



TO: Mayor and Councilmembers

FROM: John Moran, City Manager

DATE: March 8, 2011

SUBJECT: Consider and act upon City Council Minutes for January 25, 2011

Minutes are attached

ACTION: Approve or disapprove Minutes for January 25, 2011

(III - C)

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
JANUARY 25, 2011

The Farmersville City Council met in called regularly called session on January 25, 2011 at 6:00 p.m. in the Council Chamber at City Hall with the following members present: Mayor Joe Helmberger, Fred Langford, Paul Kelly, Billy Long, Bobby Bishop and Jim Foy. Staff members present were Police Chief Mike Sullivan, Fire Chief Kim Morris, Interim Public Works Director Walter Ragsdale, Finance Director Daphne Hamlin, City Attorney Alan Lathrom and City Secretary Edie Sims.

CALL MEETING TO ORDER, ROLL CALL

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

GUESTS TO SPEAK ON NON AGENDA ITEMS

Gwen Reynolds, residing at 5258 CR 660, came before the Council with concerns of an article regarding the Extraterritorial Jurisdiction changes and how these changes will affect her property. Mayor Helmberger invited Mrs. Reynolds to stay for Item J on the Regular Agenda.

Martha Rader, residing at 206 Farr Hill Lane, gave concern regarding the recent break in at City Hall and how the City is handling the breach of identity to those whose checks were stolen.

Barbara Stooksberry, residing at 614 N. Main, gave concern regarding the recent break in at City Hall and asked for more Police presence during this wave of burglaries.

Leaca Caspari, residing at 405 Summit, introduced Tom Waitschies as the new Minister at First United Methodist Church in Farmersville and welcomed him to our community.

READING OF ORDINANCES: SECOND READING TO THE PUBLIC FOR THE COUNCIL TO CONSIDER, DISCUSS AND ACT UPON ORDINANCE #O-2011-0208-001 PROVIDING FOR THE MUNICIPAL COURT AND MUNICIPAL COURT JUDGE AND COURT CLERK

Jim Foy began this topic by stated the only change was corrected at the last Council meeting and stated this Ordinance is standard which is also used in McKinney as well. Fred Langford motioned to approve Ordinance # O-2011-0208-001 with Jim Foy seconding the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

RECEIVE PRESENTATION, AND DISCUSSION, REGARDING COLLECTION SERVICES PROVIDED BY MCCREARY, VESELKA, BRAGG & ALLEN RELATIVE TO THE COLLECTION OF DELINQUENT COURT FEES, FINES AND PAST DUE UTILITY BILLS OWED TO CITY

Laird Markland and Julie Morgan with McCreary, Veselka, Bragg and Allen came before the Council to give information regarding their firm and their performance of collections of delinquent court fees and fines as well as past due utility bills. Their firm

based in Round Rock, Texas has 104 municipalities as clients throughout the State of Texas. Mr. Markland stated he felt his firm could maximize the collections while following appropriate guidelines and policies with a personalized collection program that will incorporate the use of Incode which is the City's accounting software program. The firm will handle all communications once collections have been received. The Court will have access to their web access and can check each account. Ms. Morgan stated personal service is the hallmark of their firm. Credit Cards and electronic checks are accepted as payment directly through the firm with a \$5 processing fee per transaction paid by the debtor. All calls are recorded. Collectors are stringently screened with 95% of staff being bilingual. The fees are 30% of the total bill which is paid by the debtor and the City will then be billed for amounts owed according to debtor payments. Mr. Markland requested the opportunity to serve the City of Farmersville with this valuable tool. Billy Long questioned how indigent debtors are handled. Mr. Markland stated that the Municipal Judge can make an indigent decision which will be honored by the firm and no fees will be charged.

DISCUSS, CONSIDER AND ACT ON ORDINANCE # O-2011-0125-002 TO ADOPT A THIRTY PERCENT (30%) COLLECTION FEE FOR THE COLLECTION OF DEBTS AND ACCOUNTS RECEIVABLES AS ALLOWED BY ARTICLE 103.0031 OF THE TEXAS CODE OF CRIMINAL PROCEDURE

Billy Long motioned to approve the first reading of Ordinance # O-2011-0125-002 to adopt a thirty percent (30%) collection fee for the collection of debts and account receivables. Fred Langford seconded the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

DISCUSSION AND POSSIBLE ACTION REGARDING AN AGREEMENT WITH A SELECTED COLLECTION FIRM RELATIVE TO DELINQUENT COURT FEES AND FINES OWED TO THE CITY AND PAST DUE UTILITY BILLS OWED TO THE CITY

City Manager John Moran stated references were checked regarding McCreary, Veselka, Bragg and Allen firm with all positive replies. References were also checked regarding the previous presentation by Linebarger, Goggan, Blair & Sampson, LLP with all positive replies. Jim Foy stated he liked McCreary, Veselka, Bragg and Allen due to accessibility for payment for debtors. Paul Kelly stated he like the client web access as provided by McCreary, Veselka, Bragg and Allen. Bobby Bishop motioned to approve an agreement with McCreary, Veselka, Bragg and Allen with Billy Long seconding the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

Fred Langford requested a letter be submitted to Linebarger, Goggan, Blair & Sampson, LLP to inform of the Council decision.

DISCUSS UPDATING THE COMPREHENSIVE PLAN

Mayor Helmberger stated he would like to plan a workshop needs to set up the structure of updating the Comprehensive Plan as this will be a long and tedious process. Jim Foy stated he felt the Council could do the work internally as funding is not available to have professional done. By working internally, all Board members can

participate. Council concurred to schedule the second meeting in February as a workshop for the Comprehensive Plan.

DISCUSSION RELATIVE TO HOLDING REGULARLY SCHEDULED CITY MEETINGS ON LOCALLY RECOGNIZED HOLIDAYS

After a brief discussion, the Council concurred not to have any meetings scheduled on holidays where the City Hall Offices are closed to the public.

UPDATE REGARDING UTILITY RATE STUDIES

City Manager John Moran informed the Council of his recent meeting with J. Stowe & Company. A draft has been completed and a target date of February 22nd is slated for the utility rate studies presentation.

UPDATE ON FISCAL YEAR AUDIT

City Manager John Moran informed the Council that he has a meeting with Robert Lake of Rutherford Taylor and Company. They are expecting to have the audit prepared for a Council presentation February 8th.

DISCUSSION AND UPDATE CONCERNING THE SANITARY SEWER OVERFLOW INITIATIVE SUBMITTED TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

City Manager John Moran informed the Council that the Texas Commission on Environmental Quality (TCEQ) has accepted the Sanitary Sewer Overflow Initiative proposal and the City will receive a formal agreement at a later date.

DISCUSSION AND UPDATE RELATIVE TO THE PROPOSED EASTERN COLLIN COUNTY REGIONAL WASTEWATER TREATMENT FACILITY

Mayor Helmberger gave an update to the Council regarding the proposed Regional Wastewater Treatment Plant. The Farmersville Investor's permit through Texas Commission on Environmental Quality is in the approval stages; however the permit does not include a Regional Wastewater Treatment Plant. The permit only applies to Farmersville Investor's Municipal Utility District property outside Farmersville's Extraterritorial Jurisdiction. The permit as presented is not the concept that was originally planned with the City of Farmersville since its conception in 2007. North Texas Municipal Water District is still pursuing a Regional Wastewater concept, but will be farther into the future and means the process with TCEQ will begin anew. This is a major factor for the growth of Farmersville and is a setback but we will continue to move forward.

DISCUSSION AND UPDATE REGARDING THE ENFORCEMENT OF BUILDING CODES IN THE CITY'S EXTRATERRITORIAL JURISDICTION

Jim Foy spoke to the Council stating that the County can no longer enforce building codes in the County due to recent legislation. The County does require homeowners to attain three (3) approved permits by building inspectors, for foundation, rough-in, and final. The problem is accounted to questionable building inspectors who will pass inspections and these are accepted. Collin County and Hunt County is very willing to have the City take this responsibility and we may be setting precedence for other cities to follow. Mayor Helmberger stated since the City has stricter standards, the property will meet current standards when it is futuristically annexed. If the Council

approves to move forward with enforcing building codes in the extraterritorial jurisdiction, it will only affect new construction. Existing structures will be grandfathered until they are torn down or otherwise removed. Collin County will address this issue with their attorneys and assist with the research in this project as the County must have a Court Order from the Commissioner's Court in order to release them from this duty. The only inspection Collin County will retain will be the On Site Sewage Facility inspection. This item will return to a future agenda when more details are available.

DISCUSSION AND POSSIBLE DIRECTION REGARDING TRUCK TRAFFIC ON CERTAIN CITY STREETS

Billy Long brought this item to the Council with concerns of large trucks and semi-tractor trucks traveling on interior City streets. Trucks that have traveled on Johnson Street heading North and turning onto Maple make short corners thence rutting property. This has become more of a problem throughout the City and Mr. Long requests an Ordinance to address this matter. Currently the City has weight limits signs on Mimosa and Neathery but not on other City streets. City Attorney Alan Lathrom encouraged that the Council can designate routes for certain sized vehicles to travel on. City Manager John Moran stated he and the City Attorney will investigate this issue and return in March with possible solutions.

EXECUTIVE SESSION – DISCUSSION OF MATTERS PERMITTED BY THE FOLLOWING SECTIONS OF TEXAS GOVERNMENT CODE CHAPTER 551:

- A. SECTION 551.071, CONSULTATION WITH ATTORNEY REGARDING COLLIN COUNTY COMMUNITY COLLEGE DEVELOPMENT AGREEMENT
- B. SECTION 551.072, DELIBERATION REGARDING REAL PROPERTY: ACQUISITION OF 0.225 ACRES OF LAND FOR A PERMANENT WATER LINE EASEMENT FROM UNIVERSAL ASSOCIATES, LLC.
- C. SECTION 551.074, DELIBERATION REGARDING PERSONNEL MATTERS: CONTINUATION/CESSASTION OF INTERIM DIRECTOR OF PUBLIC WORKS POSITION
- D. SECTION 551.074, DELIBERATION REGARDING PERSONNEL MATTERS: CITY MANAGER SICK TIME, VACATION TIME, AND TEMPORARY WORK SCHEDULE
- E. SECTION 551.076, DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS
- F. SECTION 551.086, DELIBERATION REGARDING PUBLIC POWER UTILITY COMPETITIVE MATTERS

Council convened to Executive Session at 7:02pm.

RECONVENE FROM EXECUTIVE SESSION

Council reconvened from Executive Session at 8:30pm.

DISCUSS, CONSIDER OR ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION

Jim Foy motioned to approve the land acquisition of 0.225 acres of land not to exceed \$4,900 with Billy Long seconding the motion. A poll of the Council was taken as follows: Fred Langford yes, Paul Kelly yes, Billy Long yes, Bobby Bishop yes and Jim Foy yes. Motion passed with full Council approval.

REQUEST TO PLACE ITEMS ON FUTURE AGENDAS

No items were requested for future agendas.

ADJOURNMENT

Council adjourned at 9:45p.m.

APPROVED

Joseph E. Helmberger, P.E., Mayor

ATTEST

Edie Sims, City Secretary