

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
December 2, 2014

The Farmersville City Council met in special session on December 2, 2014 at 6:00pm, in the Council Chambers at City Hall with the following members present: Mayor Helmberger, John Klostermann, John Politz, Michael Hesse and Jim Foy. Council member absent was Russell Chandler. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, Fire Chief Kim Morris, Finance Director Daphne Hamlin, Assistant to the City Manager Paula Jackson, Main Street Manager 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. John Foster of First Baptist Church Farmersville offered the invocation with Mayor Helmberger leading the audience in the Pledge of Allegiance to the American Flag and the Texas Flag.

Mayor Helmberger announced City offices will be closed December 24<sup>th</sup> – 26<sup>th</sup> for the Christmas holiday. Due to the upcoming holidays, a special Council meeting will be held December 16<sup>th</sup> and the first meeting in January will be January 13<sup>th</sup>. The Council meetings will return to the regular schedule of 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays beginning January 13<sup>th</sup>.

Mayor Helmberger also announced Farmers and Fleas Market will be December 6<sup>th</sup> along with the Frosty 5K Fun Run.

**Item II – A) FIRST READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE REGARDING DUMPSTER USE REGULATIONS**

Mayor Helmberger opened discussion for the dumpster use regulations by stating if the 6' tall enclosure remains a requirement, the Zoning Ordinance will need to be reflective of same. All issues with the ordinance have been addressed and Mayor Helmberger was pleased with the results. John Klostermann motioned to approve the ordinance as presented with Jim Foy seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion carried with full Council approval.

**ITEM II – B) FIRST READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE RENAMING THE EASTWEST PORTION OF JACKSON STREET TO SYCAMORE STREET**

Mayor Helmberger requested a line drawing rather than a color photo to be clearly read in the future. Jim Foy requested clarification of East Sycamore to specify which side of Main Street is being identified. With those changes, Jim Foy motioned to approve the first reading of the ordinance with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion carried with full Council approval.

**ITEM III – A) CONSIDER, DISCUSS AND ACT UPON FUTURE WATER/SEWER TAP AGREEMENTS**

City Manager Ben White presented a generic water/sewer tap agreement to be used in the future with Council approval. The agreement is a general form to meet most circumstances. Mr. White indicated item 2 had a provision regarding irrigation needs. John Klostermann motioned to approve the agreement template as presented with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion carried with full Council approval.

**ITEM III – B) CONSIDER, DISCUSS AND ACT UPON ISSUES WITH STOP SIGNS AND OFFSET INTERSECTIONS**

At the last Council meeting, a question was raised regarding the Hinton Home property donating property at the intersection of Summit and Rike Streets to straighten the offset intersection. With the reply being no, the question was raised if the stop sign needed to be removed. Michael Hesse stated he would like to leave the stop sign to slow down traffic, even if the intersection stop signs are not enforceable. Jim Foy stated he spoke with the area residents who strongly request to keep the stop signs in place. The offset intersection is very dangerous if the stop signs were not there to help slow down traffic. Jim Foy recommended leaving the stop sign in its current location. John Klostermann motioned to leave the stop sign as is in its current location with Michael Hesse seconding the motion. John Politz expressed concern if the stop sign can remain since it is not enforceable. Police Chief Mike Sullivan stated an ordinance could be passed lowering the speed limit to 25 mph. Michael Hesse stated the intent is for public safety with Jim Foy stating the stop sign is justified. Chief Sullivan stated the Police Department could enforce the area if stop lines were installed. Council concurred to leave the stop signs in their current position and paint stop lines to indicate a stopping point. No further action was taken by Council.

**ITEM III – C) CONSIDER, DISCUSS AND ACT UPON AN AGREEMENT WITH JD RUSSELL REGARDING ELECTRIC RATES AND DEMAND CHARGES**

Jim Foy stated he has reviewed the documentation and found several 90 day agreements with a low multiplier, but these agreements have long since expired. In March 2007, a new agreement was signed that did not have a demand charge under 100 kWh. In 2009, the agreement expired and upon its expiration the charges were to revert to regular billing charges which included demand charges and the current multiplier. During Cap Rock's tenure, a specified ratchet was not used. From 2009 to April 2014, billing has been accomplished using the 2007 agreement and did not revert to the current ordinance requiring a demand charge and using the current multiplier. City Manager Ben White stated his calculations indicated \$5,000 - \$5,500 difference from using the current ordinance rates comparing to the rates charged per the 2007 agreement rates.

Phasing the current ordinance rates back into the billing will cost the City approximately \$2,500 over the next 12 months. Much more has been spent on this issue trying to resolve agreements.

An agreement has been created to facilitate billing to JD Russell Company to include a peak demand percentage to be implemented over a period of one year. Mayor Helmberger requested a change to Section 4 under Terms to terminate at the end of calendar year 2015. City Manager Ben White requested the agreement clarify the agreement will be enforced with the then current rates after the first billing cycle in 2016. Mayor Helmberger also made a request to have this agreement signed by the end of calendar year 2014. If JD Russell Company refuses to sign the agreement by then, the normal peak demand charges in the current ordinance will be implemented. Jim Foy motioned to approve the agreement for the billing demand rate with JD Russell Company with the changes noted. If the agreement is not signed by the end of this year, the rate will revert to the ordinance as adopted. John Klostermann seconded the motion.

Jim Foy questioned if the date to read JD Russell's meter had been resolved since this was another item of concern. David Eaves stated he requested a specific date to have the meter read so he could monitor when the peak demand would increase during production months allowing him to stay abreast of the demand and not reach the peak demand limit. Michael Hesse stated the meter reading should not be affected. Mr. White indicated 1 out of 5 low demand uses would not have impacted the rate as the highest rate within the last 12 months. When the meter is read and the demand is low, the rate will not be affected; however if the meter reading is higher, the rate could be implemented on either side of the billing date. City Manager Ben White stated when electronic meters are implemented, this will no longer be an issue. Regarding the agreement, Mr. White stated he is flexible for one year. Jim Foy stated he is not suggesting reading the meter at JD Russell at their request. Mr. Foy requested we be consistent.

A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion carried with full Council approval.

**ITEM III – D) CONSIDER, DISCUSS AND ACT UPON AN AMENDMENT TO THE QUALIFIED SCHEDULING ENTITY SERVICES AGREEMENT BETWEEN THE CITY OF GARLAND AND THE CITY OF FARMERSVILLE**

City Manager Ben White stated the City signed an agreement with the City of Garland in April 2014; however Sharyland was our Qualified Scheduling Entity (QSE) until the end of 2014 to fulfill the contract with Sharyland. It is now time to change our QSE to Garland Power and Light as they provide those services to Farmersville Electric now. Mr. White also indicated the QSE interfaces with ERCOT. The QSE provides how the power is applied and charged. Jim Foy motioned to approve the agreement as presented with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion carried with full Council approval.

**ITEM III – E) CONSIDER, DISCUSS AND ACT UPON A REQUEST FOR QUALIFICATIONS FOR AN AUDITOR**

A Request for Qualifications (RFQ) was presented to the Council for their review. The RFQ is the same format used during the last auditor search. Included with the audit, Jim Foy noted most firms offer financial advice throughout the year at no additional charge. This particular item may need to be included in the RFQ when time opens for the auditor search. From time to time, general accounting questions fall under the description of work and such questions may impact the audit. Mayor Helmberger, who asked for this item, stated he was satisfied with the term of three years with two years extension with Council approval. Michael Hesse motioned to approve the RFQ format as presented with Jim Foy seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion carried with full Council approval.

**ITEM III – F) CONSIDER, DISCUSS AND ACT UPON A RESOLUTION AWARDING THE PROFESSIONAL SERVICE PROVIDERS FOR THE CDBG SEWER GRANT #7214160**

City Manager Ben White indicated the resolution presented fulfills the requirement for the CDBG sewer grant. John Klostermann motioned to approve the resolution as presented with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion carried with full Council approval.

**ITEM III – G) CONSIDER, DISCUSS AND ACT UPON A RESOLUTION DESIGNATING SIGNATORIES FOR THE CDBG SEWER GRANT #7214160**

City Manager Ben White indicated the resolution presented fulfills the requirement for the CDBG sewer grant. Michael Hesse motioned to approve the resolution as presented with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion carried with full Council approval.

**ITEM III – H) CONSIDER, DISCUSS AND ACT UPON A RESOLUTION ADOPTING A COMPLAINT GRIEVANCE PROCEDURE REGARDING THE CDBG SEWER GRANT #7214160**

City Manager Ben White indicated the resolution presented fulfills the requirement for the CDBG sewer grant. Michael Hesse motioned to approve the resolution as presented with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion carried with full Council approval.

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

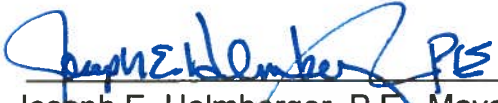
No one requested placing items on future agendas.

**ITEM V) ADJOURNMENT**

Council adjourned at 6:37pm.

APPROVED

ATTEST

  
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Joseph E. Helmberger, P.E. Mayor

  
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Edie Sims, City Secretary

