

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES

May 27, 2014

The Farmersville City Council met in regular session on May 27, 2014 at 6:18:30pm due to a lack of a quorum at 6:00pm, in the Council Chambers at City Hall with the following members present: Mayor Helmberger, John Klostermann, John Politz, and Russell Chandler. Council members not present included Michael Hesse and Jim Foy. Staff members present were City Manager Ben White, City Attorney Alan Lathrom, Police Chief Mike Sullivan, Fire Chief Kim Morris, Finance Director Daphne Hamlin, Librarian Trisha Dowell, Main Street Director Adah Leah Wolf and City Secretary Edie Sims.

**Item I) CALL MEETING TO ORDER, ROLL CALL**

Mayor Helmberger called the meeting to order. Edie Sims called the roll and announced a quorum was present. Mayor Helmberger welcomed all guests and visitors. Ben Matthews, Bishop for the Church of Jesus Christ of Latter Day Saints, offered the invocation with Mayor Helmberger leading the audience in the Pledge of Allegiance to the American Flag and the Texas Flag.

Mayor Helmberger offered his distinct pleasure in honoring the Hinton Family with a Proclamation, plaque and commemorative stone for the dedication of property from Paul Hinton to the City of Farmersville. This property is now the entry to Farmersville Parkway from Highway 78. Members of the Hinton Family receiving the honor included the children of Paul Hinton, Aubrey Hinton with his grandson Evan Hinton, Barbara Cody with her husband Wayne Cody, and Deborah Cooper with her son Tim Cooper, his wife Kristen Cooper, daughter Shayna Cooper and son Carson Cooper.

Mayor Helmberger read a proclamation recognizing the month of May as Motorcycle Safety and Awareness Month.

Mayor Helmberger announced the two upcoming events in Farmersville: the annual Chamber of Commerce's Yards of Yard Sales on June 7<sup>th</sup> and Audie Murphy Day on June 21<sup>st</sup>.

**Item II – A) SECOND READING – CONSIDER, DISCUSS AND ACT UPON AMENDING THE ELECTRIC SERVICE RATE ORDINANCE**

With no changes from the original ordinance that was passed at first reading during the last meeting, Russell Chandler motioned to approve the second reading of the electric service rate ordinance. John Politz seconded the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes and Russell Chandler yes. Motion passed with full Council approval.

**Item II – B) SECOND READING – CONSIDER, DISCUSS AND ACT UPON AMENDING THE MASTER FEE SCHEDULE REGARDING ELECTRIC RATES**

City Manager Ben White informed the Council the ordinance is to adhere to the previous electric rate ordinance. No changes have been made since the first reading which was approved at the last meeting. Russell Chandler motioned to approve the

ordinance as presented with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes and Russell Chandler yes. Motion passed with full Council approval.

**ITEM II – C) FIRST AND ONLY READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO AMEND THE ELECTRIC DEPARTMENT BUDGET**

Finance Director Daphne Hamlin spoke to the Council regarding the Electric Department budget amendment. With the estimated beginning fund balance at \$464,618, the Council was shown the revenues versus the expenditures. Interfund transfers out of the fund will be in a deficit -\$704,050 leaving the proposed ending fund balance a positive \$480,740.

The first electric bill is being prepared and should go out this week. The City received the first Garland Power & Light bill for 15 days during the month of April with a charge of \$60,000.

Ms. Hamlin reminded the Council the final true-up from Sharyland will occur in July which will have an impact on the final figures. Russell Chandler motioned to approve the financials as presented with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes and Russell Chandler yes. Motion passed with full Council approval.

**ITEM II – D) FIRST READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE AMENDING THE RESIDENCY REQUIREMENTS FOR THE PARKS AND RECREATION BOARD AND THE SENIOR CITIZENS ADVISORY COMMITTEE**

The ordinance was revised to reflect only two board members may serve on the designated boards that live outside the City Limits of Farmersville and submitted to the Council via email. With this change made, Russell Chandler motioned to approve the revised ordinance as presented with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes and Russell Chandler yes. Motion passed with full Council approval.

**ITEM III – A) CONSIDER, DISCUSS AND ACT UPON CITY FINANCIAL REPORTS**

Mayor Helmberger questioned the Grant Fund as it has a deficit of -\$212,658. Finance Director Daphne Hamlin stated we are expecting reimbursements from TxDOT. The Fund has improved \$300,000 as reimbursements have been paid by Texas Parks and Wildlife and TxDOT for the Safe Routes to School project. Ms. Hamlin will confirm the Grant Fund further to ensure all funds are accounted for.

Mayor Helmberger noted the Sharyland PCRF Fund will be changed to the Farmersville PCA Fund. It was clarified the electric meter deposits will be treated like the water deposits and not used for City expenditures. The electric deposits will be reflected after the true-up occurs with Sharyland in July.

Mayor Helmberger noted the TIRZ line item does not reflect funds; however Ms. Hamlin reported approximately \$10,000 is in our account with the County Tax Assessor. The water fund is drastically low. City Manager Ben White stated we are entering the summer months when the water revenues should increase; however people are being very conservative. Mr. White also noted large expenditures in the water department,

although some of the charges could be mischarged and will be investigated for clarification and correction. Several leaks have occurred and fire hydrants have been repaired which is quite costly. With the construction on the streets, several water lines have been hit and required repeat repairs. With over expenditures in the water department and no revenues to offset the costs, the water fund has struggled and will continue to struggle for the remainder of this fiscal year. Mr. White offered a solution: The overall budget for the labor in the Water Department Budget is \$125,000. We transfer out of the Water Department \$107,000 to the General Fund. We could offset by not transferring more from the Water Department and allow the General Fund to be covered by sales tax revenues, as those revenues are very strong. Another expenditure that was unexpected was a generator and the automatic transfer switch quit working which cost \$3,000 - \$4,000 to have repaired. The Water Department Fund is not taking care of itself. We also have leaks that are occurring. Having the transfers stopped and allow the Water Fund to fund itself is the recommendation by Mr. White under the present conditions.

We are presently under Stage 3 water conditions due to the ongoing drought. North Texas Municipal Water District has increased the water restrictions with landscape watering once every two weeks. We must also remember that we have an aging system which will require more funding. Taking care of our system is of the utmost importance. Budget revisions are being prepared now during the budget process. Water sales may have this current issue rectified before the end of summer.

Mayor Helmberger questioned where we are with the rate study and the rate revisions. Originally there were 5 steps to increase the water and wastewater rates. Our revenues are not increasing as originally planned per the rate study. Per Mayor Helmberger, we need to proceed with the rate study. Per Ms. Hamlin, the revenue charts reflect the actual revenues.

John Klostermann motioned to approve the financial reports as presented with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes and Russell Chandler yes. Motion passed with full Council approval.

**ITEM III – B) NCTCOG PRESENTATION REGARDING VISION NORTH TEXAS**

The presentation from North Central Texas Council of Governments was cancelled and will be rescheduled at a later date.

**ITEM III – C) CONSIDER, DISCUSS AND ACT UPON A POSSIBLE REVISION TO THE CONTRACT WITH COMMUNITY WASTE DISPOSAL REGARDING HOUSEHOLD HAZARDOUS WASTE**

Robert Medigovich, CWD representative, came before the Council proposing a contract addition to allow Household Hazardous Waste (HHW) removal. The contract addition would state the pickup would be once per month for all residential customers. There will be a 90 day start up period allowing the pickups to begin September 1<sup>st</sup>.

The program is very simple. The resident will call CWD directly and request HHW removal. A HHW package is mailed to the customer. The customer will place the

waste items in the bag, set the bags out for CWD to pick up the HHW package on the regular recycle day. Instructions come with the mailing and are very easy to follow.

Mr. Medigovich stated CWD is offering a change to the contract at a cost of \$0.44 per residential home per month for a once a month HHW removal. If the City wishes to go with twice a month HHW removal, the cost will increase to \$0.55 per residential home.

Mayor Helmberger spoke of an administrative fee of 10-15% to cover any costs incurred by City staff. This would roughly be an additional \$0.50 per month which equates to \$6.00 per year. The charges from CWD and the City for administrative fees would increase the trash collection charges on the utility bill.

City Manager Ben White confirmed the HHW service will not be affecting apartment complexes and only single family dwellings.

Russell Chandler motioned to accept the HHW service from CWD and have the contract adjusted to reflect once per month pick up paying CWD \$0.44 per household per month and adding \$0.06 additional charge for administrative fees totaling \$0.50 per single family household starting September 4, 2014. John Politz seconded the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes and Russell Chandler yes. Motion passed with full Council approval.

Mr. Medigovich noted that CWD would not be returning for a market rate adjustment for this upcoming budget cycle.

### ITEM III – D) NOMINATE AND APPOINT POSITIONS TO ALL BOARDS, COMMITTEES AND COMMISSIONS

Mayor Helmberger stated he has considered each of the applicants presented to serve on the various boards, committees and commissions for the City. The following were Mayor Helmberger's recommendations:

Farmersville Community Development Corporation: reappoint Leaca Caspari, Dick Seward and Paul Kelly with John Garcia as the new appointment; Building & Property Standards Commission: new appointment Anne Hall; Planning & Zoning Commission: reappoint Craig Overstreet and Tom Waitschies with Charles Casada as the new appointment; Library/Civic Center Board: reappoint Judy Brandon and Leaca Caspari; Main Street Board: new appointment Anne Hall; Parks & Recreation Board: reappoint Tom Waitschies; Senior Citizens Advisory Committee: new appointments Chad Dillard and Britt Leigh Pollard.

Russell Chandler agreed with Mayor Helmberger's recommendations and motioned to approve as presented with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes and Russell Chandler yes. Motion passed with full Council approval.

### ITEM III – E) RECEIVE A REPORT REGARDING TABC ORDER WHICH PROHIBITS OPEN CONTAINERS AND THE STEPS TO HAVE THE ORDER LIFTED OR RESCINDED

Mayor Helmberger opened this item with information regarding a Resolution passed by the City Council on April 13, 2010 which petitioned the Texas Alcoholic

Beverage Commission (TABC) to adopt an Order mandating possession of an open container or consumption of alcoholic beverages in the Central Business District is a risk to the health and safety of the citizens of the municipality.

Mayor Helmberger noted that events such as wine tasting and other events where alcohol is typically served cannot be held in the Central Business District, meaning downtown Farmersville. Mayor Helmberger knows this Order hurts the ability to have such events downtown.

City Attorney Alan Lathrom informed the Council the TABC does not have a process to have the Order rescinded. No city has requested an Order to be rescinded. Mr. Lathrom indicated he has requested information from the General Council of the possibility to rescind the Order.

Mr. Lathrom stated he has researched this issue and there may be a way to hold these types of events without compromising the TABC Order. The event would require a permit to allow a special event. This permit would be in defense of the prosecution and a way to work under the constraints of the TABC Order but only in conjunction with the special event.

The Order as it stands would constitute a Class C Misdemeanor charge if the individual cited is convicted. For the special event permit, the permittee would need to attain alcohol liability insurance coverage and have the City listed as it's insured on the policy. The policy would be for temporary events and fencing (could even be yellow tape) would be required to tape off the event area where alcohol can be served. An ordinance would need to be incorporated into our Code of Ordinance which would require additional protection to the City.

Mayor Helmberger requested to proceed creating said ordinance and present at a future meeting. Mayor Helmberger stated he felt the Order was detrimental and not a benefit to the City.

**ITEM III – F) CONSIDER, DISCUSS AND ACT UPON REQUESTS FOR PROPOSALS AND ESTIMATES FOR PUBLIC WORKS BUILDINGS**

City Manager Ben White offered proposals from KW Brown Construction for the remodel and addition to the Public Works Maintenance Barn (Service Center) and from Guillermo Alvarez for remodeling of the Annex Building. Mayor Helmberger recused himself from this item and exited the Council Chambers.

Mr. White stated several companies were asked to offer a bid for the remodel of the Service Center but only KW Brown Construction came forward. On the original bid, Mr. White requested a total remodel and addition to the Service Center including new restrooms, kitchen area, offices, meeting area and storage enhancements. With \$145,000 to complete the project, Mr. White re-evaluated the original proposal to convert the Service Center into storage area with an open area for office cubicles. Some electrical and construction of a foundation and enclosing the area with metal is being requested from KW Brown's bid. The remainder of funding could then be shifted to the Annex and build storage space. Mr. White also indicated by decreasing the original bid, a top could be built in to cover equipment. Russell Chandler stated shed will not protect equipment well.

City Attorney Alan Lathrom questioned if the process to collect the bids was through a Request for Proposals or competitive bidding. He wanted to ensure the City did not violate competitive bid statutes. Russell Chandler motioned to approve bid items 1, 2 and a portion of 5 subject to the clarification of bidding statutes; which is approximately \$115,000. John Politz seconded the motion. The information regarding the Annex construction was not included. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes and Russell Chandler yes. Motion passed with full Council approval.

**ITEM III – G) CONSIDER, DISCUSS AND ACT UPON EXTENDING STAGE 3 SEASONAL WATERING THROUGH THE SUMMER UNTIL THE END OF OCTOBER ALLOWING OUTDOOR WATERING ONCE EVERY TWO WEEKS**

City Manager Ben White stated he recently met with North Texas Municipal Water District's (NTMWD) new Executive Director along with other area City Managers. According to the presentation included with the Council packet, Farmersville is at or better than the water conservation goal compared to other cities. Overall, the City of Farmersville has done a really great job per capita.

NTMWD has mandated outside watering be limited to twice a month from now until October. The City of Farmersville has had little enforcement thus far according to City Manager Ben White. If outdoor watering gets out of hand, he will strengthen enforcement.

The Lake Texoma water line will be coming on-line in June; however the main source for water remains Lake Lavon. Council questioned if new lakes are being proposed, with the response being yes but not for quite some time. No action was taken by Council.

**ITEM III – H) UPDATE ON WATER, WASTEWATER AND STREET GENERAL OBLIGATION BOND PROJECTS**

Councilman Michael Hesse arrived at 7:40:55pm.

City Manager Ben White informed the Council the bond projects are going smoothly and making good progress. The water line project on North Main and Sycamore Streets are under construction now. Engineering is completed and will be going out for bids regarding the Rike/Houston/Austin Street water project.

On the street projects, Westgate overlay is all but complete; there are minor issues to be resolved such as grass cleanup, brick replacements for a garden and irrigation re-installed.

The asphalt overlay on Central Street has been installed and has a little bit of finish work required. Mayor Helmberger stated the ditch North of Houston Street was taken out during construction which took overflow water to the Chaparral Trail. Also the culvert is dented and needs repairing before the project is signed off.

Hamilton Street is a big project. During this section of asphalt overlay, a section of water and sewer line will be replaced. This will impact the cost of this particular project.

Beech Street will be next on the list after Hamilton is complete. Mr. White stated he is working with an automated meter reading water system and expects to have this project completed by December. Sycamore Street may take another month to complete. With approximately 200 automated meter reading systems installed, there should be an increase in water volume.

**ITEM III – I) UPDATE ON SAFE ROUTES TO SCHOOL PROJECT**

City Manager Ben White reported Phase 1 of the Safe Routes to School project was slowed down due to the water line project on Sycamore Street. We are now down to the punch list to have finished details completed. Phase 2 of the project is 90% complete.

**ITEM III – J) UPDATE ON CHAPARRAL TRAIL PROJECTS**

As the Council may recall, the Chaparral Trail project was delayed to allow funding to cross two budget years. 50% of the plans are complete and Daniel & Brown, Inc. are working on the final drawings of the plans. There are drainage issues at the 4.5 mile marker that need to be addressed during this next project.

**ITEM III – K) UPDATE ON HIGHWAY 380 PROJECT**

The railroad crossing is now the biggest concern that we are waiting on. Kansas City Southern railroad will be installing crossings at South Main and Summit; Hill Street which will require electrical primary wire reconfiguration from overhead to underground. KCS has been very cooperative with the City regarding the crossings and should have the activity underway next month.

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

No one requested placing items on future agendas.

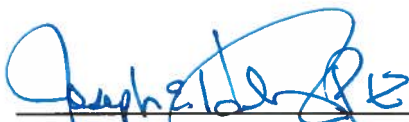
**ITEM V) ADJOURNMENT**

Council adjourned at 7:53:30pm.

ATTEST

  
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Edie Sims, City Secretary

APPROVED

  
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Joseph E. Helmberger, P.E., Mayor

