

**FARMERSVILLE CITY COUNCIL
REGULAR SESSION AGENDA
August 26, 2014, 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.
 - Proclamation declaring September 7, 2014 as Public Safety Sunday

II. PUBLIC HEARINGS

- A. Only Public Hearing to receive public comment on the Proposed Farmersville Community Development Corporation projects and budget for Fiscal Year 2014-2015
- B. Only Public Hearing to receive public comment on the Proposed Farmersville Economic Development Corporation projects and budget for Fiscal Year 2014-2015
- C. First Public Hearing to receive public comment on the Proposed 2014 Property Tax Rate for the City of Farmersville
- D. Public Hearing to consider, discuss and act upon a replat for a residential subdivision to be located at or about the Buckskin and Houston Streets, Farmersville

III. REGULAR AGENDA

- A. Consider, discuss and act upon City Financial Reports
- B. Consider, discuss and act upon health inspections and food handling within the City of Farmersville
- C. Consider, discuss and act upon wastewater rate increase
- D. Consider, discuss and act upon processes and requirements for special event permits
- E. Consider, discuss and act upon information regarding the procurement of an Advanced Metering Infrastructure System
- F. Consider, discuss and act upon items regarding American Disability Act compliancy
- G. Update on water, wastewater and street General Obligation Bond projects
- H. Update on Safe Routes to School project
- I. Update on Chaparral Trail projects

J. Update on Chaparral Trail projects

K. Update on Highway 380 project

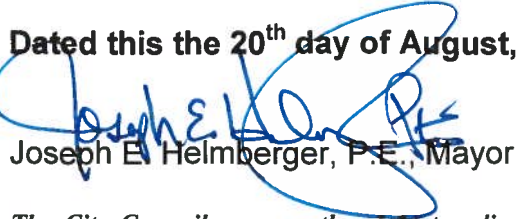
IV. BUDGET WORKSHOP

A. Discuss Proposed Fiscal Year Budget 2014 – 2015

V. REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

VI. ADJOURNMENT

Dated this the 20th day of August, 2014.


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 August 20, 2014 by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.



Edie Sims, City Secretary



A Proclamation

Naming September 7, 2014

as

Public Safety Sunday

Whereas, the City of Farmersville relies on the members of the Farmersville Police Department, the Farmersville Fire Department, and American Medical Response to provide emergency public service to the people of Farmersville and surrounding communities; and

Whereas, these members also referred to as “emergency first responders” consistently train to expand their skills and knowledge through continuing education to meet and exceed all State and National level requirements; and

Whereas, these “emergency first responders” willingly and unselfishly place the lives of the citizens they have sworn to protect above that of their own; and

Whereas, on September 11, 2001, over 460 law enforcement officers, firefighters, and emergency medical personnel perished in the single greatest tragedy for emergency first responders as they attempted to rescue the civilians trapped in the World Trade Center later to be referred to as “Ground Zero” in New York City; and

Whereas, more than 250 “emergency first responders” demonstrate each year the “Greatest Love” by laying down their life for another; and;

Whereas, September 7, 2014, marks the 13th anniversary of this tragic event that changed the American society forever; and

Whereas, the citizens of Farmersville, Texas do recognize the important contributions and efforts of these individuals thereby improving the overall safety and quality of life here in Farmersville.

NOW THEREFORE, I, Joseph E. Helmberger, Mayor of the City of Farmersville, do hereby proclaim Sunday, September 7, 2014 as PUBLIC SAFETY SUNDAY.

In witness hereof, I have hereunto set my hand and caused the Seal of the City of Farmersville, Texas, this the 26th day of August, 2014.

Joseph E. Helmberger, P.E.
Mayor of the City of Farmersville



TO: Mayor and Councilmembers

FROM: Ben White, City Manager

DATE: August 26, 2014

SUBJECT: Only Public Hearing to receive public comment for the Proposed Farmersville Community Development Corporation projects and budget for Fiscal Year 2014-2015

- A proposed budget is attached for review.

ACTION:

- 1) Open Public Hearing and call the time.
- 2) Ask for those FOR the FCDC Proposed Budget Year 2014-2015.
- 3) Ask for those OPPOSING the FCDC Proposed Budget Year 2014-2015.
- 4) Close Public Hearing and call the time.

Farmersville Community Development Corporation

FY 2015	proposed budget
Farmersville Main Street	70,000
Miscellaneous	2,000
Marketing Program	13,000
Reimburse city for accounting services	1,000
Grant Match for city project (Chap trail)	60,000
Collin College Scholarship sponsorship	2,500
Chamber of Commerce	5,000
May building Taxes	1,000
Christmas Activities	5,000
Land purchase	20,000
Fireworks	5,000
Bain Honaker House Restoration work	5,000
National Register District Project	4,000
Herb Ellis Jazz Event	9,000
Onion shed repair	8,200
Bleachers	3,700
Farmersville Heritage Museum	25,000
Total Expenditures	239,400

Farmersville Community Development Corporation

Goals for FY 2014-15

Short-Term Goals

- Continue to support the Farmersville Main Street Program
- Support administrative & training costs for 4B Board
- Support city marketing efforts
- Support development of Chaparral Trail & Spain Athletic Complex including grant match & land purchase
- Support Collin College Scholarship sponsorship
- Support Chamber of Commerce and Visitors Center
- Support restoration of Bain Honaker House Museum
- Support planning and development of Farmersville Heritage Museum
- Support Christmas activities
- Support 4th of July Fireworks Program
- Support National Register District nomination project
- Support Herb Ellis Jazz Event
- Support Onion Shed repairs

Long-Term Goals

- Support the economic development and restoration of downtown, with continued financial support of the Main Street Program.
- Support process of historical recognition for the historic business district.
- Support marketing efforts connected with marketing Farmersville in joint venture with Farmersville Economic Development Corporation, and the Chamber of Commerce.
- Encourage and support collaborative efforts and long range planning with the community, City Council, 4A, Main Street Program, Chamber of Commerce, Collin College, and FISD.
- Encourage and support citizen leadership training and volunteer development.
- Support Collin College scholarship program and local campus development.
- Support Farmersville Chamber through sponsorship of annual banquet.
- Assist in development of community recreational and cultural events, resources, museums, and facilities, as well as continued support and improvement of parks and recreation program, and streetscape improvements.
- Support 4B administrative needs.



TO: Mayor and Councilmembers

FROM: Ben White, City Manager

DATE: August 26, 2014

SUBJECT: Only Public Hearing to receive public comment for the Proposed Farmersville Economic Development Corporation projects and budget for Fiscal Year 2014-2015

- A proposed budget is attached for review.

ACTION:

- 1) Open Public Hearing and call the time.
- 2) Ask for those FOR the FEDC Proposed Budget Year 2014-2015.
- 3) Ask for those OPPOSING the FEDC Proposed Budget Year 2014-2015.
- 4) Close Public Hearing and call the time.

Farmersville Economic Development Corp 4A
"Exhibit A"

REVENUE	2013-2014-Current Budget	2014-2015 Proposed Budget
Sales Tax	\$160,000.00	\$200,000.00
Interest Earned	\$1,100.00	\$1,100.00
Total Revenue:	\$161,100.00	\$201,100.00
Expenses		
Administration	\$1,000.00	\$1,000.00
Meeting Expenses	\$1,000.00	\$1,000.00
Dues/School/Travel	\$500.00	\$500.00
Office Supplies	\$200.00	\$200.00
Marketing/Promotion Expenses/Ad	\$7,110.00	\$10,000.00
Chamber Sponsorship	\$1,000.00	\$1,000.00
Rotary Sponsorship	\$500.00	\$500.00
Collin College Sponsorship	\$7,500.00	\$7,500.00
Legal	\$2,500.00	\$2,500.00
Small Business Conference	\$500.00	\$500.00
Total Expenses:	\$21,810.00	\$24,700.00
Development		
Collin College Project (sewer/street	\$100,000.00	\$100,000.00
NTMWD Regional Waste Water	\$150,000.00	\$150,000.00
Planning	\$125,000.00	\$25,000.00
Facade Grant Program	\$50,000.00	\$50,000.00
Towne Centre Development		\$30,000.00
Total Development Cost:	\$425,000.00	\$355,000.00
Total Expenditures	\$446,810.00	\$379,700.00
Revenue vs. Expenditures	\$(285,710.00)	\$(178,600.00)
From Reserves	\$285,710.00	\$178,600.00
Balance Budget	\$-	\$-

2014-2015 Goals and Specified Projects Economic Development Corporation

Goals:

1. Create a business atmosphere in Farmersville that supports:
 - a. Retention and expansion of existing businesses,
 - b. Attracting new or relocating businesses that will increase the quality and quantity of primary jobs
 - c. Working with regional coalitions to address infrastructure, transportation, education and quality of life issues,
 - d. Recruiting at least one new employer per year.
2. Improve communication with the community and communicate accomplishments of the Economic Development Corporation
3. Enhance and promote the quality of life of the community and the crossroads significance of the city.
4. Partner with Collin College for a functional college by 2016.
5. Work with the City of Farmersville and the North Texas Municipal Water District (NTMWD) to establish a regional wastewater treatment plant (WWTP) servicing the area.
6. Support the City of Farmersville in retaining, upgrading, and establishing operation of the electric utility system.
7. Promote and support a planning study for the Farmersville Towne Centre.

Projects: Specific funding activities to achieve stated goals:

1. Regional wastewater infrastructure design
2. Support Farmersville electric utility system rate study.
3. Funding Collin College and/or City of Farmersville requests as they pertain to the college's eastern county campus.
4. Locate property for an EDC investment for future projects.
5. Support planning study of the Farmersville Towne Centre.



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: August 26, 2014

SUBJECT: First Public Hearing to receive public comment on the Proposed 2014 Property Tax Rate for the City of Farmersville

- The tax rate notice is attached for review.

ACTION:

- 1) Open Public Hearing and call the time.
- 2) Ask for those FOR the Proposed 2014 Property Tax Rate.
- 3) Ask for those OPPOSING the Proposed 2014 Property Tax Rate.
- 4) Close Public Hearing and call the time.

NOTICE OF 2014 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF FARMERSVILLE

A tax rate of \$0.785736 per \$100 valuation has been proposed for adoption by the governing body of City of Farmersville. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

PROPOSED TAX RATE	\$0.785736 per \$100
PRECEDING YEAR'S TAX RATE	\$0.697500 per \$100
EFFECTIVE TAX RATE	\$0.662167 per \$100
ROLLBACK TAX RATE	\$0.808206 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for City of Farmersville from the same properties in both the 2013 tax year and the 2014 tax year.

The rollback tax rate is the highest tax rate that City of Farmersville may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS
FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Kenneth L. Maun
Tax Assessor-Collector
2300 Bloomdale Road, Suite 2366, McKinney, TX
75071
972-547-5020
kmaun@collincountytx.gov
<http://www.farmersvilletx.com/>

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 26, 2014 at 6:00 pm at City of Farmersville, 205 S. Main, Farmersville, TX 75442.

Second Hearing: September 2, 2014 at 6:00 pm at City of Farmersville, 205 S. Main, Farmersville, TX 75442.



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: August 26, 2014

SUBJECT: Public Hearing to consider, discuss and act upon a replat for a residential subdivision to be located at or about the Buckskin and Houston Streets, Farmersville

- A replat and documentation is attached for review.
- Planning & Zoning recommended approval with minor changes of the replat at their meeting on August 18th.
- Changes have been made per P&Z's recommendation which is presented to Council

ACTION:

- 1) Open Public Hearing and call the time.
- 2) Ask for those FOR the replat as presented.
- 3) Ask for those OPPOSING the replat as presented.
- 4) Close Public Hearing and call the time.
- 5) Council to act as deemed necessary.

Edie Sims

From: Jami Gray [codyg3985@sbcglobal.net]
Sent: Thursday, April 10, 2014 1:40 PM
To: Edie Sims
Cc: Tony Email; Cody Gray
Subject: 116 Buckskin (Alley Abandonment)

Mrs. Edie,
I would like to request that the alley within the boundaries of this property be abandoned.
Please let me know if there's anything else you need from us.

Thank you,
Cody Gray
(214)226-6035



APPLICATION FOR THE VACATION OF AN ALLEY

LOCATION: 116 Buckskin St

Date: 05/02/14

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:

We, the petitioner(s) hereby make application for the vacation, abandonment, and/or closure of the above named street or alley. Exhibit 1 is a copy of the official petition of all of the abutting property owners requesting said closure or abandonment.

We, the petitioner(s) agree to hold the City of Farmersville harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of this request for closure and abandonment.

Exhibit 2 is a plat or sketch (drawing) of the street or alley sought to be vacated and also shows: a) the surrounding area to the nearest street in all directions; b) all of the abutting lots; c) the blocks in the addition in which the above described portion of the street is situated; and d) the record owners of each such lots.

By our signature(s) on the petition we agree to pay the costs of the appraisal, title search and survey of the property and the administrative fee. We understand that without the payment of such costs, the City will not proceed with appraisal of the street or alley we are requesting to be abandoned and vacated. We also understand that these costs and fees are not refundable.

Exhibit 3 is copies of recorded deeds or a title check performed by a title company showing current ownership of all property contiguous to the area proposed to be abandoned because: Property Development


Reason for request: Property development

EXHIBIT 1
PETITION FOR STREET OR ALLEY CLOSURE

The undersigned hereby petition for street or alley closure at 116 Buckskin between Buckskin and Houston. I understand that the City Code provision on street or alley closures contains provisions for administrative fees and appraisal and survey costs to be paid by the petitioner(s) and I also understand that the City will not proceed with the appraisal or the closure unless all these funds are received by the City. I also understand that this fee and costs are not refundable.

After the City notifies the contact person of the appraisal and survey costs, and administrative fees, I understand that we will have 15 days to deliver these sums to the City. Failure to do so will result in the rejection of our petition. NO petition signatures older than 6 months will be accepted.

By my signature, I am affirming that I own the property that abuts the street or alley that I am requesting be closed or abandoned.

ADDRESS	NAME (Print)	SIGNATURE	PHONE	DATE
116 Buckskin St Farmersville, Tx	Cody Gray		(214) 226-6035	05/02/14

Who is the contact person for this request?

Name: Cody Gray

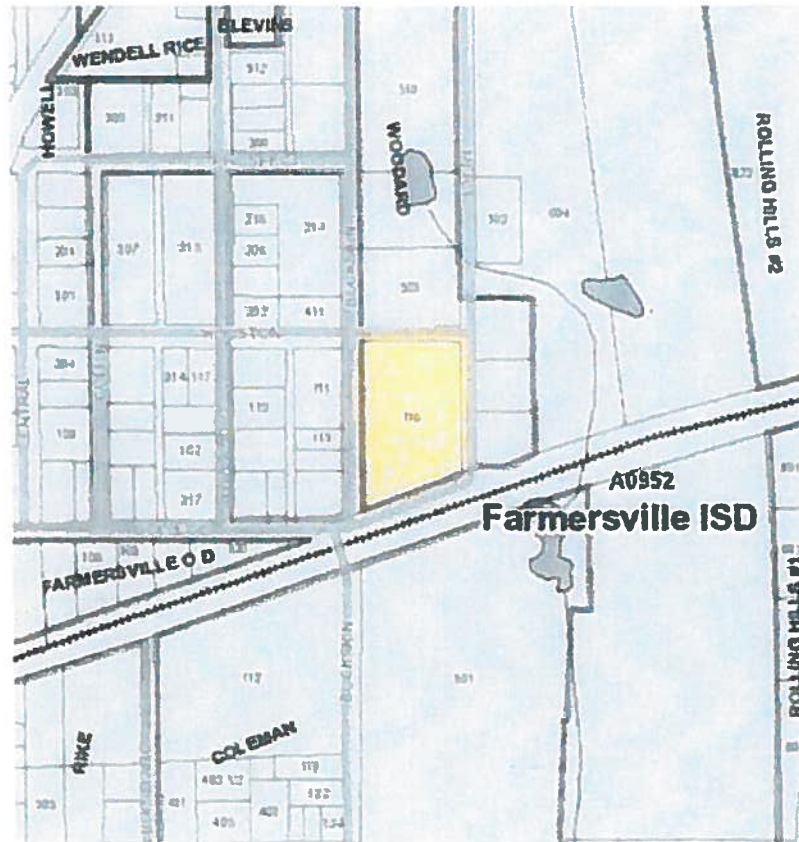
Address: 17155 County Rd 605
Farmersville, Tx 75442

Phone: (214) 226-6035

PLAT MAP

Borrower: Cody Gray	File No.: 1088E
Property Address: 116 N Buckskin Street	Case No.:
City: Farmersville	State: Tx Zip: 75442-2314
Lender: Independent Bank	

Page 1 of 1



LOT 1

LOT 4

Houston Street (50')

(Bearing Basis)

N 90°00'00" E 144.00'

Water Valve
O.F.H.

N 90°00'00" E 101.10'

Buckskin Street (40')

Overhead Electric

N 00°00'00" E 445.30'

LOT 3

LOT 4

20' Alley

S 00°00'00" E 396.25'

7857 SQ. FT.
0.180 ACRES

N 00°00'00" E 389.44'

1.391 ACRES

0.864 ACRES

LOT 2

LOT 5

BLOCK 7
WOODARD'S ADDITION
VOL. 35, PG. 617

Lot Line

LOT 1

S 71°11'26" W 106.80'
21.13'
S 71°11'26" W 152.12' Alley
4498 SQ. FT.
0.103 ACRES
280.6'

Kansas City Southern Railroad (100')

Merit Street (40')

S 00°00'00" E 355.00'

LOT 4

LOT 5

LOT 6

1" = 60'



DANIEL & BROWN INC.
ENGINEERS/CONSULTANTS/PLANNERS

18 August 2014

Mr. Ben White, P.E.
City Manager/Director of Public Works
City of Farmersville
205 S Main Street
Farmersville, Texas 75442

RE: Re-Plat of Block 7 of Woodards Addition to the City of Farmersville

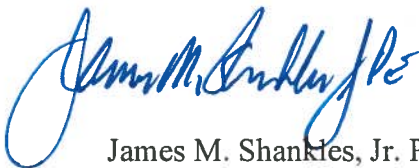
Mr. White:

The Re-Plat of Block 7 of Woodards Addition has been reviewed according to the City of Farmersville Subdivision Ordinance. Lots 1-5, Block 7 along with the alleys of Woodards Addition are being abandoned and replatted into two (2) lots, Lot 3R and Lot 4R, Block 7 of Woodards Addition. The following items need to be addressed before final approval by the City of Farmersville.

1. The replat shall not be a Minor Replat. Remove the word Minor wherever used.
2. Add (Abandoned) beneath each previous lot number.
3. Indicate the new building setbacks.
4. Indicate the zoning of the subject property and all adjacent properties.
5. Include the "Approved for Construction" and signature line for mayoral signature in the approval block as indicated in Section 2.5.B.4.c of the Subdivision Ordinance.
6. The exact wording of the City Secretary Certification shall be included in the approval block as indicated in Section 2.5.B.4.c of the Subdivision Ordinance.

We recommend that the Re-Plat be approved conditional to the completion of the above items. Please contact me if you should have any questions or need additional information.

Sincerely,



James M. Shankles, Jr. P.E.





TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: August 26, 2014

SUBJECT: Consider, discuss and act upon City Financial Reports

- Financial Reports are to be emailed to the Council. These reports will be available to the public by contacting the City Secretary's Office.

ACTION: Approve or disapprove the Financials as presented.



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: August 26, 2014

SUBJECT: Consider, discuss and act upon health inspections and food handling within the City of Farmersville

- Ordinance # 2009-42 regarding food establishments and food workers is attached for review. (This ordinance has been distributed to all the food establishments in Farmersville)

ACTION: Council to act as deemed necessary.

Health Inspection Comparison

Collin County Charges:	
ISD - schools	no charge
Foster care	no charge
Private Schools/day cares	\$150/year
Nursing homes	\$150/year for food prep/holding/dining area under 1,000 sq ft
Nursing homes	\$300/year for food prep/holding/dining area 1,000 sq ft and over
Public swimming pools	\$150/year
Temporary foot events	\$25/event for 14 days
Food trucks	\$150/year
All other food establishments	\$150/year for food prep/holding/dining area under 1,000 sq ft
All other food establishments	\$300/year for food prep/holding/dining area 1,000 sq ft and over
Collin County services the following cities:	
* Wylie	
* Princeton	
* Anna	
* Melissa	
* Lowry Crossing	

Other Cities in Collin County	
Allen	Internal
Anna	Collin County
Blue Ridge	none
Celina	Internal
Fairview	Internal
Frisco	Internal
Josephine	none
Lavon	none
Lowry Crossing	Collin County
Lucas	Bureau Veritas
McKinney	Internal
Melissa	Collin County
Murphy	Internal
Nevada	none
New Hope	none
Parker	none
Plano	Internal
Princeton	Collin County
Prosper	none
Saint Paul	none
Weston	none
Wylie	Collin County

Bureau Veritas Charges:	
Permanent food establishment	2 inspections per year at \$400/each
Mobile Food Vendor	\$200/year
Public swimming pools	\$200/year
Temporary Event	\$100/event
Complaint investigation	\$150/hour

AVERAGE RESTAURANT	
Current Inspection Cost by State:	\$773
Inspection Cost by Collin County:	\$720
Inspection Cost by Bureau Veritas:	\$800

**CITY OF FARMERSVILLE
ORDINANCE 2009 – 42**

AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, REGARDING FOOD ESTABLISHMENTS AND FOOD WORKERS; ADOPTING THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES' *TEXAS FOOD ESTABLISHMENT RULES*; PROVIDING A PENALTY CLAUSE; 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 of Farmersville, Texas is a Type A General – Law Municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Farmersville, Texas, finds and determines that adopting the Texas Department of State Health Services' *Texas Food Establishment Rules* for the regulation of food establishments and food workers is in the best interest and public health, safety, and welfare of the citizens of the City of Farmersville, Texas.

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

Section 1. Adoption of *Texas Food Establishment Rules*.

For the purpose of regulating retail food service and retail food service establishments, the Texas Department of State Health Services' *Texas Food Establishment Rules* found in 25 Texas Administrative Code, Chapter 229, Sections 161 through 171 and 173 through 175 (as currently adopted or hereinafter amended), copies of which are on file with the office of the City Secretary, are hereby adopted and made a part of the Code of Ordinances, City of Farmersville, Texas, (the "City Code") as if fully set out herein, and the provisions thereof shall govern all matters covered therein within the City, except those provisions which may be in conflict with other provisions of the City Code or state law. The *Texas Food Establishment Rules* as adopted and amended by this Ordinance and hereafter modified or amended by the Texas Legislature may be referred to hereinafter as the "State Rules."

Section 2. Additional Definitions.

In addition to the definitions found in the *Texas Food Establishment Rules*, the following words and terms, when used in this Ordinance, shall have the following meanings unless the context clearly indicates otherwise:

DSHS – Texas Department of State Health Services.

Food Establishment – In addition to the definition found in the *Texas Food Establishment Rules*, a food establishment includes an establishment that contains more than one hundred (100) square feet of display space of commercially prepackaged food products; or licensed childcare centers that care for seven (7) or more children and which prepare food for consumption by the children other than ready-to-eat food for snacks and drinks.

Frozen Food - Food kept in a solid frozen state in cooling equipment that maintains an air temperature of zero degrees (0°) Fahrenheit or below, except for defrost cycles and brief periods of loading or unloading from the cooling equipment when the food temperature shall not exceed forty-one degrees (41°) Fahrenheit.

Non Profit Organization – An organization with a 501(c)(3) exemption or an exemption as a “church” pursuant to Section 170(b)(1)(A)(i) of the Internal Revenue Code.

Regulatory Authority – The Collin County Environmental Health Care Services and/or the Texas Department of State Health Services.

Section 3. Restrictions, Not Proper Facilities

Food establishments that do not have facilities for the proper cleaning and sanitizing of utensils and food equipment shall not be allowed to prepare, package or dispense any type of unpackaged food (other than raw and uncut fruits and vegetables) or potentially hazardous food or beverages.

Section 4. Food Transportation.

All food transported or delivered from a food establishment to another place shall be protected from contamination by the use of packaging or covered containers with lids except for raw, uncut fruits and vegetables. All food and food equipment being transported shall meet the applicable requirements of the State Rules relating to food protection, food storage, and food temperatures. Food and food equipment shall not be transported exposed or open to the elements. The compartment or area inside the vehicle that the food and food equipment is being transported in shall be kept clean, free of accumulation of dust, dirt, food particles, and any other debris. All surfaces of the compartment shall be smooth, durable, non porous, and easily cleanable. Articles not associated with the food and food equipment being transported shall not be stored in the same compartment containing the food and food equipment.

Section 5. Customer Restroom Facilities

Restroom facilities, if provided for customers, or required to be provided by law, must meet all of the provisions of the State Rules for restroom, toilet, and handwash facilities.

Customers may not enter food preparation, food storage, ware washing, and security sensitive areas of the food establishment to gain access to restroom facilities.

Section 6. Hand Wash Facilities.

Hand Wash signs shall be posted and maintained to be easily readable at all hand wash sinks and restroom facilities used by employees of a food establishment. When hand wash facilities are not available at a bulk food display and self-service area, customers, upon request, are permitted access to hand washing facilities located in employee restrooms, provided that access to employee restrooms do not allow customers into unauthorized areas such as food preparation, ware washing, and security sensitive areas.

Section 7. Mobile Food Establishments and Roadside Vendors.

In addition to the requirements set forth in the State Rules, vehicles used for and as a mobile food establishment or roadside vendor shall comply with the following:

- A. Identification. Each vehicle permitted as a mobile food establishment or roadside vendor shall have printed on each side of the vehicle the name of the owner or assumed name under which the owner operates, together with the owner's telephone number. The lettering used in such name or assumed name and telephone number shall be not less than 2 inches in height and not less than 5/16 inch stroke in width. The lettering shall be maintained and legible at all times. The lettering shall be made in a permanent and durable material or manner. If faded or chipped, the lettering shall be replaced or repaired.
- B. A valid food establishment permit is required for each vehicle or mobile unit. The permit shall be visible to customers and inspectors at all times. If a mobile food establishment operates its own central preparation facility, the central preparation facility shall be permitted separately.
- C. All vehicles shall be reasonably free of dirt or rubbish and maintained in a clean and sanitary condition. The compartment(s) of the vehicle carrying food and food equipment and the food contact surfaces and non-food contact surfaces of the food equipment used in and with the vehicle shall be maintained and cleaned in accordance with the State Rules.
- D. Drivers and assistants with the drivers shall adhere to the same requirements as a food employee and have in their possession a valid food handler certificate. The driver shall be responsible for maintaining the cleanliness of the vehicle and food equipment as often as is necessary while on duty.
- E. Food equipment shall meet same design criteria and temperature criteria as a regular food establishment. The vehicle shall be equipped with a permanent power supply for the food equipment used for heating, cooking,

cooling, refrigeration, freezing and holding of hot and cold foods. Plug in adapters to cigarette lighters shall not be allowed.

- F. Mobile food establishments and roadside vendors including snow cone stands that prepare food on the vehicle or on location shall also:
- 1) Comply with all requirements of a food establishment including hand wash and dishwashing sinks, cleaning operations, hot water and pest control.
 - 2) Have a letter of permission from the owner of the property upon which the sales are to take place to operate from that location.
 - 3) Have a letter of permission from the owner of that property or immediately adjacent to the property for use of restroom facilities.
 - 4) Comply with employee food education requirements for food handlers and food managers as appropriate.

Section 8. Exemptions for Temporary Food Establishments

Provided it is operated in full compliance with the provisions of this Ordinance and the State Rules, a temporary food establishment permit is not required for events or celebrations that meet one of the following conditions:

- A. The event is exclusively for specific identified participants of a specific group or membership, and is not open to the general public.
- B. The meeting, function, event, or celebration is catered from a permitted food establishment and does not require further food preparation on site.
- C. The event is operated on the physical property of a permitted food establishment by the permitted food establishment with support facilities for food services operations available for use within the permitted food establishment.
- D. A fund raiser for nonprofit organizations is supervised by a certified food manager or by a minimum of two individuals with food safety certification who shall be in charge and have authority and responsibility to correct problems or violations.
- E. A bake sale is conducted for a nonprofit organization consisting of only non-perishable foods, such as cakes and cookies, but not including pies.
- F. The event provides only commercially prepackaged and no potentially hazardous foods and beverages or dispensed beverages.

- G. The event provides only whole, uncut, fresh fruits and vegetables.
- H. The food and beverages are provided by a mobile vendor permitted by the Regulatory Authority.

Section 9. Reinspection Fees.

If a food establishment requires a reinspection for failure of the food establishment to provide immediate correction of multiple critical items or imminent health hazards, failure to correct violations identified from the previous inspection, or when the total cumulative demerit values of an inspection report exceeds thirty (30) demerits, a reinspection fee will be charged in the amount set out in the fee schedule. Failure to pay the fee to the Regulatory Authority office before the reinspection is due, or within five (5) calendar days in the case of imminent health hazards or major critical food violations, is a violation of this ordinance.

Section 10. Employee Food Education.

A. Food Establishment Employees

- 1) A food handler certificate shall be obtained by any person employed in a food establishment with duties that require the individual:
 - (a) To receive, handle, prepare, cook, display, serve, dispense or store food or drink, whether the food or drink is packaged or unpackaged, potentially hazardous or not potentially hazardous; or
 - (b) To handle, store, or clean food equipment and rooms that contain food used in the food establishment.
- 2) Any person required to obtain a food handler certificate shall do so within thirty (30) calendar days of employment. The permit holder or person in charge of a food establishment is responsible to ensure that an individual has obtained the food handler certificate within the required time period.
- 3) Persons not required to obtain a food handler certificate are persons whose only duty is to:
 - (a) Cashier,
 - (b) Assist customers in carry out of food items,
 - (c) Provide direct delivery of a food order; or

- (d) Assist children and infants with their foods or meals at a childcare center; or
 - (e) Volunteer at a temporary event or temporary fund raiser; or
 - (f) A person at a food establishment who volunteers for a particular event or project no more than once a month.
- 4) Persons possessing a food manager certification accredited by DSHS are not required to obtain a food handler certificate.
 - 5) Food establishments selling only prepackaged foods and that do not dispense foods and beverages are not required to have employees with food manager or food handler certificates.
 - 6) To receive a food handler certificate, a person must pay a fee and successfully complete the training class either over the internet or in an instructor-conducted class. The primary purpose of the class is to orient the person to food establishment operations, sanitation, and employee practices. Said class is not a substitute for extensive training which is the responsibility of each food establishment's permit holder, manager, or supervisor.
 - 7) If a person holding a food handler certificate does not demonstrate acceptable personal hygiene, food handling, or food safety practices to the satisfaction of the Regulatory Authority, the person may be required to retake the class within seven (7) calendar days.
 - 8) Food handler certificates must be on display in a conspicuous location at the food establishment or readily available for review by the health inspector.
 - 9) Food handler certificates are valid for two years. Renewal requirements are the same as that for the original certification.
 - 10) A childcare food handler certificate may not be substituted for the food handler certificate in any food establishment.

B. Childcare Food Employees.

- 1) Any person employed at a childcare center whose duties include the handling, preparing, or cooking of food or cleaning of food equipment shall possess a childcare food handler certificate.

- 2) Individuals who help serve or assist children and infants with their foods or meals are not required to obtain a childcare food handler certificate.
- 3) To receive a childcare food handler certificate, an individual shall successfully complete the childcare food safety class.
- 4) The requirements to obtain, maintain, or renew a childcare food handler certificate are the same as stated for a food establishment employee, unless specifically stated otherwise in this section.
- 5) A food handler certificate or food manager certificate is acceptable instead of a childcare food handler certificate at a childcare facility.

C. Food Managers.

- 1) All permanent and mobile food establishments that prepare, cook, serve, or hold potentially hazardous foods, packaged or unpackaged, shall have an individual that possesses a valid food manager certification on duty at the food establishment during the hours that the foods are handled, prepared, cooked, or served. The certified food manager shall have authority to oversee and implement procedures, requirements, instructions and other measures to provide for the safe storage, handling, preparation, and serving of all food products and food equipment.
- 2) A person employed to serve as a food manager who does not possess a food manager certificate must acquire the certificate within thirty (30) calendar days of employment. The food establishment permit holder or person in charge of the food establishment is responsible to ensure that the person has obtained the required certificate within that required time.
- 3) Certification and re-certification shall meet the criteria established by Texas Health and Safety Code, Chapter 438, Subchapter D, and requirements established by DSHS.
- 4) A person who possesses a valid food manager certification is not required to obtain a food handler certificate or a childcare food manager certificate.
- 5) Food establishments that provide only commercially prepackaged foods (including limited heating, dispensing, and preparing by the consumer) are not required to have a certified food manager.

D. Childcare Food Managers.

- 1) All childcare centers shall have a person that possesses a childcare food manager certificate. The childcare food manager shall be on duty during the times that foods, other than snacks, are handled, prepared, cooked, or served.
- 2) To receive a childcare food manager certificate, an individual shall successfully complete the training class provided by the Collin County Environmental Health Care Services. Childcare food manager certificates are valid for three years. Subsequent renewal is by completing the training class again. The certificate shall be on display in a conspicuous location at the childcare center.
- 3) A person who obtains a childcare food manager certificate is not required to obtain a childcare food handler certificate, food handler certificate, or a food manager certificate while employed at a childcare center.
- 4) A person who possess a valid food manager certificate is not required to obtain a childcare food manager certificate.

Section 11. Jurisdictions Outside of the Regulatory Authority.

Food from food establishments outside the Regulatory Authority may be sold or served within the jurisdiction of the Regulatory Authority if such food establishments conform to the provisions of this food code and the State Rules, including permitting and transportation requirements. A valid food establishment permit from the regulatory authorities in other jurisdictions where such food establishment is located must be presented to the Regulatory Authority.

Section 12. Food Establishment Permit Requirements (Including Mobile, Temporary, & Other).

- A. A person may not operate a food establishment without a permit issued by the Regulatory Authority. Permits are not transferable from one person to another or from one location to another location, except as otherwise permitted by this ordinance. A valid permit must be posted in or on every food establishment regulated by this Ordinance.
- B. Any person desiring to operate a food establishment must make a written application for a permit on forms provided by the Regulatory Authority.
 - 1) The application must contain:
 - (a) the applicant's full name;

- (b) An indication of whether such applicant is an individual, business, or a corporation;
 - (c) the location and type of the proposed food establishment;
 - (d) the applicable fee; and,
 - (e) the signature of the applicant.
 - 2) If the application is for a temporary food establishment, it shall also state the inclusive dates and times of the proposed operation.
 - 3) Failure to provide all information requested by the Regulatory Authority or providing false information may result in denial or revocation of the permit. An incomplete application shall not be accepted.
- C. Renewals of permits are required on an annual basis, except for temporary establishments.
- 1) It is the responsibility of the applicant, owner, permit holder or person in charge of each food establishment to renew the permit before the expiration date of the permit.
 - 2) The renewal shall include any information that has changed from that information provided on the original application.
 - 3) Any owner, permit holder or person in charge may be required to cease operations or temporarily close, if found operating without a valid permit.
- D. Prior to the approval of an initial permit or the renewal of an existing permit, the Regulatory Authority shall inspect the food establishment to determine compliance with these regulations. A permit cannot be issued or renewed if the food establishment has critical violations, imminent health hazards, or previously identified violations not corrected. A permit will not be issued, renewed or reissued if required permit fees have not been paid or if any late or delinquency fees have not been paid.
- E. Before issuing a permit, the Regulatory Authority may require an applicant to provide plans of the food establishment prior to construction, extensive remodeling or conversion of an existing structure. The plans shall indicate the proposed layout, equipment arrangement, mechanical plans, construction of materials of work areas, and the type and model of proposed fixed equipment and facilities.

- F. Whenever a food establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the Regulatory Authority for review before work is begun. Extensive remodeling means that 20% or greater of the area of the food establishment is to be remodeled. The plans and specifications shall indicate the proposed layout, equipment arrangement, mechanical plans and construction of materials of work areas, and the type and model of proposed fixed equipment and facilities. The plans and specifications will be approved by the Regulatory Authority if they meet the requirements of the rules adopted by this Ordinance. The approved plans and specifications must be followed in construction, remodeling or conversion. Failure to follow the approved plans and specifications will result in a permit denial, suspension, or revocation.
- G. The Regulatory Authority may charge and collect a fee for permits and permit renewals in accordance with the approved fee schedule.
 - 1) Failure to submit an application with the required fee for a temporary food establishment at least five (5) working days prior to the event or celebration will result in the assessment of a late fee double the amount of the normal fee amount.
- H. A food establishment, except for a temporary food establishment, is not required to obtain more than one (1) permit for each location. Food establishments operating at one (1) location with different management, ownership or franchise are required to obtain separate permits. Permits are required for each temporary establishment at each location.
- I. A permit shall be for a specific food establishment at a specific location. Permits are not transferable from person to person. Permits are not transferable from location to location, except for mobile and roadside food establishments.
- J. If an application for a permit is denied, the denial may be appealed in the same manner as the revocation of a permit.

Section 13. Suspension, or Revocation of Permit.

- A. **Suspension of permits.** A permit may be suspended temporarily by the Regulatory Authority for failure of the permit holder or person in charge to comply with the requirements of these regulations.
 - 1) Whenever a permit holder or person in charge has failed to comply with any notice issued under the provisions of these regulations, the

permit holder or person in charge shall be notified in writing that the permit is immediately suspended upon service of the notice and the operations of the food establishment affected by the violations shall cease.

- 2) When the Regulatory Authority finds conditions in the operation of the food establishment which in its judgment constitutes a substantial or imminent health hazard, the Regulatory Authority may issue a written notice to the permit holder or person in charge citing such conditions, specifying the corrective actions to be taken, and, if deemed necessary, stating that the permit is suspended and that all food service operations are to be immediately discontinued.
- 3) Any permit holder or person in charge to whom a suspension notice is issued shall comply immediately therewith.
- 4) The holder of the suspended permit will be provided with an opportunity for a hearing if a written request for a hearing is filed with the Regulatory Authority within five (5) calendar days of the notice of the suspension. If a hearing is not requested as provided herein, the permit holder shall fully comply with the suspension order until the permit is reinstated.

B. **Reinstatement of suspended permits.** Any permit holder or person in charge whose permit has been suspended, after making all corrections, may request a reinspection during normal business hours of the Regulatory Authority for the purpose of reinstatement of the permit.

- 1) A reinspection fee in accordance with the approved fee schedule shall be paid to the office of the Regulatory Authority before the reinspection will be performed.
- 2) The Regulatory Authority will arrange a time with the permit holder or person in charge to perform the reinspection.
- 3) If the permit holder or person in charge has complied with the requirements of these regulations, the permit will be reinstated save and except as otherwise provided herein.

C. **Revocation of permits.** For serious or repeated health hazards and violations of any of the requirements of these regulations, or for interference with the Regulatory Authority in the performance of its duties, the permit may be revoked.

- 1) Prior to revocation, the Regulatory Authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to

revocation and advising that the permit shall be revoked at the end of five (5) calendar days following service of such notice unless a written request for a hearing is filed with the Regulatory Authority by the permit holder within such five (5) calendar day period.

- 2) A permit may be suspended for cause pending its revocation or revocation hearing or hearing relative thereto.

D. Appeal.

- 1) The initial decision and notice by an inspector to suspend or revoke a permit may be appealed to the supervisor over the inspector by giving five (5) calendar days written notice to that supervisor. The supervisor may uphold, reverse, or modify the decision of the inspector. If an appeal is not filed as provided herein, the decision of the inspector is final and no further appeal will be considered.
- 2) The decision of the supervisor over the inspector may be appealed to the Director of the Regulatory Authority by filing a written notice of appeal with the Director within five (5) calendar days of the initial appeal decision. The Director of the Regulatory Authority may uphold, reverse, or modify the decision to suspend or revoke the permit. If an appeal is not filed as provided herein, the decision of the supervisor is final and no further appeal will be considered.
- 3) The decision of the Director may be appealed to the City Manager by filing notice of the appeal with the City Manager within five (5) calendar days of the Director's decision. The City Manager may uphold, reverse, or modify the decision of the Director. If an appeal is not filed as provided herein, the decision of the Director is final and no further appeal will be considered.
- 4) The decision of the City Manager is final.

E. Hearings.

- 1) A hearing provided for in this section shall be conducted at a time and place designated by the party conducting the hearing. A hearing shall be conducted as soon as possible after a written request for a hearing.
- 2) Based upon the record and information and evidence presented during the hearing and these regulations, the party conducting the hearing shall make a finding and shall uphold, reverse or modify the prior decision to suspend or revoke the permit.

- 3) Written notice of the hearing decision shall be furnished to the permit holder.
- 4) If the decision results in revocation of the permit, the permit holder may not apply for a new permit for one (1) calendar year from the date of the decision at any location within the jurisdiction of the Regulatory Authority.

F. **Counting Days.** When counting the calendar day time period specified in this section, if the final day is a Saturday, Sunday, or holiday for the Regulatory Authority, then the time period ends on the next day that is not a Saturday, Sunday, or holiday for the Regulatory Authority.

Section 14. Penalties and Remedies

In addition to any other remedy provide by this Ordinance or other law, any person who violates any provision of this Ordinance shall be deemed guilty of a class C misdemeanor, and upon conviction thereof shall be punished by a maximum fine of up to \$2,000.00. A separate offense shall be deemed committed each day or portion of a day during or on which the violation continues or otherwise occurs.

Section 15. Severability

It is hereby declared to be the intent of the City Council that the several provisions of this Ordinance are severable. In the event that 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 16. 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 17. Publication

The City Secretary 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 Local Government Code.

Section 18. 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 19. 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 20. Effective Date

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

PASSED AND APPROVED THIS 8th DAY OF December, 2009 at a 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 THIS 8th DAY OF DECEMBER, 2009.


Donald C. Smith, Mayor
City of Farmersville, Texas



ATTEST:


Edie Sims, City Secretary

APPROVED AS TO FORM & LEGALITY:


Alan D. Lathrom, City Attorney



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: August 26, 2014

SUBJECT: Consider, discuss and act upon wastewater rate increase

- Chris Ekrut with NewGen Strategies will be present to discuss this topic.

ACTION: Council to offer direction to staff or act as deemed necessary.



1300 E. Lookout Drive
Suite 100
Richardson, TX 75082
Phone: (972) 680-2000
Fax: (972) 680-2007

Memorandum

To: Mr. Ben White
From: Mr. Chris Ekrut
Date: August 6, 2014
Re: Review of Water and Sewer Rate Revenue

NewGen Strategies & Solutions, LLC ("NewGen") was engaged by the City of Farmersville, Texas ("City") to perform a review of water and sewer rate revenue performance and provide our opinion of the necessity of proposed rate increases for FY 2015. This memorandum and the accompanying documents outline our analysis and recommendations.

Please note that this analysis relies on assumptions regarding future system use. As you are aware, the Dallas – Ft. Worth Metroplex continues to experience significant drought which has required the implementation of stringent water restrictions. These restrictions have significantly impacted water consumption and, in turn, the generation of water and wastewater revenue. While this analysis has attempted to capture this impact, further reduction in water consumption may require amendment to this analysis and expedited rate action by the City Council.

Proposed Rates

Based on information provided by the City, and as part of implementing the final recommendations contained within the City's most recently completed rate study conducted in March 2011, Table 1 and Table 2 below outline the City's current Inside City, Residential water and wastewater rates along with the adjustments currently being considered by the City. Table 3 below presents the total increase in a 5,000 and 10,000 gallon Residential customer bill, assuming services through a 3/4" or less meter, under the current and proposed rates, respectively.

Memorandum

Mr. Ben White
August 6, 0214
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Table 1
Current and Proposed Water Rates

	Current	Proposed
Meter Charge		
3/4" or less	\$11.91	\$12.69
1"	19.59	20.89
1.5"	38.80	41.41
2"	61.85	66.02
3"	69.54	74.23
4"	192.49	205.52
6"	384.59	410.66
Volumetric Charge (per 1,000 gallons)		
0 – 1,000	0.00	0.00
1,000 – 10,000	5.46	5.83
10,000 – 20,000	7.18	7.68
20,000 +	8.88	9.51

Table 2
Current and Proposed Wastewater Rates

	Current	Proposed
Base Charge	\$25.26	\$31.07
Volumetric Charge (per 1,000 gallons) above 1,000 gallon minimum	7.87	9.68

Memorandum

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August 6, 2014
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Table 3
Current and Proposed Monthly Customer Bill at 5,000 and 10,000 gallons

	Current	Proposed	Increase
5,000 gallons			
Water	\$33.75	\$36.01	\$2.26
Wastewater	<u>56.74</u>	<u>69.79</u>	<u>13.05</u>
Total	\$90.49	\$105.80	\$15.31
10,000 gallons			
Water	\$61.05	\$65.16	\$4.11
Wastewater	<u>96.09</u>	<u>118.19</u>	<u>22.10</u>
Total	\$157.14	\$183.35	\$26.21

Projected Financial Performance

To evaluate the anticipated performance of the above rates, the Project Team has projected an anticipated revenue stream for FY 2015 under the existing rate structure as well as the proposed rate structure. In an effort to produce a conservative revenue estimate reflecting the current, mandatory watering restrictions to which the City is subject, the Project Team relied on actual billed customer consumption and wastewater flow for the most recent available twelve month period (July 2013 to June 2014).

This projected revenue stream was then compared with the preliminary FY 2015 budget figures as provided to the Project Team. Table 4 below presents a summary of this analysis. For more detailed figures, please see the attached schedules.

Table 4
Anticipated Financial Performance Under Current and Projected Rates

	Water	Wastewater	Total
Performance Under Current Rates			
Total Revenue Requirement	\$926,985	\$911,335	\$1,838,320
Projected Revenue Under Current Rates	<u>876,346</u>	<u>733,284</u>	<u>1,609,630</u>
Over / (Under) Recovery	(50,639)	(178,051)	(228,690)
Performance Under Projected Rates			
Total Revenue Requirement	\$926,985	\$911,335	\$1,838,320
Projected Revenue Under Current Rates	<u>936,166</u>	<u>902,364</u>	<u>1,838,530</u>
Over / (Under) Recovery	9,181	(8,971)	210

Memorandum

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As evidenced by Table 4 above, if no rate action is taken, then it is anticipated that the water and sewer utility will produce insufficient revenues by approximately (\$228,690). If rates are implemented as proposed, then the water and sewer utility is anticipated to break-even in FY 2015. This assumes that current water consumption and billed wastewater flow in FY 2015 will be reflective of customer use similar to July 2013 to June 2014. In the event consumption declines further, then a greater adjustment to rates may be needed.

The Project Team also compared the projected revenue requirement in FY 2015 with the revenue requirement originally projected in the 2011 Water and Sewer Rate Study. This analysis is presented in the attached Schedule 3. Based on this analysis, it appears that the utility's projected costs are less than anticipated within the rate study. For the sewer utility, much of this cost differential is due to the absence of a \$277,004 anticipated debt service payment, anticipated capital investment which the City has not had to pursue at this time. However, while this anticipated debt service cost has not been realized, other cost increases have offset this reduction. Further, because of the reduction in billed water consumption and wastewater flow, the anticipated revenue stream of the utility is less than what was anticipated in the 2011 Water and Sewer Rate Study. These decreases in revenue are more than offset by the decreases in anticipated costs, resulting in no changes to the original rate recommendation.

Regional Comparison

Assuming implementation of the rates above, the attached Schedule 6 presents a comparison of the monthly customer bills for the City's Residential customers at 5,000 and 10,000 gallons with monthly Residential bills for customers of utilities of similar size, geographic orientation, and/or capital needs. Please note that this is not an apples-to-apples comparison. Every utility is different in terms of its funding sources and practices, water supply, and/or wastewater treatment.

Additionally, while the Project Team notes that the City is projected to have the highest monthly wastewater bill within the comparison group, the majority of these Cities bill wastewater flow based on total billed water consumption. As such, during the summer, customers of these utilities would see a significantly higher sewer bill than they would during the winter. The Cities using winter averaging to determine monthly billed wastewater flow include Corinth, Hudson Oaks, and McKinney. A more accurate comparison during summer months would be to compare the City's sewer charges at 5,000 gallons to sewer charges at 10,000 gallons for those cities that do not utilize winter averaging.

At this time, the Project Team recommends that the City continue to use winter averaging for Residential sewer billing as it, in our opinion, is the best estimation of indoor water use and reflective of the water being returned to the wastewater system.

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Overall Recommendations

As discussed, the Project Team recommends that the proposed rates presented herein be adopted and made effective no later than October 1, 2014. It is our understanding that the City has already taken action regarding the proposed water rates. We would encourage the City to do the same with wastewater rates as part of on-going budget deliberations so as to ensure the continued financial stability and integrity of the City's utility.

We appreciate the opportunity to assist the City in conducting this analysis and stand ready to answer any additional questions the City may have. Please feel free to contact me at 972.232.2234 or via e-mail at cekrut@newgenstrategies.net.

City of Farmersville, Texas
Water and Wastewater Rate Review
FY 2015 Water Rate Revenue Proof Under Current Rates

		Inside City		Outside City Old		New		Total
Rates								
Meter								
3/4" or less	\$	11.91	\$	17.87	\$	23.82		
1"		19.59		29.39		39.18		
1 1/2"		38.80		58.20		77.60		
2"		61.85		92.78		123.70		
3"		69.54		104.31		139.08		
4"		192.49		288.74		384.98		
6"		384.59		576.89		769.18		
Volumetric Charge (per 1,000 gallons)								
0 - 1,000	\$	-	\$	-	\$	-		
1,000 - 10,000		5.46		8.19		10.92		
10,000 - 20,000		7.18		10.77		14.36		
20,000 - 50,000		8.88		13.32		17.76		
50000 +		8.88		13.32		17.76		

Determinants**Monthly Customers**

3/4" of less	1,125	35	71	1,231
1"	21	-	-	21
1 1/2"	3	-	-	3
2"	36	-	-	36
3"	1	-	-	1
4"	2	-	-	2
6"	-	-	-	-
Subtotal	1,187	35	71	1,293

Volumes (000's)

0 - 1,000	13,488	405	823	14,715
1,000 - 10,000	52,543	1,662	3,591	57,795
10,000 - 20,000	10,212	368	843	11,423
20,000 - 50,000	10,527	221	560	11,307
50000 +	12,167	159	250	12,576
Subtotal	98,936	2,814	6,067	107,817

Revenues**Meter Charge**

3/4" of less	\$	160,809	\$	7,434	\$	20,199	\$	188,442
1"		4,839		-		-		4,839
1 1/2"		1,474		-		-		1,474
2"		26,472		-		-		26,472
3"		834		-		-		834
4"		4,235		-		-		4,235
6"		-		-		-		-
Subtotal	\$	198,663	\$	7,434	\$	20,199	\$	226,296

Volumetric Charge

0 - 1,000	\$	-	\$	-	\$	-	\$	-
1,000 - 10,000		286,884		13,609		39,212		339,705
10,000 - 20,000		73,321		3,959		12,111		89,392
20,000 - 50,000		93,481		2,937		9,940		106,358
50,000 +		108,044		2,118		4,433		114,595
Subtotal	\$	561,730	\$	22,623	\$	65,696	\$	650,049

Total Water Revenues \$ 760,393 \$ 30,057 \$ 85,895 \$ 876,345

Rate Revenue Requirement

Over / (Under) Recovery (\$) \$ 926,985
Over / (Under) Recovery (%) (50,640)
-5.78%

Monthly Customer Bills:

5,000 gallons	\$	33.75	\$	50.63	\$	67.50
10,000 gallons	\$	61.05	\$	91.58	\$	122.10

City of Farmersville, Texas
Water and Wastewater Rate Review
FY 2015 Sewer Rate Revenue Proof Under Current Rates

	Inside City		Outside City (After 1985)		Total
	<u>W/Averaging</u>	<u>Commercial</u>	<u>W/Averaging</u>	<u>Commercial</u>	
Rates					
Base Charge	\$ 25.26	\$ 25.26	\$ 22.08	\$ 22.08	
Volumetric Rate (per 1,000 gallons)					
0 - 1,000	\$ -	\$ -	\$ -	\$ -	
1,000 - 7,000	7.87	7.87	6.88	6.88	
7,000 - 15,000	7.87	7.87	6.88	6.88	
15,000+	-	7.87	-	6.88	

Determinants

Monthly Customers	882	141	1	1	1,025
Volumes					
0 - 1,000	10,339	1,412	8	12	11,771
1,000 - 7,000	32,683	4,184	21	64	36,952
7,000 - 15,000	4,086	2,920	-	11	7,017
15,000+	724	9,741	-	-	10,465
Subtotal	47,831	18,257	29	87	66,205

Determinants

Monthly Customers	\$ 267,478	\$ 42,765	\$ 177	\$ 265	\$ 310,685
Volumes					
0 - 1,000	\$ -	\$ -	\$ -	\$ -	\$ -
1,000 - 7,000	257,212	32,926	145	441	290,724
7,000 - 15,000	32,157	22,983	-	75	55,215
15,000+	-	76,660	-	-	76,660
	\$ 289,369	\$ 132,569	\$ 145	\$ 516	\$ 422,599
Total Revenues	\$ 556,847	\$ 175,334	\$ 322	\$ 781	\$ 733,284

Rate Revenue Requirement	\$ 911,335
Over / (Under) Recovery (\$)	(178,051)
Over / (Under) Recovery (%)	-24.28%

Monthly Customer Bills:

5,000 gallons	\$ 56.74	\$ 56.74	\$ 49.60	\$ 49.60
10,000 gallons	\$ 96.09	\$ 96.09	\$ 84.00	\$ 84.00

City of Farmersville, Texas
Water and Wastewater Rate Review
Comparison of FY 2015 Projection to FY 2015 Budget

	Original FY 2015 Projection			FY 2015 Budget		
	<u>Total</u>	<u>Water</u>	<u>Sewer</u>	<u>Total</u>	<u>Water</u>	<u>Sewer</u>
Water and Sewer Administration						
Personnel	\$ 134,964	\$ 62,085	\$ 72,878	\$ 113,035	\$ 51,998	\$ 61,037
Maintenance	2,301	1,058	1,242	8,289	3,813	4,476
Utilities				20,000	9,200	10,800
Contracts and Professional Services	5,639	2,594	3,045	300	138	162
Operating	18,045	8,301	9,744	-	-	-
Supplies	1,410	649	761	500	230	270
Miscellaneous	1,692	778	914	2,400	1,104	1,296
Subtotal	\$ 164,050	\$ 75,466	\$ 88,584	\$ 144,524	\$ 66,483	\$ 78,041
Water Department						
Personnel	\$ 108,419	\$ 108,419	\$ -	\$ 122,223	\$ 122,223	\$ -
Contracts and Professional Services	6,767	6,767	-	57,655	57,655	-
Maintenance	104,887	104,887	-	5,000	5,000	-
Utilities				26,250	26,250	-
Operating Expenditures	42,539	42,539	-	-	-	-
Supplies	534,697	534,697	-	560,552	560,552	-
Miscellaneous	10,601	10,601	-	95,968	95,968	-
Capital Outlay	15,000	15,000	-	-	-	-
Transfers	49,951	49,951	-	121,874	121,874	-
Subtotal	\$ 872,861	\$ 872,861	\$ -	\$ 989,522	\$ 989,522	\$ -
Sewer Department						
Personnel	\$ 127,266	\$ -	\$ 127,266	\$ 153,884	\$ -	\$ 153,884
Contracts and Professional Services	6,767	-	6,767	11,500	-	11,500
Maintenance	291,423	-	291,423	289,023	-	289,023
Utilities				11,000	-	11,000
Operating Expenditures	12,379	-	12,379	-	-	-
Supplies	846	-	846	10,500	-	10,500
Miscellaneous	2,736	-	2,736	39,000	-	39,000
Debt Service - Existing	113,775	-	113,775	133,261	-	133,261
Debt Service - New	277,004	-	277,004	-	-	-
Capital Outlay	10,000	-	10,000	62,000	-	62,000
Transfers	42,701	-	42,701	144,601	-	144,601
Subtotal	\$ 884,896	\$ -	\$ 884,896	\$ 854,769	\$ -	\$ 854,769
Non-Departmental						
Transfers in from Capital Projects	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Admin Support - General Fund Transfer	22,851	12,200	10,651	-	-	-
Right of Way Rental	1,646	879	767	-	-	-
Water - General Fund	177,220	177,220	-	-	-	-
Sewer - General Fund	9,118	-	9,118	-	-	-
Subtotal	\$ 210,835	\$ 190,299	\$ 20,536	\$ -	\$ -	\$ -
Gross Cost of Service	\$ 2,132,642	\$ 1,138,626	\$ 994,017	\$ 1,988,815	\$ 1,056,005	\$ 932,810

City of Farmersville, Texas
Water and Wastewater Rate Review
Comparison of FY 2015 Projection to FY 2015 Budget

	Original FY 2015 Projection			FY 2015 Budget		
	<u>Total</u>	<u>Water</u>	<u>Sewer</u>	<u>Total</u>	<u>Water</u>	<u>Sewer</u>
Revenue Offsets						
Water						
CC Convenience Fee	\$ 1,400	\$ 703	\$ 697	\$ -	\$ -	\$ -
Connect Fee	2,999	2,999	-	3,500	3,500	-
Other Sys Water Sales	131,990	131,990	-	99,000	99,000	-
Water Tap	-	-	-	3,700	3,700	-
Water Penalties / Reconnect	8,397	8,397	-	18,000	18,000	-
Developer Contributions	-	-	-	-	-	-
Other Income	-	-	-	500	500	-
Impact Fee	-	-	-	4,055	4,055	-
Wastewater						
Sewer Tap	-	-	-	-	-	-
Sewer Penalties	7,861	-	7,861	16,800	-	16,800
Impact Fee	-	-	-	4,440	-	4,440
Transfers in	-	-	-	-	-	-
Non-Departmental						
Interest Income	2,000	1,005	995	500	265	235
Subtotal	\$ 154,647	\$ 145,094	\$ 9,553	\$ 150,495	\$ 129,020	\$ 21,475
Net Revenue Requirement	\$ 1,977,995	\$ 993,532	\$ 984,463	\$ 1,838,320	\$ 926,985	\$ 911,335

Projected Rate Revenues under Current Rates	\$ 1,609,629	\$ 876,345	\$ 733,284
Over / (Under) Recovery (\$)	(228,691)	(50,640)	(178,051)
Over / (Under) Recovery (%)	-14.21%	-5.78%	-24.28%
Projected Rate Revenues under Proposed Rates	\$ 1,838,530	\$ 936,166	\$ 902,364
Over / (Under) Recovery (\$)	210	9,181	(8,971)
Over / (Under) Recovery (%)	0.01%	0.98%	-0.99%

City of Farmersville, Texas
Water and Wastewater Rate Review
FY 2015 Water Rate Revenue Proof (Rates Effective July 2014)

	Inside City	Old	Outside City New	Total
Rates				
Meter				
3/4" or less	\$ 12.69	\$ 19.04	\$ 25.38	
1"	20.89	31.34	41.78	
1 1/2"	41.41	62.12	82.82	
2"	66.02	99.03	132.04	
3"	74.23	111.35	148.46	
4"	205.52	308.28	411.04	
6"	410.66	615.99	821.32	
Volumetric Charge (per 1,000 gallons)				
0 - 1,000	\$ -	\$ -	\$ -	
1,000 - 10,000	5.83	8.75	11.66	
10,000 - 20,000	7.68	11.52	15.36	
20,000 - 50,000	9.51	14.27	19.02	
50000 +	9.51	14.27	19.02	

Determinants

Monthly Customers

3/4" or less	1,125	35	71	1,231
1"	21	-	-	21
1 1/2"	3	-	-	3
2"	36	-	-	36
3"	1	-	-	1
4"	2	-	-	2
6"	-	-	-	-
Subtotal	1,187	35	71	1,293

Volumes (000's)

0 - 1,000	13,488	405	823	14,715
1,000 - 10,000	52,543	1,662	3,591	57,795
10,000 - 20,000	10,212	368	843	11,423
20,000 - 50,000	10,527	221	560	11,307
50000 +	12,167	159	250	12,576
Subtotal	98,936	2,814	6,067	107,817

Revenues

Meter Charge

3/4" or less	\$ 171,340	\$ 7,921	\$ 21,522	\$ 200,783
1"	5,160	-	-	5,160
1 1/2"	1,574	-	-	1,574
2"	28,257	-	-	28,257
3"	891	-	-	891
4"	4,521	-	-	4,521
6"	-	-	-	-
Subtotal	\$ 211,743	\$ 7,921	\$ 21,522	\$ 241,185

Volumetric Charge

0 - 1,000	\$ -	\$ -	\$ -	\$ -
1,000 - 10,000	306,325	14,540	41,869	362,733
10,000 - 20,000	78,427	4,235	12,955	95,617
20,000 - 50,000	100,113	3,147	10,645	113,905
50,000 +	115,709	2,269	4,747	122,725
Subtotal	\$ 600,574	\$ 24,190	\$ 70,216	\$ 694,980

Total Water Revenues

\$ 812,316	\$ 32,111	\$ 91,738	\$ 936,166
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Rate Revenue Requirement

\$ 926,985

Over / (Under) Recovery (\$)

9,181

Over / (Under) Recovery (%)

0.98%

Monthly Customer Bills:

5,000 gallons	\$ 36.01	\$ 54.04	\$ 72.02
Increase over Current	2.26	3.41	4.52
10,000 gallons	\$ 65.16	\$ 97.79	\$ 130.32
Increase over Current	4.11	6.21	8.22

City of Farmersville, Texas					
Water and Wastewater Rate Review					
FY 2015 Sewer Rate Revenue Proof (Proposed Rates)					

	Inside City		Outside City (After 1985)		Total
	<u>W/Averaging</u>	<u>Commercial</u>	<u>W/Averaging</u>	<u>Commercial</u>	
Rates					
Base Charge	\$ 31.07	\$ 31.07	\$ 35.73	\$ 35.73	
Volumetric Rate (per 1,000 gallons)					
0 - 1,000	\$ -	\$ -	\$ -	\$ -	
1,000 - 7,000	9.68	9.68	11.13	11.13	
7,000 - 15,000	9.68	9.68	11.13	11.13	
15,000+	-	9.68	-	11.13	

Determinants

Monthly Customers	882	141	1	1	1,025
Volumes					
0 - 1,000	10,339	1,412	8	12	11,771
1,000 - 7,000	32,683	4,184	21	64	36,952
7,000 - 15,000	4,086	2,920	-	11	7,017
15,000+	724	9,741	-	-	10,465
Subtotal	47,831	18,257	29	87	66,205

Determinants

Monthly Customers	\$ 329,000	\$ 52,602	\$ 286	\$ 429	\$ 382,316
Volumes					
0 - 1,000	\$ -	\$ -	\$ -	\$ -	\$ -
1,000 - 7,000	316,368	40,498	235	713	357,814
7,000 - 15,000	39,552	28,269	-	121	67,942
15,000+	-	94,291	-	-	94,291
	\$ 355,920	\$ 163,058	\$ 235	\$ 835	\$ 520,048
Total Revenues	\$ 684,921	\$ 215,659	\$ 521	\$ 1,264	\$ 902,364

Rate Revenue Requirement	\$ 911,335
Over / (Under) Recovery (\$)	(8,971)
Over / (Under) Recovery (%)	-0.99%

Monthly Customer Bills:

5,000 gallons	\$ 69.79	\$ 69.79	\$ 80.25	\$ 80.25
<i>Increase over Current</i>	<i>13.05</i>	<i>13.05</i>	<i>30.65</i>	<i>30.65</i>
10,000 gallons	\$ 118.19	\$ 118.19	\$ 135.90	\$ 135.90
<i>Increase over Current</i>	<i>22.10</i>	<i>22.10</i>	<i>51.90</i>	<i>51.90</i>

City of Farmersville, Texas
Water and Wastewater Rate Review
Comparison of Monthly Water and Sewer Charges

Water			
	5,000 gallons		10,000 gallons
Frognot WSC	\$ 51.75	Frognot WSC	\$ 79.25
Hudson Oaks	49.55	Royse City	75.20
Cash SUD	45.25	Princeton	74.59
Lavon WSC	45.00	Aledo	71.79
Royse City	43.20	Caddo Mills	68.55
Blue Ridge	41.50	Cash SUD	67.25
Caddo Mills	39.96	Lavon WSC	66.25
Aledo	39.83	Hudson Oaks	65.60
Corinth	37.12	Blue Ridge	65.25
Josephine	36.24	Farmersville (FY 2015)	65.16
Farmersville (FY 2015)	36.01	Farmersville (Current)	61.05
Celina	35.48	Celina	60.28
North Collin WSC	34.30	Josephine	59.24
Farmersville (Current)	33.75	Celeste	55.50
Celeste	33.00	North Collin WSC	55.30
Princeton	31.19	Corinth	50.97
McKinney	28.73	McKinney	45.38
Wylie	25.79	Wylie	44.29
Greenville	23.35	Greenville	42.44

Monthly Bill Increase	\$ 2.26	\$ 4.11
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Sewer			
	5,000 gallons		10,000 gallons
Farmersville (FY 2015)	\$ 69.79	Farmersville (FY 2015)	\$ 118.19
Royse City	59.97	Royse City	107.32
Farmersville (Current)	56.74	Farmersville (Current)	\$ 96.09
Corinth	49.39	Corinth	77.39
Aledo	43.52	Aledo	74.82
Hudson Oaks	41.90	Princeton	69.30
Princeton	41.00	Celina	66.44
Celina	37.79	Hudson Oaks	65.80
Wylie	35.00	Greenville	57.60
Greenville	30.35	McKinney	46.08
McKinney	29.08	Celeste	41.00
Caddo Mills	27.00	Blue Ridge	35.00
Celeste	26.00	Wylie	35.00
Blue Ridge	22.50	Caddo Mills	32.00
Josephine	20.26	Josephine	25.00

Monthly Bill Increase	\$ 13.05	\$ 22.10
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Total Combined Monthly Bill			
	5,000 gallons		10,000 gallons
Farmersville (FY 2015)	\$ 105.80	Farmersville (FY 2015)	\$ 183.35
Royse City	103.17	Royse City	182.52
Hudson Oaks	91.45	Farmersville (Current)	\$ 157.14
Farmersville (Current)	\$ 90.49	Aledo	146.61
Corinth	86.51	Princeton	143.89
Aledo	83.35	Hudson Oaks	131.40
Celina	73.27	Corinth	128.36
Princeton	72.19	Celina	126.72
Caddo Mills	66.96	Caddo Mills	100.55
Blue Ridge	64.00	Blue Ridge	100.25
Wylie	60.79	Greenville	100.04
Celeste	59.00	Celeste	96.50
McKinney	57.81	McKinney	91.46
Josephine	56.50	Josephine	84.24
Greenville	53.70	Wylie	79.29

Monthly Bill Increase	\$ 15.31	\$ 26.21
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CURRENT WATER + SEWER CHARGES

Medium Commercial Rate (Schedule MC)	
Security Deposit	\$400.00
Customer Charge	\$40.00
Minimum Energy Charge	\$221.25
Demand Charge per kWh for all monthly billing demands greater than 25 kW	\$7.25 per kWh plus the Energy Charge immediately following
Energy Charge for 1 st 5,000 kWh or less	\$0.1010 per kWh
Energy Charge for 5,001 kWh or more	\$0.0787 per kWh
A Customer billed under this schedule for a period of 12 consecutive months without a demand in excess of 25 kW will be changed to Schedule SC on the first month succeeding such 12-month period.	
A Customer on this schedule whose demand exceeds 100 kW for any billing period shall be billed under Schedule LC for the next 12-month period beginning with the current month.	
Large Commercial Rate (Schedule LC)	
Security Deposit	\$800.00
Customer Charge	\$86.00
Demand Charge per kWh for all monthly billing demands for the 1 st 100 kW or less of monthly billing demand	\$7.00 per kW plus the following Energy Charge
Demand Charge per kWh for all monthly billing demands for demands greater than 100 kW	\$5.70 per kW plus the following Energy Charge
Minimum Energy Charge	\$786.00
Energy Charge for all kWh	\$0.0627 per kWh
The following provisions are applicable to ALL Schedules (R, SC, MC, LC)	
<i>Power cost adjustment.</i> The monthly charges under this rate schedule shall be increased or decrease necessary to reflect the application of a power cost adjustment calculated in accordance with Schedule PC.	
<i>Tax adjustment.</i> The above rate shall be subject to an increase or decrease in proportion to the amount of new taxes or increased taxes, levied or imposed or increased or decreased by law or articles which were not in effect on the effective date of the ordinance from which this schedule is derived, which the City may hereafter have to pay.	

SECTION 3. Water Service Fees (C of O Article II, Section 2-2 Water monthly service fees)

WATER SERVICE	MONTHLY FEE
Inside City Limits:	
Meter Charge (Includes 1,000 gallons)	
3/4 Inch or Less	12.69
1 Inch	20.89
1 1/2 Inch	41.41
2 Inch	66.02
3 Inch	74.23

4 Inch	205.52
6 Inch	410.66
Volumetric Charges (per 1,000 gallons)	
1,001 to 10,000 Gallons	5.83
10,001 to 20,000 Gallons	7.68
In Excess of 20,000 Gallons	9.51
Outside City Limits:	
Residential or Commercial Customers of Record Prior to 1985	
Meter Charge (includes 1,000 gallons)	
3/4 Inch or Less	19.04
1 Inch	31.34
1 1/2 Inch	62.12
2 Inch	99.03
3 Inch	111.35
4 Inch	308.28
6 Inch	615.99
Volumetric Charges (per 1,000 gallons)	
1,001 to 10,000 Gallons	8.75
10,001 to 20,000 Gallons	11.52
In Excess of 20,000 Gallons	14.27
Outside City Limits:	
Residential or Commercial Customers of Record Since 1985	
Meter Charge (includes 1,000 gallons)	
3/4 Inch or Less	25.38
1 Inch	41.78
1 1/2 Inch	82.82
2 Inch	132.04
3 Inch	148.46
4 Inch	411.04
6 Inch	821.32
1,001 to 10,000 Gallons	11.66
10,001 to 20,000 Gallons	15.36
In Excess of 20,000 Gallons	19.02
1,001 to 10,000 Gallons	11.66
Outside City Limits:	
Old Customers of Caddo Park Rate Information	
Meter Charge (includes 1,000 gallons)	

3/4 inch or less	\$15.78
1 inch	27.27
1 ½ inch	54.23
2 inch	86.57
3 inch	97.35
4 inch	269.83
6 inch	539.40
Volumetric Charges (per 1,000 gallons)	
1,001 to 10,000 gallons	\$7.41
10,001 to 20,000 gallons	9.81
In excess of 20,000 gallons	12.18

SECTION 4. Sewer Service Fees (C of O, Article II, Section 2-3, sewer monthly service fees)

SEWER SERVICE	MONTHLY FEE
Description	Fee
Inside City Limits Residential	
Minimum monthly charge for first 1,000 gallons water consumption	\$25.26
Volumetric rate using winter averaging Dec/Jan/Feb 1000 gallons < water consumption <= 15,000 gallons	\$7.87/gallon
Maximum volumetric charge using winter averaging water consumption > 15,000 gallons	\$110.18
Volumetric rate for customers without winter averaging 1000 gallons < water consumption <= 7,000 gallons	\$7.87/gallon
Maximum volumetric charge without winter averaging water consumption > 7,000 gallons	\$47.22
Inside City Limits Commercial	
Minimum monthly charge for first 1,000 gallons water consumption	\$25.26
Volumetric charge 1000 gallons < water consumption	\$7.87/gallon
Outside City Limits Residential	
Minimum monthly charge for first 1,000 gallons water consumption	\$22.08
Volumetric rate using winter averaging Dec/Jan/Feb 1000 gallons < water consumption <= 15,000 gallons	\$6.88/gallon
Maximum volumetric charge using winter averaging water consumption > 15,000 gallons	\$96.32
Volumetric rate for customers without winter averaging 1000 gallons < water consumption <= 7,000 gallons	\$6.88/gallon

Maximum volumetric charge without winter averaging water consumption > 7,000 gallons	\$41.28
Outside City Limits Commercial	
Minimum monthly charge for first 1,000 gallons water consumption	\$22.08
Volumetric rate 1000 gallons < water consumption	\$6.88/gallon

SECTION 5. Water and Sewer Tap Fees (C of O, Article II, Section 2-4, Water and sewer tap fees)

WATER TAPS	FEE
¾ inch	\$600
1 inch	\$700
2 inch	\$1,200
Greater than 2 inch	125% of materials cost plus \$500
SEWER TAPS	FEE
4 inch	\$600
6 inch	\$650
Greater than 6 inch	125% of materials cost plus \$500

**SECTION 6. Electric Service Fees (C of O Article II Section 2-5, Electric service fees)
(Ordinance # O-2014-0408-001)**

Residential Rate	
Minimum monthly charge	\$6.75
Energy Charge	\$0.1077 per kWh for all kWh
Small Commercial Rate	
Minimum monthly charge	\$15.00
Energy Charge for 1 st 5,000 kWh or less	\$0.1110 per kWh
Energy Charge greater than 5,000 kWh	\$0.0970 per kWh
Medium Commercial Rate	
Minimum monthly charge	\$40.00
Energy Charge for 1 st 5,000 kWh or less	\$0.1010 per kWh
Energy Charge for 5,001 kWh or more	\$0.0787 per kWh
Demand Charge for all monthly billing demands greater than 25 kW	\$7.25 per kWh
Large Commercial Rate	
Minimum monthly charge	\$86.00
Energy Charge for all kWh	\$0.0627 per kWh
Demand Charge for all monthly billing demands for the 1 st 100 kW or less of monthly billing demand	\$7.00 per kW
Demand Charge for all monthly billing demands for demands greater than 100 kW	\$5.70 per kW

SECTION 7. Electrical Surcharge Rate (Ordinance # O-2013-0108-004)

Per kilowatt hour for any rate customer	\$.005
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TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: August 26, 2014

SUBJECT: Consider, discuss and act upon processes and requirements for special event permits

- An ordinance will be emailed to Council from the City Attorney for review. A copy will be available to the public at the Council meeting.

ACTION: Council to give direction to staff or act as deemed necessary.

**CITY OF FARMERSVILLE
ORDINANCE # O-2014-____-____**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED THROUGH THE AMENDMENT OF CHAPTER 62, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," BY DELETING ARTICLE IV, "STREET USE," IN ITS ENTIRETY, AND BY ADOPTING A NEW CHAPTER 60 ENTITLED "SPECIAL EVENTS"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Farmersville ("City") recognizes that hosting special events within the City may provide a boost to the City's economy and promote further tourism after people have visited the City; and

WHEREAS, the City Council finds that it is in the best interest of the health, safety and welfare of the residents of the City that special events should be regulated so as to give preference to established special events, avoid conflicting special events, and establish guidelines for special events to minimize negative impacts to the City's residents.

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

SECTION 1: INCORPORATION OF FINDINGS

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

SECTION 2: AMENDMENT OF CHAPTER 62, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," BY DELETING ARTICLE IV, "STREET USE," IN ITS ENTIRETY

From and after the effective date of this Ordinance, Article IV, entitled "Street Use," of Chapter 62, "Streets, Sidewalks and Other Public Places," specifically including Divisions 1 and 2 thereof together with Sections 62-91 through 62-115 contained therein is hereby deleted in its entirety.

SECTION 3: ADOPTION OF A NEW CHAPTER 60 ENTITLED "SPECIAL EVENTS"

From and after the effective date of this Ordinance, a new Chapter 60 entitled "Special Events" is hereby adopted to read as follows:

"ARTICLE I – GENERAL PROVISIONS

Sec. 60-1. Purpose.

The purpose of this chapter is to enhance the positive image of the city, to stimulate economic growth and promote tourism. To this end, it is the city's intent to encourage special events that provide an economic benefit to the city while attempting to minimize any secondary negative impacts that might arise out of any such special event.

Sec. 60-2. Definitions.

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

Applicant means a person, as defined herein, submitting an application for a special event permit.

City means the City of Farmersville, Texas.

City council means the city council of the City of Farmersville.

City Manager means the city manager of the City of Farmersville, or his/her designee.

City-sponsored special event means a special event that the city council has:

- (1) Determined to be directly related to a recognized function of city government; and
- (2) Committed the city to significantly sharing in initiating, financing, supporting, and conducting the event.

Code means the Code of Ordinances, City of Farmersville, Texas.

Demonstration means a public display of the attitude of assembled persons toward a person, cause, issue, or other matter.

Department means the City of Farmersville Police Department.

Expressive activity means conduct, the sole or principal purpose of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinions, views or ideas.

Facilities means, without limitation, all equipment, materials and apparatus associated with the conduct of the special event, including, without limitation: barriers, cables (electrical or otherwise), safety equipment and devices, water, sound system and related equipment, fencing, fence covering material, signs, tents, vehicles, fire protection equipment and apparatus, medical equipment and apparatus, seals, wiring, banners, structures and components thereof, furniture, furnishings, special lighting fixtures, trade fixtures and equipment furnished and installed or used in the operation of the event. The quality level, design and appearance of all facilities shall be of high quality appropriate to the circumstances.

Force majeure means and includes fire, casualty, strikes, lockouts, labor trouble, inability to procure materials or supplies, failure of power, governmental authority, inclement weather, acts of God, war or terrorism or the potential or actual threat thereof, public safety or public welfare considerations, riots, or local, national or international emergencies, or other reason of like nature.

Person means an individual, firm, partnership, corporation, association, organization, or other legal entity.

Property owner means the person(s) who own the property on which the special event is proposed to be held and/or on which the special event is held

Special event means an event or gathering open to the public in areas or venues not specifically designated for that purpose and which requires a temporary exception to otherwise applicable rules or requirements specifically including, but not limited to:

- (1) A carnival;
- (2) A festival;

- (3) A circus;
- (4) A race or rally;
- (5) A parade;
- (6) Seasonal sales;
- (7) A concert; and
- (8) Any event or gathering that requires:
 - (a) The temporary complete or partial closure of a public street;
 - (b) The temporary closure or restriction of access to public property;
 - (c) The temporary offer of merchandise, food, or beverages on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy;
 - (d) The temporary erection of a tent on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy;
 - (e) The temporary erection of a stage, band shell, portable building, grandstand, or bleachers on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy;
 - (f) The temporary use, for other than storage, of a trailer or van on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy;
 - (g) The temporary use of equipment to amplify and transmit sound, which exceeds ambient (background) sound pressure levels at the property lines; or

- (h) The placement of portable toilets on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy.

Special event operator means and includes the applicant, the permittee, and any person, firm or entity operating all or any portion of the special event or otherwise selling or providing any goods and/or services to the public by and through the special event.

Special event permit or *permit* means the city's written authorization to hold a special event. The permit may impose terms and conditions, and is subject to the guidelines of the permit.

Traditional special event means and refers to those special events that have been traditionally celebrated by the residents of the city including, but not limited to:

- (1) Audie Murphy Day;
- (2) Christmas Parade;
- (3) Fire Department Fish Fry;
- (4) Farmers and Fleas Market;
- (5) Old Time Saturday;
- (6) Scare on the Square;
- (7) Bug Tussel Antique Car Trek;
- (8) Sparks of Freedom; and,
- (9) Trick it up Bike Ride.

Sec. 60-3. Chapter cumulative.

- (a) The provisions of this chapter are cumulative of all city ordinances. Nothing contained in this chapter including, but not limited to, the issuance of a special event permit shall relieve any person or entity from complying with all other provisions of the Code save and except only to the

extent specifically provided herein to the contrary. All other permits and licenses required by Code or other law for specific activities conducted in conjunction with or as a part of the special event must be applied for separately in a form satisfactory to the city. Failure to obtain a permit required by another provision of this Code shall result in the denial of a requested special event permit.

- (b) A special event permit issued under this chapter authorizes the temporary use of property and structures for activities that would otherwise be prohibited by the Code.

Sec. 60-4. Exemptions.

The following are exempt from the operation, rules, and regulations of this chapter:

- (1) A private party held entirely on private property and to which the public is not invited, provided such party does not impact public rights-of-way or involve activities or facilities not permitted by applicable zoning regulations;
- (2) An event wholly contained on property specifically designed or suited for the event and that holds a certificate of occupancy for such use including adequate parking (e.g., a hotel ballroom);
- (3) Funeral processions;
- (4) Activities under the control of the city that are conducted on city property and which do not affect public rights-of-way;
- (5) Unorganized gatherings;
- (6) A demonstration, parade or assembly related to the expression of feelings and beliefs on current political, religious, or social issues at a fixed location other than a public right-of-way (sidewalk or street);
- (7) Traditional special events as defined above; and/or

- (8) A sidewalk sale or a religious or educational program, presentation or fund-raising event that is contained entirely upon and entirely within the confines of private property and does not require the temporary use of or closing off of public streets, fire lanes or public property; that lasts or runs for no more than eight hours on any one day and is limited to a total of four consecutive days in any calendar month; and, which is planned, presented, performed, offered or sponsored by and for the sole benefit of a nonprofit entity ("exempt event") shall not be required to obtain a special event permit. The fact that an event or gathering is held on Farmersville Independent School District ("FISD") property does not, in and of itself, make the event or gathering an exempt event. However, any event or gathering that is a component of, and which is specifically related to, the educational mission, programming and curriculum of FISD including FISD sponsored extracurricular activities in an exempt event.

ARTICLE II – SPECIAL EVENT PERMITS

Sec. 60-10. Permit required.

- (a) No special event may be held within the city without first obtaining a special event permit.
- (b) A special event permit grants permission to use public property proposed to be used in connection with the special event and/or authorizes the use of private property in a manner not otherwise permitted by the code in connection with the special event (the "licensed premises"). The use of such licensed premises shall be solely for the purpose of constructing, installing, operating and maintaining the special event; and for such other purposes consistent with promoting and conducting the special event as the city manager authorizes in writing.
- (c) Issuance of a special event permit does not authorize removal or alteration of public property and any such removal or alteration is strictly prohibited except as expressly allowed in writing by the city manager, or other authorizing official.

- (d) A special event operator may not and shall have no authority to assign, sell, transfer, pledge, encumber or otherwise convey a permit or any rights, duties, responsibilities or obligations thereunder, and any such conveyance shall be null and void and may, in the discretion of the city, result in the immediate revocation of the permit.
- (e) The applicant for a special event permit shall, as a condition precedent to issuance of a permit, pay the fee for a special event permit in the amount determined by city council from time to time and set forth in Appendix A, "Master Fee Schedule," to the Farmersville Code.

Sec. 60-11. Application process.

- (a) A special event permit may be issued by the city manager, or his or her duly appointed representative subject to the following conditions:
 - (1) A legible and complete application for a special event permit shall be made at least 15 business days prior to the date such temporary carnival, circus, or special event shall commence operation.
 - i. If a legible and complete application for a special event permit under this section is submitted less than 15 business days prior to the commencement date of any such special event the applicant, specifically including nonprofit organizations, shall pay a late submittal fee in the amount of \$100.00 per day for each day or part of a day less than 15 business days before the event that the submittal is made. The city manager may, in his sole discretion, reduce or waive the amount of the late submittal fee.
 - ii. A legible and complete application for a special event permit under this section that is submitted less than five business days prior to the commencement date of any such event shall be subject to the foregoing late submittal fee. In addition the city makes

no assurances that the review of the permit application and the issuance of the special event permit will be complete for any such application prior to the planned date of the event. Further, it shall be a violation of this section to commence operation of a special event without first receiving a special event permit.

- iii. A special event permit pursuant to this section shall be granted or denied by the city manager or his or her duly appointed representative within 5 business days after submission to the city of a legible and complete permit application.
 - iv. A maximum of six special event permits may be issued per year to the same address, property owner, and/or business owner.
- (2) The application for a permit shall be submitted to the city manager, and shall contain the following information in order to be considered complete:
- i. Name, address, and telephone number of person, organization, or company conducting the event.
 - ii. Date or dates of the special event.
 - iii. Name of any and all food vendors participating in the special event including, but not limited to, the types of foods and beverages to be offered to the public and the manner in which said foods and beverages are packaged, prepared and served.
 - iv. A legible diagram drawn to scale and/or with dimensional detail showing the location, size, number and configuration in detail of the different component parts of the special event including, but not limited to, the following:

- v. All shows;
- vi. Concessions;
- vii. Amusements (specifically including, but not limited to, inflatable slides and jump houses) or rides;
- viii. Businesses;
- ix. Signs, including balloons or inflatable devices, that are visible from the public right-of way;
- x. Entrances and exits;
- xi. Parking area;
- xii. Sanitary facilities;
- xiii. Loudspeakers or sound-amplification devices (together with an indication regarding their directional orientation);
- xiv. Any other pertinent information.
- xv. A written lease or agreement from the owner of such property granting the special event operator permission to operate a special event on said property during the dates of the proposed application. The written lease or agreement must be signed by the owner of such property and be properly notarized.
- xvi. The approximate number of persons who are anticipated to attend and, if applicable, the number and types of animals and vehicles that will constitute such special event.
- xvii. Proof of insurance as required herein-below.
- xviii. The special event shall be set up and operated in accordance with and pursuant

to the approved detailed diagram and any conditions imposed by the permit. Before any modifications, revisions or deletions are made that conflict with the approved detailed diagram including, but not limited to, the addition or removal of signs, concessions vendors, amusements and rides an amended detailed diagram shall be submitted for review and approval three business days prior to commencement or continuation of the special event in accordance with and pursuant to the amended detailed diagram. Resubmittals or revised detailed diagrams shall be limited to one change per event. Notwithstanding the timely submittal of the amended detailed diagram the special event shall not be authorized to operate in accordance with and pursuant to said amended detailed diagram until such time as the amended detailed diagram is approved. The amended detailed diagram shall be approved or disapproved no later than three business days after submittal.

- xix. Payment of the special event permit fee in the amount set forth in Appendix A, "Master Fee Schedule," to the Farmersville Code together with the full amount of any late submittal fee. An additional review fee shall be paid, as provided in the fee schedule found in appendix A of this Code, for the one allowed amended revised detailed diagram at the time of submittal for review.
- (3) A submittal, including a submittal for an amended detailed diagram, shall not be reviewed until it is complete. An amended detailed diagram shall be submitted together with all information, detail and supporting documentation as is required for the initial submission to obtain a permit. In addition, the submission of an amended detailed diagram shall be accompanied by the appropriate fee. Failure to pay the fee or the omission of any component required for an original submittal may result in the delay, denial or revocation of the

requested permit and/or amended detailed diagram.

- (4) Safe and orderly movement of normal traffic shall not be substantially interrupted. The city may require the permit holder to provide additional signage for traffic control and safety-related issues, as deemed necessary by staff. If any special event is located adjacent to or abutting State Highway 78, United States Highway 380, or Farm-to-Market Road 2194, a TXDOT sign permit must be obtained and signs must be in place before the event starts. (The specific requirement for TXDOT signs may be waived if staff determines that sufficient traffic control measures are already in place.)
- (5) The special event shall not impede the movement of fire-fighting equipment, ambulances or any other emergency vehicle.
- (6) All animal waste shall be removed daily from the premises which are the subject of the detailed diagram. Animals shall be kept at least 300 feet away from any residence or commercial establishment during non-operating hours of such special event.
- (7) The application shall be reviewed and approved or disapproved by the police department, fire department and other appropriate city departments identified by the city manager as well as the city manager, or his or her duly appointed representative for traffic control, security, fire and other health and safety related issues.
- (8) Any person or entity that seeks a special event permit for a race, rally or parade shall be required to pay all costs and expenses including, but not limited to, labor and overtime costs as well as materials, gasoline and equipment rental or usage incurred by the city to provide onsite police protection for any race, rally or parade and its participants as well as any costs and expenses incurred by the city to erect and take down warning signs, cones and barricades along and

about the course to be traveled by the participants in any such race, rally or parade. The city manager may require that the person or entity seeking a special event permit or to whom a special event permit is issued for a race, rally or parade post a cash bond or deposit with the town against which the town may recover all such costs and expenses. Failure to post such a cash deposit or bond may result in the denial of the special event permit application or revocation of a previously issued special event permit. Special events that are sponsored entirely, or in part, by the city may, in the sole discretion of the city, be excepted from the requirement to post a cash deposit or bond for such city-sponsored event. In the event that security precautions for the event are materially different than those contained in the special event permit application or in the event public safety is or may be compromised, then such concerns shall first be communicated by a city representative to the special event permit holder or designee of the special event permit holder in an effort to expeditiously to resolve any such public safety concerns. In the event such public safety concerns are not adequately addressed, the city manager or his or her duly appointed representative may revoke the permit.

- (9) Only one race, rally and/or parade upon and across the roads, streets and thoroughfares of the city shall be allowed per day unless otherwise approved by the city. Dates for such races, rallies and/or parades shall be assigned by the police department and maintained in the city manager's office. If two or more such race, rally and/or parade events are planned for the same date, the special event permit will be awarded first to a race, rally or parade event that is sponsored entirely by the city and/or secondarily to a traditional special event. In all other circumstances, the special event permit shall be awarded to the race, rally or parade event that first submits a fully completed permit application for the date in question.
- (10) The special event permit will be valid for a maximum period of five days. If the permit is

issued in conjunction with a seasonal sales permit, this permit shall last for no more than three days and will expire the same day as the seasonal sales permit expires.

Sec. 60-12. Insurance required for Special Events.

- (a) The special event operator shall, at its own expense, procure, pay for and maintain the following insurance written by companies approved by the state and acceptable to the city. The special event operator shall furnish to the city certificates of insurance executed by the insurer or its authorized agent stating coverages, limits, expiration dates and compliance with all applicable required provisions. Certificates shall reference the special event and be addressed as follows:

City of Farmersville
Attn: City Manager
205 S. Main Street
Farmersville, Texas 75442

- (1) Public liability insurance, with minimum combined single limits of \$1,000,000 per occurrence,
- (2) Liquor liability insurance, either endorsed onto the above policy or written on a "stand alone" basis, if any of the following applies:
 - (i) The special event operator is in the business of manufacturing, selling, or distributing alcoholic beverages;
 - (ii) The special event operator serves or furnishes alcoholic beverages for a charge, whether or not such activity requires a license or is for the purpose of financial gain or livelihood; or
 - (iii) The special event operator serves or furnishes alcoholic beverages without a charge, if a license is required for such activity.

- (3) Business automobile liability insurance covering owned, hired and non-owned vehicles, with a minimum combined bodily injury and property damage limit of \$1,000,000 per occurrence.

The applicable insurance policies shall also be endorsed as follows:

- (1) The city, its officials, employees and officers shall be named as additional insureds on the commercial general liability policy, by using endorsement CG2026 or broader.
- (2) The city, its officials, employees and officers shall be named as additional insureds on any required liquor liability policy.
- (3) All insurance policies shall be endorsed to the effect that the city will receive at least 30 days' notice prior to cancellation, non-renewal, termination, or material change of the policies.

All insurance shall be purchased from an insurance company that meets a financial rating of B+VI or better as assigned by A.M. Best Company or equivalent.

An applicant may request an exception from this insurance requirement, if the applicant:

- (1) Executes a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the special event; or
- (2) Agrees to redesign or reschedule the proposed event to respond to specific risks, hazards and dangers to the public health and safety identified by the committee as being reasonably foreseeable consequences of the proposed event.

The insurance requirements for special events involving traditional special events or expressive activity which enjoy protection under the United States or Texas constitutions may be waived by the city manager if, in the sole discretion of the city manager, the special

event involving expressive activity poses no substantial risk of public liability or property damage.

Sec. 60-13. Denial and revocation.

(a) A special event permit may be denied if:

- (1) A special event permit has been granted for another special event at the same place and time;
- (2) A traditional special event is customarily held at the same place and time as the proposed special event;
- (3) The proposed special event will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;
- (4) The application is incomplete;
- (5) The special event operator fails to comply with, or the proposed special event will violate, a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;
- (6) The special event operator makes a false statement of material fact on an application for a special event permit or fails to properly complete an application for a special event permit;
- (7) The special event operator fails to provide proof that the special event operator possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the special event;
- (8) The special event operator or the property owner has had a special event permit revoked within the preceding 14 months;
- (9) The special event operator or property owner have individually or collectively entered a plea of guilty and/or been convicted of two or more violations of

a condition or a provision of a special event permit or of this chapter within the preceding 14 months;

- (10) The proposed special event would unduly burden city services and/or pose a risk to the public health, safety, or welfare;
- (b) The city may revoke a special event permit if:
 - (1) the special event operator fails to comply with, or the special event is in violation of, any provision of the special event permit or the detailed diagram and any amended detailed diagram of the special event, a city ordinance, or any other applicable law;
 - (2) The special event operator made a false statement of material fact on an application for a special event permit; or
 - (3) The special event unduly burdens city services and/or poses a risk to the public health, safety, or welfare.
- (c) The special event operator and/or the property owner shall immediately, upon receiving notice that the city has revoked the special event permit, cause the special event to cease operations and close and shut down all component parts of the special event. At or about the same time, the special event operator and/or the property owner shall ask or direct all customers, visitors and patrons to leave the premises on which the special event is being held.

Sec. 60-14. Appeal from denial or revocation of a special event permit.

- (a) If the city manager denies the issuance of a permit or revokes a permit, the city manager shall issue written notice of the denial or revocation and of the right to an appeal. The special event operator may appeal the decision of the city manager by filing a written request for appeal of said denial or revocation with the city manager's office within five days after the date of such denial or revocation. If such appeal is not made within

this five-day period, the decision of the city manager shall be final.

- (b) The written request for appeal shall identify the contact person for the special event and provide the contact person's telephone number, e-mail address and fax number to assist in scheduling a hearing on said appeal. The written request for appeal shall also state in detail what actions have been or will be taken to guarantee that the conditions which gave rise to the revocation will not recur.
- (c) An appeal of the denial or revocation shall not stay the determination and action of the city manager, or authorize the continued or renewed operation of the special event.
- (d) The revocation appeal hearing shall, to the extent reasonably practicable, be scheduled to occur within three business days after receipt of the written request for appeal. The appeal shall be heard by the city manager or the city manager's duly authorized representative (referred to collectively as the "city manager"). The special event operator or property owner may present information regarding the revocation and the actions that have been taken or will be enacted to prevent a recurrence of the conditions that led to the permit revocation. City staff shall also be allowed to present information regarding the revocation and opine regarding the continued or renewed operation of the special event with the additional conditions proposed by the special event operator or property owner.
- (e) The city manager shall uphold the revocation or overrule the revocation. The city manager may also overrule the revocation and impose such additional conditions on the continued or renewed operation of the special event as the city manager deems prudent to avoid a recurrence of the conditions that led to the permit revocation. If the city manager overrules the permit revocation, the operation of the special event may be renewed or continued provided that any and all additional conditions for operation are enacted and observed.

- (f) Any aggrieved party may appeal the city manager's determination to the board of adjustment in the manner provided for appeals of an administrative official's decision. The special event may be renewed or continued during the pendency of an appeal to the board of adjustment if and only if the city manager overrules the permit revocation and provided that any and all additional conditions for operation imposed by the city manager are enacted and observed.

ARTICLE III – SPECIAL REQUIREMENTS

Sec. 60-20. Right of entry.

The city through its officials, employees, agents, and representatives shall have the right at all reasonable times to enter upon all permitted premises for the purpose of inspecting the permitted premises, for observing the performance of obligations under this chapter, and for the doing of any act or thing which the city may be obligated to or have the right to do under the permit, this chapter, or other applicable city, county, state or federal ordinances, rules, regulations, or statutes.

Sec. 60-21. Outdoor activities.

- (a) All outdoor activities and entertainment must be confined to the area within the licensed premises (and if fencing is required by Section 60-22(b), then such activities and entertainment must be confined to the area within the fencing).
- (b) All fire lanes throughout the property on which the event takes place must be kept completely unobstructed by vehicular traffic.

Sec. 60-22. Alcoholic beverages.

- (a) Sales or service of alcoholic beverages must be in compliance with chapter 5, as amended, of this Code.
- (b) If alcoholic beverages are proposed to be served or allowed to be consumed in conjunction with the special event permit, any outside area within which alcoholic beverages are proposed to be served or consumed must be completely enclosed by a temporary (during

the term of the event only) interlocking fence of such height as may be required to satisfy the requirements of the Texas Alcoholic Beverage Commission ("TABC") regarding the designation of "licensed premises" for such purpose. If required fencing crosses a fire lane, a 20-foot wide emergency gate must be utilized and kept closed. The gate must be kept closed, but unlocked, at all times to accommodate public safety vehicles and provide an emergency exit. The fencing set-up must ensure that customers are not forced to re-enter an adjacent structure, if any, in order to vacate the licensed premises in case of an emergency.

- (c) Access points into the licensed premises must be constantly manned to prevent patrons from entering or exiting with alcoholic beverages.
- (d) A copy of the permit to use public property must be provided to the TABC or its successor agency.
- (e) Any required permit or letter of approval from the TABC and the city must be posted on the premises where the event takes place.
- (f) An alcoholic beverages permit must be applied for with the city manager at least 15 days in advance of any special event where alcohol will be sold or served, in accordance with the requirements of chapter 5 of this code.
- (g) A copy of a current permit from TABC authorizing the special event operator to sell, dispense or otherwise serve alcohol at the location must be submitted at least 12 days prior to the event.

Sec. 60-23. Tents and canopies.

A flame-spread certificate must be obtained from the tent or canopy supplier for each tent and/or canopy used at the event. Such certificate(s) must be readily accessible for inspection by city fire department personnel.

Sec. 60-24. Food handling and Concessions.

- (a) Food handling, and the provision and/or sale of alcoholic beverages shall be in accordance with all

federal, state, county and city statutes, ordinances, rules, regulations and guidelines.

- (b) When required by law, concessionaires and caterers must obtain a health permit from the city a minimum of 72 hours prior to the event and pay any required fees for temporary food service licenses.
- (c) It shall be the special event operator's obligation to ensure that participants, spectators, and patrons do not carry alcoholic beverages into or out of any licensed premises, if applicable.

Sec. 60-25. Noise.

No loud, excessive or unusual noise is allowed between the hours of 11:00 p.m. and 7:00 a.m. during setup, operation or teardown of an event. Failure to comply with a request from the department concerning noise may result in the immediate revocation of the special event permit. Outdoor music must be provided at a volume level that is not distracting to drivers on adjacent or nearby streets and that is not disturbing to residents or adjacent businesses.

Sec. 60-26. Signs.

- (a) All signs used in connection with a special event shall be professionally executed and must comply with all applicable ordinances, rules, and regulations of the city, and be approved in writing by the city manager.
- (b) Written permission from the city must be obtained prior to placing signs on public property. The design and content of signs placed on public property must be approved by the city. Signs placed on public property must be designed and constructed such that they do not leave adhesive residue on property when removed. Inflated signs that are anchored to the ground, a building, or other structure are prohibited.
- (c) Permanent, existing signs on public property may not be removed or covered.
- (d) The city public works department shall supervise the placement of all directional or promotional signs placed on public streets. The rental cost of directional signs is

the responsibility of the special event operator and payment is required in advance of the event.

Sec. 60-27. Conduct of participants during special event.

- (a) Special event participants shall not throw any articles, such as candy, toys, beads, etc., to spectators during the conduct of the special event.
- (b) Special event participants shall not engage in any conduct that may endanger other participants or spectators.
- (c) The special event operator and/or the property owner shall require special event participants to register for the special event, and will present a list of participants and related information to the city manager.

Sec. 60-28. Public conduct during parade.

- (a) No person shall unreasonably hamper, obstruct, impede or interfere with any special event or with any person, vehicle or animal participating or used in a special event.
- (b) No driver of a vehicle shall drive between the vehicles or persons comprising a special event when such vehicles or persons are in motion and are conspicuously designated as a component of or participant in a special event, unless as directed by uniformed law enforcement personnel.
- (c) The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along any street or highway or part thereof constituting a part of the special event. The chief of police shall post signs to such effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

ARTICLE IV – ENFORCEMENT

Sec. 60-40. Offenses.

- (a) A person commits an offense if the person:

- (1) Commences or conducts a special event without the appropriate permits or fails to comply with any requirement or condition of a special event permit or this chapter; or
 - (2) Participates in a special event for which a permit has not been granted, or for which a permit has been suspended or revoked; or
 - (3) Sets up or operates a special event in a manner inconsistent with the approved detailed diagram or any subsequently approved amended detailed diagram for such special event.
 - (4) violates any provision of a special event permit, this chapter, or any other city ordinance or applicable law, rule, standard, or regulation.
- (b) A culpable mental state is not required for the commission of an offense under this section.

Sec. 60-41. Penalty.

- (a) A person who violates a provision of this chapter or a requirement of a special event permit is guilty of a separate offense for each day or part of a day during which the violation is committed or continues.
- (b) Each offense is punishable by a fine not to exceed:
- (1) \$2,000.00 for a violation of a provision of this chapter or a requirement of a special event permit governing fire safety, zoning, or public health and sanitation, including dumping or refuse; or
 - (2) \$500.00 for all other violations of this chapter or any requirements imposed on a special event permit."

SECTION 4: 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 5: SEVERABILITY

It is hereby declared to be the intent of the City Council that the several provisions of this Ordinance are severable. In the event that 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: PENALTIES FOR VIOLATION OF THE ORDINANCE

Any person, firm or corporation who violates any provision of this Ordinance, upon conviction, shall be guilty of a misdemeanor and shall be fined up to \$2,000.00 per violation for a violation of a provision of this Ordinance governing fire safety, zoning, or public health and sanitation, including dumping or refuse, and up to \$500.00 for all other violations of this Ordinance. Each occurrence and each day that a violation continues shall be considered a separate offense and punished accordingly.

SECTION 7: INJUNCTIVE RELIEF

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Farmersville in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Farmersville.

SECTION 8: PUBLICATION

The City Secretary 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 Local Government Code.

SECTION 9: 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 10: 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 11: EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as required by law.

PASSED on first reading on the ____ day of August, 2014, and second reading on the ____ day of August, 2014 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 ____ DAY OF _____, 2014.

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

ATTEST:

BY: _____
Edie Sims, City Secretary



Special Event Permit Request

Date of Submission: _____ Time of Submission: _____

Name of Event: _____

Type of Event: _____

Does this event involve or include a race, rally or parade? _____

Street Address of Event Location: _____

Owner of Event Location: _____

Number of Events at Event Location within Last 12 Months: _____

Name of Person, Organization or Company Requesting Permit (Applicant): _____

Applicant Address: _____ City _____

Applicant Phone: Day: _____ Night: _____ Cell: _____

Applicant Email Address: _____

Sponsoring Organization: _____

Organization Address: _____ City _____

Event Description: _____

Date(s) of Event: _____ Beginning and Ending time: _____

Route of Race, Rally or Parade (or draw map on reverse side) Beginning Point to Ending Point: _____

At this event will there be Alcoholic Beverage sold? Yes _____ No _____

Please attach a copy of the alcoholic beverage permits for each vendor selling or providing alcoholic beverages. Please identify each vendor selling or providing alcoholic beverages in a list of Food Vendors to be attached hereto.

At this event will food and/or non-alcoholic beverages be sold? Yes _____ No _____

Please attach a copy of each food and/or drink vendor's permits for selling or providing food and/or non-alcoholic beverages. Please identify each vendor selling or providing food and/or non-alcoholic beverages in a list of Food Vendors to be attached hereto.

If all day event, will Sanitary Facilities be setup? Yes _____ No _____

Will materials, merchandise and/or services be sold to the Special Event's attendees?

Yes _____ No _____

Will there be Amusements or Rides. If yes please list _____

Area to be used for event: _____

Will lighting system be used? Yes _____ No _____ If yes, lighting instruments must be directed so as to avoid disturbing neighborhoods not participating in the event

Will Sound System be used? Yes _____ No _____ If yes, must keep the decibel at level not to disturb neighborhoods not participating in the event

Is any signage proposed for the Special Event? _____ Please describe Signage and Location: _____

Estimated number of participants: _____ Estimated Number of vehicles: _____

Estimated number and types of animals: _____

Location of Animals: _____

Plan for Removal of Animal Waste: _____

Demonstration Area (list streets to be affected): _____

Entrance and Exit Areas: _____

Parking Areas: _____

Staging Areas: _____

Signature of Applicant _____

Date of Application _____

Please attach:

- List of Vendors
- List of Food and Beverage Vendors
- A notarized letter or agreement from property owner will be required
- Copy of license(s) to sell Alcoholic Beverage
- Copy of Liability Insurance to cover event
- Legible diagram drawn to scale and/or with dimensional detail showing the location, size, number and configuration in detail of the different component parts of the Special Event

For City Use Only

Reviewed by City Manager _____

Reviewed by Police Chief _____

Permit Issued: _____ Date: _____

Permit Denied: _____ Reason for denial:



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: August 26, 2014

SUBJECT: Consider, discuss and act upon information regarding the procurement of an Advanced Metering Infrastructure System

- City Manager Ben White will address this topic.

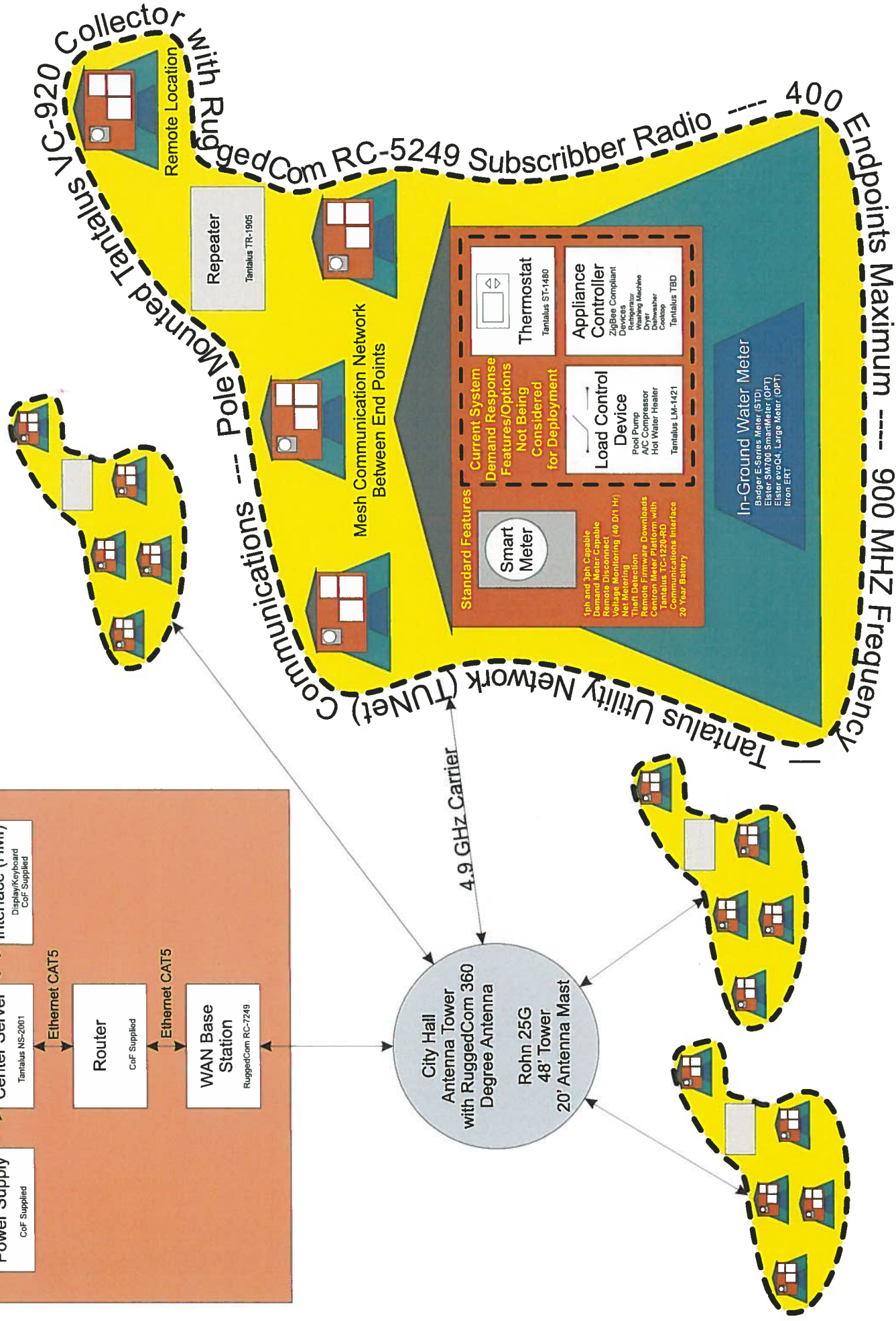
ACTION: Council to act as deemed necessary.

```

graph LR
    UPS[Uninterruptible Power Supply  
CoF Supplied] --> TCCS[TUNet Control Center Server  
Tannalux NS-2001]
    TCCS <--> HMI[Human Interface (HMI)  
Display/Keyboard  
CoF Supplied]
    TCCS <--> |Ethernet CAT5| Router[Router  
CoF Supplied]
    Router <--> |Ethernet CAT5| WBS[WAN Base Station  
RuggedCom RC-7249]
    WBS --> Exit(( ))
  
```

The diagram illustrates the network architecture for the City Hall Building. It features five main components connected in a sequence:

- Uninterruptible Power Supply** (CoF Supplied) is connected to the **TUNet Control Center Server** (Tannalux NS-2001).
- The **TUNet Control Center Server** is connected to the **Human Interface (HMI)** (Display/Keyboard, CoF Supplied) and the **Router** (CoF Supplied) via Ethernet CAT5.
- The **Router** is connected to the **WAN Base Station** (RuggedCom RC-7249) via Ethernet CAT5.
- The **WAN Base Station** is connected to an external network (indicated by an arrow pointing right).



Tantalus Deployment Quotation

Farmersville

August 18, 2014



Confidentiality

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The following is the bill of material (BOM) and budgetary costs for the proposed TUNet system to obtain interval data, outage detection and restoration notices, voltage alarms (high and low), voltage profiling, blink counts, voltage per phase (polyphase), and other power quality information from electric meters. This quote is based on utilizing a cellular wireless IP-based backhaul. Cellular data not included.

Quote valid for 30 days.



Farmersville

August 18, 2014

Phase 1 Implementation					
	Tantalus Quantity	Item #	Name	Price	Total
Services	17.0	SV-1000	Field Support Services	\$ 1,700.00	\$ 28,900.00
Collectors	8	VC-920	Versa Ethernet Collector	\$ 1,400.00	11,200.00
	5	TR-1905	900 MHz Streetlight Top Mounted LAN Repeater/Collector	\$ 359.00	\$ 1,795.00
Wi Max	1	RC-7249	Ruggedcom, WiN7200 Base Station, 4.9 GHz <i>(All Cabling should be provided by installation company or purchased directly by Farmersville.)</i>	\$ 6,140.00	\$ 6,140.00
	8	RC-5249	Ruggedcom, Subscriber radio (CPE) with integrated antenna - 4.9 GHz, AC	\$ 995.00	\$ 7,960.00
Deployment Tools	1	DT-400-BUN	IPC Programmer Starter Kit Bundle (includes DT-001, DT-400 and DT-103)	\$ 1,530.00	1,530.00
Server/Software	1	NS-2001	TCC -TUNet Control Center (HW & OS) - 10k ERML <i>(Server only. Does not include Cat5 cables, keyboard, or monitor. Router and UPS to be provided by Farmersville.)</i>	\$ 10,000.00	10,000.00
	1	NSL-201	NS-2001 TUNet Software License, First 1,000 endpoints - X Class Platform (0-10k)	\$ 25,000.00	25,000.00
	400	NSE-201	TUNet Software Endpoint	\$ 3.50	1,400.00
	1,400	NSE-420	TUNet Software Endpoint - per ERT Water Endpoint	\$ 2.00	2,800.00
	1	PPA-100	Bundle PPS,D,N, & C Options (100 PP Licenses)	\$ 1,040.00	1,040.00
Sub-Total (Tantalus Network)				\$	97,765.00
	Quantity	Item #	Name	Price	Total
AMI Modules	20	TC-1220-RD	TPM Controller - Itron CENTRON C2SXD - 120V	\$ 75.00	1,500.00
	15	PP-1316	C&I Meter Reader (900 MHz) - Itron Sentinel	\$ 200.00	3,000.00
Sub-Total (Tantalus AMI Modules)				\$	4,500.00
Tantalus Total Cost				\$	102,265.00
	Itron (Irby Supply) Quantity	Item #	Name	Price	Total
Electric Meters	20		Centron C2SXD fm2s CI200 w/Disconnect	\$ 75.00	\$ 1,500.00
	15		Sentinel Demand Level 1 (CI20 or CI200)	\$ 200.00	\$ 3,000.00
Sub-Total (Itron Meters)				\$	4,500.00
Itron Total Cost				\$	4,500.00
Phase 1 (Tantalus+ Itron)Total Cost				\$	106,765.00



Farmersville

August 18, 2014

Phase 2 Implementation					
Tantalus	Quantity	Item #	Name	Price	Total
Collectors	15	TR-1905	900 MHz Streetlight Top Mounted LAN Repeater/Collector	\$ 359.00	\$ 5,385.00
Sub-Total (Tantalus Network)				\$	5,385.00
Quantity	Item #	Name	Price	Total	
AMI Modules	1,380	TC-1220-RD	TPM Controller - Itron CENTRON C2SXD - 120V	\$ 75.00	103,500.00
Sub-Total (Tantalus AMI Modules)				\$	103,500.00
Tantalus Total Cost				\$	108,885.00
Itron (Irby Supply)	Quantity	Item #	Name	Price	Total
Electric Meters	1,380		Centron C2SXD fm2s CI200 w/Disconnect	\$ 75.00	\$ 103,500.00
Sub-Total (Itron Meters)				\$	103,500.00
Itron Total Cost				\$	103,500.00
Phase 2 (Tantalus + Itron) Total Cost				\$	212,385.00

Phase 1 +Phase 2 Total Cost \$319,150.00

Note: The above estimate does not include installation or freight. In addition travel and out-of-pocket expenses for training and other on-site support is invoiced at cost plus 15 percent.

II. Annual Maintenance and License Costs

Tantalus	Quantity	Item #	Name	Price	Total
	1	SL-1000	Service Level, Bronze - Base annual	\$ 8,000.00	8,000.00
	-		Service Level, Bronze - Increment (<=100k endpoints)	\$ 0.12	168.00
	1	SM-2001	NS-2001 TUNet software maintenance, 1 yr, X-class Includes all annual Tantalus & 3rd party licenses	\$ 5,000.00	5,000.00
	1,400	SME-2000	TCC per-endpoint Annual Software Maintenance	\$ 0.12	168.00
	1,400	SME-4220	Annual Maintenance per-ERT daily-read	\$ 1.00	1,400.00
	-	Estimated	Wireless Costs	\$ 4,800.00	4,800.00
Annual Maintenance & License Fees Stand Alone (Tantalus)				\$	19,536.00
DISCOUNT				50% \$	9,768.00
Final Annual Maintenance & License Fees				\$	9,768.00



Order Quantity Guidelines

<u>Model Name</u>	<u>Description</u>	<u>Minimum order Qty</u>	<u>Can be ordered less than minimum</u>	<u>Additional Fee</u>
Can Be Ordered Outside of Minimum Order Quantity				
LM-1421	Load Management Switch, Single Relay (30A)	4	Yes	\$60.00
PP-1310	C&I Meter Reader (900 MHz) - GE kV2c	12	Yes	\$120.00
RT-3205	220 MHz Transceiver – Form 2S	4	Yes	\$60.00
RT-4101	FTTH Ethernet module v3 (2 Boxes - Stick/Collet)	4	Yes	\$120.00
TC-1110-RD	TPM Controller I-210+RDUG (120V)	50	Yes	\$150.00
TC-1205	Controller I-70/AB1/D5S	50	Yes	\$150.00
TC-1207	Controller I-70 (Class 320)	50	Yes	\$150.00
TC-1208	TPM Controller - L+G MS-K (Class 400)	50	Yes	\$150.00
TC-1210-A	TPM Controller - GE I-210 (Class 320)	50	Yes	\$150.00
TC-1210-RD	TPM Controller I-210+RDUG (240V)	50	Yes	\$150.00
Can Not Be Ordered Outside of Minimum Order Quantity				
PR-1000	Passive Antenna	20	No	\$60.00
ST-1480	Smart Thermostat	20	No	N/A
Can be Ordered with Exceptions				
TC-1116	TPM Controller, Itron CENTRON, 120V	50	No - direct ship to customer, Yes - through Itron OEM Integration	N/A
TC-1210	Controller GE I-210	50	No - direct ship to customer, Yes - through GE OEM Integration	N/A
TC-1216	Controller Itron CENTRON	50	No - direct ship to customer, Yes - through Itron OEM Integration	N/A
NOTES:				
*Additional fee applies if quantities differ from MOQ listed above				
** Note: These products can not be ordered in less than MOQ if being shipped to the customer, however MOQ does not apply if shipping to Itron/GE				

**TANTALUS SYSTEMS INC.
TERMS AND CONDITIONS OF SALE**

Scope. These terms of sale apply to all quotations, offers, purchase orders and order acknowledgments ("Orders") for products accepted by Tantalus Systems Inc. ("Tantalus"). Orders, once accepted, may not be cancelled.

Deposit. The customer agrees to pay an advance payment (the "Deposit") equal to twenty-five percent (25%) of the total purchase price of the products and/or additional services specified on each Order, due and payable within ten (10) days of the date of Order acknowledgement issued in connection with an accepted Order. Failure to pay the Deposit by such due date may result in the cancellation of the Order by Tantalus. Notwithstanding the foregoing, if the customer places a single blanket Order that is at least 12 months in duration, the Deposit amount will be reduced to ten percent (10%) on that Order and subsequent Orders that are also at least 12 months in duration.

Payment Terms. Tantalus will invoice the customer for the amount of the purchase price outlined in the Order upon delivery of products to the Tantalus designated depot in North America (the "Shipping Point"), with the Deposit amounts paid reflected as a credit to the total purchase price due and owing upon delivery completion of the total Order. The customer will pay all Tantalus invoices net 30 days from date of invoice. Tantalus will be entitled to charge interest at the rate of 1.5% per month on all amounts not paid within 30 days from date of invoice.

Pricing. Prices for products shall be set forth in the Tantalus price list (as may be amended from time to time). Tantalus shall bear the costs and charges of delivering the products to the customer at the Shipping Point cleared for importation into the United States as may be required. Except as set out in the previous sentence, prices are exclusive of all taxes, duties and surcharges now in force or enacted in the future. As prices for products and additional services are quoted exclusive of taxes, duties, freight or insurance, these costs, as and if incurred by Tantalus, will be invoiced to the customer for payment or reimbursement at cost.

Delivery, Title and Risk of Loss. Tantalus shall deliver the products to the customer at the Shipping Point (cleared for export, if applicable) and title (other than title to licensed software which shall remain with Tantalus) and risk of loss of the products shall pass from Tantalus to the customer at the Shipping Point. The customer shall be responsible for and shall pay all transportation and insurance costs for the products from the Shipping Point to the customer's designated destination point, as agreed by Tantalus ("Customer Destination"). Tantalus shall make the arrangements for such transportation and insurance and will invoice the customer for reimbursement at cost. Delivery dates are approximate only. Tantalus shall notify the customer in writing, if Tantalus has knowledge of any event that is reasonably likely to delay or change any specified delivery date.

Change Orders. Changes to delivery dates, product quantity and/or types of product scheduled for delivery may only be made by change order approved by Tantalus, acting in its sole discretion.

No Resell. The customer acknowledges and agrees that it has no rights to market and resell the products. The purchase and sale of the products and/or services hereunder is solely for the customer and its affiliates' requirements.

Product Warranty. For a period of one year from the date of transfer of title of the products by Tantalus to the customer, Tantalus warrants that: (i) each such product will be free from defects in material, workmanship and manufacture under normal use and service, (ii) title to each such product shall be free and clear of all liens, financial encumbrances and security interests, (iii) all materials, parts, components and other items initially incorporated in each such product will be new; and (iv) each such product shall be compliant with, and perform in accordance with its specifications. The warranty for replaced or repaired product originally warranted under this paragraph shall be 90 days from date of return to the customer or the balance of the original warranty period, whichever is greater.

EXCEPT AS EXPRESSLY WARRANTED IN THIS SECTION, TANTALUS HEREBY DISCLAIMS ALL WARRANTIES, CONDITIONS AND REPRESENTATIONS OF ANY KIND, WHETHER EXPRESS, STATUTORY OR IMPLIED, APPLICABLE TO THE PRODUCTS AND/OR SERVICES, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OF NON-INFRINGEMENT, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

Warranty Returns. The customer shall return defective product, transportation charges prepaid by the customer, to Tantalus at its designated depot with Tantalus' return material authorization number and completed problem sheet. Tantalus will, at its sole option and expense, repair or replace the defective product or refund the purchase price thereof within 60 days of receipt of the defective product provided that the customer has returned the defective product to Tantalus no later than four weeks after the expiry of the applicable warranty period. Tantalus will pay all shipping and other costs incidental to the return of repaired or replacement product to the customer. To the extent Tantalus determines that the product returned under warranty is not defective (that is, no fault found), the customer will pay for the return of the product and will pay Tantalus a fee of \$150 per no fault found product.

This product warranty shall not apply to mistreated units including, without limitation, the following: (i) units whose original bar code, copyright notices and proprietary legends have been spoiled or altered, (ii) units that were not installed or operated in accordance with Tantalus specifications, (iii) units that were the subject of repair, modification or alteration without Tantalus's approval, and (iv) units that, in Tantalus's reasonable opinion, have been misused, altered, abused or subject to abnormal conditions of operation or handling.

Intellectual Property Indemnity. The sole and exclusive liability of Tantalus and its affiliates for intellectual property infringement will be, and provided that use of such product is enjoined by a U.S. court and provided that customer is not in breach of any of these terms and conditions, to: (i) procure for the customer the right to continue using said unit; (ii) replace it with non-infringing and functional equivalent; (iii) modify it to become non-infringing; or (iv) if none of the aforementioned options are reasonably available, to refund to the customer all amounts paid for the infringing products, depreciated on a straight line basis over a ten (10) year period.

Customer Indemnity. Customer shall indemnify and hold harmless Tantalus from and against any and all claims, liabilities, damages, debts, settlements, costs, attorneys' fees, expenses and liabilities of any type arising in connection with customer's business activities, customer's use of the products (other than in connection with a warranty claim hereunder which is the responsibility of Tantalus) and customer's breach of these terms and conditions.

Limitations. The limitations and exclusions set out in these terms and conditions shall apply regardless of the form of action and whether the liability is based in contract, tort or other legal or equitable basis, and if based in contract, regardless of whether the alleged breach is a breach of condition or fundamental term or constitutes a fundamental breach of this Agreement.

SUBJECT TO APPLICABLE LAW, NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, TANTALUS WILL NOT BE LIABLE TO THE CUSTOMER FOR ANY: (I) SPECIAL, INDIRECT, CONSEQUENTIAL OR INCIDENTAL DAMAGES OR LOSSES, INCLUDING LOSS OF DATA, LOSS OF REVENUE OR PROFITS, CLAIMS BY USERS AND THIRD PARTIES, LOSS OF GOODWILL, BUSINESS INTERRUPTION OR OTHER PECUNIARY LOSS WHETHER ARISING FROM BREACH OF WARRANTY OR CONDITION, BASED ON CONTRACT, TORT, RELIANCE, FUNDAMENTAL BREACH, STATUTE, OR ANY OTHER THEORY, AND EVEN IF TANTALUS WAS AWARE OF SUCH DAMAGES OR LOSSES; OR (II) COST OF PROCUREMENT OF SUBSTITUTE GOODS, TECHNOLOGY OR SERVICES. TANTALUS WILL NOT BE LIABLE FOR: (A) ANY AMOUNTS IN EXCESS OF THE AGGREGATE AMOUNTS PAID TO TANTALUS FOR PRODUCTS AND/OR SERVICES GIVING RISE TO SUCH LIABILITY IN THE TWELVE (12) MONTH PERIOD IMMEDIATELY PRECEDING THE CLAIM; (B) ANY FAILURE OR DELAY DUE TO FORCE MAJEURE (INCLUDING, WITHOUT LIMITATION, SHORTAGES OF MATERIAL, EQUIPMENT AND/OR TRANSPORTATION, LABOUR STRIKES AND LOCKOUTS); OR (C) ANY ALLOCATION OF PRODUCTS AMONG ITS CUSTOMERS IN THE EVENT OF A SHORTAGE.

Governing Law. This agreement will be governed by and construed in accordance with the laws of the State of Delaware. Tantalus and the customer waive a trial by jury in any such suit, action or proceeding.

Severability. If any provision or term of these terms and conditions is determined to be invalid or unenforceable, the invalidity or unenforceability of that provision or term will not effect the validity or enforceability of the remaining provisions and terms or the validity or enforceability of that provision or term in any other jurisdiction.



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: August 26, 2014

SUBJECT: Consider, discuss and act upon items regarding American Disability Act compliancy

- City Manager Ben White will address this topic.

ACTION: Council to act as deemed necessary.

City of Farmersville Transition Plan Physical Accessibility Guideline Checklist by Facility

Item	Facility Obstacle/Action	Checklist Reference	Year of Completion					Status	Cost	
			2013	2014	2015	2016	2017			
City Hall										
A	Install directional signage at entrance	4B	X							
B	Provide vertical access to meeting room platform	1A		X						
C	Provide access to main entry door, providing route to public ROW and installing accessible parking	1G, 2B-2F, 4A, 5B1, 5D	X							
D	Enlarge and renovate men and women toilet rooms	8aA-8aM		X						
E	Provide meeting accommodations upon request	11B, 11C			X					
F	Provide accessible counter at reception desk	14A		X						
City Hall Annex										
A	No work required for this facility at this time									
Chamber of Commerce/Visitor's Center										
A	Provide access to main entry door, providing route to public ROW and installing accessible parking	1G, 2A-2F, 4A, 5B	X							
B	Enlarge and renovate Unisex Toilet Room	8aA-8aM			X					
Public Safety Building										
A	Rework concrete to provide compliant parking, accessible route to Entry and accessible route to Public ROW	1F, 1G, 2C-2F, 4A, 5B, 5D						X		
B	Provide accessible counter at Reception Desk	14A			X					
C	Install directional signage at restricted Fire Department door	4C		X						
Senior Citizens Center										
A	Rework concrete to provide compliant parking, accessible route to Entry and accessible route to Public ROW	1G, 2C			X				Possible Centennial Committee project	
B	Raise bottom of accessible parking signs and strip accessible aisle	2F			X				Possible Centennial Committee project	
C	Install lever handles on doors	5E		X					Possible Centennial Committee project	
D	Correct 2" transition at Entry door threshold	5D		X					Possible Centennial Committee project	
E	Install toilet seats at 17" to 19" and relocate center line of water closet	8aC, 8aH		X					Possible Centennial Committee project	

City of Farmersville Transition Plan Physical Accessibility Guideline Checklist by Facility

Item	Facility Obstacle/Action	Checklist Reference	Year of Completion					Status	Cost
			2013	2014	2015	2016	2017		
F	Install compliant grab bars	8aD			X			Possible Centennial Committee project	
G	Install mirrors in Toilet Rooms	8aG			X			Possible Centennial Committee project	
Charles Rike Library									
A	Rework concrete to provide compliant parking, accessible route to Entry and accessible route to Public ROW	1G, 2C, 2D					X	Possible Centennial Committee project	
B	Exterior and interior ramps are too steep and need compliant handrails installed	3A-3E					X	Possible Centennial Committee project	
C	Correct 2" transition at Entry door threshold	5D					X	Possible Centennial Committee project	
D	Install lever handles on Entry door	5E		X				Possible Centennial Committee project	
E	Install rear and side grab bars	8aD					X	Possible Centennial Committee project	
F	Install compliant mirrors	8aG					X	Possible Centennial Committee project	
G	Relocate toilet paper dispenser in Men's Toilet Room	8aJ		X				Possible Centennial Committee project	
H	Install signs on wall, latch side of toilet room doors	8aL		X				Possible Centennial Committee project	

City of Farmersville Transition Plan Physical Accessibility Guideline Checklist by Facility

Item	Facility Obstacle/Action	Checklist Reference	Year of Completion					Status	Cost	
			2013	2014	2015	2016	2017			
O.E. Carlise Civic Center										
A	Install platform lift or ramp to provide accessible route throughout building	1A, 1F, 1G				X		Possible Centennial Committee project		
B	Install 1 van accessible parking space - recommend at northeast corner of building	4A, 2C, 2D				X		Possible Centennial Committee project		
C	Provide access to Main Entry door, providing route to Public ROW and installing accessible parking	1A, 1F, 1G, 2A, 2B				X		Possible Centennial Committee project		
D	Demolish existing ramps and reinstall to comply with Standards	3A-J,				X		Possible Centennial Committee project		
E	Make both entrances accessible - could make back door compliant to make 3 entrances	4A				X		Possible Centennial Committee project		
F	Install signs at bottom of front entry steps directing to ramp on north side of building	4B				X		Possible Centennial Committee project		
G	Ensure level clearance per Table 404.2.4.1. Too sharp of incline at rear door	5B, 5D				X		Possible Centennial Committee project		
H	Install lever handles on Entry doors	5E		X				Possible Centennial Committee project		
I	Enlarge and renovate Toilet Rooms including grab bars and mirrors	8a		X				Possible Centennial Committee project		
Best Center										
A	Provide access to Main Entry door, providing route to Public ROW	1G,					X			
B	Accessible parking spaces need to be provided and need to install 1 van accessible parking space closest to Entry	1G, 2A, 2B					X			
C	Clearance on exterior side of Entry door needs slope changed	5				X				
D	Install grab bars in Toilet Room	7D		X						
Onion Shed I										
A	Reinstall signs to ensure Van Space with the word VAN	2F	X					Sign ordered		
B	Ramp surface must be continuous & handrails on both sides with edge protection	3A-I			X					
Onion Shed II										
A	Ramp surface must be continuous & handrails on both sides with edge protection	3A-I			X					

City of Farmersville Transition Plan Physical Accessibility Guideline Checklist by Facility

Item	Facility Obstacle/Action	Checklist Reference	Year of Completion					Status	Cost	
			2013	2014	2015	2016	2017			
City Park										
A	Install accessible path to compliant table (only 1 is required)	1A1				X				
B	Install concrete space next to bench for a wheel chair	1A2		X						
C	Install grab bars in Toilet Rooms	8aD		X						
J.W. Spain Athletic Complex										
A	Consult with Architectural firm to design accessible elements into the facility					X				
Rambler Park										
A	Install level landing at top of existing curb ramp	1A	X							
Riding Arena										
A	Consult with Architectural firm to design accessible elements into the facility					X				
Robbin Lamkin Splash Pad										
A	In compliance									
Southlake Park										
A	In compliance									
Street Crossing, Curb Ramps and Sidewalks										
A	In addition to the planned building modifications, Capital Projects for street improvements will include improving accessibility in the Public Right of Ways								X	



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: August 26, 2014

SUBJECT: Update on water, wastewater and street General Obligation Bond projects

- An update is attached for review

ACTION: Council to act as deemed appropriate.

Street GO Bond Project Status

Project Number	Project Name	Budget	Projected Or Actual Cost	Status	Estimated Construction Start Date	Estimated Construction End Date
Street Projects						
1	Sycamore Street Panel Replacement (Hwy 78 to Jackson)	123,000	80,713	Complete	Apr-13	Aug-14
2	Orange Street Overlay (380 to Old Josephine, Partially County Funded)	93,245	93,245	Engineering	Oct-14	Nov-14
3	CR557 Overlay (US 380 to SH 78), Majority County Funded	4,583	4,583	Complete	Oct-12	Jul-13
4	Westgate Overlay (Hwy 78 to Wilcoxson)	94,000	963,627	Complete	Dec-13	May-14
5	Hamilton Overlay (McKinney to Yucca)	728,000		Construction	May-13	Aug-14
6	Hamilton Street Overlay (Yucca to Gaddy)	88,000		Construction	May-13	Aug-14
7	Central Overlay (College to Prospect)	101,000		Complete	Apr-13	May-14
8	Beech Street Overlay (Main to Beene)	137,000		Contracted	Aug-14	Sep-14
9	Windom Overlay (Maple to McKinney)	46,000		Contracted	Sep-14	Oct-14
10	South Washington Overlay (Farmersville Parkway to Sid Nelson)	88,000	88,000	Engineering	Oct-14	Nov-14
11	Sid Nelson Overlay (South Washington to Hamilton)	88,000	88,000	Engineering	Nov-14	Dec-14
12	Hamilton Street (380 to Farmersville Parkway)	1,384,000	1,384,000	Engineering	Feb-15	Apr-15
13	Santa Fe Reconstruct (Johnson to Main)	504,000	504,000	Engineering	Dec-14	Jan-15
14	Street Signs and Installation	95,000	95,000	Ready for Construction	Sep-14	Jan-15
Street Projects Total		3,573,828	3,301,168	272,660		
Street Projects GO Bond Allocation		3,575,000				



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: August 26, 2014

SUBJECT: Update on Safe Routes to School project

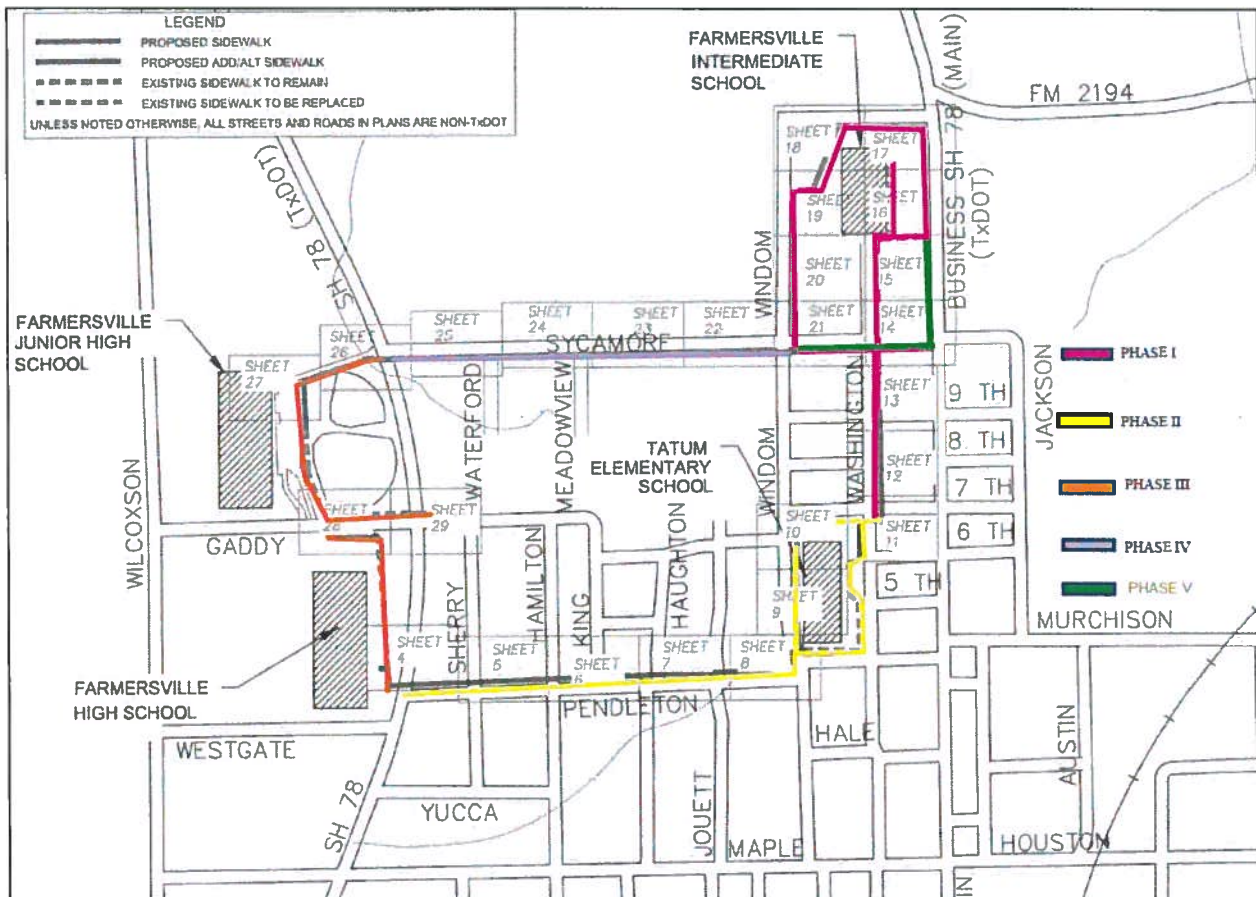
- An update is attached for review.
- Mr. White will speak on this topic.

ACTION: Council act as deemed necessary.

Safe Routes To School (SRTS) Project Update

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	Nov-13	Aug-14	

1. Phase I substantially complete. Awaiting completion of punch list items and final walk-thru.
2. Phase II substantially complete. Awaiting completion of punch list items and final walk-thru. Small panel on Pendleton left out to accommodate move of AT&T utilities.
3. Phase III substantially complete. Awaiting completion of punch list items and final walk-thru.
4. Phase IV substantially complete. Awaiting completion of punch list items and final walk-thru.
5. Phase V 95% complete. This was the split portion from phase I. Delayed to accommodate 12 inch waterline construction.
6. Project phasing outlined on following sheet.





TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: August 26, 2014

SUBJECT: Update on Chaparral Trail projects

- An update is attached for review

ACTION: Receive information.

Chaparral Trail Project Update

Description	Total Project Estimate	City's Share	Estimated Construction Begin Date	Estimated Construction Completion Date	Comments and Status
Chaparral Trail Grant Texas Parks & Wildlife (Phase I)	\$250,000	\$50,000 4B Funded	Oct-12	May-13	Reimbursement of \$158K received so far. Turning in for additional \$42K they did not reimburse. We have been granted an extension to accomplish this.
Chaparral Trail Grant Collin County Open Space (Phase II)	\$300,000	\$150,000 (4B, \$50K) (CoF, \$100K)	May-13	Oct-13	Construction complete. Received check for \$147K. Awaiting fund reimbursement for remaining \$3K. Performing internal audit to make sure all cost have been covered.
Chaparral Trail Grant Collin County Open Space (Phase III)	\$300,000	\$150,000 (4B, \$60K 2013) (4B, \$60K 2014) (CoF, \$30K 2014)	Jun-14 (est)	Oct -14	Grant awarded. 75% documentation package distributed and awaiting feedback.



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: August 26, 2014

SUBJECT: Update on Highway 380 project

- An update is attached for review

ACTION: Receive information.

US 380 Highway Project Status

1. 1st Railroad Bridge, Passing Track: Complete, however modifications are taking place.
2. 2nd Railroad Bridge, Main Track: Sep 2014 thru May 2015
3. 380 Roadway, East Bound: Complete. Open to two-way traffic.
 - a. East Bound Off-Ramp (Southwest Ramp), Dec 2014
 - b. East Bound On-Ramp (Southeast Ramp), Complete. Two-way ramp.
4. 380 Roadway, West Bound: Nov 2014, Floyd Road likely to be closed until end of Aug 2014 to accommodate the installation of a headwall and culvert.
 - a. West Bound Off-Ramp (Northeast Ramp), Sep 2014
 - b. West Bound On-Ramp (Northwest Ramp), Jan 2015
5. Main Street Bridge Construction: Complete
 - a. Main Street Roadway: Complete
6. Hill Street Crossing: Oct 2014. This crossing will require electrical primary wire reconfiguration from overhead to underground. KCS only willing to pay \$22K for this expense.
7. Walnut Street Crossing: Oct 2014
8. Main/Summit Street Crossing
 - a. Passing track: Oct 2014
 - b. Main track: May 2015



Figure 1. Railroad North from Main Street



Figure 2. Railroad South from Main Street



Figure 3. Looking East from Bridge



Figure 4. Looking West from Bridge



TO: Mayor and Councilmembers

FROM: City Manager Ben White

DATE: August 26, 2014

SUBJECT: Budget Workshop – Discuss Proposed Fiscal Year Budget 2014 – 2015

- Finance Director Daphne Hamlin and City Manager Ben White will discuss this topic.

ACTION: Receive information, Council to act as deemed necessary.