

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
November 17, 2015

The Farmersville City Council met in special session on November 17, 2015 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Helmberger, John Klostermann, John Politz, Michael Hesse and Jim Foy. Councilmember absent was Leaca Caspari. Staff members present were City Manager Ben White, City Attorney Alan, Police Chief Mike Sullivan, Fire Chief Kim Morris, Finance Director Daphne Hamlin, Librarian Trisha Dowell and City Secretary Edie Sims.

ITEM I) CALL MEETING TO ORDER, ROLL CALL

Mayor Helmberger called the meeting to order. Edie Sims called the roll and announced a quorum was present. Mayor Helmberger offered the invocation. Mayor Helmberger led the audience in the Pledge of Allegiance to the American Flag and the Texas Flag.

Mayor Helmberger read a Thanksgiving Proclamation and wished everyone a safe and happy Thanksgiving.

City Offices will be closed November 26th and 27th to observe the Thanksgiving Holiday. Due to the upcoming holidays, the December Council meetings have been rescheduled to December 1st and December 15th. Mayor Helmberger also announced the Battle of the Bridge Canned Food Drive and encouraged all of Farmersville to participate. Finally, the Annual Chamber of Commerce Christmas Parade is scheduled December 12th at 7pm with this year's theme being "Once Upon a Christmas."

ITEM II) CONSENT AGENDA

Mayor Helmberger noted the City Financial Reports were included in the Informational Section but does require Council action. Council, per City Attorney Alan Lathrom, may still act upon the City Financial Reports. Council did not request any items to be withdrawn to be considered separately.

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

ITEM III) INFORMATIONAL ITEMS

Council did not request any items to be withdrawn to be considered separately. John Klostermann motioned to approve the City Financial Reports with Jim Foy seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM IV – A) SECOND READING TO CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE ADOPTING THE INTERNATIONAL SWIMMING POOL AND SPA CODE WITH MODIFICATIONS

Mayor Helmberger noted Council did not request any changes from the first reading of this ordinance. Jim Foy motioned to approve the ordinance as presented with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse and Jim Foy yes. Motion passed with full Council approval.

ITEM IV – B) FIRST READING TO CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE AMENDING BOARDS, COMMITTEES AND COMMISSIONS REQUIRING AN ANNUAL REPORT TO THE CITY COUNCIL, CHANGE TIMING FOR ELECTION OF OFFICERS;

REQUIRING MEETINGS TO BE HELD MINIMALLY ONCE PER QUARTER AND AMEND RESIDENCY REQUIREMENTS FOR THE LIBRARY/CIVIC CENTER BOARD

In the ordinance, the Council is asking each board to report to the Council on an annual basis. This will keep the Council and public informed of activities performed and planned by each board.

Currently the Library Board does not have a residency requirement. Council has directed staff during previous discussions to have the residency requirement changed so that no more than two (2) board members shall reside outside the City of Farmersville's corporate limits. This change has been included in the ordinance presented. Council also requested all boards to organize and elect chairperson, vice-chairperson and secretary no later than June 30th of each year or as soon as practicable following the appointment of new or returning members to the Board by the City Council.

Lastly, Council requested each board, committee and commission to meet a minimum of once per quarter. This language was included in the ordinance presented. John Politz motioned to approve the ordinance as presented with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse and Jim Foy yes. Motion passed with full Council approval.

ITEM IV – C) ONLY READING TO CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE AMENDING THE 2015-2016 BUDGET REGARDING THE PURCHASE OF TWO POLICE VEHICLES

City Manager Ben White indicated a lease agreement was the best method to keep a newer police vehicle fleet. The agreement did not include a clause regarding paying across budget years since the City Council cannot commit a future Council without an Interest and Sinking Fund. The expenditure will be supported through tax dollars. Jim Foy motioned to approve with John Politz seconding the motion. Michael Hesse confirmed this expenditure is in the budget. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse and Jim Foy yes. Motion passed with full Council approval.

ITEM IV – D) ONLY READING TO CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE TO CREATE A CONSTITUTIONAL SINKING FUND REGARDING THE PURCHASE OF TWO POLICE VEHICLES

The ordinance presented fulfills the purchasing requirement for the two police vehicles as discussed in the previous line item of the agenda. Jim Foy motioned to approve the ordinance as presented with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse and Jim Foy yes. Motion passed with full Council approval.

Mayor Helmberger recused himself from the meeting at 6:19pm due to a conflict of interest with the next item on the agenda. Jim Foy presided over the meeting.

ITEM V – A) CONSIDER, DISCUSS AND ACT UPON A PRELIMINARY PLAT FOR CAMDEN PARK, A PLANNED DEVELOPMENT, CONTAINING APPROXIMATELY 100.81 ACRES OF LAND IN THE W.B. WILLIAMS SURVEY, ABSTRACT NO.952, IN THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS

Mayor Pro-Tem Jim Foy opened this item for discussion stating the Concept Plan has previously been approved. Per the Planning and Zoning Commission's previous request, 10 more SF-2 lots have been added including those SF-2 lots on the northern and western boundaries of the property. Jeff Crannell, engineer for the project, stated the phasing line has

changed slightly due to P&Z's recommendation which added Street K and 13 additional lots. P&Z approved the Preliminary Plat with a couple other conditions including striking Note 7 and purchasing the property from Texas New Mexico Power to become the main entry of the subdivision. The northern access point will be part of Phase 2.

City Manager Ben White stated the City's process also requires a will-provide letter from the telephone provider. Mr. Crannell stated the developer hopes to be under construction next year. A traffic impact analysis will be completed prior to construction. Based on the traffic study, construction to improve surrounding roads will be based on a proportionate basis. A traffic plan will be presented to the Council and all issues regarding the surrounding streets will be resolved before the Final Plat is approved. A lift station will be construction along Highway 380 which offers growth opportunities for the City at a lower cost to the City.

John Klostermann motioned to approve the Preliminary Plat with the changes as recommended by the Planning & Zoning Commission with John Politz seconding the motion. Further discussion was made by Michael Hesse who expressed concern of Street "A" being the main entrance which is currently owned by Texas New Mexico Power. Mr. Crannell confirmed the developer has an offer on the table with TNMP to purchase the property. This will be accomplished before the Final Plat. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse and Jim Foy yes. Motion passed with full Council approval.

Mayor Helmberger returned to preside over the meeting at 6:31:09pm.

ITEM V – B) CONSIDER, DISCUSS AND ACT UPON A LEASE PURCHASE THROUGH CATERPILLAR FINANCIAL SERVICES FOR 2 CATERPILLAR BACKHOES

City Manager Ben White discussed the 5 year lease for two Caterpillar backhoes with a balloon note at the end of \$46,000. At the end of the lease term, the City has the option to buy the equipment paying the remaining amount owed or renew the lease. The amount is reasonable and will allow the City to have a rotating equipment process similar to the Police Department's vehicle rotation. According to Mr. White, the current backhoes are very aged. Both leases are budgeted equaling \$1,173.13 per vehicle per month payment.

City Attorney Alan Lathrom stated the contract with Caterpillar included the non-appropriation clause which will not require the Council to adopt a Constitutional Interest and Sinking Fund such as the Police Department vehicles. Jim Foy motioned to approve the lease purchase as presented and the resolution as presented in the packet. John Politz seconded the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse and Jim Foy yes. Motion passed with full Council approval.

ITEM V – C) CONSIDER, DISCUSS AND ACT UPON APPOINTING A CHAIRMAN TO THE TIRZ BOARD

Jim Foy nominated and motioned to appoint Mayor Helmberger as the Chairman to the TIRZ Board with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse and Jim Foy yes. Motion passed with full Council approval.

ITEM V – D) CONSIDER, DISCUSS AND ACT UPON AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY REGARDING FUNDING FOR THE CHARLES J RIKE MEMORIAL LIBRARY

City Manager Ben White indicated the agreement presented is standard funding that is repetitive each year; however, Collin County will not fund this item in next year's Collin County budget. The Library Board will need to find another funding method in preparation of next year's budget. John Klostermann motioned to approve the Interlocal Agreement as presented with

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

ITEM V – E) CONSIDER, DISCUSS AND ACT UPON AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY FOR ANIMAL SHELTER SERVICES DURING FISCAL YEAR 2015-2016

With no discussion, John Klostermann motioned to approve the Interlocal Agreement as presented with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse and Jim Foy yes. Motion passed with full Council approval.

ITEM V – F) CONSIDER, DISCUSS AND ACT UPON AN AGREEMENT WITH REVIZE SOFTWARE SYSTEMS TO PROVIDE ROTATING PHOTO GALLERIES ON THE CITY'S WEBSITE

The Marketing Committee annually funds improvements to the City's website. The rotating photo gallery is this year's improvement. John Klostermann motioned to approve the agreement with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse and Jim Foy yes. Motion passed with full Council approval.

ITEM V – G) CONSIDER, DISCUSS AND ACT UPON COLLIN COUNTY'S TRUNKED RADIO SYSTEM REPLACEMENT PROPOSAL

Police Chief Mike Sullivan stated he and other Departments within the County have met with Collin County Sheriff's Office. As you recall, the County originally wanted to remove all the cities from the radio system by 2017. The Sheriff has since reconsidered. There will not be an immediate cost, but the City will need to change radio types within the next 3-4 years. All cities will be applying for PH2 radio grants which will be global type of radios. All departments, including all police and fire, were to have changed to this type of system in 2008 per an unfunded federal mandate.

Chief Sullivan stated all conversations with Collin County Sheriff have paid off and smaller cities will not be required to fund a regional dispatch center. No action taken by Council.

ITEM V – H) CONSIDER, DISCUSS AND ACT UPON USE OF THE POLICE SHOOTING RANGE

Police Chief Mike Sullivan stated the shooting range has been involved for the past 3 years and the Police Department is finally utilizing their own facility. Rules are in place for the use of the shooting range. Police Officers are required to train annually but must qualify 4-5 times per year. There is one neighbor where there may be a noise concern who also shares the right-of-way. That particular resident is notified when Officers will be using the facility.

One other citizen has complained and once approached and agreed to be notified, the resident was satisfied. Michael Hesse stated he had been approached regarding the erosion in the right-of-way, with Mr. White stating that issue has been addressed. No action taken by Council.

ITEM V – I) CONSIDER, DISCUSS AND ACT UPON AN ANTENNA LEASE AGREEMENT WITH NCTCOG

City Manager Ben White stated he has been in communications with North Central Texas Council of Governments regarding an antenna lease agreement. NCTCOG approached the City regarding a 200' antenna mask which is an alternative to 911 towers. There are 2 options for placement of the antenna: 1) at the current wastewater treatment plant property or 2) have an

alliance with the East Industrial Park by the East water tower. NCTCOG will pay for the installation; however the City will have control of other spaces on the antenna that can be leased. The City's role is to find a site for the antenna. Potential revenues generated are \$50,000. The antenna is a tripod with no supporting cables.

Jim Foy stated the Industrial Park is the most logical location for this type of equipment. Michael Hesse stated as long as the antenna is visually kept clean, he is fine with placing at the East Industrial Park area. Council concurred and encouraged negotiations with Tony Ewing for the space. No action taken by Council.

ITEM V – J) CONSIDER, DISCUSS AND ELECT A DIRECTOR FOR THE COLLIN CENTRAL APPRAISAL DISTRICT BOARD

Jim Foy motioned to cast all 3 votes to the Honorable John Politz with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse and Jim Foy yes. Motion passed with full Council approval.

ITEM V – K) CONSIDER, DISCUSS AND ACT UPON AN AGREEMENT WITH FIRST NATIONAL BANK OF TRENTON REGARDING AUTOMATED CLEARING HOUSE (ACH) TRANSACTIONS

Finance Director Daphne Hamlin stated the process was suggested by our new auditors, so actions were taken to create the process. Ms. Hamlin requested the Council consider increasing the daily ACH amount from \$50,000 to \$80,000 due to a recent awareness of payroll and retirement funding that is usually required the same day which exceeds \$50,000. Two people must approve the transaction before it is processed. Michael Hesse motioned to approve the agreement as presented with John Politz seconding the motion. Jim Foy noted the processing fees are waived for the City. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse and Jim Foy yes. Motion passed with full Council approval.

ITEM V – L) REVIEW SIGN ORDINANCE AND MAKE POSSIBLE SUGGESTION FOR CHANGES REGARDING SIGNS IN THE ETJ

Mayor Helmberger announced this issue was brought up due to a recent sign installed at Joe McKee's home on Highway 380. The City's Sign Ordinance does not allow billboards nor off-premise signage. Due to the construction and change to his entry along Highway 380, Mr. McKee placed a billboard styled sign on his property to improve his business. Mr. McKee was present and stated he would gladly improve the sign by making it into a monument style with brick at the base.

Mayor Helmberger stated the existing billboards are grandfathered since the Sign Ordinance adoption in 2007, but again by definition, billboards are prohibited within the City and the City's ETJ. City Attorney Alan Lathrom stated this issue should go before the Sign Board of Appeals. There is an option to have a pylon versus a monument sign. If the Sign Board of Appeals approves the sign, then no further action is necessary. If the Sign Board of Appeals denies the request, then Council would stand as the appellate.

ITEM V – M) REVIEW WATER RATE STRUCTURE AND MAKE POSSIBLE SUGGESTION FOR CHANGES REGARDING WATER USERS OUTSIDE THE CITY LIMITS OF FARMERSVILLE

City Manager Ben White stated from a historical perspective, those living outside the City Limits but who receive City water did not pay taxes. The increased water rate for those living outside the City Limits was a way to provide services. For many years the rates have been doubled from those inside the City Limits. Mr. White was approached to reconsider lowering the rates.

Another issue has been places such as Caddo Park that receives City water but cannot annex into the City even if they wanted to since the area is not contiguous to City property. Jim Foy stated infrastructure costs are higher to those outside the City. The area making the request is concentrated around Andrew Drive. Jim Foy also noted those living outside the City Limits choose to live there for a reason but they also take advantage of City services. The only way to equalize the use of facilities is through the one main service provided. Consensus of the Council was to leave the rates alone. No action taken by Council.

ITEM V – N) REVIEW STATUS AND PLANS FOR CODE ENFORCEMENT INVOLVING HIGHWAY 380, HIGHWAY 78 AND FRONT YARD PARKING

Jim Foy spoke of this issue 6-8 months ago and wanted to bring forward. The idea was to concentrate on signage along each of the Highways and parking in front of yards. A new hire to the Code Enforcement Department has been accomplished. Cameron Brooks is a new member of the team and will be attending training in December. Police Chief Mike Sullivan stated the plan is to address these issues in districts, and not just along the Highways. Jim Foy expressed concern these two issues are on top of the list. Chief Sullivan stated by districting the City, the process will be more quantitative and will allow more accurate reporting and action. Balancing the districts will help.

Jim Foy asked to have a level of attention to abandoned signs, examples The Cove, should be removed. Mayor Helmberger stated a discussion was held a few months ago with area Realtors and found the best method of handling these types of issues is through the Code Enforcement Department working with the current renter on rental properties. Chief Sullivan stated progress is being made.

ITEM V – O) CONSIDER, DISCUSS AND ACT UPON CURRENT STATUS OF BOUNDARY AGREEMENTS BETWEEN THE CITY OF FARMERSVILLE AND THE CITY OF BLUE RIDGE AND THE CITY OF PRINCETON

City Manager Ben White stated theoretical build-out boundaries have been created, and now the time has come to tie those in with our adjoining cities. Princeton has agreed to Sister Grove Creek. Blue Ridge has agreed to the area north of FM 2756 near Pot Rack Creek. Other cities include Josephine, Nevada, Garland and Wylie.

In the '90's, Wylie signed an agreement with Farmersville regarding the boundaries. Mayor Helmberger asked to bring this item back to the Council to discuss the actual agreement with maps. No action taken by Council.

ITEM V – P) CONSIDER, DISCUSS AND ACT UPON THE DROUGHT CONTINGENCY AND WATER CONSERVATION MANAGEMENT PLAN

City Manager Ben White stated he has been in contact with Texas Commission on Environmental Quality (TCEQ) regarding changes to our Plan. NTMWD has changes as well. The Draft, included with the Council packet, has been red-lined and will be posted on the website for public viewing. An ordinance will be presented along with a public hearing at the December 15th Council meeting to formalize the Plan with changes. The changes, as redlined, take care of requirements from TCEQ and issues with NTMWD. TCEQ has agreed to the changes and to have a final plan in place by February 2016. No action taken by Council.

ITEM V – Q) UPDATE ON CHAPARRAL TRAIL PROJECTS

City Manager Ben White stated a letter has been issued to Cole Construction to be completely finished with the project within 10 days or the City will ask for liquidated damages. The remaining part the City is completing will be 300' of compacted decomposed granite. Mr.

White gave accolades to Nick Miller, Public Works Staff Member, for a great job working with the decomposed granite. There is another 100' section of the Trail to be completed and the Trail should be done. The City can make needed repairs from here on. Mr. White stated there is no reason why Cole Construction has not completed the Trail project.

ITEM V – R) UPDATE ON STREET, WATER AND WASTEWATER GENERAL OBLIGATION BOND PROJECTS

City Manager Ben White reported the Street Projects are nearing completion with the exception of South Hamilton. All street projects are being focused on before beginning the biggest project, South Hamilton. A pay estimate for the Sid Nelson project is coming in to complete the streets.

Water Projects have been completed with exception of a few sections of grass to be installed. The last two weeks the staff have worked on the Automated Meter Reading System.

For the Sewer Projects, a contract issue was being resolved for the Highway 78/Maple Sewer Project. Once the contract issue was squared away, then we have intense rains.

The engineer is moving forward with planning for the lift stations and force mains on Highway 380. The lift station servicing AFI at Floyd Street is in bad shape. With a myriad of problems, the sewer system projects are challenging to meet funding allowances. Spills are imperative and the focus between the City and TCEQ have been on wastewater.

ITEM V – S) UPDATE ON HIGHWAY 380 PROJECT

City Manager Ben White reported no new news regarding the Highway 380 project. Police Chief Mike Sullivan reached out to TxDOT regarding the 40 mph speed limit on Highway 380. TxDOT submitted a speed study and it is recommended by Mr. White the Council consider 50 mph through Farmersville along Highway 380. An ordinance will be presented at a future meeting for Council action.

ITEM VI) PUBLIC COMMENT

Everett Wingo, residing at 2921 Andrew Drive, came before the Council regarding the ongoing water rate. With 200 + residents who reside outside the City Limits but receive City water, he requested the Council to reconsider their decision to reduce the water rate. He would welcome being annexed into the City and regrets he is not eligible to take part in the City's processes. Mr. Wingo also stated the Water Department should stand on its own and not depend on funding those residents who are paying more than 100%. He asked for a short analysis and do what is equitable. Also, Mr. Wingo stated residents who live outside the City Limits do pay taxes by keeping their business local.

Joe McKee, owner of Dairy Queen and who resides at 1616 East Audie Murphy Parkway, requested the potholes be repaired at the intersection of Highway 380 and Rike Street. The potholes are so dangerous and impacts his business.

Fred Langford, residing at 202 Murchison, asked if Cole Construction was responsible for repairs and completion of Austin Street. The contractor placed 2/3 of the grass when completing the construction area. Mr. Langford also encouraged the Council to drive Austin Street and find potholes that would eat a small car. Mr. Langford asked for the potholes to be repaired and fix his driveway like it was prior to construction on Austin Street.

Diane Piwko, residing at 200 McKinney Street, asked how the agenda was changed regarding Public Comment which has been on the agenda for years. Now the Public Comment is placed at the end of the meeting after votes have been cast and not allowing the public to voice their concerns prior to voting. Ms. Piwko stated she is disturbed that now only one Public Comment section is allowed every month rather than at every meeting. Mayor Helmberger stated

he made the decision to have the Public Comment section once a month. Meetings are to take care of business. Ms. Piwko stated this method limits access from the public to speak and to keep other citizens informed. Ms. Piwko stated the Public Comment section has been removed from the Planning and Zoning Commission meetings as well. It is difficult to talk to the board and private letters to express themselves is not in the best interest of time.

Randy Smith, residing at 508 CR 610, stated Caddo Park was an operating system with 55-60 members who forgone ownership of the system to the City of Farmersville. His family donated \$40-50,000 cash to help build the system. Sales tax is one method that people residing outside the City Limits are an asset to the City, but others create jobs as well as create tax dollars for the City. There are also deposits in the banks and things other than property taxes which makes those particular citizens valuable.

Mr. Smith also commented on Camden Park stating there are no more public hearings for clarification and would also like to have the Public Comment section returned.

Lawson Odom, Boy Scout, stated he has attended the meeting for his Citizenship Merit Badge. During the process to attain this badge, he has visited with Police Chief Sullivan and wanted to experience a Council meeting.

ITEM VII) EXECUTIVE SESSION – DISCUSSION OF MATTERS PERMITTED BY TEXAS GOVERNMENT CODE CHAPTER 551 SECTION 551.086, COMPETITIVE MATTERS OF A PUBLIC POWER UTILITY AND SECTION 551.071, CONSULTATION WITH CITY ATTORNEY REGARDING THREATENED LITIGATION REGARDING THE CITY’S ORDINANCES THAT RESTRICT PERSONS WHO ARE REQUIRED TO REGISTER WITH THE STATE DEPARTMENT OF PUBLIC SAFETY’S SEX OFFENDER DATABASE FROM RESIDING IN CERTAIN AREAS WHERE THERE ARE HIGH CONCENTRATIONS OF CHILDREN

Mayor Helmberger announced the Council exited into Executive Session at 7:55pm.

ITEM VIII) RECONVENE FROM EXECUTIVE SESSION

Mayor Helmberger announced the Council reconvened from Executive Session at 8:31pm.

ITEM IX) DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSION IN EXECUTIVE SESSION

Mayor Helmberger announced no action was taken by Council.

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

John Klostermann asked for a report on the ADA Compliancy issues. No one else requested items be placed on future agendas.

ITEM XI) ADJOURNMENT

Council adjourned at 8:57pm.

APPROVED

Joseph E. Helmberger, P.E., Mayor

ATTEST

Edie Sims, City Secretary