | Jul-14 | Sep-14 |
| 13 | Santa Fe Reconstruction (Johnson to Main) | 504,000 | Engineering | Oct-14 | Dec-14 |
| 14 | Hamilton Overlay (McKinney to Yucca) | 728,000 | RFP | Dec-13 | May-14 |
| Street Projects Total | | 3,573,828 | | | |
| Street Projects GO Bond Allocation | | 3,575,000 | | | |
| Water Projects | | | | | |
| 15 | North ET/North Main Street | 189,000 | Bid | Jan-14 | May-14 |
| 16 | Rike/Houston/Austin Street | 163,500 | Engineering | Apr-14 | Jun-14 |
| 17 | Automated Meter Reading System | 520,000 | Construction | Mar-13 | Jun-14 |
| 18 | CR 608/CR 609 | 63,500 | Not Started | Jul-14 | Aug-14 |
| 19 | Sycamore St/Hwy 78 | 329,000 | Bid | Jan-14 | May-14 |
| 20 | Bob Tedford Drive | 83,000 | Not Started | May-14 | Jun-14 |
| Wastewater Projects | | | | | |
| 21 | S Main & Abbey – Gravity Main | 52,000 | Not Started | Jan-15 | Apr-15 |
| 22 | Hwy 78 & Maple St – Gravity Main | 57,000 | Not Started | Jan-15 | Apr-15 |
| 23 | Hwy 78 & CR 611 – Gravity Main | 172,500 | Not Started | Jan-15 | Apr-15 |
| 24 | Floyd St – Lift Station | 50,000 | Engineering | Mar-14 | Apr-14 |
| 25 | Sycamore – Gravity Main | 23,000 | Complete | May-13 | Jul-13 |
| 26 | Hwy 380 & Welch Dr – Gravity Main | 164,500 | Not Started | Aug-14 | Nov-14 |
| 27 | Hwy 380 (AFI to Floyd St) – Lift Station & Force Main | 445,000 | Not Started | Nov-14 | Jun-15 |
| 28 | Locust – Gravity Main | 88,500 | Not Started | Oct-14 | Dec-14 |
| Water and Wastewater Projects Total | | 2,400,500 | | | |
| Water and Wastewater Projects GO Bond Allocation | | 2,400,000 | | | |

Yellow cells indicate supported by bond dispersment (\$1.5M, \$2.0M, \$2.475M)

Action Item List

| Project Name | | Project Type | Date of Request | Person Assigned | Service Order Number | NOTES | CLOSE DATE |
|---|--|---|-----------------|-----------------|----------------------|---|------------|
| J.W. Spain complex doors and gates | | Order new metal doors and rod iron gates for all exterior doors | 8-Jan-2013 | Paula Jackson | | Ben placed the order for the doors and we are working on new locks | Open |
| Brick and Tree | | for all past city council and mayors | 01/14/2013 | Paula Jackson | | | Open |
| Water hole in the sidewalk at Tony's Restaurant | | have public works look to see what can be done to correct | 14-Jan-2013 | public works | 149337 | | Open |
| Requirements for thickness of driveways | | Research Suddivision and Zoning for the thickness for driveways. Questions regarding 6 in accompanied by geotechnical study | 15-Jan-2013 | Ben White/Paula | | | |
| Survey's and Reports | | yearly... Meet with Ben | 23-Jan-2013 | Paula Jackson | | | Open |
| Senior Center | | get with Woody Wright regarding the floor covering for the center | 28-Jan-2013 | Paula Jackson | | WOODY HAS PICKED OUT HER FLOORING AND WILL GET ME A SAMPLE | Open |
| Crack sealing | | The Asphalt portion of the Chaparral Trail | 24-Jan-2013 | Paula Jackson | | Received quote: this will be forwarded for review: also received in a new quote for consideration | Open |
| Rambler Park | | The Playground in in need of mulch | 12-Mar-2013 | public works | | | Open |
| CHAPARRAL TRAIL | | LIGHT FOR THE 1 MILE MARKER | 19-Feb-2013 | BEN | | | Open |

| Project Name | Project Type | Date of Request | Person Assigned | Service Order Number | NOTES | CLOSE DATE |
|--|---|-----------------|-----------------|----------------------|--|------------|
| City Park | Need to have the boarders poured around all of the playground equipment | | public works | | Will be working with the Boy Scouts on a project to earn Eagle. This will start on Oct 26th, will work Ben and Nick Miller(PB) | Open |
| SIDEWALK | remove extremely bad section of sidewalk in front | 17-May-2013 | PUBLIC works | | | Open |
| bricks for pavilion | Ed Stuart | 5-Jun-2013 | Paula Jackson | | received brick. Now Paula will see where it will be placed | open |
| Restrooms at parks | Audrey has requested a number of things to be fixed or replaced at the restrooms like signs on the mens and | | Paula Jackson | | Ben and I are looking into signs to be placed. | Open |
| Building Inspection Contract | look at BV Contract for Fees vs what we Charge on Permits | 17-Jul-2013 | Paula Jackson | | | Open |
| Move rolloff containers from Progressive to City Billing | Get with Progressive and make the Change over and make sure the charges are correct | 17-Jul-2013 | Paula Jackson | | | Open |

| Project Name | Project Type | Date of Request | Person Assigned | Service Order Number | NOTES | CLOSE DATE |
|----------------------------------|---|-----------------|----------------------------|----------------------|--|------------|
| Old Time Saturday October 5th | Its time again for OTS... Lots of things will be done by Public Works with the the help of other City Staff and the Community | 27-Aug-2013 | Paula/Ben /Public works | | | Open |
| JW SPAIN | Concrete culverts and ends | 1-Apr-2013 | public works | | material has been received, waiting on AT&T to relocate the Phone Cable because the culvert will be going where the cable is located | open |
| HONAKER HOUSE | Lighting and Fence | 1-Apr-2013 | public works | | Working on Completing this project by Oct 1, 2013 | Open |
| Hot Mix Street Repairs | Looking at repairing Merit and some other streets. | 28-Aug-2013 | public works | | | Open |
| Safe Route to School Grant | The City will be relocating Water Meters, Sewer Cleanouts and ATMOS will be relocating the Gas Meters | 9/8//2013 | public works | | | Open |

| Project Name | Project Type | Date of Request | Person Assigned | Service Order Number | NOTES | CLOSE DATE |
|--------------------------|---|-----------------|-----------------|----------------------|--|------------|
| No Parking Striping | There are @ places that will be Stripped for No Parking. 1) at the Library infront of the Building. 2) infront of the Dumpster on Farmersville | | | | This will be Completed on Thursday 9-12-2013 by Daniel Black. Cost will be \$350.00. will also be stripping the spaces on the | Open |
| Public Safety Building: | The Side door of the Police station does not work properly. Also the fire dept door beside the bay door. | | | | Will have someone out next week to take a look to see what it will take to fix. Will have them look at the building to see if it will need leveling. | Open |
| Side walk repairs needed | the Sidewalk infront of Independent Bank and infront of McGuire Building | | | | Ben will be having Nick to take this and do the repairs | Open |



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: CONSENT AGENDA – Library Report



Charles J. Rike Memorial Library

203 Orange Street - Farmersville, Texas

www.rikelibrary.com

972-782-6681

Monthly Report: September – 2013

| | |
|---|----------------------------|
| Circulation: | 1794 |
| Computer Users: | 519 |
| Visitors: | 1360 |
| Inter-library Loan | |
| Books loaned to other libraries: | 1 |
| Books borrowed for our patrons: | 5 |
| Patrons Saved \$ * | \$25,391.44 |
| New Patrons: | 18 |
| Volunteer Hours Donated: | 23 hours 45 minutes |

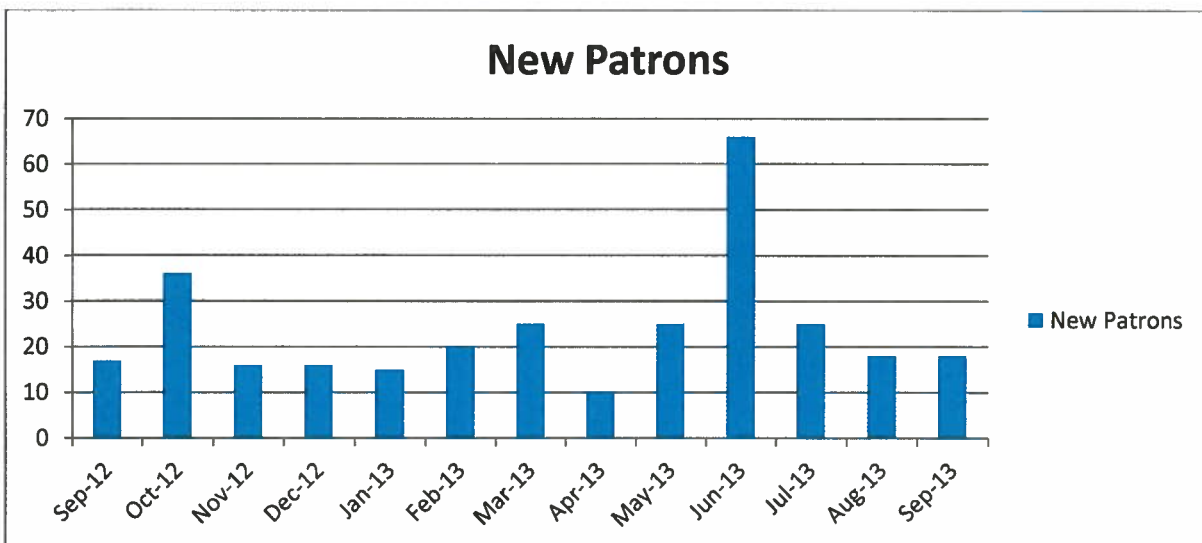
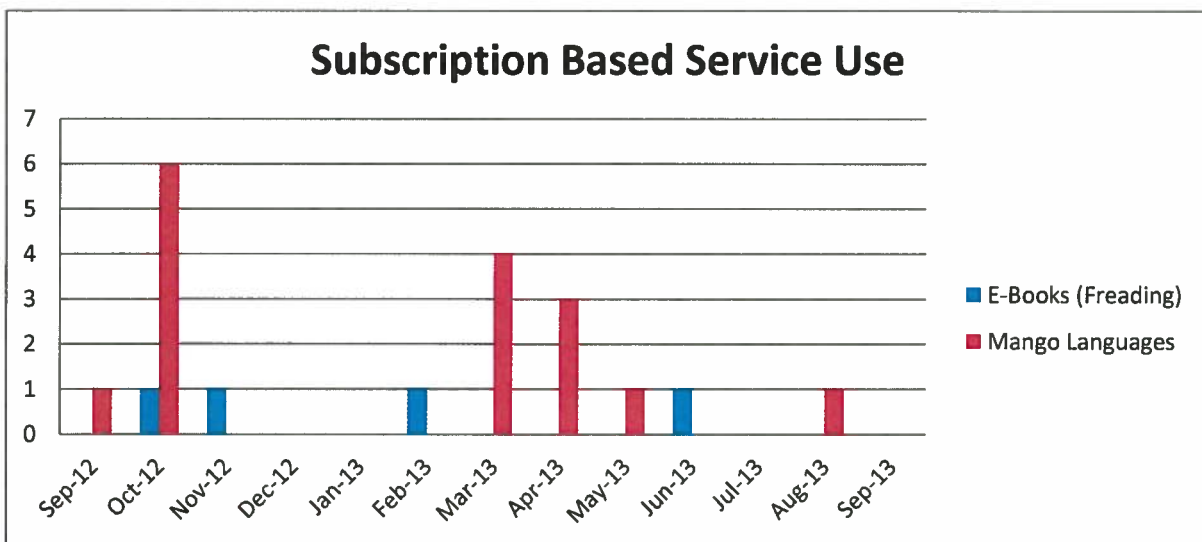
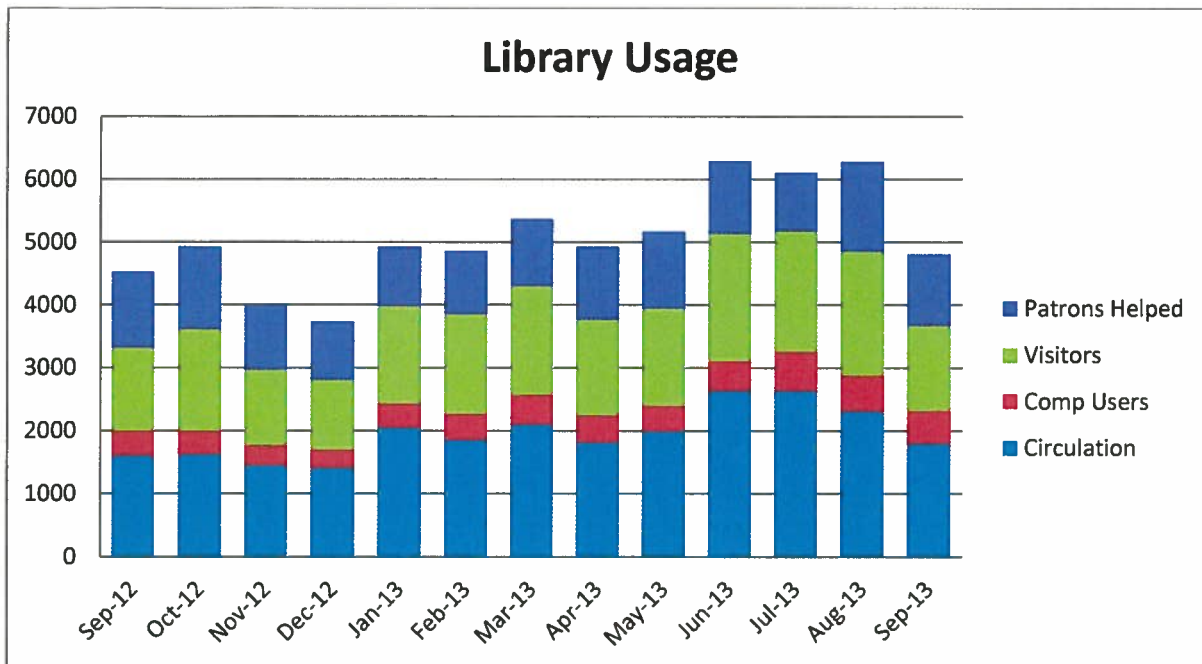
Other Items of Interest:

| <u>Fiscal Year 2012/2013 Totals</u> | |
|--|-----------------------------|
| Circulation: | 23,604 |
| Computer Users: | 5,267 |
| Visitors: | 19,183 |
| ILL - Loaned: | 25 |
| ILL - Borrowed: | 79 |
| New Patrons: | 290 |
| Volunteer hours donated: | 500 hours 45 minutes |

Library “Food for Fines” program totals: 118 items of food and forgave approx. \$88.95 in fines. We had extended the library’s “Food for Fines” program through the end of September. We look forward to holding this event again in the early spring.

We have received our official notification letter from the State Library and Archives Commission that the Charles J. Rike Memorial Library has been accredited and will be a fully qualified member of the Texas Library System for State Fiscal Year 2014 (September 1, 2013 through August 31, 2014).

The library has been awarded a TexShare Mobile Round 2 grant for \$3,000 from The Texas State Library and Archives Commission (TSLAC) which is funded by the Institute of Museum and Library Services (IMLS). This project will allow us to remake our website that will include responsive website design coding for easier mobile access. Our goal for the website redesign is to make the website visually appealing, easier to update and provide more information about the library, services and events. This includes making it easier to access our mobile catalog and allow the entire website to be user friendly from any device. The new library website is currently in the design stage and is expected to be completed no later than the end of October.





Lorenzo de Zavala
State Archives and
Library Building

P.O. Box 12927
Austin, Texas
78711-2927

1201 Brazos Street
Austin, Texas
78701

www.tsl.state.tx.us

Commission Chairman
Michael C. Waters

Members
Sharon T. Carr
Martha Doty Freeman
F. Lynwood Givens
Larry G. Holt
Wm. Scott McAfee
Sandra J. Pickett

Interim
Director and Librarian
Edward Seidenberg

*Preserving yesterday,
informing today,
inspiring tomorrow.*

October 2, 2013

Dear Trisha Dowell:

This letter serves as the official notification that Charles J Rike Memorial Library has been accredited and will be a fully qualified member of the Texas Library System for State Fiscal Year 2014 (September 1, 2013 through August 31, 2014).

The library is eligible for participation in the TexShare card program, the TexShare databases, statewide Interlibrary Loan, and the federal E-Rate program. The library is also eligible to apply for our competitive grants. More information may be found on the following webpages:

| | |
|----------------------------|---|
| Accreditation Rules | http://tinyurl.com/n84glvy |
| TexShare | http://www.tsl.state.tx.us/texshare/ |
| ILL | https://www.tsl.state.tx.us/landing/ill.html |
| E-Rate | https://www.tsl.state.tx.us/ld/funding/usf.html |
| Competitive Grant Programs | https://www.tsl.state.tx.us/ld/funding/index.html |

We will be sending preliminary population assignment and maintenance of effort information later this Fall.

The Texas State Library and Archives Commission staff congratulates you on your library's accreditation.

If our office may be of assistance to you in any way, please contact me (smalek@tsl.state.tx.us, 512-463-5532), or Valicia Greenwood (vgreenwood@tsl.state.tx.us, 512-463-5466), or through our Texas-only toll free number, 800-252-9386.

Sincerely,

Stacey L Malek
Program Coordinator
Library Development Division



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: CONSENT AGENDA – City Manager's Report



City Manager Monthly Report

City Manager General

1. Attended the following meetings:

| Meeting Description | Attended |
|--|----------|
| City Council Meeting | 2 |
| Farmersville Economic Development Corporation (4A). | 1 |
| Farmersville Community Development Corporation (4B). | 1 |
| Planning and Zoning Commission | 1 |
| Parks and Recreation Board | 1 |
| Main Street Board | 1 |
| Downtown Merchants Meeting | 0 |
| Capital Improvements Advisory Commission | 0 |
| Building and Property Standards Meeting | 0 |
| Farmersville Garden Club | 0 |
| Realtors Meeting | 0 |
| Chamber of Commerce Board Meeting | 0 |
| Chamber of Commerce Networking Meeting | 2 |
| Farmersville Riding Club | 0 |
| Northeast Texas Trail Association (NETT) | 0 |

Ordinances and Ordinance Changes

1. Backlog

a. New

- i. Painting of fire hydrants.
- ii. Electrical customer infrastructure/impact fees.
- iii. Street sign standards.

b. Change

- i. Standard design details for: water, wastewater, etc.
- ii. SUP/Game Room processes. (Complete)
- iii. Game Room permit process. Final approval 8 Oct 2013.
- iv. Revise codification for missed ordinances
 1. 1544 out of 1544 ordinances reviewed. 755 ordinances reviewed this month. (Complete)
 2. New quarterly supplement input to MuniCode. (Complete)
 3. Next step is to verify changes have been made correctly.

Contracts

1. Backlog
 - a. Wireless tower based contracts (AT&T, Partnership Broadband now Rhino, T-Mobile). (Underway)
 - b. TIRZ ILA with Collin County Tax Office.
 - c. Franchise agreements. Refuse, telephone, gas, etc.
 - d. Energy contract. (Underway)
2. Assigning dates and cleaning up calendar related to all contractual obligations. (Complete)
3. Scanning old and new contracts for storage into contracts database. (Complete)
4. Working with Collin County to utilize some of their assets to help us with our Records Management System. (Underway)

Planning

1. Continue support efforts to establish new impact fees. (Complete)

Policy Changes

1. Backlog
 - a. Personnel policy updates.
 - i. Absence and leave section. Awaiting council approval on 8 Oct 2013. Draft complete.
 - b. Information Technology policy. (Underway)

Personnel Related Matters

1. Implementing new insurance rate and insurance on-line enrollment. (Complete)
2. Updated the personnel policy related to vacation, comp time, sick time, personal time, jury duty, bereavement, holiday, exempt/nonexempt status, attendance. (Complete)
3. Started process to hire new warrant officer.
4. Jack Delancey gave his two week notice on 3 Oct 2013. Started process to hire a new Public Works employee.

Customer Service Window

1. No new news.

Budget/Finance

1. Closing out books for budget year 2012/2013.
2. Continuing new account coding methods for existing and new budget. Awaiting auditor's review.
3. Continuing efforts to establish anticipation note with First Southwest for Farmersville Electric.
4. Communicating with auditor to set up annual audit.
5. Working on TIRZ account calculations.

Information Technology

1. Currently integrating all the City buildings into an enterprise network. This helps with information sharing and data collaboration (sharing calendars, etc.). Installed dedicated RF network link between the Charles Curington Public Safety Building and City Hall. 99% complete.

Special Events

1. Supported preparations for Old Time Saturday.



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: INFORMATIONAL ITEM – Farmersville Economic Development Corporation
Financial Report

**Farmersville Economic Development Corp
Investment and Budget Report**

September 2013

Prepared by: Daphne Hamlin

Farmersville Economic Development Corp 4A
September 2013

| | |
|------------------------------------|---------------------|
| Statement Balance 9-01-2013 | \$151,818.15 |
|------------------------------------|---------------------|

| | |
|------------------------------|----------------------------|
| Deposits: | |
| Sales Tax: | \$19,674.07 |
| Cking Int .05% | \$6.47 |
| CD Interest | \$106.16 |
| Transfer to Texpool | |
| Transfer from Texpool | \$- |
| Checks 1088 | <u>\$(1,912.50)</u> |

| | |
|------------------------------------|---------------------|
| Statement balance 9-30-2013 | \$169,692.35 |
|------------------------------------|---------------------|

Outstanding Transactions

Sales Tax
Transfer to Texpool
CD Interest
Checks

| | |
|--------------------------|----------------------------|
| Balance 10-4-2013 | <u>\$169,692.35</u> |
|--------------------------|----------------------------|

Farmersville Economic Development Corporation
Cumulative Income Statement
For the 12 Months Ended, September 30, 2013

| | FY 2013 | October | November | December | January | February | March | April | May | June | July | August | September | YTD |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Beginning Bank Balance | Budget | \$87,543.90 | \$96,290.62 | \$110,818.14 | \$124,603.11 | \$129,341.44 | \$144,370.19 | \$155,191.48 | \$172,286.08 | \$138,468.31 | \$154,342.92 | \$158,936.47 | \$149,905.65 | |
| Deposits | | | | | | | | | | | | | | |
| Sales Tax Collections | \$140,000.00 | \$13,768.94 | \$14,396.28 | \$13,677.33 | \$12,126.80 | \$14,917.62 | \$11,035.26 | \$17,031.36 | \$18,008.87 | \$15,762.50 | \$17,434.61 | \$17,368.73 | \$19,674.07 | \$185,202.37 |
| Interest Income cking | \$1,500.00 | \$4.49 | \$3.84 | \$4.90 | \$5.37 | \$4.97 | \$6.33 | \$6.58 | \$6.61 | \$5.95 | \$6.62 | \$6.79 | \$6.47 | \$68.92 |
| Transfer from Texpool to First Bank | | | | | | | | | | | | | | |
| Transfer funds to CD | | | | | | | | | | | | | | |
| Transfer to Texpool | | | | | | | | | | | | | | |
| CD Interest Earned | | \$123.29 | \$127.40 | \$102.74 | \$106.16 | \$106.16 | \$95.89 | \$106.16 | \$102.74 | \$106.16 | \$102.74 | \$106.16 | \$106.16 | \$1,291.76 |
| Total Revenue | \$141,500.00 | \$101,440.62 | \$110,818.14 | \$124,603.11 | \$136,841.44 | \$144,370.19 | \$155,507.67 | \$172,336.68 | \$190,404.30 | \$154,342.92 | \$171,886.89 | \$177,418.15 | \$169,692.35 | \$186,563.06 |
| Expenses: | | | | | | | | | | | | | | |
| Administration | \$1,000.00 | | | | | | | | | | | | | \$600.00 |
| Meeting Expenses | \$1,000.00 | | | | | | \$233.69 | | | | \$177.80 | | \$118.49 | \$528.98 |
| Dues/School/Travel | \$500.00 | | | | | | | | | | | | | \$- |
| Office Supplies | \$200.00 | | | | | | | | | | | | | \$- |
| Marketing/promotion Expenses | | | | | | | | | | | | | | \$- |
| Marketing/Promotion Expenses/Advertising | \$5,150.00 | \$5,150.00 | | | | | | | | | | | | \$5,150.00 |
| Collin College Sponsorship | \$7,500.00 | | | | \$7,500.00 | | | | | | | | | \$7,500.00 |
| Legal Service | \$2,500.00 | | | | | | \$82.50 | \$49.50 | | | | | | \$132.00 |
| Farmersville Chamber | \$1,000.00 | | | | | | | | | | | | | \$- |
| Farmersville Rotary | \$500.00 | | | | | | | | | | | | | \$- |
| Total Expenditures | \$19,350.00 | \$5,150.00 | \$- | \$- | \$7,500.00 | \$- | \$316.19 | \$49.50 | \$- | \$- | \$177.80 | \$600.00 | \$118.49 | \$13,311.99 |
| Directive Business Incentives | | | | | | | | | | | | | | \$- |
| Collin College Project(sewer/street/electric) | \$100,000.00 | | | | | | | | | | | | | \$- |
| NTMWD Regional WW Treatment | \$150,000.00 | | | | | | | | | | | | | \$- |
| Planning | \$125,000.00 | | | | | | | | \$51,935.99 | | \$5,185.12 | \$26,912.50 | | \$57,121.11 |
| Facade Grant Program | \$50,000.00 | | | | | | | | \$51,935.99 | | \$6,587.50 | \$26,912.50 | | \$33,500.00 |
| Total Development Cost | \$425,000.00 | | | \$- | \$- | \$- | \$- | \$- | \$- | \$- | \$11,772.62 | \$26,912.50 | \$- | \$90,621.11 |
| Total Expenditures | \$444,350.00 | \$5,150.00 | \$- | \$- | \$7,500.00 | \$- | \$316.19 | \$49.50 | \$51,936.99 | \$- | \$11,950.42 | \$27,512.50 | \$118.49 | \$103,933.09 |
| Revenue vs Expenditures | (\$302,850) | | | | | | | | | | | | | \$- |
| From Reserves | \$302,850.00 | | | | | | | | | | | | | \$- |
| Balance Budget | \$- | | | | | | | | | | | | | \$- |
| Total Expenditures | | | | | | | | \$49.50 | \$51,936.99 | \$- | \$11,950.42 | \$27,512.50 | \$118.49 | \$103,933.09 |
| Ending Bank Balance | | \$96,290.62 | \$110,818.14 | \$124,603.11 | \$129,341.44 | \$144,370.19 | \$155,191.48 | \$172,286.08 | \$138,468.31 | \$154,342.92 | \$158,936.47 | \$149,905.66 | \$169,573.86 | |
| CD Investment | \$250,000.00 | \$250,000.00 | \$250,000.00 | \$250,000.00 | \$250,000.00 | \$250,000.00 | \$250,000.00 | \$250,000.00 | \$250,000.00 | \$250,000.00 | \$250,000.00 | \$250,000.00 | \$250,000.00 | |
| Texpool Balance | \$366,206.23 | \$366,253.33 | \$366,300.17 | \$366,300.17 | \$366,330.89 | \$366,367.13 | \$366,389.71 | \$366,420.46 | \$366,442.72 | \$366,460.10 | \$366,476.62 | \$366,490.21 | \$366,502.07 | |
| Interest Earned | \$51.49 | \$47.10 | \$46.84 | \$46.84 | \$30.72 | \$26.24 | \$32.68 | \$30.76 | \$22.26 | \$17.38 | \$16.52 | \$13.69 | \$11.86 | \$347.33 |
| Total Available Funds | | \$712,496.85 | \$727,071.47 | \$740,903.28 | \$745,672.33 | \$760,727.32 | \$771,581.19 | \$788,706.54 | \$754,911.03 | \$770,803.02 | \$776,413.09 | \$766,395.86 | \$788,075.93 | |

k



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: INFORMATIONAL ITEM – Farmersville Community Development Corporation
Financial Report

Farmersville Community Development Corp
Investment and Budget Report

September 2013

Prepared by: Daphne Hamlin

Farmersville Community Development Corp 4B
September 2013

| | |
|------------------------------------|----------------------------|
| Statement Balance 9-1-2013 | \$118,154.34 |
| Deposits: | \$19,674.07 |
| Sales Tax: | \$- |
| Cking Int .05% | \$4.98 |
| Stop payment Fee | |
| Transfer to Texpool | |
| Transfer from Texpool | \$- |
| Checks 2169-2174, 2181 | <u>\$(8,704.08)</u> |
| Statement balance 9-30-2013 | \$129,129.31 |

Outstanding Transactions

| | |
|-------------------------------|----------------------|
| Sales Tax | |
| Transfer to Texpool | |
| CD Interest | |
| Checks 2162, 2175-2180 | \$ (8,836.67) |

| | |
|--------------------------|-----------------------------------|
| Balance 10-4-2013 | <u><u>\$120,292.64</u></u> |
|--------------------------|-----------------------------------|

Farmersville Community Development Corporation
Financial Statement
For the Fiscal Year Ended September 30, 2013

| | October | November | December | January | February | March | April | May | June | July | August | September |
|--|------------|-------------|--------------|--------------|-------------|-------------|-------------|-------------|-------------|--------------|-------------|---------------|
| Beginning Bank Balance | 49,726.77 | \$79,563.99 | \$88,926.17 | \$89,474.91 | \$88,702.93 | \$53,477.90 | \$56,384.31 | \$88,109.72 | \$79,520.20 | \$93,292.19 | 104,139.78 | \$ 117,980.34 |
| Deposits: | | | | | | | | | | | | |
| Sales tax deposits | 13,768.94 | 14,386.28 | \$13,677.33 | 12,128.80 | 14,917.62 | \$11,035.26 | \$17,031.38 | \$18,008.87 | \$15,762.50 | \$17,434.61 | \$17,388.73 | \$ 19,674.07 |
| Interest income-bank | 3.25 | 3.11 | \$3.74 | 3.75 | 2.39 | \$2.28 | \$2.40 | \$3.22 | \$3.48 | \$ 4.15 | \$4.83 | \$ 4.98 |
| Transfer to TexPool | 100,000.00 | | | | | | | | | | | |
| Transfer From Texpool to First Bank | | | | 1,200.00 | | | | | | | | |
| Refund from Boudnary Solutions | | | | | | | | | | | | |
| Reimbursement for Marketing | | | | | | | | | | | | |
| Reimbursement for Main Street Mgr. | | | | | | | | | | | | |
| Adjusting Entry | | | | | | | | | | | | |
| Total Revenues | 163,498.96 | 93,963.38 | 102,807.24 | 102,805.46 | 103,622.94 | 64,515.44 | \$73,393.07 | \$86,121.81 | \$96,286.18 | \$110,730.95 | 121,513.34 | \$ 137,639.39 |
| Disbursements: | | | | | | | | | | | | |
| Main Street | 56,387.91 | \$ 756.52 | \$ 452.17 | 841.75 | 840.61 | \$451.13 | \$285.17 | \$574.11 | \$343.99 | \$ 383.05 | \$203.00 | \$ 696.00 |
| Miscellaneous | | | | | | | | | | \$ 60.00 | | \$ 335.00 |
| Marketing | 881.00 | \$ 1,095.93 | \$10,118.07 | | | | | | | | | |
| Reimburse city for accounting | | | | | | | | | | | | \$ 500.00 |
| Chaparral Trail Improvements | | | \$ 800.00 | | 49,200.00 | | | | | | | |
| Collin College Scholarship sponsorship | | | \$ 2,500.00 | | | | | | | | | |
| Chamber of Commerce | | | | | | \$3,000.00 | | | | | | |
| May Taxes | | \$ 438.70 | | | 104.43 | | | | | | | |
| Bain Honaker House Restoration | 5,000.00 | | | | | | | | | | | |
| Downtown Museum seed money | 20,000.00 | | | | | | | | | | | |
| Christmas Activities | | \$ 1,080.00 | \$ 896.03 | \$ 2,200.00 | | | | \$2,527.50 | | \$ 1,149.94 | | |
| Farmersville Parkway Survey | | | | | | | | | | | | |
| Splashpad Restrooms | | | | | | | | | | | | |
| Historical Marker for Post Office Bldg | | | | | | | | | | | | |
| Grass Seed | 1,666.06 | \$ 1,666.06 | \$ 1,666.06 | \$ 4,998.18 | | \$4,680.00 | | | | \$ 4,888.18 | | |
| Land purchase | | | | | | | | | | | | |
| Fire Works | | | | | | | | \$3,500.00 | \$1,650.00 | \$ 3,350.00 | | \$ 7,580.00 |
| Tree irrigation/fertilization | | | | | | | | | | | | \$ 8,225.75 |
| Security System | | | | | | | | | | | | |
| Flag Pole Installation | | | | | | | | | | | | |
| Total Expenses | 83,934.97 | \$ 5,037.21 | \$ 13,132.33 | \$ 14,102.53 | \$50,145.04 | \$8,131.13 | \$5,283.35 | \$6,601.61 | \$1,983.99 | \$6,591.17 | \$3,553.00 | \$17,346.75 |
| Ending Bank Balance | 79,563.99 | 88,926.17 | 89,474.91 | 88,702.93 | 53,477.90 | 56,384.31 | 68,109.72 | 79,520.20 | 93,292.19 | 104,139.78 | 117,960.34 | 120,292.64 |
| TEXPOOL Balance | 84,740.20 | \$84,751.13 | \$84,761.97 | \$84,769.05 | \$84,775.11 | \$84,782.66 | \$84,789.81 | \$84,794.96 | \$84,798.97 | \$ 84,802.79 | \$84,805.95 | \$ 84,808.70 |
| Interest Income-TEXPOL | 16.70 | 10.93 | 10.84 | 7.08 | 6.08 | \$7.55 | \$7.15 | \$5.15 | \$4.01 | \$ 3.82 | \$ 3.16 | \$ 2.75 |
| Total Available Funds | 164,304.19 | 173,677.30 | 174,236.88 | 173,471.98 | 138,253.01 | 141,166.97 | 152,899.53 | 164,315.16 | 178,091.16 | 188,942.57 | 202,766.29 | 205,101.34 |

Signed:

10/4/2013

Farmersville Community Development Corporation
Cumulative Income Statement
For the Fiscal Year Ended, September 30, 2013

| FY2013 | Particulars | January | February | March | April | May | June | July | August | September | Actual YTD | % |
|---------------|--|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------|
| Budget | | | | | | | | | | | | |
| | Revenue: | | | | | | | | | | | |
| | Sales Tax Collections | \$13,769 | \$14,396 | \$13,677 | \$12,127 | \$14,918 | \$11,035 | \$17,031 | \$18,009 | \$15,763 | \$17,435 | \$185,202 |
| | Interest Income | 20 | 14 | 15 | 11 | 8 | 10 | 10 | 10 | \$7 | 8 | 128 |
| | Reimbursement for Marketing | | | | | | | | | | | |
| | Refund Boundary Solutions | | | | | | | | | | | |
| | Reimbursement for Main Street Mgr. | | | | | | | | | | | |
| | Transfer from TEXPOOL for cash in bank | | | | | | | | | | | |
| | Total Revenue | \$13,789 | \$14,410 | \$13,692 | \$13,338 | \$14,926 | \$11,045 | \$17,041 | \$18,019 | \$15,770 | \$17,443 | \$186,531 |
| | | | | | | | | | | | | 113.74% |
| | Expenses: | | | | | | | | | | | |
| | Main Street: | | | | | | | | | | | |
| | Salary | 56,388 | | | | | | | | | | 56,388 |
| | Supplies | 95 | 757 | 452 | 842 | 841 | 451 | 285 | 574 | \$344 | 383 | 5,922 |
| | | | | | | | | | | | | 100.00% |
| | | | | | | | | | | | | 68.77% |
| | Total Main Street | 56,483 | 757 | 452 | 842 | 841 | \$451 | \$285 | \$574 | \$344 | \$383 | \$82,107 |
| | | | | | | | | | | | | 95.55% |
| | Miscellaneous | | | | | | | | | | | |
| | Marketing Program | 2,000 | | | | | | | | | | 2,000 |
| | Reimburse city for accounting | 12,000 | 1,096 | 10,118 | | | | 25 | | | 60 | 420 |
| | Chaparral Trail Improvements | 500 | | | | | | | | | | 12,000 |
| | Collin College Scholarship sponsorship | 50,000 | | | 800 | 49,200 | | | | | | 500 |
| | Chamber of Commerce | 3,500 | | | 2,500 | | | | | | | 50,000 |
| | May Taxes | 3,000 | | | | | 3,000 | | | | | 2,500 |
| | Bain Honaker House Restoration | 800 | 439 | | | 104 | | | | | | 3,000 |
| | Downtown Museum seed money | 5,000 | | | | | | | | | | 543 |
| | Christmas Activities | 20,000 | | | | | | | | | | 5,000 |
| | Farmersville Parkway Survey | 2,000 | 1,080 | 896 | | | | | | | | 20,000 |
| | Splashpad Restrooms | | | | 2,200 | | | | 2,528 | | 1,150 | 1,976 |
| | Historical Marker for Post Office Bldg | | | | | | | | | | | 2,200 |
| | Grass Seed | | | | | | 4,680 | | | | | 3,677 |
| | Land purchase | | | | | | | | | | | |
| | Fire Works | 20,000 | 1,666 | 1,666 | 4,998 | | | 4,998 | | | | 4,680 |
| | Tree Irrigation/fertilization | | | | | | | | | | | 19,992 |
| | Security System | | | | | | | | 3,500 | | | 3,500 |
| | Flag Pole Installation | | | | | | | | | | | 5,000 |
| | Total Expenses | 83,935 | \$5,038 | \$13,132 | \$14,103 | \$50,145 | \$8,131 | \$5,308 | \$6,602 | \$1,994 | \$6,691 | \$215,675 |
| | | | | | | | | | | | | 101.20% |
| | | | | | | | | | | | | 91.57% |
| | | | | | | | | | | | | 90.51% |
| | Excess Revenue Over Expenses | (74,300) | 9,372 | 560 | (765) | (35,219) | 2,914 | \$11,733 | 11,418 | 13,776 | 10,852 | 2,335 |



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: INFORMATIONAL ITEM – Planning & Zoning Minutes

Electronic minutes are found at the following link:

http://www.farmersvilletx.com/government/agendas_and_minutes/planning_and_zoning/index.jsp

FARMERSVILLE PLANNING & ZONING COMMISSION
REGULAR SESSION MINUTES
SEPTEMBER 16, 2013

The Farmersville Planning and Zoning Commission met in regular session on September 16, 2013 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Patti Ford, Mark Vincent, Craig Overstreet and Lee Warren. Members absent were Todd Rolen, Bryce Thompson and Tom Waitschies. Staff members present was City Manager Ben White, City Attorney Alan Lathrom and City Secretary Edie Sims. Council Liaison John Klostermann was present.

CALL TO ORDER AND RECOGNITION OF CITIZENS/VISITORS

Chairman Lee Warren called the meeting to order at 6:30pm. Edie Sims called roll and announced that a quorum was present.

Item II – A) CONSIDER, DISCUSS AND ACT UPON MINUTES FROM JULY 15, 2013 P&Z MEETING

Craig Overstreet motioned to approve the minutes as written with Patti Ford seconding the motion. Motion carried unanimously.

Item II – B) CONSIDER, DISCUSS AND ACT UPON A SITE PLAN FOR A DENTIST OFFICE TO BE LOCATED AT 1704 WEST AUDIE MURPHY PARKWAY

City Manager Ben White came before the Commission offering information regarding the site plan for a dentist office to be located at 1704 West Audie Murphy Parkway. The building design, architecture and building permitting process has been evaluated other than the site plan. Daniel and Brown, Inc. has reviewed the site plan and had a couple of contingencies, an item on the landscape plan and an issue with the irrigation plan. Mr. White recommended the site plan be approved pending the architecture of the landscape plan and the irrigation plan.

Fray Webster, representative of Bramata General Contractors, came before the Commission to state his firm is more than willing to rectify any issues or concerns. The plans presented are a standardized set of plans that his firm has been using for dentist offices throughout the metroplex. Mr. Webster stated the landscape and irrigation issues will be brought into compliance.

Craig Overstreet questioned the location of the nearest fire hydrants with Mr. Webster and Mr. White acknowledging the placements and that they are in compliance.

Craig Overstreet motioned to approve the site plan with the changes meeting specifications. Mark Vincent seconded the motion. Motion carried unanimously.

Item II – C) CONSIDER, DISCUSS AND ACT UPON INFORMATION OF A PRELIMINARY SITE PLAN FOR AN ASSISTED LIVING FACILITY TO BE LOCATED IN MURPHY'S CROSSING #2 AND #3, LOTS 15 AND 16

City Manager Ben White requested this item be tabled as the documentation is not prepared for presentation. Patti Ford motioned to table this item with Mark Vincent seconding the motion. Motion carried unanimously.

Item III) ADJOURNMENT

Craig Overstreet motioned to adjourn with Patti Ford seconding the motion. P&Z Commission adjourned at 6:39 p.m.

ATTEST:

Lee Warren, Chairman

Bryce Thompson, Secretary



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: INFORMATIONAL ITEM – Sign Board of Appeals Minutes

- There was not a meeting of the Sign Board of Appeals during the month of September 2013.

Electronic minutes are found at the following link:

http://www.farmersvilletx.com/government/agendas_and_minutes/planning_and_zoning/index.jsp



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: INFORMATIONAL ITEM – Capital Improvements Advisory Commission Minutes

- There was not a meeting of the Capital Improvements Advisory Commission during the month of September 2013.

Electronic minutes are found at the following link:

http://www.farmersvilletx.com/government/agendas_and_minutes/planning_and_zoning/index.jsp



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: INFORMATIONAL ITEM – Farmersville Community Development Corporation Meeting Minutes

Electronic minutes are found at the following link:

http://www.farmersvilletx.com/government/agendas_and_minutes/community_development/index.jsp

FARMERSVILLE COMMUNITY DEVELOPMENT CORPORATION BOARD (4B)
MINUTES September 9, 2013 DRAFT

CALL TO ORDER, ROLL CALL AND RECOGNITION OF VISITORS

The Farmersville Community Development Corporation Board met on September 9, 2013 in the City Council Chambers at City Hall. President Leaca Caspari convened the meeting at 5:46 p.m. and announced that a quorum was present after roll call. The following board members were present: Leaca Caspari, Donna Williams, Paul Kelley, Dick Seward, and David Ketcher. Absent: David Reynolds and Barbara Stooksberry. President Caspari welcomed City Councilman Jim Foy, City Manager Ben White, City Secretary Edie Sims, Ricky Sims, and Main Street Manager Adah Leah Wolf.

WELCOME AND SWEAR IN NEW BOARD MEMBER

New Board member Paul Kelly was sworn in by City Secretary Edie Sims, and welcomed by everyone.

EXECUTIVE SESSION – DISCUSSION OF LEGAL MATTERS AS PERMITTED BY TEXAS GOVERNMENT CODE §551.071

The Board went into Executive Session at 5:48 p.m.

RECONVENE AND TAKE ANY ACTION FROM EXECUTIVE SESSION

The Board reconvened from Executive Session at 5:56 p.m. and took no action from the Executive Session.

CONSIDER FOR APPROVAL AUGUST 12, 2013 MEETING MINUTES

Donna Williams motioned to approve the minutes as presented with David Ketcher seconding the motion and passed the full Board.

CONSIDERATION AND POSSIBLE APPROVAL OF ITEMS FOR PAYMENT

Recently received invoice from TLC Netcon for \$45 is a Main Street expense. The invoice for the flag poles will come in later this month. Donna Williams motioned to accept the checks as presented for payment with Paul Kelly seconding the motion and passed the full Board.

CONSIDERATION AND POSSIBLE ACTION REGARDING FINANCIAL STATEMENTS FOR AUGUST 2013 AND REQUIRED BUDGET AMENDMENTS

David Ketcher motioned to accept the Financial Statements as presented with Paul Kelly seconding the motion and passed the full Board.

PROFESSIONAL SERVICE AGREEMENT BETWEEN CITY AND FCDC

After discussion, Dick Seward motioned to approve the agreement as written; Donna Williams seconded the motion, which passed the full Board.

MONTHLY MAIN STREET PROGRAM UPDATE—ADAH LEAH WOLF

Main Street Manager Adah Leah Wolf provided a written monthly report for August, and highlighted the following: Doug and Lori Laube are preparing to resume restoration of their building; progress posters will be hung on the building to show progress and future plans. Over 100 people attended the reception at Austin's Cleaners to celebrate the completion of the façade renovation! Dawn Burkes at Dallas Morning News was contact about including Farmersville in the County news section, which she has already done. Jennifer Jiles and Doris Williams have requested Main Street architectural design assistance for 101 Candy Street. Progress continues on 100 McKinney Street renovation. Mary Berry has leased 406 McKinney Street for a new shop: Fancy Fibers Spinning & Weaving School, Store, and Studio. The

French Bunny has expanded their retail space, and now carries ladies boutiques apparel and formal dresses.

CITY MANAGER REPORT—BEN WHITE

City Manager Ben White presented a written monthly update for August, and highlighted the following: Culverts have been replaced at the Spain Athletic Complex. The new surveillance system at the Onion Shed has had the intended effect already. New flagpoles will be installed downtown and near the Onion Shed this month. The downtown irrigation upgrades are now completed. Bain Honaker fencing is in progress. The signage for Rambler Park will not be completed this fiscal year. The Adopt-A-Spot program is up and going. Keep Farmersville Beautiful will host a clean-up day on Sept 28 for the downtown area. The city's electrical system management, operation, and maintenance will be transferred from Sharyland to the City of Farmersville on May 1, 2014.

DISCUSSION OF PLACING ITEMS ON FUTURE AGENDAS

At the October board meeting, Ben White will present kiosk ideas, and the National Night Out/Volunteer Appreciation night scheduled for October 15 will be discussed.

ADJOURNMENT

There being no further business, President Caspari adjourned the meeting at 6:45 PM.

Signatures:

Leaca Caspari, President

David Reynolds, Secretary



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: INFORMATIONAL ITEM – Farmersville Economic Development Corporation Meeting Minutes

- FEDC Minutes will be presented at the November meeting

Electronic minutes are found at the following link:

http://www.farmersvilletx.com/government/agendas_and_minutes/economic_development/index.jsp



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: INFORMATIONAL ITEM – Parks Board Minutes

Electronic minutes are found at the following link:

http://www.farmersvilletx.com/government/agendas_and_minutes/parks_and_recreation_board_meetings.jsp

**CITY OF FARMERSVILLE
PARKS AND RECREATION BOARD MINUTES
SEPTEMBER 17, 2013**

The Farmersville Parks and Recreation Board met in regular session on September 17, 2013 at 6:00 p.m. at City Hall with the following members present: Chairman Mark Vincent, Glenn Bagwill, Autumn Barton, Tom Waitschies and Todd Rolen. City Manager Ben White and staff member Christi Dowdy were also present.

CALL TO ORDER

Chairman Mark Vincent called the meeting to order at 6:07 pm, and roll was called by Christi Dowdy who announced that a quorum was present.

APPROVAL OF MINUTES

A motion was made by Todd Rolen to approve minutes from the August 20, 2013 meeting and a second was made by Autumn Barton. Motion passed all in favor.

FINALIZE PLANS FOR KEEP FARMERSVILLE BEAUTIFUL EVENT: "SPRUCIN' UP THE SQUARE"

The Board discussed final details for the clean-up event and will meet on the parking lot behind the South Side of the Square at 9 a.m. A dumpster will be placed by Progressive Waste on Friday and trash bags, gloves and vests will be picked up at City Hall on Friday by Board Chairman Mark Vincent. Todd Rolen advised that at least six students from the National Honor Society will be in attendance. Autumn Barton advised that some football players will also attend according to Coach Burnett. In case of rain, the board will reset the date.

CONSIDER, DISCUSS AND ACT UPON KFB ADOPT-A-SPOT SIGNS

The Board discussed the placement of signs at Adopt-A-Spot areas, both on the Chaparral Trail and other areas within the City. The Board as a whole was of the general consensus that the placement of numerous signs goes against what they and City have been trying to accomplish over the past several years. Board members believe that keeping signage to a minimum will enhance our community and coincide with beautification efforts. Limiting the number of signs will also be much more cost effective and keep labor to a minimum in the long-term. Several ideas and alternatives were discussed and the Board certainly wishes to recognize those who are participating in the program as they greatly appreciate the volunteerism and beautification efforts.

As for signage on the Chaparral Trail, the Board agreed that the trail should be kept in its natural state without signs littering the landscape and scenery. It was decided that the best place

to recognize Chaparral Trail Adopt-A-Spot participants was on the kiosks which will be placed along the trail. A motion was made by Todd Rolen to include names of individuals/organizations who have adopted spots on the Chaparral Trail on a sign which will be placed on one side of the kiosks along the trail. The other side of the kiosk will be used for information, maps, etc.. The motion was seconded by Glenn Bagwill, and passed all in favor.

To recognize individuals/organizations who have adopted other spots within the city, the Board agreed to place a singular sign in the downtown area. A motion was made by Autumn Barton and seconded by Todd Rolen. The motion passed all in favor. The design of said sign and location was tabled until City Manager Ben White can acquire drawings. The Board will approve the design and location at the October meeting.

CONSIDER, DISCUSS AND ACT UPON CHAPARRAL TRAIL KIOSK DESIGN

The Board reviewed the kiosk design rendering and approve of the overall design scheme but wish to make minor changes. This item was tabled until the October meeting so that renderings and options can be presented by City Manager Ben White.

DISCUSSION OF PLACING ITEMS ON FUTURE AGENDAS

Two presentations will be given to the Parks Board at the October meeting. Due to a scheduling conflict with National Night Out, the meeting has been rescheduled for Tuesday, October 29th.

ADJOURNMENT

The meeting was adjourned at 6:45 p.m. by Mark Vincent.

Mark Vincent, Chairperson



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: INFORMATIONAL ITEM – Main Street Board Minutes

Electronic minutes are found at the following link:

http://www.farmersvilletx.com/government/agendas_and_minutes/main_street_board/index.jsp

**Farmersville Main Street Board
Meeting Minutes September 17, 2013
City Council Chambers**

The meeting was brought to order at 5:22 PM by Bryan Williams. Present were Main Street Manager, Adah Leah Wolf, and board members Matthew Busby, Bryan Williams, and Andy Washam. 4B Liaison Leaca Caspari was present. Visitors were Diane Piwko, Donna Williams, and City Manager Ben White.

Consider for approval August 20, 2013 Meeting Minutes:

Matt Busby made a motion to approve the minutes as printed; Andy Washam seconded the motion. The motion passed.

Consider for approval August 2013 Financial Statements:

Matt Busby made a motion to approve the minutes as printed; Andy Washam seconded the motion. The motion passed.

Reorganization of Board

Matt Busby motioned to table this agenda item; motion seconded by Andy Washam. The motion passed.

Resolution for Bank Signature Card

Matt Busby motioned to table this agenda item; motion seconded by Andy Washam. The motion passed.

Review Work Plan and Mission

Adah Leah Wolf presented a Work Plan draft and requested that all members study it and be prepared to discuss at a subsequent meeting. The plan is organized by the Main Street 4 point approach.

Historic Assets Survey

Manager provided information about the Collin County Historical Commission's Historic Assets Survey program, which has been ongoing for several years, but now has the additional "carrot" of county tax abatement due to Judge Self's interest in spurring the program. Building owners who are interested in pursuing this need to submit an information form about their building, as well as a documented historical narrative to the CCHC to qualify for the abatement. An extra benefit to this program is that the information requested closely parallels the information needed to complete the National Register Nomination form, and can be used toward that project as well. Main Street will hold a workshop to inform building owners; Andy Washam to work with Manager to organize this as well as setting up AnLyn as a "help" location for those people working on their surveys. The Main Street Program's focus will be on commercial buildings (the program is also available for residential properties). 100 McKinney Street to be used as a "pilot" for process.

Main Street Managers Report

Manager provided a written report, and highlighted the following: The Laubes will be continuing work on their building. Posters showing the progress of their building as well as the architects rendering have been printed by Matt Busby. They will be laminated and hung on the front of the building. Daniel and Brown Engineering has updated a diagram of downtown buildings which is a valuable reference tool. Main Street will join forces with the Parks Dept on a "Sprucing up the Square" event on Sept. 28. Board members were asked to assist that day, and to identify areas that need attention so that they can be added to the action list. New shopping guides need to be distributed: Bryan Williams to distribute to South side of square; Andy Washam to distribute to North side of square; Margaret Vigil to distribute to West side of square; and Leaca Caspari to distribute to East side of square. Manager will be out of the office in late September/early October; Bryan Williams to assist with collecting information about October events for the event calendar. AnLyn Brothers Coffee Co. will host the October 17 Downtown Merchants get together. Mary Berry has leased 406 McKinney Street for her "Fancy Fibers" studio and shop. She sells fibers for spinning, and weaving, and teaches classes. National Night Out will be on October 15 and will include a volunteer appreciation aspect. Dyer Drug owners plan to repaint and repoint damaged brick on their building. New flag poles are now up in the downtown median, as well as East of the Onion Shed-this is a 4B project, and additional poles will be phased in.

Discussion of placing items on future agendas:

Due to National Night Out planned for Oct. 15, the next meeting will be held Oct. 16. Agenda items for meeting to include tabled items. A workshop will follow the meeting.

Adjournment: With no further business to discuss, the meeting was adjourned at 6:19 P.M.



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: INFORMATIONAL ITEM – Main Street Report

Main Street Report is attached.



Main Street Monthly Report
September 2013
Reported by Adah Leah Wolf, Manager



ORGANIZATION:

| | |
|------------|--|
| 9 | 4B Board meeting: preparation of meeting handouts, agenda posting, minutes, reports, etc. |
| 10 | City Council: approval of Main Street bylaws changes, approval of 4B Budget, approval of Professional Services Agreement with 4B, appointment of Main Street Board member. |
| 17 | Main Street Board meeting. Sarah Butler Jackson, owner of Shop Wagjack, has been appointed to the Board. |
| 4,11,18,25 | City staff meetings. |
| 19 | Farmersville Heritage Museum board meeting. Mays windows will be used for a display on the museum's progress. |
| 27 | Annual report submitted to Texas Main Street office. |

PROMOTION:

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| 4 | Bess Eitel assists with Farmers & Fleas Market preparations. |
| 7 | Farmers & Fleas Market. Preparation includes vendor registrations, press releases, ad placement, etc. Dallas Morning News County section ran a notice about the Market which brought new shoppers out. |
| 12 | Chamber After Hours reception hosted by Foy, Inc. with good attendance. |
| 12 | E Newsletter sent regarding: invitation to FDMA get together, and information about motorcycle ride on 14 th . |
| | Volunteer Jack Smith provided photos of Bugtussle and new downtown flag poles. |
| 14 | For the 2 nd year, the Motorcycle Outpost in Blue Ridge sponsored a motorcycle ride through town, benefiting The Wounded Warrior Project. Approximately 400 motorcycles participated. The Fire and Police Departments assisted with traffic. |
| | Farmersville rack cards were sent to the State Fair for distribution in the Texas Lakes Trail booth. |
| 23 | Kevin Lee is planning a bike ride for Nov. 2 on the North East Texas Trail, to begin in Farmersville. Representatives from the city and Main Street attended a planning meeting for the event. |
| | City website homepage rotating photos updated. |
| | Downtown Shoppers Guides revised and placed on website. Those businesses with WiFi have been identified. |
| 30 | E Newsletter/monthly event calendar for downtown sent for the month of October |
| | Main Street office responded to a film request from Jan Thomas from the Dallas Film Commission. |
| | Main Street donated an Audie Murphy themed gift basket for the Old Time Saturday auction. |

DESIGN:

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| 5 | Howard Langner, Main Street architect, spoke with Jennifer Jiles regarding architectural design assistance for 101 Candy Street. |
| | The new security cameras surveillance system on the Onion Shed has discouraged vandalism |
| 12 | Meeting with Denny Allen, owner of 111 McKinney Street. He is interested in selling his building. |
| | Bill Nerwich, contractor, continues work on façade and interior of 100 McKinney Street. |
| | Downtown median irrigation upgrades have been completed by Oak Grove Landscaping. |
| | 3 New flagpoles have been installed on the East side of the Onion Shed, and a new pole also installed downtown at Freedom Plaza. |
| 28 | <i>Sprucing up the Square</i> (downtown clean up) event planned by Parks Board, and assisted by Main Street, Rotary, and FISD athletes. |
| | The Farmersville Rotary Club has adopted the first ½ mile of the Chaparral Trail as part of the Adopt a Spot program. |
| | The wooden snowmen have come out of cold storage and are ready to be decorated for the holidays. |

ECONOMIC RESTRUCTURING:

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| | Curves franchise is for sale by Becky Reeder; contract is up May 2014. |
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| | Information on downtown properties for sale/lease provided to two requestors this month. |
| | Turrentine Jackson has purchased Hurst's Fielder Baker Funeral Home, and will operate it with the same name. |
| 19 | Chamber early networking meeting attended at Red Door Antiques |
| 19 | Downtown Merchants meeting, hosted by Jalapenos Restaurant (owner Eric Jasso) |
| 26 | Chamber luncheon at Big Tacos Restaurant attended |
| | Film Director Shawn Ewert of Right Left Turn Productions is working on the film "Sacrament" and used the onion shed and downtown in a shoot on August 17 and 18. |

Volunteer hours for September: 175



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: INFORMATIONAL ITEM – Building & Property Standards Minutes

- There was not a meeting of the Building & Property Standards Commission during the month of September 2013.

Electronic minutes are found at the following link:

http://www.farmersvilletx.com/government/agendas_and_minutes/building_and_property_standards_meetings.jsp



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: INFORMATIONAL ITEM – TIRZ Minutes

The TIRZ Board did not meet during the month of September.

Electronic minutes are found at the following link:

http://www.farmersvilletx.com/government/agendas_and_minutes/building_and_property_standards_meetings.jsp

- Kenneth Maun's Office is working on an Interlocal Agreement regarding the collection of taxes within the TIRZ. It will also go before Commissioner's Court in the near future.



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: INFORMATIONAL ITEM – Farmersville Public Housing Authority Report

- There was not a meeting of the Farmersville Public Housing Authority during the month of September 2013.



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: INFORMATIONAL ITEM – North Texas Municipal Water District Board Agenda

The agenda for the last meeting is attached.



NORTH TEXAS MUNICIPAL WATER DISTRICT

**505 E. Brown Street • Wylie, Texas 75098
(972) 442-5405 – Phone • (972) 295-6440 – Fax**

**BOARD OF DIRECTORS
REGULAR MEETING
THURSDAY, SEPTEMBER 19, 2013
4:00 P.M.**

Notice is hereby given pursuant to V.T.C.A., Government Code, Chapter 551, that the Board of Directors of North Texas Municipal Water District will hold a regular meeting, open to the public, on Thursday, September 19, 2013, at 4:00 p.m., at the North Texas Municipal Water District offices, 505 E. Brown Street, Wylie, Texas.

The Board of Directors is authorized by the Texas Open Meetings Act to convene in closed or executive session for certain purposes. These purposes include receiving legal advice from its attorney (Section 551.071); discussing real property matters (Section 551.072); discussing gifts and donations (Section 551.073); discussing personnel matters (Section 551.074); or discussing security personnel or devices (Section 551.076). If the Board of Directors determines to go into executive session on any item on this agenda, the Presiding Officer will announce that an executive session will be held and will identify the item to be discussed and provision of the Open Meetings Act that authorizes the closed or executive session.

AGENDA¹

- I. **INVOCATION** – DIRECTOR LARRY PARKS
- II. **ROLL CALL**
- III. **PUBLIC COMMENTS**

The Board of Directors allows individuals to speak to the Board. Prior to the meeting, speakers must complete and submit a "Public Comment Registration Form." The time limit is five (5) minutes per speaker, not to exceed a total of thirty (30) minutes for all speakers. The Board may not discuss these items, but may respond with factual or policy information.

- IV. **CONSENT AGENDA ITEMS**

The Consent Agenda allows the Board of Directors to approve all routine, noncontroversial items with a single motion, without the need for discussion by the entire Board. Any item may be removed from consent and considered individually upon request of a Board member.

¹ Persons with disabilities who plan to attend the NTMWD Board of Directors meeting and who may need auxiliary aids or services are requested to contact John Montgomery in the NTMWD Administrative Offices at (972) 442-5405 as soon as possible. All reasonable efforts will be taken to make the appropriate arrangements.

- A. Consider Approval of Board of Directors Meeting Minutes – August 22, 2013
(Please refer to Consent Agenda Item No. 13-09-01)
- B. Consider Authorizing Execution of Encroachment Agreement with Oncor Electric Delivery Company, LLC, on Plano West Side Pipeline
(Please refer to Consent Agenda Item No. 13-09-02)
- C. Consider Authorizing Change Order No. 2 on Project No. 201, Electrical Improvements at Raw Water Pump Station No. 2
(Please refer to Consent Agenda Item No. 13-09-03)
- D. Consider Authorizing Change Order No. 1 and Authorization to Make Final Payment on Project No. 255, Forney Mustang Creek Force Main (Line C)
(Please refer to Consent Agenda Item No. 13-09-04)
- E. Consider Authorizing Execution of Encroachment and Use Agreement with Oneok Sterling III Pipeline, LLC, for Right to Use Pipeline Easements on Project No. 268, Lake Texoma Outfall to Wylie Water Treatment Plant Raw Water Pipeline
(Please refer to Consent Agenda Item No. 13-09-05)
- F. Consider Authorizing Execution of Interlocal Cooperation Agreement with the Lavon Special Utility District for the Right to Use Pipeline Easements on Project No. 268, Lake Texoma Outfall to Wylie Water Treatment Plant Raw Water Pipeline
(Please refer to Consent Agenda Item No. 13-09-06)

V. AGENDA ITEMS FOR INDIVIDUAL CONSIDERATION

- A. Consider Approval of Water System Rebates for 2012-2013
(Please refer to Administrative Memorandum No. 4040)
- B. Consider Authorizing Disposal of Surplus Vehicles and Equipment
(Please refer to Administrative Memorandum No. 4041)
- C. Consider Authorizing Award of Construction Contract on Prairie Creek Relief Sewer Control Structure Improvements, Project No. 223
(Please refer to Administrative Memorandum No. 4042)
- D. Consider Authorizing Execution of Engineering Services Agreement on Project No. 338, Meter Vault Standardization
(Please refer to Administrative Memorandum No. 4043)
- E. Consider Authorizing Change Order No. 2 on Project No. 227 (Contract B), Upper White Rock Creek Lift Station Improvements
(Please refer to Administrative Memorandum No. 4044)
- F. Consider Authorizing Change Order No. 3 on Project No. 251, Water Treatment Plant IV, Conversion to Biologically Active Filtration
(Please refer to Administrative Memorandum No. 4045)

- G. Consider Authorizing Change Order No. 2 on Project No. 270, South Mesquite Creek Regional Wastewater Treatment Plant Aeration System Improvements, Phase 1
(Please refer to Administrative Memorandum No. 4046)
- H. Consider Authorizing Execution of Engineering Services Agreement on Project No. 339, Highway 5 (McKinney No. 4) Pump Station Site Preliminary Engineering
(Please refer to Administrative Memorandum No. 4047)
- I. Consider Authorizing Award of Construction Contract on Project No. 202, Electrical Improvements at High Service Pump Station 1-1
(Please refer to Administrative Memorandum No. 4048)
- J. Consider Authorizing Award of Construction Contract on Project No. 298, High Service Pump Station 2-2 and 2-3 Electrical Improvements
(Please refer to Administrative Memorandum No. 4049)
- K. Consider Authorizing Change Order No. 2 on Project No. 299, Lake Tawakoni Water Treatment Plant Chlorine Dioxide System
(Please refer to Administrative Memorandum No. 4050)
- L. Consider Authorizing Change Order No. 4 and Authorization to Make Final Payment on Project No. 256, Wylie Water Treatment Plant Residuals Removal
(Please refer to Administrative Memorandum No. 4051)
- M. Consider Authorizing Right-of-Way Acquisition Program and Adoption of Resolution No. 13-19 Authorizing Easement Acquisition Program for the Upper Rowlett Creek and Upper Cottonwood Creek Lift Station Improvements, Project No. 295
(Please refer to Administrative Memorandum No. 4052)
- N. Consider Authorizing Right-of-Way Acquisition Program and Adoption of Resolution No. 13-22 Authorizing the Use of Eminent Domain to Acquire Right-of-Way for the Upper East Fork Interceptor System Manhole Improvements, Project No. 311
(Please refer to Administrative Memorandum No. 4053)
- O. Consider Authorizing Award of Construction Contract on Project No. 245, Upper Rowlett Creek Lift Station Influent Flow Metering Improvements
(Please refer to Administrative Memorandum No. 4054)
- P. Consider Authorizing Execution of Engineering Services Agreement on Project No. 341, Renner Road Lift Station Improvements
(Please refer to Administrative Memorandum No. 4055)
- Q. Consider Authorizing Award of Construction Contract on Project No. 320, Wylie Water Treatment Plant II Improvements for Basins 3 and 4
(Please refer to Administrative Memorandum No. 4056)

- R. Consider Authorizing Award of Construction Contract on Project No. 300, Allen Sewer Associates & Partners Gravity Interceptor Improvements, Sections 2 and 3
(Please refer to Administrative Memorandum No. 4057)
- S. Consider Authorizing Award of Construction Contract on Project No. 266, 42-Inch and 24-Inch Waterline Relocation Along Stacy Road (FM 2786) from SH 5 (Greenville Drive) to FM 1378 (Country Club Road)
(Please refer to Administrative Memorandum No. 4058)
- T. Consider Authorizing Execution of Inspection Services Agreement on Project No. 266, 42-Inch and 24-Inch Waterline Relocation Along Stacy Road (FM 2786) from SH 5 (Greenville Drive) to FM 1378 (Country Club Road)
(Please refer to Administrative Memorandum No. 4059)
- U. Consider Authorizing Execution of Engineering Services Agreement on Project No. 340, Plano No. 2 Delivery Point Metering Station Upgrade
(Please refer to Administrative Memorandum No. 4060)
- V. Consider Authorizing Change Order No. 1 on Project No. 205, Supervisory Control and Data Acquisition System Upgrades and Operations
(Please refer to Administrative Memorandum No. 4061)
- W. Consider Authorizing Execution of Engineering Services Agreement on Project No. 309, Wilson Creek Regional Wastewater Treatment Plant Filter Improvements
(Please refer to Administrative Memorandum No. 4062)
- X. Consider Authorizing Award of Construction Contract on Project No. 289, South Delivery Point Improvements, Priority 2
(Please refer to Administrative Memorandum No. 4063)
- Y. Consider Adoption of Resolution No. 13-21 Approving 2013-14 Annual All System Budget and Amending 2012-13 Annual All System Budget
(Please refer to Board Memorandum)

VI. DISCUSSION ITEMS

- A. Water System Update

VII. ADJOURNMENT

**NEXT REGULAR MEETING OF BOARD, THURSDAY, OCTOBER 17, 2013, AT 4:00 P.M.
IN THE ADMINISTRATIVE OFFICES, WYLIE, TEXAS**



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: Second Reading – Consider, discuss and act upon an ordinance regulating game rooms and amusement redemption machines

- An ordinance is presented for review.
- Council passed the first reading at the September 24th meeting with revisions.

ACTION: Approve or disapprove the ordinance as presented.

**CITY OF FARMERSVILLE
ORDINANCE # O-2013-1008-002**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, BY AMENDING CHAPTER 8, "AMUSEMENTS AND ENTERTAINMENT," THROUGH THE ADOPTION OF A NEW ARTICLE V TO BE ENTITLED "REGULATION OF GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES" BY ADOPTING NEW SECTIONS 8-300 THROUGH 8-317 THAT ESTABLISH A LICENSING AND REGULATORY PROCESS REGARDING THOSE MACHINES WHICH ARE COMMONLY REFERRED TO AS "EIGHT-LINERS"; AND AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS THROUGH THE AMENDMENT OF APPENDIX A, "MASTER FEE SCHEDULE," BY AMENDING ARTICLE VI, "BUSINESS, COMMERCE, AND GOVERNMENT," BY AMENDING SECTION 6-1 ENTITLED "BUSINESS AND COMMERCE PERMITS AND LICENSES" TO ADD THE OCCUPATION TAX CHARGED FOR EACH "AMUSEMENT REDEMPTION MACHINE," AS DEFINED HEREIN, AND ADD THE ANNUAL INSPECTION AND LICENSE FEE REQUIRED FOR AN "AMUSEMENT REDEMPTION MACHINE GAME ROOM" OR "GAME ROOM" AS THOSE TERMS ARE DEFINED HEREIN AND ADOPTED HEREBY; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Farmersville ("City Council") is concerned about the number of Amusement Redemption Machine Game Rooms that have opened in the City of Farmersville; and

WHEREAS, the City has identified certain shortcomings in its attempt to regulate Amusement Redemption Machine Game Rooms through the specific use permit ("SUP") process of the Zoning Ordinance in addressing the concerns; and

WHEREAS, the City has identified certain negative secondary effects arising out of and related to the operation of Amusement Redemption Machine Game Rooms; and

WHEREAS, the City Council of the City of Farmersville has determined that it is in the public's best interest and in support of the health, safety, and general welfare of the citizens of the City that Amusement Redemption Machine Game Rooms should be regulated through a permitting and licensing process in addition to the City's use of zoning as a regulator of Amusement Redemption Machine Game Rooms.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:

SECTION 1. FINDINGS INCORPORATED

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Farmersville, and they are hereby approved and incorporated into the body of this Ordinance as if restated herein in their entirety.

SECTION 2. AMENDMENT TO CHAPTER 8, "AMUSEMENTS AND ENTERTAINMENT," OF THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, THROUGH THE ADOPTION OF A NEW ARTICLE V, TO BE ENTITLED "REGULATION OF GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES" BY ADOPTING NEW SECTIONS 8-300 THROUGH 8-317 THAT ESTABLISH A LICENSING AND REGULATORY PROCESS REGARDING THOSE MACHINES WHICH ARE COMMONLY REFERRED TO AS "EIGHT-LINERS."

From and after the adoption of this Ordinance, Chapter 8, entitled "Amusements and Entertainment," is amended by the adoption of a new Article V, entitled "Regulation of Game Rooms and Amusement Redemption Machines," by the adoption of new Sections 8-300 through 8-317, to read as follows:

"Sec. 8-300. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. *Amusement Redemption Machine* means:

- 1) a recreational machine that provides the user with an opportunity to receive something of value other than a right of replay and which complies with all applicable federal, state and local laws and regulations applicable to such machines.
- 2) a skill or pleasure coin-operated machine that is designed, made and adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill and chance affords the user an opportunity to receive exclusively non-cash merchandise prizes, toys, novelties, or a representation of value redeemable for those items.
- 3) any electronic, electromechanical or mechanical contrivance designed, made and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with non-cash merchandise, prizes, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than ten times the amount charged to play the game or device once or \$5.00, whichever amount is less.

B. *Amusement Redemption Machine Game Room or Game Room* means any establishment, building, facility or other place where two or more Amusement Redemption Machines, with the exception of excluded machines, are displayed or exhibited for public use.

C. *City Official* means a police officer, code enforcement officer or building official of the City of Farmersville.

- D. *Excluded machines.* An Amusement Redemption Machine game room does not include:
- 1) A machine that awards the user non-cash merchandise prizes, toys or novelties solely and directly from the machine, including claw, crane, or similar machines; nor
 - 2) A machine from which the opportunity to receive non-cash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, varies depending upon the user's ability to throw, roll, flip, toss, hit, or drop a ball or other physical object into the machine or a part thereof, including basketball, skeet ball, golf, bowling, pusher, or similar machines; nor
 - 3) A machine or any device defined in section 47.01 of the Texas Penal Code as a gambling device, or any activity prohibited or described in Chapter 47 of the Texas Penal Code.
- E. *Game Room Owner or Owner* means a person who has an ownership interest of at least twenty-five percent (25%) in a Game Room.
- F. *Licensee* means any person, individual, firm, company, association, or corporation operating an *Amusement Redemption Machine Game Room* in the City.
- G. *Operational Machine* means an Amusement Redemption Machine that is ready to be played and which is accessible to the public.
- H. *Permittee* means any person, individual, firm, company, association, or corporation maintaining, displaying for public patronage, or otherwise keeping for operation the public any gaming machine in the city.

Sec. 8-301. Permit Required; License Required.

- A. No person shall maintain, display for public patronage, or otherwise keep for operation by the public any Amusement Redemption Machine without first obtaining a permit from the City of Farmersville issued under the terms and conditions of this article. No permit shall be issued until the occupation tax has been paid for each Amusement Redemption Machine as required by this article.
- B. No person shall operate an Amusement Redemption Machine Game Room in the city without first obtaining a license from the City of Farmersville, as required by this section. No license shall be issued until the occupation tax has been paid by the Game Room Owner for each Amusement Redemption Machine within the premises, and the applicable Game Room license fee has been paid by the Game Room Owner.

Sec. 8-302. Occupation Tax Levied.

- A. Every person who owns, controls, exhibits, displays, or permits to be exhibited or displayed in this city any Amusement Redemption Machine shall pay, and there is hereby levied on every Amusement Redemption Machine except such as are exempted in this article, an annual occupation tax per machine equal to twenty-five percent (25%) of the occupation tax charged and collected by the State of Texas, which occupation tax is specifically authorized by Texas Occupations Code § 2153.451.
- B. Nothing in this section shall prevent the operator of the Amusement Redemption Machines from paying the tax levied in this section for the account of the Owner, but the payment of the tax by the operator or other person shall not relieve the Owner from the responsibility of complying with all provisions of this article.

Sec. 8-303. Payment of Occupation Tax; Receipt to be Attached to Amusement Redemption Machine.

- A. The occupation tax levied by this article shall be paid to the City of Farmersville. The City shall issue a receipt reflecting payment of the occupation tax per machine.
- B. The receipt reflecting payment of the occupation tax shall be attached to the Amusement Redemption Machine mentioned in the receipt and shall bear the serial number of the particular Amusement Redemption Machine.
- C. It shall be unlawful for any person to operate, exhibit, or display any Amusement Redemption Machine in the City without having attached thereto an occupation tax receipt. It shall also be unlawful for any occupation tax receipt issued for a certain Amusement Redemption Machine to be transferred to any other Amusement Redemption Machine.
- D. The fee for issuing a replacement occupational tax receipt for one lost, destroyed or mutilated shall be fifty percent (50%) of the original occupation tax paid.

Sec. 8-304. Payment of Annual Inspection and License Fee; Issuance of License.

An owner, operator, or lessee of an Amusement Redemption Machine Game Room shall be required to secure a license annually. An Amusement Redemption Machine Game Room shall be required to secure a license by paying to the City an annual inspection and Amusement Redemption Machine Game Room license fee of One Hundred Dollars (\$100.00) per machine kept within and about the licensed premises. Upon payment of the fee and compliance with all licensing requirements, the license shall be issued by the City of Farmersville.

Sec. 8-305. Term of License; Jurisdiction; Scope.

A license issued for an Amusement Redemption Machine Game Room under this article:

- 1) Is an annual license which expires December 31 of each year unless it is suspended or cancelled earlier;
- 2) Is effective for a single place of business only;
- 3) Vests no property right in the Licensee except to maintain, display for public patronage, and permit the use or skill or pleasure of Amusement Redemption Machines in accordance with the terms and conditions of this article;
- 4) Shall automatically expire if the licensee thereof sells the property or the business, transfers equity to accomplish same, or otherwise disposes of Amusement Redemption Machines; and
- 5) Is not assignable or transferable.

In addition, the City shall not refund any portion of a license fee after the license is issued, nor shall it prorate or reduce in amount any fee due to the City. Notwithstanding the foregoing, the initial license issued to an existing Amusement Redemption Machine Game Room following the adoption of this Ordinance and the Game Room's compliance with the requirements of this Ordinance shall not expire until December 31, 2014. Thereafter, any such license shall expire as provided herein-above.

Sec. 8-306. Restrictions, Regulations, Controls, and Limitations.

- A. All building and fire code standards must be met. Inspection by building officials and the issuance of a certificate of occupancy shall be obtained before a license for an Amusement Redemption Machine Game Room is issued.
- B. Amusement Redemption Machine Game Rooms shall be permitted only in the Light Industrial (I-1) District upon the granting of a specific use permit (SUP). Notwithstanding the foregoing, those Amusement Redemption Machine Game Rooms that were issued a specific use permit on or before November 9, 2010, may be issued a license under the provisions of this Ordinance for so long as such Game Room retains its nonconforming use rights under the City's Zoning Ordinance and the Game Room is continuously licensed, and which license remains in full force and effect and is not revoked pursuant to the provisions of this Ordinance.
- C. Only one Amusement Redemption Machine Game Room shall be permitted on any lot or in any single building, structure or strip center.

- D. No Amusement Redemption Machine Game Room shall be situated within 1,000 feet of any church, school, daycare, hospital or any other Amusement Redemption Machine Game Room. The distance shall be measured in a straight line without regard to intervening objects or structures and from the nearest lot line of the Amusement Redemption Machine Game Room seeking a license to the nearest lot line of the church, school, daycare, hospital or any other Amusement Redemption Machine Game Room.
- E. No alcoholic beverages shall be served or allowed on the licensed premises. No Amusement Redemption Machines or related business activities shall be allowed to be situated and/or performed outdoors.
- F. The hours of operation for an Amusement Redemption Machine Game Rooms shall be limited to the following hours:
 - 1) Monday through Thursday, open at 8:30 a.m. and close at 11:00 p.m.: and
 - 2) Friday through Sunday, open at 8:30 a.m. and close at 12:00 a.m.
- G. One parking space shall be provided for each two Amusement Redemption Machines within the Amusement Redemption Machine Game Room, plus one additional parking space for each employee per shift.
- H. The owner, operator, or manager of the licensed premises must be present to supervise the operation of the Amusement Redemption Machine Game Room. The Amusement Redemption Machine Game Room shall not be left unattended.
- I. Amusement Redemption Machines must be situated within the licensed premises as to be in full and open public view, which entails being visible to all patrons of the establishment.
- J. No person under the age of 18 years shall be permitted inside the building, structure, facility or space housing the Amusement Redemption Machine Game Room.
- K. A sign stating that no one under the age of 18 is allowed inside the Amusement Redemption Machine Game Room building shall be posted in plain sight immediately inside the entrance stating that:

"No person under the age of 18 years shall be permitted inside the building, structure, facility or space housing the Amusement Redemption Machine Game Room."
- L. An Amusement Redemption Machine Game Room operator must be a person who is at least 18 years of age.

- M. The total number of Amusement Redemption Machine allowed in one Amusement Redemption Machine Game Room establishment shall be limited to the maximum number approved in conjunction with a specific use permit or 50 Amusement Redemption Machine Games, whichever number is greater. Any back-up or replacement Amusement Redemption Machine Games shall be secured in a locked storage area or closet to which the public is not allowed to enter and such machines shall not be connected to electricity or otherwise operational. The occupation tax on such back-up or replacement Amusement Redemption Machine Games shall be paid annually regardless of whether such machines are used by the Game Room's patrons.
- N. Nothing contained herein shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table, or gaming machine, the keeping, exhibition, operation, display or maintenance of which is illegal or in violation of any ordinance of the city, any section of the penal code of this state, or the constitution of this state.

Sec. 8-307. Application for Amusement Redemption Machine Game Room License.

An applicant for a license under the provisions of this article shall file with the City Secretary a written application on a form provided for that purpose by the City of Farmersville which shall be signed by the applicant, who shall be the Owner of the Amusement Redemption Machine Game Room sought to be licensed. A separate application must be filed for each location sought to be licensed. The following information is required in the application:

- 1) Name, address, telephone number, and driver's license number of the applicant if the applicant is a natural person;
- 2) Name, address, telephone number and driver's license number of all persons who own twenty-five percent (25%) or more interest in the Amusement Redemption Machine Game Room;
- 3) Name, address, telephone number and driver's license number of all corporate officers, if any, of the such business;
- 4) Name, address, telephone number of the business;
- 5) If incorporated, the name of the business registered with the Texas Secretary of State;
- 6) If a partnership, the name, address, telephone number and driver's license of each of the general and limited partners;
- 7) The trade name by which the applicant does business and a true and correct copy of the registration of the applicant's

assumed name filed in the office of the Collin County Clerk, bearing the file mark or stamp that evidences its filing in that office;

- 8) The street address of the premises;
- 9) If applicant is not the owner of the premises, the applicant shall furnish the name, address, and telephone number of the property owner;
- 10) Name, address, and telephone number of the operator of the premises to be permitted;
- 11) Number of Amusement Redemption Machines in the premises to be permitted and the serial number of each Amusement Redemption Machine;
- 12) Whether a previous license of the applicant, or, if applicable, a corporate officer of the applicant, has been revoked within two years of filing of the application;
- 13) The previous occupation(s) of the applicant and, if applicable, all corporate officers and partners of the applicant within the preceding five years;
- 14) A notarized statement, under oath, that:
 - (a) All the facts contained in the application are true and correct;
 - (b) The Amusement Redemption Machines are not and will not be used as gambling devices;
 - (c) The location and operation of the Amusement Redemption Machine Game Room will not violate any applicable deed restrictions;
 - (d) The Amusement Redemption Machine Game Room will be operated in accordance with all laws;
- 15) Name, address, and telephone number of an emergency contact person who can be reached after hours;
- 16) A floor plan of the Amusement Redemption Machine Game Room interior depicting the layout of the Amusement Redemption Machine Game Room interior specifically including, but not limited to, the location of all Amusement Redemption Machines, coin-operated machines or devices, the manager's station(s), restroom facilities, kitchen and bar facilities, if any, and all areas to which patrons will not be permitted; and
- 17) Any other plans that may be required by the City's Code of Ordinances.

Any failure to provide the documents required by this section shall be grounds for denial of the application to which it applies.

Sec. 8-308. Renewal of Amusement Redemption Machine Game Room License

- A. A license may be renewed for the following calendar year beginning October 1 of each year by filing a completed application for each license and paying the applicable fee set forth in this article. A renewal application shall be subject to the same requirements in this section for a license application.
- B. Upon the expiration of a license, the licensee shall be required to obtain a renewal of the expired license if the licensee wishes to continue operating an Amusement Redemption Machine Game Room. Failure to obtain the renewal within thirty (30) days after expiration will require such person to pay an additional late fee in an amount equal to twenty percent (20%) of the fee actually due or twenty percent (20%) of the previous year's fee, whichever amount is greater, in order to obtain reinstatement of his license. Nothing herein authorizes the licensee to operate after the expiration of a license and before a renewal is effective

Sec. 8-309. Grounds for Denial of License; Applicants or Licensees Indebted to City.

- A. The City of Farmersville shall refuse to approve issuance or renewal of a permit for one or more of the following reasons:
 - 1) Any failure to provide the information required by this article;
 - 2) A determination by the City of Farmersville that inaccurate, erroneous or incomplete information has been submitted;
 - 3) A false statement as to a material matter made in an application for a license;
 - 4) Revocation of a license, pursuant to this article, of the applicant or a co-owner or a corporate officer of the applicant within two years preceding the filing of the application;
 - 3) Refusal or failure to pay the occupation tax on any Amusement Redemption Machine;
 - 4) Refusal or failure to pay the correct license fee amount;
 - 5) The applicant or a co-owner for such license has, within the past three years, been convicted of any violation of this Ordinance; and/or
 - 6) The applicant or a co-owner for such license has, within the past ten years, been convicted of a crime involving moral turpitude.

- B. The City of Farmersville shall not issue or renew a license under this article and shall suspend or cancel a license if it be determined that the applicant or licensee is indebted to the City for any fee, costs, penalties, or delinquent taxes.

Sec. 8-310. Suspension or Revocation of License for Violation of Article.

- A. *Power and Authority.* If any individual, company, corporation or association who owns, operates, exhibits, or displays any Amusement Redemption Machine(s) in an Amusement Redemption Machine Game Room in this City shall violate any provision of this article V, the City of Farmersville shall have the power and authority to suspend or revoke the license(s) issued hereunder to any of the foregoing by giving written notice, stating the reason justifying such suspension or revocation, and the same shall be suspended or revoked ten days from date of such notice.
- B. *Suspension.* The City Manager or his designee shall suspend a license for a period not to exceed 30 days if he determines that a licensee or an employee of a licensee has:
- 1) Violated or is not in compliance with any of the provisions of this article V;
 - 2) Refused to allow or interfered with an inspection of the Amusement Redemption Machine Game Room premises; or
 - 3) Demonstrated an inability to operate or manage an Amusement Redemption Machine Game Room in a peaceful and law-abiding manner thus necessitating action by law enforcement officers.
- C. *Revocation for Continuing Violations.* The City Manager or his designee shall revoke a license if a cause of suspension occurs and the license has been previously suspended within the preceding twelve months.
- D. *Automatic Revocation.* The City Manager or his designee shall revoke a license if he determines that:
- 1) A licensee gave false or misleading information in the material submitted to the City during the application process;
 - 2) A licensee or an employee of a licensee knowingly allowed the possession, use, or sale of a controlled substance on the premises; or
 - 3) A licensee or an employee of a licensee knowingly operated the Amusement Redemption Machine Game Room during a period of time when the licensee's permit was suspended.
- E. *Effect of Revocation.* No license shall be issued within a period of one year to anyone whose license has been revoked, except at the

discretion of the City Council. If the license of an individual, company, corporation, or association owning, operating, or displaying Amusement Redemption Machines in this City is cancelled, such individual, company, corporation or association shall not operate, display or permit to be operated or displayed such Amusement Redemption Machines in any Amusement Redemption Machine Game Room until a new license is granted.

Sec. 8-311. Appeal from Denial, Suspension or Revocation of License.

If the City of Farmersville refuses to approve the issuance of a license or the renewal of a license to an applicant, or suspends or revokes a license issued under this article, this action is final unless the applicant or licensee, within ten days after the receipt of written notice of the action, files a written appeal with the judge of the municipal court, who shall, within ten days after the appeal is filed, consider all the evidence in support of or against the action appealed, and render a decision, either sustaining or reversing the action. If the judge of the municipal court sustains the action of the City of Farmersville, the applicant or licensee may, within ten days of that decision, file a written appeal with the City Secretary to the City Council setting forth specific grounds for the appeal. Similarly, if the judge of the municipal court overturns the action of the City Manager or his designee, the City Manager may, within ten days of that decision, file a written appeal with the City Secretary to the City Council setting forth specific grounds for the appeal. The City Council shall, within 30 days, grant a hearing to consider the action. The City Council has authority to sustain, reverse, or modify the action appealed. The decision of the City Council is final.

Sec. 8-312. Display of License.

A license issued under this article for an Amusement Redemption Machine Game Room shall be displayed at or near the entrance of the business premises, and such display shall be permanent and conspicuous.

Sec. 8-313. Replacement License.

A replacement license may be issued for one lost, destroyed, or mutilated, upon application on a form provided by the City of Farmersville. A replacement license shall have the word "REPLACEMENT" stamped across its face and shall bear the same number as the one it replaces.

Sec. 8-314. Inspections.

- A. The premises in which such Amusement Redemption Machines are located shall conform to all building codes and fire prevention codes of the City and the Fire Marshal of the City and his assistants and the Chief Building Official may enter into the premises where such Amusement Redemption Machines are located at any time during normal business hours for the purposes of inspecting said premises for fire hazards.

- B. All law enforcement personnel of the City shall have the right to enter into said premises at any time during normal business hours for the purpose of enforcement of the terms of this article.
- C. The City shall have the authority to seal any coin-operated machine located in any Amusement Redemption Machine Game Room for which the occupation tax has not been paid. A \$5.00 fee will be charged for the release of any machine sealed for non-payment of said occupation tax.
- D. The City shall have the authority to seal any coin-operated machine located in any Amusement Redemption Machine Game Room for which a license fee has not been paid. A \$50.00 fee will be charged for the release of any machine sealed for non-payment of said license fee.

Sec. 8-315. Responsibility of Licensee.

A licensee hereunder shall not permit any of the following activities within the licensed premises:

- 1) The sale, purchase, possession or consumption of any alcoholic beverages as the same is defined by the Texas Alcoholic Beverage Code;
- 2) The operation of any Amusement Redemption Machine by a person younger than 18 years of age;
- 3) Gambling by any person;
- 4) The possession of gambling materials; and
- 5) Unlawful or criminal activity of any kind.

Sec. 8-316. Parking Facilities.

Any person who desires a license for the operation of two or more Amusement Redemption Machines in one specific location shall be required to provide sufficient off-street parking to accommodate the vehicles of the patrons as provided herein. Such parking area shall be maintained in a safe, clean manner and shall not interfere with safe and expeditious movement of other vehicular or pedestrian traffic. Depending on the location of licensed premises, bicycle racks may be required.

Sec. 8-317. Violations of existing laws not authorized.

Nothing herein shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table, or gaming machine, the keeping, exhibition, operation, display or maintenance of which is illegal or in violation of any ordinance of the city, any section of the penal code of this state, or the constitution of this state."

SECTION 3. AMENDMENT TO APPENDIX A, "MASTER FEE SCHEDULE," BY AMENDING ARTICLE VI, "BUSINESS, COMMERCE, AND GOVERNMENT," BY AMENDING SECTION 6-1 ENTITLED "BUSINESS AND COMMERCE PERMITS AND LICENSES" TO ADD THE

OCCUPATION TAX CHARGED FOR EACH "AMUSEMENT REDEMPTION MACHINE," AS DEFINED HEREIN, AND ADD THE ANNUAL INSPECTION AND LICENSE FEE REQUIRED FOR AN "AMUSEMENT REDEMPTION MACHINE GAME ROOM" OR "GAME ROOM" AS THOSE TERMS ARE DEFINED HEREIN AND ADOPTED HEREBY.

From and after the adoption of this Ordinance, Appendix A, entitled "Master Fee Schedule," is amended by amending Article VI, entitled "Business, Commerce, and Government," by amending Section 6-1 entitled "Business and Commerce Permits and Licenses" to add the occupation tax charged for each "Amusement Redemption Machine," as defined herein, and add the annual inspection and license fee required for an "Amusement Redemption Machine Game Room" or "Game Room" as those terms are defined herein and adopted hereby, to read as follows:

| Service | Fee |
|--|---|
| "Amusement Redemption Machine" occupation tax (per machine) | 25% of state occupation tax to be paid annually = \$15.00 per machine |
| Release of seal on any machine for which occupation tax was not properly paid | \$5.00 plus payment of occupation tax |
| "Amusement Redemption Machine Game Room" License | \$100 per machine located in the Game Room |
| Release of seal on any machine for which Game Room License Fee was not properly paid | \$50.00 plus payment of Game Room License Fee |

SECTION 4. PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Farmersville, Texas, shall be punished by a fine not to exceed the sum of five hundred dollars (\$ 500.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. SEVERABILITY

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

SECTION 6. REPEALER

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any

manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 7. PUBLICATION

The City Secretary of the City of Farmersville is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 8. ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

SECTION 9. SAVINGS

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 10. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

PASSED on first reading on the 24th day of September, 2013, and second reading on the 8th day of October, 2013, at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 8th day of October, 2013.

APPROVED:

BY: _____
Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: Second Reading – Consider, discuss and act upon an ordinance regarding Atmos' 2013 Annual Rate Review Mechanism

- An ordinance is presented for review.
- Council passed the first reading at the September 24th meeting with revisions.

ACTION: Approve or disapprove the ordinance as presented.

**CITY OF FARMERSVILLE
ORDINANCE NO. O-2013-1008-001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; PROVIDING A MOST FAVORED NATIONS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

WHEREAS, the City of Farmersville, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of approximately 164 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC Cities and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC Cities as a substitute to the current Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature; and

WHEREAS, the City took action in 2008 to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company's 2007 rate case and authorizing the RRM tariff; and

WHEREAS, in 2013, ACSC and the Company negotiated a renewal of the RRM tariff process for an additional five years; and

WHEREAS, the City passed an ordinance renewing the RRM tariff process for the City for an additional five years; and

WHEREAS, the RRM renewal tariff contemplates reimbursement of ACSC Cities' reasonable expenses associated with RRM applications; and

WHEREAS, on or about July 15, 2013, the Company filed with the City its first annual RRM filing under the renewed RRM tariff, requesting to increase natural gas base rates by \$22.7 million; and

WHEREAS, ACSC coordinated its review of Atmos Mid-Tex's RRM filing through its Executive Committee, assisted by ACSC attorneys and consultants, to resolve issues identified by ACSC in the Company's RRM filing; and

WHEREAS, the ACSC Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve the attached rate tariffs ("Attachment A" to this Ordinance), which will increase the Company's revenues by \$16.6 million; and

WHEREAS, the attached tariffs implementing new rates are consistent with the negotiated resolution reached by ACSC Cities and are just, reasonable, and in the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable and new tariffs which are attached hereto and incorporated herein as Attachment A, are just and reasonable and are hereby adopted.

Section 3. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC Cities in processing the Company's RRM application.

Section 4. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 5. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. That if ACSC determines any rates, revenues, terms and conditions, or benefits resulting from a Final Order or subsequent negotiated settlement approved in any proceeding addressing the issues raised in Atmos' 2013 RRM filing would be more beneficial to the ACSC Cities than the terms of the attached tariffs, then the more favorable rates, revenues, terms and conditions, or benefits shall additionally and automatically accrue to the ACSC Cities, including the City, without the need for City to take any further action. If this automatic adjustment occurs, Atmos Mid-Tex shall promptly thereafter file with the City an amended tariff documenting the adjustment to rates.

Section 8. That this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after November 1, 2013.

Section 9. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Manager of Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this _____ day of _____, 2013.

Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary

APPROVED AS TO FORM:

Alan Lathrom, City Attorney

Attachment A

**Atmos Mid-Tex Tariffs
Effective November 1, 2013**

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

| | | |
|------------------------|---|--|
| RATE SCHEDULE: | R – RESIDENTIAL SALES | |
| APPLICABLE TO: | ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS | |
| EFFECTIVE DATE: | Bills Rendered on or after 11/01/2013 | |

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

| Charge | Amount |
|-----------------------------------|--------------------------------|
| Customer Charge per Bill | \$ 17.70 per month |
| Rider CEE Surcharge | \$ 0.02 per month ¹ |
| Total Customer Charge | \$ 17.72 per month |
| Commodity Charge – All <u>Ccf</u> | \$0.05831 per Ccf |

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2013.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

| | | |
|------------------------|---|--|
| RATE SCHEDULE: | C – COMMERCIAL SALES | |
| APPLICABLE TO: | ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS | |
| EFFECTIVE DATE: | Bills Rendered on or after 11/01/2013 | |

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

| Charge | Amount |
|------------------------------|--------------------------------|
| Customer Charge per Bill | \$ 35.75 per month |
| Rider CEE Surcharge | \$ 0.10 per month ¹ |
| Total Customer Charge | \$ 35.85 per month |
| Commodity Charge – All Ccf | \$ 0.06893 per Ccf |

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2013.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

| | | |
|------------------------|---|--|
| RATE SCHEDULE: | I – INDUSTRIAL SALES | |
| APPLICABLE TO: | ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS | |
| EFFECTIVE DATE: | Bills Rendered on or after 11/01/2013 | |

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

| Charge | Amount |
|------------------------------|---------------------|
| Customer Charge per Meter | \$ 620.00 per month |
| First 0 MMBtu to 1,500 MMBtu | \$ 0.2565 per MMBtu |
| Next 3,500 MMBtu | \$ 0.1879 per MMBtu |
| All MMBtu over 5,000 MMBtu | \$ 0.0403 per MMBtu |

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

| | | |
|------------------------|---|--|
| RATE SCHEDULE: | I – INDUSTRIAL SALES | |
| APPLICABLE TO: | ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS | |
| EFFECTIVE DATE: | Bills Rendered on or after 11/01/2013 | |

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

| | | |
|------------------------|---|--|
| RATE SCHEDULE: | T – TRANSPORTATION | |
| APPLICABLE TO: | ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS | |
| EFFECTIVE DATE: | Bills Rendered on or after 11/01/2013 | |

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

| Charge | Amount |
|------------------------------|---------------------|
| Customer Charge per Meter | \$ 620.00 per month |
| First 0 MMBtu to 1,500 MMBtu | \$ 0.2565 per MMBtu |
| Next 3,500 MMBtu | \$ 0.1879 per MMBtu |
| All MMBtu over 5,000 MMBtu | \$ 0.0403 per MMBtu |

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

| | | |
|------------------------|---|--|
| RATE SCHEDULE: | T – TRANSPORTATION | |
| APPLICABLE TO: | ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS | |
| EFFECTIVE DATE: | Bills Rendered on or after 11/01/2013 | |

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

| | | |
|------------------------|---|--|
| RIDER: | WNA – WEATHER NORMALIZATION ADJUSTMENT | |
| APPLICABLE TO: | ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS | |
| EFFECTIVE DATE: | Bills Rendered on or after 11/01/2013 | |

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.

HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

| | | |
|------------------------|---|--|
| RIDER: | WNA – WEATHER NORMALIZATION ADJUSTMENT | |
| APPLICABLE TO: | ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS | |
| EFFECTIVE DATE: | Bills Rendered on or after 11/01/2013 | |

Base Use/Heat Use Factors

| Weather Station | <u>Residential</u> | | <u>Commercial</u> | |
|-----------------|---------------------------|----------------------------|--------------------------|----------------------------|
| | Base use <u>Ccf</u> | Heat use <u>Ccf/HDD</u> | Base use <u>Ccf</u> | Heat use <u>Ccf/HDD</u> |
| Abilene | 9.97 | 0.1318 | 96.50 | 0.5659 |
| Austin | 11.05 | 0.1262 | 189.59 | 0.7195 |
| Dallas | 13.13 | 0.1832 | 171.84 | 0.8797 |
| Waco | 9.78 | 0.1262 | 117.60 | 0.5774 |
| Wichita Falls | 10.99 | 0.1297 | 107.70 | 0.5041 |

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and a Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: Second Reading – Consider, discuss and act upon an ordinance amending the Noise Ordinance pertaining to construction noise

- An ordinance is presented for review.
- Council passed the first reading at the September 24th meeting with revisions.

ACTION: Approve or disapprove the ordinance as presented.

**CITY OF FARMERSVILLE
ORDINANCE # O-2013-1008-003**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 44, "NUISANCES," THROUGH THE AMENDMENT OF ARTICLE II "NOISE REGULATION," BY AMENDING SECTION 44-50, "SPECIFIC NOISE DISTURBANCE PROHIBITED," BY AMENDING PARAGRAPH (h), "CONSTRUCTION/MAINTENANCE WORK," BY ADDING NEW SUBPARAGRAPHS (5) AND (6) REGARDING CONSTRUCTION AND MAINTENANCE WORK PERFORMED OUTSIDE OF REGULARLY PERMITTED "WORKING HOURS"; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Farmersville, Texas ("City Council") realizes that loud noise and noises that are louder than the normal background noise at certain hours of the day or night can be detrimental or offensive to the inhabitants of the City; and

WHEREAS, the City Council's duty is to protect the citizens of Farmersville to assist the enjoyment of life, health and minimize contention regarding public peace and comfort; and

WHEREAS, the City Council realizes that construction work must be performed in order to repair or maintain existing improvements and to bring new growth and development to Farmersville; and

WHEREAS, the high temperatures during Texas summers can prevent the proper curing and hardening of concrete which may cause the concrete to not meet the specifications set by the licensed engineer of the project; and

WHEREAS, concrete contractors can work around the issues cause by high daytime temperatures by pouring concrete at night when it is cooler; and

WHEREAS, the City's current noise ordinance does not allow construction work to be performed at night when temperatures are cool enough for a concrete contractor to pour concrete; and

WHEREAS, the City Council, after due deliberation and consideration of the foregoing issues, has determined that it is in the public's best interest and in support of the health, safety, and general welfare of the citizens of the City that an exemption should be established with certain requirements regarding construction noise outside the usual hours of operation allowed for construction and maintenance work.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:

SECTION 1. INCORPORATION OF FINDINGS

All of the above premises are hereby found to be true and correct legislative and factual determinations of the City of Farmersville and are hereby approved and incorporated into the body of this Ordinance and made a part hereof for all purposes allowed by law as if fully set forth herein.

SECTION 2. AMENDMENT OF CHAPTER 44, "NUISANCES," THROUGH THE AMENDMENT OF ARTICLE II "NOISE REGULATION," BY AMENDING SECTION 44-50, "SPECIFIC NOISE DISTURBANCE PROHIBITED," BY AMENDING PARAGRAPH (h), "CONSTRUCTION/MAINTENANCE WORK," BY ADDING NEW SUBPARAGRAPHS (5) AND (6) REGARDING CONSTRUCTION AND MAINTENANCE WORK PERFORMED OUTSIDE OF REGULARLY PERMITTED "WORKING HOURS."

From and after the effective date of this Ordinance, Section 44-50, entitled "Construction/Maintenance Work" is hereby amended by amending Paragraph (h), thereof, by adding new subparagraphs (5) and (6) to read as follows:

"Sec. 44-50. – Construction/Maintenance Work.

*** * * ***

- (5) Notwithstanding the provisions of Subparagraphs (1) through (4) of this Paragraph (h), construction and/or maintenance work may be performed between the hours of 10:00 p.m. and 6:00 a.m. only after receiving permission from the City Manager or his designee upon applicant's showing that such work cannot reasonably or efficiently be performed otherwise.
- (6) At locations where voluntary compliance with the recommended limitations regarding the performance of construction and maintenance work between the hours of 10:00 p.m. and 6:00 a.m. is not being observed and the City receives one or more complaints from any resident of a residence or quiet zone within five hundred feet (500') of the work site, the City may issue written orders to stop work or further regulate site construction working hours if site work is being done outside the defined time guidelines or is interfering with the reasonable tranquility of a neighborhood or quiet zone."

SECTION 3. PENALTY

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$500.00. A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur. Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this article.

SECTION 4. SEVERABILITY

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

SECTION 5. REPEALER

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 6. PUBLICATION

The City Secretary of the City of Farmersville is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 7. ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

SECTION 8. SAVINGS

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

PASSED on first reading on the 24th day of September, 2013, and second reading on the 8th day of October, 2013, at properly scheduled meetings of the City Council of the

City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 8th day of OCTOBER, 2013.

APPROVED:

BY: _____
Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: Only Reading – Consider, discuss and act upon amending the Master Fee Schedule for water and sewer rate increases from North Texas Municipal Water District

- An ordinance is attached for review.
- Per Resolution # R-2010-1026-001 (Section 2(5)) only one reading is required

ACTION: Approve or disapprove the ordinance as presented.

**CITY OF FARMERSVILLE
ORDINANCE #O-2013-1008-004**

AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, THROUGH THE AMENDMENT OF THE MASTER FEE SCHEDULE BY AMENDING THE WATER SERVICE FEES ADOPTED THROUGH SECTION 11.122.4, ENTITLED "WATER SERVICE FEES"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville, Texas ("City"), is a customer of North Texas Municipal Water District (NTMWD); and

WHEREAS, NTMWD obtains a large portion of its water from Lake Texoma to serve its member cities; and

WHEREAS, NTMWD cannot presently transport water from Lake Texoma through its existing pipeline and the natural creeks through which such water supply was previously transported due to an infestation of zebra mussels in Lake Texoma and certain federal regulations regarding invasive species like zebra mussels; and

WHEREAS, NTMWD has been afforded extra water supplies from other reservoirs to offset the emergency conditions caused by the drought and the zebra mussel infestation, the right to which extra water supply will soon expire and NTMWD does not have a continuing right of use; and

WHEREAS, the continuing and projected drought conditions impacting NTMWD's member cities requires NTMWD to construct a new pipeline to transport water from Lake Texoma to NTMWD's treatment facilities in Wylie to allow NTMWD to continue supplying treated drinking water to all customers of NTMWD if the drought conditions persist; and

WHEREAS, NTMWD has determined to pass through the cost of such water transportation pipeline facility evenly throughout all of its customers, which pass-through will increase the cost to be paid by the City to provide water to its residents; and

WHEREAS, the City desires to modify the Master Fee Schedule related to the cost of water service provided by the City via NTMWD; and

WHEREAS, the City Council of the City of Farmersville, Texas, finds that all prerequisites to the adoption of this Ordinance have been met;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:

Section 1. FINDINGS INCORPORATED

All the above premises are hereby found to be true and correct legislative and factual findings of the City of Farmersville, and they are hereby approved and incorporated into the body of this Ordinance as if restated herein in their entirety.

Section 2. MASTER FEE SCHEDULE FOR WATER SERVICE AMENDED

From and after the effective date of this Ordinance, the Master Fee Schedule is hereby amended in part by deleting the current Water Service Fee charges and replacing said fees with new Water Service Fees in accordance with Section 11.122.4 of the Code of Ordinances to read as follows:

| WATER SERVICE | MONTHLY FEE |
|---|-------------|
| Inside City Limits: | |
| Meter Charge (Includes 1,000 gallons) | |
| 3/4 inch or less | \$ 11.91 |
| 1 inch | 19.59 |
| 1 ½ inch | 38.80 |
| 2 inch | 61.85 |
| 3 inch | 69.54 |
| 4 inch | 192.49 |
| 6 inch | 384.59 |
| | |
| Volumetric Charges (per 1,000 gallons) | |
| 1,001 to 10,000 gallons | \$ 5.46 |
| 10,001 to 20,000 gallons | 7.18 |
| In excess of 20,000 gallons | 8.88 |
| | |
| Outside City Limits: | |
| Residential or Commercial Customers of Record Prior to 1985 | |
| Meter Charge (includes 1,000 gallons) | |
| 3/4 inch or less | \$ 17.87 |
| 1 inch | 29.39 |
| 1 ½ inch | 58.20 |
| 2 inch | 92.78 |
| 3 inch | 104.31 |
| 4 inch | 288.74 |
| 6 inch | 576.89 |
| | |
| Volumetric Charges (per 1,000 gallons) | |
| 1,001 to 10,000 gallons | \$ 8.19 |
| 10,001 to 20,000 gallons | 10.77 |
| In excess of 20,000 gallons | 13.32 |
| | |
| Outside City Limits: | |
| Residential or Commercial Customers of Record Since 1985 | |
| Meter Charge (includes 1,000 gallons) | |
| 3/4 inch or less | \$ 23.82 |
| 1 inch | 39.18 |
| 1 ½ inch | 77.60 |
| 2 inch | 123.70 |

| | |
|--|----------|
| 3 inch | 139.08 |
| 4 inch | 384.98 |
| 6 inch | 769.18 |
| Volumetric Charges (per 1,000 gallons) | |
| 1,001 to 10,000 gallons | \$ 10.92 |
| 10,001 to 20,000 gallons | 14.36 |
| In excess of 20,000 gallons | 17.76 |

Section 3. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 4. SAVINGS CLAUSE

The Code of Ordinances, City of Farmersville, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. PENALTY CLAUSE

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

Section 7. EFFECTIVE DATE

This Ordinance shall take effect October 1, 2013, as the law in such cases provides and with the immediate publication of the caption.

Section 8. APPROVAL ON ONE READING

It is hereby determined by the City Council of the City of Farmersville, Texas that good cause exists for the adoption of this Ordinance on one reading in that the subject matter hereof arises out of unforeseen financial matters that could negatively impact the finances of the City and which subject matter also falls within a recognized exception to the City Council's policy of approving all ordinances upon two readings thereof separated by at least seven days.

PASSED on first and only reading on the 8th day of October, 2013, at a properly scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED:

Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: Consider, discuss and act upon an Interlocal agreement with the Collin County Fire Marshal's Office

- An Interlocal Agreement is attached for review.
- City Manager Ben White and Fire Chief Kim Morris will be available for questions.

ACTION: Approve or disapprove the agreement as presented.

(V – A)

INTERLOCAL COOPERATION AGREEMENT
FOR
FIRE INSPECTION AND FIRE PLAN REVIEW SERVICES
FOR COMMERCIAL BUILDINGS

WHEREAS, the Interlocal Cooperation Act, Title 7, Chapter 791, of the Texas Government Code (the "Act"), and the Constitution of the State of Texas, Article III, Section 64(b) (the "Constitution") specifically authorize counties and other political subdivisions comprised or located within the county, to contract with one another for the performance of governmental functions and/or services required or authorized by the Constitution, or the laws of this State, under the terms and conditions prescribed in the Act; and

WHEREAS, the functions and/or services contemplated to be performed by Collin County, Texas, as set out herein, are governmental functions and/or services contemplated by the terms of the Act and are functions and/or services which each of the parties hereto have independent authority to pursue, notwithstanding this Agreement; and

WHEREAS, both the County and the political subdivision named herein as the City of Farmersville, Texas, are desirous of entering into this Interlocal Cooperation Agreement, as is evidenced by the resolutions or orders of their respective governing bodies approving this Agreement which are attached hereto and made a part hereof.

NOW, THEREFOR, THIS AGREEMENT is hereby made and entered into by and between Collin County, Texas, and the City of Farmersville, Texas, a political subdivision of the State of Texas, which is wholly or partially located within Collin County, Texas. Consideration for this Agreement consists of the mutual covenants contained herein, as well as any monetary consideration, which may be stated herein. This agreement is as follows, to wit:

1. SERVICES: As requested by the political subdivision named herein, Collin County, Texas, acting by and through its duly authorized agents and employees, agrees to provide political subdivision with the following described governmental functions and/or services:

FIRE INSPECTIONS AND FIRE PLAN REVIEW IN ACCORDANCE WITH 2006 INTERNATIONAL FIRE CODE and the laws and regulations of the City of Farmersville pertaining to fire prevention and fire protection, including all amendments approved by the City Council of the City of Farmersville, Texas.

2. NONEXCLUSIVITY OF SERVICE PROVISIONS: The parties agree that the County may contract to perform services similar or identical to those specified on this Agreement for such additional governmental or public entities as the County, in its sole discretion sees fit.

3. COMPENSATION: As consideration for the above-described governmental functions and/or services, the City of Farmersville agrees to make payment to Collin County, Texas in the amount of Five Thousand Seven Hundred Fifty Dollars (\$5,750.00) per year for each year of the

term of this Agreement including renewal terms. See Exhibit "A" for cost itemization. The City's payment shall be made in quarterly installments to the County in advance, due and payable on the first day of each quarter during the term of this Agreement, including any renewal terms, with the first payment due and payable within ten (10) days from the Effective Date of this Agreement. Such quarters begin on October 1, January 1, April 1, and July 1 of each year hereunder. The City will make all billing and collections from inspection recipients for services provided by Collin County.

4. TERM: This Agreement shall be effective from and after the passage of enabling resolutions or orders by the governing bodies of the parties hereto and the execution hereof by each of the authorized representatives of the political subdivision who are parties hereto and shall remain in effect in full force and effect through September 30, 2014. At the County's option, and with approval by the Municipality, the Agreement may be renewed for four (4) additional one (1) year periods.

5. TERMINATION: Either party may terminate this Agreement by giving ninety (90) days written notice to the other party.

6. AMENDMENT: This Agreement shall not be amended or modified other than in written agreement signed by the parties.

7. CONTROLLING LAW: This Agreement shall be deemed to be made under, governed by, and construed in accordance with the laws of the State of Texas. Venue shall be in Collin County, Texas.

8. NOTICES: Unless otherwise specified, all communications provided for in this Agreement shall be in writing and shall be deemed delivered, whether actually received or not, seventy-two (72) hours after deposit in the United States mail or immediately when delivered in person.

All communication provided for in this Agreement shall be addressed as followed:

COLLIN COUNTY:
Collin County Fire Marshal
825 N. McDonald, Suite 140
McKinney, Texas 75069

CITY:
City of Farmersville
City Manager
205 S. Main Street
Farmersville, TX 75442

Notwithstanding the foregoing, it is understood that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party. In the event of a non-appropriation by the paying party, the performing party

shall be relieved of its responsibilities hereunder as of the first day of the fiscal year of such non-appropriation. All payments must be in an amount that fairly compensates the performing party for the services or functions performed under this agreement.

Approved and effective this _____ day of _____, 2013.

COLLIN COUNTY, TEXAS
2300 Bloomdale Rd., Suite 4192
McKinney, TX 75071

CITY OF FARMERSVILLE
205 S. Main Street
Farmersville, TX 75442

BY: _____

BY _____

TITLE: _____

TITLE: Mayor _____

DATE: _____

DATE: _____

ATTEST: _____

ATTEST: _____

NAME: _____

NAME: Edie Sims _____

TITLE: _____

TITLE: City Secretary _____

Exhibit "A"

| | |
|--|------------|
| Annual Fire Inspection per location = \$25.00 each (180 locations are currently existing) | \$4,500.00 |
|--|------------|

| | |
|---|-----------|
| Certificate of Occupancy = \$95.00 each (10 Certificate of Occupancies are expected) | \$ 950.00 |
|---|-----------|

| | |
|--|-----------|
| Plan Review = \$100.00 each (3 Plan Reviews are expected) | \$ 300.00 |
|--|-----------|

=====

| | |
|---|------------|
| ESTIMATED COST FOR COUNTY FIRE MARSHAL SERVICE | \$5,750.00 |
|---|------------|



TO: Mayor and Councilmembers

FROM: Ben White, City Manager

DATE: October 8, 2013

SUBJECT: Consider, discuss and act upon amending the revenue recovery services billing agreement between the City of Farmersville and Intermedix, previously known as Revenue Rescue

- The billing agreement from 2006 is attached for review
- Intermedix's billing policies questionnaire is attached for review to state what we wish to Direct Bill

ACTION: Approve or disapprove the amending agreement as presented.

FIRE DEPARTMENT REVENUE RECOVERY SERVICES BILLING AGREEMENT

This agreement is made and entered into this 10th day of October, 2006, by and between Revenue Rescue, L.L.C., a Texas limited liability corporation (hereinafter called the "Service"), and the City of Farmersville (hereinafter called the "Provider"), who agree as follows:

- I. **Definitions** - When used in this Agreement, the following terms shall have the following meaning:
 - A. "Accounts Receivable" or "E. I. R. F. Accounts" means unpaid bills for the following services rendered by the Provider:
 - 1) Fire Protection and Suppression Services, Motor Vehicle Accidents;
 - B. "Electronic Incident Report Form" or "E.I.R.F." means an electronic form, or in other format acceptable to the Service, that the Provider sends to the Service with information about an Account Receivable owed to the Provider.
 - C. "Unfounded Or Unreasonable Submissions" means unsupported or unsubstantiated information
- II. **Billing of Accounts**
 - A. **Billing** - The Service agrees to provide and maintain a billing office on behalf of the Provider for the purpose of collecting Accounts Receivable due the Provider. Upon request of the Provider (which is agreed to mean upon receipt of each E.I.R.F. by the Service), the Service will file Claim Forms with insurance companies or other appropriate documentation with other individuals or entities, in the name of the Provider, in an attempt to facilitate payment of Accounts Receivables for services rendered by the Provider. The Service, in the name of the Provider, may also mail statements, telephone or otherwise contact the responsible party(s), their insurance company and/or other entities in order to attempt to collect those Accounts Receivable owed to the Provider by the responsible party(s).
 - B. **Billing of Services** - The Provider agrees that the Service shall act as a billing service/agent for the Provider in the application of monetary compensation from all sources associated with the E.I.R.F. submissions received and acted upon by the Service. All monetary compensation received by the Service, relating to E.I.R.F. submissions, shall be received at a financial institution's Lock Box depository and deposited in an escrow/trust type account at an FDIC insured institution (bank). Distribution of monetary compensation shall be paid directly to the Provider as further defined herein, less commissions due the Service, in accordance with Section III A hereof.
 - C. **Information Submissions** - The Service will develop and provide a custom E.I.R.F. and a paper run form to the Provider at no cost. The Provider will complete and submit to the

Service, in an electronic format on the E.I.R.F., all relevant information as indicated on the E.I.R.F. or any information requested by the Service. Such information will be immediately updated or provided to the Service when any additions or changes to that information become available. All incomplete E.I.R.F. received by the Service will be evaluated by the Service and, at its sole discretion, either acted upon or returned to the Provider for completion of the relevant information necessary for processing. The Provider will also provide at its expense all necessary end user computer equipment and will establish and maintain an Internet account with an e-mail address accessible to the Service for access to their custom E.I.R.F.

- D. Correct Information** - The Service will rely on the Provider to submit accurate and correct information relating to the services provided and the recipients of those services. To the extent permitted by applicable law without a sinking fund, the Provider assumes all responsibility and liability for inaccurate or incomplete information or Unfounded Or Unreasonable Submissions provided to the Service. The Provider shall, to the extent permitted by applicable law without a sinking fund, indemnify the Service, in accordance with Section V (A) hereof, for the content of the inaccurate or incomplete information or Unfounded Or Unreasonable Submissions provided to the Service and any resulting effect, claim, liability, damage or legal action resulting from such inaccurate or incomplete information or Unfounded Or Unreasonable Submissions. The Provider will update and correct any information that Provider learns to be incorrect or omitted from information it has provided to the Service within a reasonable amount of time after Provider becomes aware of the incorrect or omitted information and learns the correct information.

III. COMMISSIONS AND PAYMENT OF ACCOUNTS

- A. Billing Commission** - For all E.I.R.F. accounts submitted by the Provider to the Service for billing, for which the Provider is paid (in whole or in part), in accordance with Section II (B), a twenty (20%) commission on the total payment amount collected and paid. For all E. I R. F. accounts submitted by the Provider to the Service for billing, for which the Provider is paid (in whole or in part), and payment is accepted directly by the Provider, the Provider agrees to pay, within thirty (30) days of receipt of invoice, to the Service at PMB-339 12407 Mopac Expressway #100, Austin, Texas 78758 a twenty (20%) commission on the total payment amount collected and paid directly to Provider.
- B. Legal Action** - The Service shall have no liability or responsibility to the Provider for any amounts uncollected and in no event shall the Service be required to bring legal action for the collection of any uncollected amounts. After ninety (90) days of unsuccessful attempts to receive payment for an E.I.R.F. account, should the Provider decide, in it's sole discretion and acting independently of the Service, that legal action is the proper course of action to effect collection of an account, the Service shall, upon written request of the Provider, provide any and all documentation to the Provider's legal representative or attorney with the understanding that any and all actions, costs, liabilities or damages associated with such legal actions shall be the sole responsibility of the

Provider. The Provider shall, to the extent permitted by applicable law without a sinking fund, indemnify the Service, in accordance with Section V. (A) hereof, for any and all actions, claims, causes, costs, effects, liabilities, loss, damages and/or injury associated with the legal actions or other courses of action associated with this Section III (B).

- C. **Notification of Monies Received** - The Provider will notify the Service in a timely manner of payment or other satisfaction of any E.I.R.F. account referred to the Service for billing or collections that have been paid directly to the Provider, or disputed by the recipient of the services, whenever the payment or dispute occurs.
- D. **Payment of Accounts** - By the fifteenth of each month, the Service will provide a detailed reporting and month end closing report to the Provider to identify all E.I.R.F. accounts known to be collected and paid on the Provider's behalf, during the prior month and to remit monies received, less 20% commission, to the Provider.
- E. **Endorsement of Receivables** - In the event the Provider receives any negotiable instruments by method other than its bank lockbox address the Provider authorizes the Service to endorse and deposit negotiable instruments (cash or check) payable to the Provider which are sent to the Service for payment of monies due to the Provider and to deduct commissions due the Service from the amounts collected by the Service. All negotiable instruments shall be endorsed Deposit Only to an escrow/trust account of the Service at an FDIC insured institution (bank) of the Service's choosing. Distribution of any and all funds to the Provider or Service from the escrow/trust account shall only be in the form of checks made payable to the Provider or Service herein named.
- F. **Responsibility for Monies Owed** - It is expressly understood by the Provider that the Service is in no way responsible for any monies or other valuable considerations owed to the Provider for services rendered to any recipient by the Provider; i.) that the Service is unable to collect or negotiate to a lower amount and/or; ii.) the Service deems not collectable or retrievable.

The Provider further agrees that the Service may, at the Service's sole discretion, negotiate on the Provider's behalf, without recourse to the Service by the Provider, any settlement of the recipient's bill to a lower amount that the Service deems collectable and reasonable, not to exceed 50% of the recipient's bill without further authorization from the Provider.

- G. **Promptness of Submissions** - The Provider agrees to submit the E.I.R.F forms to the Service in an expeditious and timely manner. It is understood by both parties that the timely filing of a claim for reimbursement of services relating to an incident covered by insurance or another entity or individual will stand a better chance of being paid if the claim is submitted in a prompt and complete manner. To this end, both the Provider and the Service will make every effort to expedite the flow of information and paperwork and shall institute guidelines and training within their respective organizations to accomplish this task.

IV. **Term of Agreement**

- A. This agreement shall remain in effect for a term of one year from the date hereof, unless a ninety (90) day written notice of intent to terminate this agreement is presented by either party to the remaining party at the address set out in this section:

Notice to Service:

Revenue Rescue, L.L.C.
PMB-339
12407 Mopac Expressway
Austin, Texas 78758

Notice to Provider:

City of Farmersville
City Manager
205 S. Main Street
Farmersville, TX 75442

V. OTHER PROVISIONS

- A. **Indemnification** - To the extent permitted by applicable law, the Service will indemnify and hold harmless the Provider from and against any and all loss, damage, liability, claims and/or injury resulting from all actions performed by the Service, or its agents on the Service's behalf, in connection with this Agreement. However, this indemnification shall not apply with respect to any legal cause, action or resulting liability or losses resulting from inaccurate or incomplete information or Unfounded Or Unreasonable Submissions furnished to the Service by the Provider.

All inaccurate or incomplete information or Unfounded Or Unreasonable Submissions furnished to the Service by the Provider and any acts, omissions or negligence of the Provider are and shall be the sole responsibility of the Provider and to the extent permitted by applicable law without a sinking fund, the Provider herein indemnifies the Service, its agents, officers, shareholders, employees and contractors from and against any and all loss, damage, liability, claims and/or injury resulting from inaccurate or incomplete information or Unfounded Or Unreasonable Submissions furnished to the Service by the Provider.

- B. **Relationship of Parties** - Nothing contained in this Agreement shall be construed as creating the relation of employer or employee between the parties hereto, or as creating a partnership between the parties. The Service shall be deemed to be at all times an independent contractor.
- C. **Applicable Law** - This Agreement shall be governed by the laws of the State of Texas. The parties hereto agree that jurisdiction and venue shall lie exclusively in Collin County, Texas for any legal action or arbitration related in any way hereto.
- D. **Entire Agreement** - This written Agreement constitutes the entire understanding of the parties concerning the subject matter hereof and no representations, inducements,

promises or agreements, or otherwise, not embodied herein shall be of any force or effect whatsoever. Any amendment to this Agreement shall be in writing and signed by both parties.

- E. **Ownership of Accounts Receivable** - All Accounts Receivable, less commissions owed to the Service under Sections III A hereof, shall be the property of the Provider and shall be returned, less any outstanding balances owed the Service by the Provider, within thirty (30) days: (1) after each month end closing report identified in Section III(D) of this Agreement; and, (2) of termination of this Agreement.
- F. **Attachments** - As part of this agreement, a signed Itemized Billing Cost Sheet is attached to this document for the purpose of establishing and defining the itemized rates at which the services of the Provider are to be billed to recipients by the Service. The rates indicated on the Itemized Billing Cost Sheet shall be constant and unchanged until a new Itemized Billing Cost Sheet is signed and submitted by the Provider and entered into the Service's computer for future billings. No previous billing may be altered or changed to reflect new billing rates submitted by the Provider.
- G. **License Agreement** - The software used by the Provider and the Service is the property of the Service, and is protected by both United States Copyright Law and International Treaty Provisions. The Provider is granted a license to use this software under the terms stated in this Agreement. This is a license, not a sale agreement, between the Provider and the Service. The Service grants to the Provider a non-exclusive, non-transferable license to use the software for the term of this agreement. The current and future versions of the software are the sole property of the Service.
- H. **Exclusive Agreement** - Provider agrees that, for the duration of this agreement, Provider shall deliver all Accounts Receivable, as defined in Section I of this Agreement, upon which Provider desires to collect to the Service for collection and that no other collection service or manner or form of collection service, save and except legal action as set forth in Section III(B) of this Agreement will be utilized other than that provided by the Service.

IN WITNESS WHEREOF, the parties to this Agreement have signed and delivered this Agreement on the day and year first above written.

SERVICE:

Revenue Rescue, L.L.C.

By: 

R. BRANNING

print name

Title: General Manager

PROVIDER:

City of Farmersville

By: 

Paul D. Kelly, Mayor Pro Tem

print name

Title: Mayor Pro Tem

The following fees shall be assessed and collected for the use of apparatus, tools, equipment, and materials:

| ITEMS TO BE BILLED PER HOUR** | | |
|---|---------------------|-------------------------|
| **The minimum usage charge for any item on this list is one hour, and for any additional hours or portion thereof, the charge will be prorated accordingly. | | |
| Unit of Measure | Apparatus | Price per Hour** |
| Per Engine | Class A Engine | \$500.00 |
| Per Aerial | Aerial | \$500.00 |
| Per Rescue unit | Rescue (Heavy) | \$600.00 |
| Per Brush unit | Brush Truck | \$400.00 |
| Per Command unit | Command Car/Truck | \$200.00 |
| Per PPV fan | PPV Fan | \$55.00 |
| Per Generator | Generator, Portable | \$55.00 |
| Per Generator | Generator | \$55.00 |
| Per Saw | Chain Saw | \$45.00 |
| Per Pump | Portable Pump | \$95.00 |
| Per Pump | Float Pump | \$65.00 |

| FIRE EQUIPMENT | | |
|------------------------------|--------------|----------------------------|
| Tool | Price | Unit of Measurement |
| Foam Nozzle | \$55.00 | Per Incident |
| Foam Eductor | \$50.00 | Per Incident |
| AFFF Foam | \$40.00 | Per Gallon |
| Class A Foam | \$25.00 | Per Gallon |
| Piercing Nozzle | \$40.00 | Per Incident |
| M/S Fog Nozzle | \$55.00 | Per Incident |
| M/S Straight Bore Nozzle | \$30.00 | Per Incident |
| Salvage Cover | \$28.00 | Each Used |
| SCBA Pack | \$85.00 | Each Used |
| Hall Runner | \$18.00 | Per Incident |
| Portable Tank | \$75.00 | Per incident |
| Water Extinguisher | \$22.00 | Per Incident |
| Dry Chemical Extinguisher | \$45.00 | Per Incident |
| CO ₂ Extinguisher | \$45.00 | Per Incident |
| Scene Lights | \$22.00 | Each Used |
| Water Vests | \$30.00 | Each Used |
| Thermal Imaging Camera | \$75.00 | Per Incident |
| Heat Detection Gun | \$75.00 | Per Incident |
| Sawzall | \$55.00 | Per Incident |

| HAZARDOUS MATERIAL EQUIPMENT | | |
|-------------------------------------|--------------|----------------------------|
| Supplies/Service | Price | Unit of Measurement |
| Absorbent | \$17.00 | Per Bag |
| Absorbent Booms | \$40.00 | Each Used |
| Top Sol | \$35.00 | Each Used |
| Disposable Coveralls | \$30.00 | Each Used |
| Neoprene Gloves | \$20.00 | Each Used |
| Latex Gloves | \$6.00 | Each Used |
| Over Boots | \$25.00 | Each Used |
| Disposable Goggles | \$15.00 | Each Used |
| Gas Plug Kit | \$50.00 | Each Used |
| Plug and Dike | \$65.00 | Each Used |
| Drum Liners | \$10.00 | Each Used |
| Barricade Tape | \$22.00 | Each Used |
| Poly Sheeting | \$55.00 | Each Used |
| Removal of Hazardous Material | \$150.00 | Per Incident |
| Disposal of Hazardous Material | \$150.00 | Per Incident |
| Gas Multi Meter | \$65.00 | Per Incident |
| CO ₂ Meter | \$65.00 | Per incident |
| Terrazyme | \$70.00 | Each Used |
| Microblaze | \$10.00 | Per Quart |
| Microblaze | \$150.00 | Per 5 Gallons |

| RESCUE EQUIPMENT | | |
|-------------------------|--------------|----------------------------|
| Tool | Price | Unit of Measurement |
| Spreaders | \$250.00 | Per Incident |
| Cutters | \$250.00 | Per incident |
| Rams | \$250.00 | Per Incident |
| Air Bags | \$250.00 | Per Incident |
| K-12 Saw | \$55.00 | Per Incident |
| Target Saw | \$55.00 | Per Incident |
| Ajax Tool | \$25.00 | Per Incident |
| K-Tool | \$25.00 | Per Incident |
| Windshield Tool | \$15.00 | Per incident |
| Rescue Blanket | \$32.00 | Each Used |
| Rope | \$25.00 | Each Used |

Collision Investigation Fee (to be charged in responses where no mitigation services, debris removal, or rescue services are performed), \$275.00

Billing Policies Questionnaire

Client Name _____

This questionnaire is designed to customize your billing program and ensure smooth processing of your accounts. We have separated this questionnaire into three sections: Personal Motor Vehicle Incidents (collisions, fires, hazmats), Commercial Motor Vehicle Collisions, and Structure Fires.

In reviewing our years of experience, we have determined a Best Practices Billing Policy that maximizes revenue. We've marked the preferred options for best collection results with an asterisk (*) below.

Things to remember:

Insurance companies know when you do not direct bill individuals. They will begin denying more of your invoices if you do not hold at fault individuals (their insured) responsible for these fees.

Do you wish to Direct Bill Residents of your City/Town? ☐ Yes ☐ No

If your City/Town has a different name than your Department, please specify which Cities/Towns are considered your Residents:

We highly recommend you bill EVERYONE'S insurance and hold at fault entities responsible for payment of these fees.

If your City does not wish to direct bill individuals within the city limits or a certain area, or not for residential structure fires, please specify the DO NOT DIRECT BILL AREA HERE:

Direct Bill Individuals:

We send an invoice every 30 days for three months to the driver/owner of the vehicle/property.

If they do not respond after 120 days, the account is written off and returned to you.

PERSONAL MOTOR VEHICLES, COLLISIONS AND FIRES:

If your submission contains no insurance information or the information provided is invalid or inaccurate, you want to:

- ☐ Mail a Request for Insurance Information Letter to the Driver or Vehicle Owner
- ☐ Direct Bill the Driver or vehicle owner *
- ☐ Discontinue Activity

If you ask us to mail a Request for Insurance Information and we do not receive a response, you want to:

- ☐ Direct Bill the Driver or Vehicle Owner *
- ☐ Discontinue Activity

If we contact the insurance and determine that no claim has been filed after 21 days, you want to:

- ☐ Direct Bill the Driver or Vehicle Owner *
- ☐ Discontinue Activity

If insurance makes partial payment (typical in PA, OH), you want to:

- ☐ Direct Bill the balance to Driver or Vehicle Owner *
- ☐ Discontinue Activity

If Insurance denies payment in its entirety, you want to:

- ☐ Direct Bill the Driver or Vehicle Owner *
- ☐ Discontinue Activity

COMMERCIAL VEHICLE INCIDENTS:

Please keep in mind most commercial transport companies are self-insured. This means they have insurance however they handle all claims in house and very rarely actually file a claim. We treat commercial companies the same as insurance companies—we call and follow up until the invoice is paid or a written denial is received.

Your submission does not contain insurance information or the information provided is invalid or inaccurate, you want to:

- ☐ Mail a Request for Insurance information (not recommended)
- ☐ Direct Bill the Vehicle Owner/Commercial Company *
- ☐ Discontinue Activity

If you ask us to mail a Request for Insurance Information and we do not receive a response, you want to:

- ☐ Direct Bill the Vehicle Owner/Commercial Company *
- ☐ Discontinue Activity

We contact the insurance company and determine no claim has been filed or the company is self-insured, you want to:

- ☐ Direct Bill the Vehicle Owner/Commercial Company *
- ☐ Discontinue Activity

If there is a claim and insurance denies payment or makes a partial payment, you want us to:

- ☐ Direct Bill the Driver or Vehicle Owner *
- ☐ Discontinue Activity

STRUCTURE FIRES:

Please keep in mind that most Homeowner's and Commercial Structure Policies have Policy Limits in place for Fire Department services that range from \$100 to \$500 for residential property and \$1000 and up for commercial property. This is the only amount you will receive from insurance.

Your submission does not contain insurance information or the information provided is invalid or inaccurate, you want to:

- ☐ Mail a Request for Insurance information to the property owner *
- ☐ Direct Bill the Property Owner
- ☐ Discontinue Activity

If you ask us to mail a Request for Insurance Information and we do not receive a response, you want to:

- ☐ Direct Bill the Property Owner *
- ☐ Discontinue Activity

If we contact the insurance and determine that no claim has been filed after 21 days, you want to:

- ☐ Direct Bill the Property Owner *
- ☐ Discontinue Activity

If insurance makes partial payment of the Policy Limit, you want to:

- ☐ Direct Bill the balance to the Property Owner
- ☐ Discontinue Activity *

If Insurance denies payment in its entirety, you want to:

- ☐ Direct Bill the Property Owner
- ☐ Discontinue Activity *

Client Contact Name_____

Date_____

Signature_____



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: Consider, discuss and act upon a resolution appointing the newspaper of major circulation

- A resolution is attached for review.

ACTION: Approve or disapprove the resolution as presented.

**CITY OF FARMERSVILLE
RESOLUTION # R-2013-1008-001**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, DESIGNATING THE FARMERSVILLE TIMES AND THE MCKINNEY COURIER-GAZETTE AS THE OFFICIAL NEWSPAPERS FOR THE CITY FOR THE FISCAL YEAR OF 2013 – 2014.

WHEREAS, the City of Farmersville publishes captions of ordinances, notifications of public hearings, and other public notices as required by law; and

WHEREAS, the goal of the City Council is to improve communications between the city and the citizens by providing information on City activities including City projects, the adoption of ordinances, and public hearings; and

WHEREAS, the City of Farmersville must designate an official newspaper;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS that the *Farmersville Times* and the *McKinney Courier-Gazette* be designated as the official newspapers for the City of Farmersville for fiscal year 2013 – 2014.

PASSED AND APPROVED this the 8th day of October, 2013.

Joseph E. Helmberger, P.E., Mayor

ATTEST:

Edie Sims, City Secretary



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: Consider, discuss and act upon appointing a Council member as a liaison to the Farmersville School Board

- The School Board meets the 4th Monday of each month

ACTION: Consider and appoint Councilmember to serve as a liaison to the Farmersville School Board.



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: Consider, discuss and act upon detour options from Highway 380 and Highway 78

- Councilmember John Klostermann will discuss this item
- Thoroughfare Map (small) is attached but can be viewed

At the following link:

http://71.6.142.67/revize/farmersville/government/city_maps/index.jsp

ACTION: Council to act as deemed necessary.



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: Consider, discuss and act upon dumpsters located in right-of-ways of City streets

- City Manager Ben White will discuss this item

ACTION: Council to act as deemed necessary.



TO: Mayor and Councilmembers
FROM: Ben White, City Manager
DATE: October 8, 2013
SUBJECT: Consider, discuss and act upon changes related to the Personnel Manual

- City Manager Ben White will discuss this item

ACTION: Council to act as deemed necessary.

CHAPTER 4

PERFORMANCE EVALUATIONS & COMPENSATION

4-01. EMPLOYEE PAY SCHEDULE

All employees will be paid bi-weekly on Friday. Pay dates falling on a recognized holiday will be scheduled for the preceding regular workday. When an employee is on authorized leave, the employee must report to the payroll office to pick up his or her paycheck unless previous arrangements are made.

4-02. EMERGENCY DUTY PAY

Employees called back to work in emergencies shall be compensated in accordance with established overtime and recall policies.

4-03. OVERTIME AND COMPENSATORY TIME

- (a) The City Manager will determine, according to the Fair Labor Standards Act ("FLSA"), *whether a position is exempt or non-exempt. The City Manager, or his designee, will endeavor to establish job descriptions for each position within the City and designate whether that position is classified as an exempt or non-exempt position under the FLSA.*
- (b) Non-exempt employees may be required to work hours in excess of their official established hours when necessary as determined by their department head or the City Manager. Employees are expected to respond to a reasonable request to work extra hours, and may be subject to disciplinary action for failing to stay or report for such hours.
- (c) The City must compensate all "non-exempt" employees if they physically work more than 40 hours during their regular scheduled workweek or work period. However, some employees are "exempt" employees and do not have to be compensated for work in excess of 40 hours during their regular scheduled workweek or work period.
- (d) Non-exempt employees performing work at any time other than their regular scheduled working hours, including taking work home is strictly forbidden unless authorized in writing by the employee's supervisor. Prior to working on such occasions, non-exempt employees must verify such hours with their supervisors to make certain that overtime is, or will be authorized. Employees shall not perform work for the City outside their regular scheduled work hours on a voluntary basis.
- (e) The City Manager or Department Manager has the authority to designate whether non-exempt employees will receive overtime pay, compensatory time, or a combination of both, for overtime worked.

- (f) Overtime pay for non-exempt employees shall be at one and one-half (1.5) times the employee's regular rate of pay.
- (g) City non-exempt employees can be paid in compensatory time instead of overtime pay. Compensatory time is paid time off, and a non-exempt employee earns one-and-one-half hour of compensatory time for each hour of work over 40 hours (43 hours for Law Enforcement Employees) during the employee's regular scheduled workweek or work period. All compensatory time shall be reported on time sheets.
- (h) Non-exempt employees may accrue up to a maximum of eighty (80) hours of compensatory time. After the non-exempt employee has accrued the maximum compensatory time and not used it as leave, all overtime above the maximum must be paid.
- (i) Non-exempt employee may take compensatory time off within a reasonable time after the employee requests it provided that the employee's department manager or the City Manager has approved it and the use of the compensatory time off does not "unduly disrupt" the City's work. In order to reduce the financial impact of compensatory time accruals, the City Manager or department manager may require employees to use accrued compensatory time.
- (j) The City shall pay non-exempt employees for accumulated, unused compensatory time when the employee leaves employment with the City, regardless of whether the employee is terminated, resigns or retires.
- (k) Executive, administrative, and professional employees who are exempt from the overtime provisions of the FLSA are expected to render necessary and reasonable overtime services with no additional compensation. Exempt employees are not eligible to accrue overtime or receive compensatory pay. Due to the obligations of exempt employees to attend after-hour meetings and work on projects outside of regular work hours, the City Manager has the discretion to approve an exempt employee to use exempt time-off for up to one work day in a workweek without deducting any vacation leave.
- (l) Temporary employees and salaried non-exempt employees are subject to the overtime provisions of FLSA, and must be compensated for all work over forty hours during the employee's regular scheduled workweek or work period.
- (m) Employees working unauthorized overtime may be subject to disciplinary action.

4-04. EMPLOYEE PERFORMANCE EVALUATIONS

An employee shall be evaluated at least annually. Special evaluations may be made if requested by the department head and approved by the city manager. Performance

evaluation reports shall be on forms provided through the personnel office. All performance evaluation reports shall be permanently placed in the employee's personnel file. Employees shall be provided copies of their performance evaluation reports if requested.

Evaluators shall individually discuss the evaluation results with the employees and shall counsel them regarding their careers and any improvements in performance which appear desirable or necessary. Employees dissatisfied with their performance evaluation may seek reconsideration by using the established grievance procedures.

4-05. MERIT INCREASES

Pay increases may be granted by the city manager or city council as a reward for those employees demonstrating exceptional or above-average job performance. These merit increases are intended to reward outstanding personnel and as an inducement to motivate employees in their performance and productivity.

4-06. TERMINATION PAY

Employees who leave the service of the city shall receive all pay which may be due to them in accordance as follows:

- (a) An employee will be paid for any hours worked and for any overtime compensation due him or her;
- (b) Only employees who have successfully completed their probationary period shall be paid for unused vacation time earned;
- (c) Employees may request that any retirement benefits paid by him or her, through payroll deductions, be refunded in accordance with the applicable program; and
- (d) Any indebtedness to the city which the employee might have incurred shall be deducted from his or her final paycheck.
- (e) If any employee dies while employed by the city, the city shall pay his or her designated beneficiary any unpaid wages, unused vacation time, and accumulated benefits.

4-07. SEVEN-DAY WORK PERIOD FOR LAW ENFORCEMENT EMPLOYEES

Employees who work in Law Enforcement have an established seven-day work week of forty-three (43) hours. All time worked over the 43 hour work week will constitute compensatory time in lieu of cash payment.

CHAPTER 5

ABSENCES & LEAVES

5-01. HOLIDAYS

New Years Day, Martin Luther King Day, Presidents Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day and the Friday following, December 24th and 25th, and any other days as may be declared by the city council shall be observed as official holidays for city employees in accordance with the following rules:

- (a) All full- time employees shall be entitled to all authorized paid holidays while employed by the City of Farmersville. Part-time, temporary and seasonal employees are not entitled to holiday pay.
- (b) As many employees as possible shall be granted each holiday off, consistent with the maintenance and continuation of essential city functions. Department heads shall ensure that employees working non-standard schedules or on scheduled shifts shall receive benefit of official holidays.
- (c) Employees required to work on a scheduled holiday shall be granted another day of paid leave for the scheduled holiday. In the event another day of paid leave is selected, the time must be taken within thirty (30) days of the holiday or holiday will be forfeited
- (d) Holidays may not be accumulated or carried over to the next calendar year, with the exception for those employees required to work December 24 or December 25. Employees working those two days may carry them over through January of the next calendar year. If those holidays are not taken in January, they are considered forfeited.
- (e) Police and Fire shift employees may schedule holidays to be used on days other than the officially observed day within the thirty (30) days of the holiday. If separating employees have scheduled and used holidays prior to the officially observed days that holiday pay will be deducted from any final pay.
- (d) If the official holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. If a holiday falls on Sunday, the following Monday shall be observed.
- (e) Employees desiring to observe religious holidays not coinciding with official holidays may be authorized time off without pay, or may be authorized to utilize accrued vacation or personal time.
- (f) Holidays shall not be credited towards or used as termination pay.

5-02. VACATION LEAVE

All full-time employees, except temporary or seasonal employees, shall earn vacation leave at the following rates:

| | |
|--------------------|---|
| 0-1 yrs. service | 3.34 hrs. per mo. or 40 hrs. per year |
| 2-7 yrs. service | 6.67 hrs. per mo. or 80 hrs. per year |
| 8-14 yrs. service | 10.00 hrs. per mo. or 120 hrs. per year |
| 15-99 yrs. service | 13.33 hrs. per mo. or 160 hrs. per year |

City Manager may at his or her discretion negotiate differently than the allowable leave rates.

Regular part-time employees who work on a regular basis shall earn vacation leave on a basis of 50% of the rate for full-time employees.

Vacation leave shall be administered according to the following rules:

- a) No employee may carryover more than 120 hours of vacation. Employees shall receive pay for earned, unused vacation time within 30 days of the end of the calendar year.
- b) Vacation leave shall be charged only for time during which the employee would ordinarily have worked.
- c) Employees being laterally transferred, promoted, or demoted shall retain any accrued vacation leave.
- d) Vacation leave shall not be advanced to employees except in emergencies with the approval of the city manager.
- e) Vacation leave credits are not transferable between employees except in emergencies and with the approval of the City Manager.
- f) Employees may be allowed to sell vacation with the approval of the City Manager. Employee will not be allowed to sell below the 80 hour carryover, except in emergencies and with the approval of the City Manager.
- g) Vacation leave may be allowed only with the approval of the department head or City Manager.

5-03. SICK LEAVE

Sick leave is granted to full-time employees by the city for the purpose of permitting an employee to be relieved of his or her duties during his or her actual illness or injury or when an employee is required to attend to his or her spouse or children who are ill or incapacitated provided they reside in the same household as the employee, as provided

for in the Family Leave Act. Sick leave may not be used for any other purpose. Employees who use their sick leave without just cause may be dismissed. Part time, temporary and seasonal employees are not eligible for sick leave.

- (a) If an employee becomes ill and cannot report for work, his or her absence must be reported to his or her immediate supervisor prior to or within one (1) hour after his or her regular reporting time so that such absence will be charged to sick leave. Failure to report in will cause an employee's absence to be charged to leave without pay.
- (b) An employee will accumulate sick leave at the rate of eight (8) hours per month beginning after the six (6) month probationary period has been successfully completed. Accumulated sick leave shall not exceed 520 hours.
- (c) There will be no compensation for unused sick leave.
- (d) The City Manager may investigate any benefits claimed under this policy, and disapprove any claims not properly substantiated.
- (e) Abuse of sick leave benefits may result in disciplinary action or dismissal.
- (f) Official holidays and regular days off shall not count against sick leave.
- (g) After a sickness of three (3) days, a doctor's report shall be required. After the third day of illness a doctor's report shall be required each 7 days thereafter while the employee is absent due to illness.
- (h) An employee who becomes ill or injured during a vacation shall request that the vacation be terminated and the time of illness be charged to sick leave. Such request must be made immediately to the department head or no later than the first regularly scheduled work day following vacation. A doctor's statement shall be required in such instances.

5-04. MATERNITY LEAVE

Leave of absence for maternity reasons shall be without pay and shall be recorded and treated as any other medical leave of absence, as provided for in the Family Leave Act. Pregnant employees may continue to work as long as their doctor says they are capable of performing their job duties safely and shall be expected to return to work following delivery at whatever time their doctor determines they are again capable of performing their job duties without endangering their health or safety. In maternity cases, as in other cases of illness or injury, the City reserves the right to require a letter of approval from the employee's doctor at any time certifying the employee's capability or incapability of performing job duties safely.

Any earned, unused vacation time may be used for a portion of maternity leave.

All regular full and part-time female employees shall be eligible for maternity leave. Temporary and seasonal employees will not be eligible.

5-05. BEREAVEMENT LEAVE

All full-time employees may be granted leave with pay for a period not to exceed three (3) work days to attend a funeral and handle the necessary family details in case of death in their immediate family or other relative living in the same household. This leave shall not be charged against sick leave or vacation. Part time, seasonal, and temporary employees may be granted up to three (3) days leave of absence without pay in such cases. (Immediate family, for this purpose, shall be defined as husband, wife, son, daughter, mother, father, mother-in-law, father-in-law, employee's or spouses grandparents, brother, sister.)

5-06. MILITARY LEAVE

Full-time employees of the city who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties for up to fifteen (15) days in any one calendar year, without loss of vacation time or salary. Said leave may be used for all days during which they are engaged in authorized training or duty. Requests for approval of military leave must be accompanied by copies of the relevant military orders. Military leave in excess of fifteen (15) days will be charged to vacation leave or leave without pay. Upon return from the training, the employee must furnish a statement from the commanding officer showing the military earnings while at camp.

Full-time employees of the city who enter active duty with the State Military Forces or with the Armed Forces of the United States are entitled to be restored to employment subject to the provisions of the law upon honorable release from active duty, provided an appropriate position is available. Reemployment of such individual is subject to the approval of the city manager.

5-0-JURY DUTY LEAVE

Employees shall be granted sufficient leave with pay when called for jury service or court duty. The employee shall provide his or her supervisor a copy of the jury or court summons. Employees excused or released from jury service or court duty shall immediately report to their work station for the remainder of their shift.

5-08. AUTHORIZED LEAVE WITHOUT PAY

In circumstances not falling within other provision of these rules, the city manager may authorize an employee to take leave without pay under mutually agreeable terms and conditions. Employees taking leave without pay shall not lose or gain seniority. All employee benefits will remain in effect during periods of authorized leave without pay.

5-09. ABSENCE WITHOUT LEAVE

An employee failing to report to work or remain at work as scheduled without proper notification to his or her immediate supervisor and obtaining authorization or excuse has committed a serious offense and shall not be paid for the time involved. Absence without leave constitutes abandonment of duties and may result in severe discipline, up to and including discharge. In cases where the employee is discharged for absence without leave, it shall not be considered to be in "good standing".

5-10. FAMILY AND MEDICAL LEAVE

An employee is eligible for family leave up to twelve (12) work weeks during any twelve (12) month period if the employee has been employed by the city for at least twelve (12) months and has worked at least 1,250 hours during the twelve (12) months immediately preceding the date that the desired leave would begin. Eligible employees may take reasonable leaves of absences for maternity purposes; the birth, adoption, or placement of a foster child; or for the care of a spouse, son, daughter, or parent who has a serious health condition. For these purposes, "serious health condition" shall mean an illness, injury, impairment, or physical or mental condition involving inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider. "Spouse" shall mean the husband or wife of the employee, but shall not include unmarried domestic partners. If both an employee and his/her spouse are employed by the city, their combined time off may not exceed twelve (12) work weeks during any twelve (12) month period. An employee will be required to first use any of his or her accrued and unused vacation.

An employee requesting family leave is required to give thirty (30) days' notice before the date the leave is to begin; except for confirmed emergencies, which notice shall then be given as soon as practicable. In cases of medical emergencies, notice may be given in person or by phone, and may be given by the employee's spouse or another family member. An employee on family leave shall provide a statement of the employee's intentions concerning returning to work.

A medical clearance is required for all employees desiring to return to work from taking leave as a result of a serious health condition. The city may also require certification of a serious health condition when family leave is taken for the care of a spouse, son, daughter, or parent.

Taking family leave will not result in the loss of any benefit accrued prior to the date on which the leave begins. However, vacation and sick leave benefits shall not accrue during the period of the leave of absence. An employee on family leave will remain covered under all employee benefit plans (medical, retirement, etc.) throughout the duration of the leave as if actively employed.

An employee returning to work following a leave of absence under these family leave

provisions, shall be returned to his or her position or an equivalent position.

5-11. INJURY LEAVE

An employee injured in the line of duty may receive worker's compensation and injury wage continuation benefits under the terms and conditions prescribed in the applicable programs.

5-12. PERSONAL LEAVE

Full-time employees shall be granted upon hire date a maximum of two (2) days of personal leave per year with pay. Personal leave shall accrue on the employee's employment anniversary date. Any personal leave not taken during the twelve (12) month period following an anniversary date may not be carried over to the next year and will be lost. Prior approval of personal leave must be given by the Department Head or Supervisor. Part-time, seasonal or temporary employees are not eligible for personal leave.