



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES**

**for**

**July 26, 2016, 6:00 P.M.**

**I. PRELIMINARY MATTERS**

- Mayor Piwko called the meeting to order at 6:00pm. Council members Klostermann, Mason, Hesse, Hurst, and Caspari were all present, as were City staff members Chief Morris, Chief Sullivan, Rick Ranspot, Paula Jackson, Daphne Hamlin, Trisha Dowell, Mary Tate, and attorney, Alan Lathrom. City Manager, Ben White, was not in attendance. Warrant officer, Rick Ranspot, offered the Invocation and led the pledges to the United States flag and Texas flag.
- Announcements
  - August 7-13, 2016 is National Health Center Week and Community Health Service Agency will be hosting "Beat the Heat with National Health Center Week" and providing free snow cones by Kona-Ice® at the Farmersville Family Medical Center. The date for this event is Tuesday, August 9<sup>th</sup> from 3:00pm- 6:00pm, not Thursday, August 11<sup>th</sup> as was stated on the agenda.

**II. PUBLIC COMMENT**

- NONE

**III. CONSENT AGENDA**

- A. City Council Minutes
- B. Zoning Board of Adjustment Minutes
- C. City Financial Report
  - Mayor Piwko pulled Item A., City Council Minutes and Item C., City Financial Report.
  - Item A.: Mayor Piwko requested that the City Secretary change some language within the minutes. The word "it" to "backup generator". The addition of "of loan payments, when repayment begins and the effect growth has on repayment". Change "two people's word" to "the City Manager's and Finance Director's study".
    - Motion to approve the City Council Minutes for June 14, 2016 was made by Michael Hesse

- All council members were in favor thereby approving the motion
- Item C.: Daphne Hamlin approached the Council. There were no questions regarding the City Financial Reports.
  - Motion to approve the City Financial Reports and the ZBA Minutes was made by John Klostermann
  - 2<sup>nd</sup> was made by Leaca Caspari
  - All council members were in favor thereby approving the motion

**IV. INFORMATIONAL ITEMS**

- A. Public Works Report
- B. City Manager's Report
- C. Municipal Court Report
- D. Warrant Report
  - Mayor Piwko pulled the Public Works Report
    - Motion to approve the remaining reports was made by Leaca Caspari
    - 2<sup>nd</sup> was made by Michael Hesse
    - All council members were in favor thereby approving the motion
  - With regard to the Public Works report, Mayor Piwko asked Paula Jackson, Assistant to the City Manager, if the City was working with TxDOT to install traffic lights at the school crossing on Hwy 78. Ms. Jackson stated that the city is working with TxDOT but there has not been an update from them in about a month. Mayor Piwko asked if there would be a "walk" button to push to cross the street outside of school hours. Ms. Jackson said a button is not currently in the plan but the city may request that a button be added.
  - Mayor Piwko asked if the city's permit cycle is taking 11-13 days as noted on the report. She then realized that permits are part of the City Manager's report that had already been approved and refrained from asking further questions.
    - Motion to approve the Public Works report was made by Michael Hesse
    - 2<sup>nd</sup> was made by John Klostermann
    - All council members were in favor thereby approving the motion

**V. READING OF ORDINANCE**

- A. Consider, discuss, and act upon the second reading of Ordinance # O-2016-0726-001 to adopt the City of Farmersville, Texas Standard Construction Details, July 2016 Edition, to update and replace the City of Farmersville, Texas Standard Construction Details and to amend certain Sections of Chapter 65 of the Farmersville Code, entitled "Subdivisions," to reflect the adoption of the City of Farmersville, Texas Standard Construction Details, July 2016 Edition
  - Motion to approve the ordinance was made by Leaca Caspari
  - 2<sup>nd</sup> to approve was made by John Klostermann
  - All council members were in favor thereby approving the ordinance

B. Consider, discuss, and act upon the first and only reading to remove Sec.29-55 of the Farmersville Code of Ordinances so that City Code is in alignment with the 2009 International Fire Code

- Fire Marshal, Dale Mayberry, addressed the Council regarding his perspective on Sec. 29-55. He explained that he came across this section when inspecting a vacant property and noted Amendment 903.2.10 (Parking Garage). Fire Marshal Mayberry stated that he was confused by the intent of the amendment. From his perspective, it ties the hands of owners with 8,000-10,000 sq. ft. buildings. He believes Sec. 29-55 should be removed so that the ordinance meets base code and is less restrictive.
- Mike Hurst affirmed that this section has to do with sprinkler systems. Fire Marshal Mayberry said that is correct and again stated that he is really just trying to interpret our code.
- No action was taken as this matter will be discussed in executive session with attorney consultation

## VI. REGULAR AGENDA

A. Consider, discuss, and act upon an End of Life Electronics Recycling Services Agreement for the recycling of obsolete electric meters

- Electric Foreman, Jeramy Jones, explained to Council that this agreement is to help clear space as there is nowhere to store obsolete meters. He said that he has looked into donating or selling the meters, but there is no demand for them. The City has approximately 1400 or 1500 obsolete meters. Because of the relatively small amount of meters, the proposed recycling company, (Global Electric Electronic Processing) will collect, transport, and recycle the meters for free.
- Mr. Hurst asked if there were any fees to the city. Jeramy Jones responded that this is their standard pre-contractual agreement with no fees at all. Mr. Hurst requested that we strike Item V "Taxes" from the agreement to ensure there is no hidden cost. Jeramy said that would not be a problem.
- Mayor Piwko complimented Jeramy on his well-written explanation of this technical matter.
- John Klostermann asked what the time frame for recycling. Jeramy Jones responded that it will be a matter of days once the agreement is executed.
  - Motion to approve was made by John Klostermann
  - 2<sup>nd</sup> to approve was made by Donny Mason
  - All council members were in favor thereby approving the motion

B. Consider, discuss, and act upon an Interlocal Jail Services Agreement with Collin County

- Motion to approve was made by Leaca Caspari
- 2<sup>nd</sup> was made Michael Hesse
- All council members were in favor thereby approving the motion

C. Consider, discuss, and act upon a resolution re-adopting the 11<sup>th</sup> Edition of Robert's Rules of Order

- John Klostermann asked why this came up. Leaca Caspari responded that she put it on the agenda because she feels the Council has not been following Robert's Rules of Order. Michael Hesse stated that before he votes, he would like time to read and review the Rules.
  - Motion to table was made by Michael Hesse
  - 2<sup>nd</sup> was made by Donny Mason
  - All council members were in favor thereby approving the motion

D. Consider, discuss, and act upon identifying the direction Council wants to take with regard to a Tree Ordinance

- Leaca Caspari requested that this be placed on the agenda. She explained that this came about from an issue downtown but that the subdivision ordinance also needs to reflect how we want to handle future situations. She went on to say that this is not to infringe on private property but only public spaces. Ms. Caspari would like to send this to P&Z to review but understands that P&Z has many items to review that Council has passed down. She would also like to see citizens involved to voice their opinion.
- Mayor Piwko asked if there was anything already in the subdivision ordinance regarding trees. Paula Jackson stated that there is not. Mayor Piwko said she would not want a point system that would deter developers.
- Mike Hurst stated that both of the sample ordinances (Allen and Denton) address historic trees and protect them if they are not a safety hazard and believe the focus should be on trees indigenous to the area. Mr. Hurst thinks both sample ordinances look pretty good and is not sure that this item needs to be sent to P&Z.
- John Klostermann asked Leaca Caspari if she would like P&Z to review and develop a tree ordinance. She responded that she would.
- Mayor Piwko asked the council if they really want a new, lengthy ordinance or just a paragraph on the topic.
- A discussion ensued about the need and the stipulations that would be contained within the ordinance.
- City Attorney, Alan Lathrom, said that the city has the ability through the subdivision ordinance to determine what direction Council wants to take with a tree ordinance, for example, how it will pertain to new development or redevelopment. He continued on by saying that Council has the opportunity to designate how broad or restrictive the ordinance will be. Leaca Caspari added that the Denton ordinance does address redevelopment.
- Mr. Hurst asked Ms. Caspari to tell him specifically why she favored the Denton ordinance over the Allen ordinance. She responded that administration by city staff of the Allen ordinance is her biggest objection because Farmersville does not have enough staff to take this on.
  - Motion to send tree ordinance to P&Z was made by John Klostermann
  - 2<sup>nd</sup> made by Leaca Caspari

- All council members were in favor thereby approving the motion

E. Consider, discuss, and act upon reviewing the Citizen on Patrol policy regarding the qualifications of citizens permitted to participate

- Police Chief Sullivan explained that the Police Department has a Citizens' Police Academy Program. When an individual successfully completes the Academy, they may participate in the Citizens on Patrol Program.
- Mayor Piwko commented that this came about when concerned citizens notified her about a participant in the most recent graduating class. Mayor Piwko indicated that someone who just graduated from the academy has a criminal background or history. Chief Sullivan stated the Police Department's policy on the program, the training that participants must go through, and also stated that background checks are completed on each individual. In one particular case, he stated that an individual was charged with a felony offense (financial crime) in 2006 but received "Deferred Adjudication" after successfully completing probation. Deferred Adjudication is defined as a type of probation where a defendant is placed on probation for a certain period of time. If the probation is successfully completed, the case is dismissed without a conviction. The defendant will enter a guilty plea, but the judge does not find the defendant guilty and instead "defers" the finding of guilt. Pleading Guilty to receive Deferred Adjudication is not considered a conviction under State law. A criminal background check will show the arrest for the charge and subsequently show the Deferred Adjudication as a final disposition, but will not show a conviction. Chief Sullivan went on to explain that this applicant successfully completed her probation to receive Deferred Adjudication, therefore, no conviction for felony charges exist by State law. This applicant met the requirements to participate in and attend the Citizens Police Academy and Citizens on Patrol program. Chief Sullivan continued by saying the Citizens on Patrol program is a voluntary program. Once citizens graduate, they assist the PD with things such as traffic control for special events and lend an extra set of eyes. The department has a specific car for the COP's use, and there are requirements that the COP volunteer must maintain when operating the vehicle. Chief Sullivan said the participants are a tremendous asset to Farmersville, and he wants them working with the department. Chief Sullivan stated the PD's policy for the program is standard and is derived from other law enforcement programs.
- John Klostermann commented that he has gone through the program and believes it is a good program, one that is eye opening.
- Michael Hesse asked when the Citizens on Patrol program was implemented in Farmersville. Chief Sullivan responded that the program began about two years ago, but that the program is just really starting to take off. Mr. Hesse asked if other departments offer cars for the COP program as he was not aware of this. He asked if the car is insured. Chief Sullivan responded that yes, most programs have cars and in some places, COP people even write tickets. He also stated that the department is self-insured through the Texas Municipal League.

- Leaca Caspari asked Chief Sullivan if he is satisfied with his department's requirements for the program. Chief Sullivan responded that he is very satisfied. The PD is proud to have an open door policy because it is necessary to have that positive interaction and contact with the public. He restated that the COP volunteers are never put in a position of enforcement or involved in an investigation. They are cognizant of their role. He stated that the PD's policy for the program absolutely fits with what the City needs. Ms. Caspari said she appreciates everything they do especially since it is a volunteer position.
- Mike Hurst asked what the city's responsibility is if one of the citizen volunteers gets in over their head. Chief Sullivan responded that, in those types of situations, all you can do is rely on your training. He stated that he cannot predict how an individual, volunteer or not, will respond when put in a compromising or stressful situation. Chief Sullivan said all the volunteers must carry a cell phone and be in communication with the PD when on patrol. Michael Hesse then commented that he just wants to make sure everyone is safe. John Klostermann added that is the first thing that is stressed. Leaca Caspari said twelve weeks of time is sufficient to discern if someone is qualified to volunteer. Chief Sullivan agreed with Ms. Caspari.
- Mayor Piwko said that her fear, more than narcotics or assault, is financial fraud. She stated that she would be concerned with someone coming into her home or business and taking advantage of financial documents that are visible (comment is in reference to qualifications of COP participants).
- Chief Sullivan again stated the policy of the PD's Citizens on Patrol Program and reiterated that the individual for which Mayor Piwko is referring, satisfied all requirements set forth by the court.
- Leaca Caspari commented that the restrictions Mayor Piwko is suggesting in evaluating COP volunteers is more restrictive than the requirements for City Council. Ms. Caspari stated that Chief Sullivan has made it clear that his policy is more than sufficient.
- Chief Sullivan again reiterated the policy for the program and reaffirmed his belief in citizen collaboration with the PD. In addition, he stated that if there are concerns regarding his programs or the safety of citizens, he needs to be made aware of them directly.

- No motion, no action

## **VII. BUDGET WORKSHOP UPDATES**

- Daphne Hamlin told the Council that all department heads have assisted in significantly reducing the deficit of the proposed budget. However, we are still in a deficit situation. City staff raises and the fireman salary were kept in the proposed budget. Ms. Hamlin has also received the certified numbers from the county. The City's appraised value has increased by 12%. The tax rate has gone down \$0.07 from last year.
- Mayor Piwko asked if there will be a rollover in the Street Department (under General Fund). Ms. Hamlin replied that there will not be a rollover. \$127,000 has been set aside for the Jackson Street reconstruction. That money was

transferred from the Electric Fund. Mike Hurst asked if any of the \$127,000 will be transferred from the refuse fund. Ms. Hamlin said that is the intention.

- Mike Hurst confirmed with Ms. Hamlin that the proposed budget will include a \$0.07 decrease. Ms. Hamlin said that is correct and is a result of a change in the taxable value. Michael Hesse asked if this is comparable to other cities. Ms. Hamlin said she was unsure.
- Mayor Piwko stated that the 1<sup>st</sup> public hearing for the tax rate will be on August 23<sup>rd</sup>, the second hearing will be on August. 30<sup>th</sup>, and the meeting to vote on the tax rate will be held on Sept. 6<sup>th</sup>.
- Council entered an Executive Session at 7:27pm.
- Council reconvened from Executive Session at 7:47pm.
  - Motion to table any action on items discussed in Executive Session was made by Leaca Caspari
  - 2<sup>nd</sup> was made by John Klostermann
  - All council members were in favor thereby approving the motion

**VIII. REQUEST TO BE PLACED ON FUTURE AGENDAS**

- Mayor Piwko requested an item to discuss a policy on the use of city emails

**IX. ADJOURNMENT**

- The meeting was adjourned at 7:49pm.

**APPROVE:**

  
Diane C. Piwko, Mayor

**ATTEST:**

  
Mary Tate, City Secretary