

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
November 10, 2009

The Farmersville City Council met in called regular session on November 10, 2009 6:00 p.m. in the Council Chamber at City Hall with the following members present: Mayor Don Smith, Fred Langford, Paul Kelly, Billy Long, Bobby Bishop and Kevin Green. Staff members present were: City Manager John Moran; Police Chief Phillip Pannell; Fire Chief Kim Morris; Finance Director Daphne Hamlin; and City Secretary Edie Sims.

CALL TO ORDER, ROLL CALL

Mayor Smith called the meeting to order. Edie Sims called the roll and announced a quorum was present.

RECOGNITION OF CITIZENS/VISITORS

Mayor Smith welcomed our visitors and asked for speakers on non agenda items.

Rex Thain, 109 College Street, addressed the City Council regarding a cross connection at his residence that was previously utilized for heating and air conditioning. Mr. Thain requested payment from the city for future alterations to his personally owned system.

David Eaves, representative for JD Russell at 1400 Dura Edge, requested the Council to consider an exception regarding the billing process for JD Russell's electric use.

RECEIVE PUBLIC COMMENT IN REGARD TO ORDINANCE #2009-39 AMENDING ORDINANCE #2009-09 FOR THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

Mayor Smith opened the floor to the citizens to receive public comment on the Sale and Distribution of Alcoholic Beverages Ordinance. The following individuals spoke to the Council:

- Chris Calverly, 3500 CR 659, stated as he does not live within the City Limits he was unable to vote; however he asked why the ordinance is being changed now that the election has passed.
- Richard Zimmer, 16947 CR 617, asked what are the specifics of the ordinance and the distance requirements as presented to be amended along with the intent and how to be measured for residential?
- Amin Ali, owner of McCloud's at 316 N. Main, expressed his opinion that with the amendment as written, Brookshires will be the only store able to sell beer and they were not part of the group to help bring it to Farmersville. His perception was that he does not want himself or the other participants of the Farmersville Economic Group to be singled out and left out after putting forth the effort and expense to bring beer sales into Farmersville.

EXECUTIVE SESSION – DISCUSS MATTERS WITH ATTORNEY IN ACCORDANCE WITH TEXAS GOVERNMENT CODE §551.071

Council went in to Executive Session at 6:29 p.m. to consult with the City Attorney.

RECONVENE FROM EXECUTIVE SESSION

Council reconvened from Executive Session at 6:55 p.m. with no action taken during the Executive Session.

CONSIDER ORDINANCE #2009-39 AMENDING ORDINANCE #2009-09 FOR THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

Bobby Bishop moved to table this item until the December 8, 2009 meeting, with Paul Kelly seconding the motion. Motion carried unanimously.

CONSIDER CONTRACT WITH BUREAU VERITAS FOR INSPECTION SERVICES

Mayor Smith opened this item and introduced Ty Chapman, Director of Inspections with Bureau Veritas. This company is a third party line of services that allows the city to outsource plumbing, electric, plan review and other inspection services. The benefit of this company will be to enforce city codes and ordinances and offer quality assurance. Bureau Veritas works directly with the applicant on problems or issues to be resolved. All inspectors are fully certified and do not charge reinspection fees. Fees are based solely on the contract by valuation. Paul Kelly moved to approve the contract with Bureau Veritas for inspection services with Billy Long seconding the motion. Motion carried unanimously.

CONSIDER AUTHORIZING THE CITY MANAGER TO CONTRACT WITH MUNICODE CORPORATION FOR ORDINANCE CODIFICATION, IN AN AMOUNT NOT TO EXCEED \$12,000

Billy Long moved to approved to authorize the City Manager to contract with Municode Corporation for ordinance codification, with Bobby Bishop seconding the motion. Motion carried unanimously.

CONSIDER ORDINANCE #2009-32 ESTABLISHING AND IMPLEMENTING AN IDENTIY THEFT PREVENTION PROGRAM

City Manager John Moran stated that through a mandate from the Federal Trade Commission, we are to have in place policies and procedures that address the city's efforts to protect and secure the identity of our utility customers. Ordinance #2009-32 with the policy is Red Flag compliant. Bobby Bishop moved to approve Ordinance #2009-32 with Paul Kelly seconding the motion. Motion carried unanimously.

CONSIDER ORDINANCE #2009-33 PROHIBITING URINATING OR DEFECATING IN PUBLIC

Paul Kelly moved to approve Ordinance #2009-33 with Billy Long seconding the motion. Motion carried unanimously.

CONSIDER ORDINANCE #2009-34 AUTHORIZING THE POSITION OF CITY MANAGER

Per Alan Lathrom, Ordinance #2009-34 identifies the relationship of the City Manager with the City Council and employees, and details the duties in more detail than the previous ordinance. Paul Kelly moved to approve Ordinance #2009-34 with Billy Long seconding the motion. Motion carried unanimously.

CONSIDER ORDINANCE #2009-35 REGARDING THE POSITION OF CODE ENFORCEMENT OFFICER

Currently the City of Ordinances refers to the Code Enforcement Officer handling code enforcement issues and nuisances. The Ordinance presented defines the powers, duties and qualifications for this position. Paul Kelly moved to approve Ordinance #2009-35 with Bobby Bishop seconding the motion. Motion carried unanimously.

CONSIDER ORDINANCE #2009-36 ADOPTING THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE

Each of the International Codes must be adopted as a separate code with the 2006 International Property Maintenance Code not having been adopted previously. This code will be a beneficial tool for Code Enforcement. Billy Long moved to adopt Ordinance #2009-36 with Kevin Green seconding the motion. Motion carried unanimously.

CONSIDER ORDINANCE #2009-37 REGULATING OCCASIONAL GARAGE OR YARD SALES

Per City Manager John Moran, Ordinance #2009-37 will supersede previous ordinances and be a tool for Code Enforcement to keep garage sales from becoming a nuisance as an ongoing non-ending garage sale. This Ordinance also includes signage on poles and other enforcement tools in regard to garage sales. Billy Long moved to table until December 8, 2009 Council Meeting with Fred Langford seconding the motion. Motion carried unanimously.

CONSIDER RESOLUTION #2009-38 SUPPORTING ENERGY EFFICIENCY PROGRAMS

City Manager John Moran expressed the resolution will be used for application of a grant opportunity. A letter of intent has already been submitted. Paul Kelly moved to approve Resolution #2009-38 with Bobby Bishop seconding the motion. Motion carried unanimously.

CONSIDER RESOLUTION #2009-40 CASTING THE CITY'S BALLOT FOR BOBBY BISHOP AS A BOARD OF DIRECTOR POSITION AT THE COLLIN CENTRAL APPRAISAL DISTRICT

Billy Long moved to approve Resolution #2009-40 for all votes to be cast for Bobby Bishop with Paul Kelly seconding the motion. Motion carried unanimously.

CONSIDER RESOLUTION #2009-41 TO ADD JOHN MORAN TO TEXPOOL AS AN AUTHORIZED SIGNATOR

Bobby Bishop moved to approve Resolution #2009-41 with Paul Kelly seconding the motion. Motion carried unanimously.

CONSIDER MEMBERSHIP WITH ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

City Manager John Moran expressed consideration of membership with ERCOT to the Council to allow the city voting rights pertaining to our municipally owned electric service. The membership fee is \$2,000. Paul Kelly motioned to approve membership with ERCOT with Fred Langford seconding the motion. Motion carried unanimously.

CONSIDER ACCEPTING RESIGNATION ON COMMUNITY DEVELOPMENT BOARD

Mayor Smith thanked Debi Jordan for her service and dedication to the City of Farmersville. Paul Kelly moved to accept Debi Jordan's resignation with Billy Long seconding the motion. Motion carried unanimously.

CONSIDER REPLACEMENT ON COMMUNITY DEVELOPMENT BOARD

Margaret Wisdom was nominated as a replacement to fill the vacancy on the 4B Community Development Board. Billy Long moved to appoint Margaret Wisdom to the Community Development Board with Bobby Bishop seconding the motion.

DISCUSSION CONCERNING STREET NAMES

Fred Langford asked this item to be discussed regarding street names that may be a potential hazard to emergency responders. North Austin Street and South Rike Street have blockages that may be unknown to outside responders not familiar with Farmersville. City Manager John Moran requested the Council to allow him the opportunity to study the areas and make a recommendation at the December meeting. This item was tabled for further research.

ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

No items were withdrawn from the Consent Agenda

CONSENT AGENDA

Paul Kelly moved to approve the Consent Agenda as presented with Bobby Bishop seconding the motion. Motion carried unanimously.

EXECUTIVE SESSION – DISCUSSION OF MATTERS PERMITTED BY TEXAS GOVERNMENT CODE §551.071

Council exited to Executive Session at 7:28 p.m.

DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION

Council reconvened from Executive Session at 8:22 p.m. with no action taken during Executive Session.

Mayor Smith expressed that a claim will be submitted to the City's insurance regarding water utility issues.

Mayor Smith announced that the Main Street Program was honored with the 2010 National Main Street award. This is the 10th year in a row that our Main Street has been recognized.

REQUEST(S) TO PLACE ITEMS ON FUTURE AGENDAS AND QUESTIONS

Mayor Smith requested to place an update from the Marketing Team on the December 8th meeting.

ADJOURNMENT

Billy Long moved to adjourn with Paul Kelly seconding the motion. Motion carried unanimously. Council adjourned at 8:25pm.

APPROVED

Donald C. Smith, Mayor

ATTEST

Edie Sims, City Secretary