

FARMERSVILLE CITY COUNCIL  
MEETING MINUTES  
April 14, 2009

The Farmersville City Council met in regular session on April 14, 2009 6:00 p.m. in the Council Chamber at City Hall with the following members present: Mayor Don Smith, Lee Warren, Billy Long, Kevin Green and Paul Kelly arrived at 6:12pm. Staff members present were Interim City Manager Shirley Horton, Police Chief Phillip Pannell, 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

No one spoke on non-agenda items.

RECEIVE CHECK PRESENTATION BY JOE JAYNES FOR THE CONCRETE TRAIL AT NORTH LAKE PARK

Joe Jaynes was not able to attend the meeting and this item will be rescheduled for April 28, 2009.

RECEIVE RUTHERFORD, TAYLOR & COMPANY'S ANNUAL AUDIT REVIEW

Mayor Smith introduced Robert Lake with Rutherford, Taylor and Company. Robert Lake reviewed the annual audit report for 2007-2008 Fiscal Year. After informing the Council of the audit findings, Mr. Lake reported that the city had no deficiencies and there was no non-compliance of regulations found. Billy Long moved to approve the audit report as presented with Lee Warren seconding the motion. Motion carried unanimously.

CONSIDER UPDATED CONTRACT WITH REVENUE RESCUE

Fire Chief Kim Morris explained the changes of contract with Revenue Rescue are in reference to a new contract template. The overall purpose of the contract has not changed. Although income is dropping, the insurance companies are not paying as they had previously. Alan Lathrom, City Attorney, indicated that there were changes with this contract, specifically the Indemnity Clause that need to be addressed. Lee Warren moved to approve the contract with amended changes on the Indemnity Clause with Billy Long seconding the motion. Motion carried unanimously.

ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

Lee Warren requested Item D be withdrawn from the Consent Agenda.

CONSENT AGENDA

Lee Warren moved to approve the Consent Agenda with the exception of Item D. Paul Kelly seconded the motion. Motion carried unanimously.

CONSIDER AND VOTE ON ITEMS WITHDRAWN FROM THE CONSENT AGENDA

Lee Warren had a variety of questions regarding Item D (City Financial Reports). Daphne Hamlin, Financial Director, clarified the questions which included: Animal and

License Fees include impound and contract fees from Josephine; 4B funds also include Adah Leah's salary. The 4B reimburses the City for these costs; Police Department had expended monies for bullet-proof vests; Fire Department expended monies for bunker gear.

Shirley Horton, Interim City Manager informed the Council that the City's software program can not separate the warrant income from the ticket income due to the State fees.

Lee Warren moved to approve Item D as withheld from the Consent Agenda with Paul Kelly seconding the motion. Motion carried unanimously.

#### VOLUNTEER FIRE DEPARTMENT REPORT FOR MARCH

Fire Chief Kim Morris reported the Fire Department's monthly report for March 2009 with 66 calls for service with 27 calls being in the City and 39 calls in the County. Two mutual aids were given, one to Josephine and the second to Nevada for grass fires. In turn, both Josephine and Nevada gave mutual aid to Farmersville on a grass fire. The County has lifted the burn ban but asking all departments to give precaution as weather changes may change this status. Two firemen have completed their Intermediate Accredited courses. Planning has been arranged for the First Baptist Church event for 4-19-09. The Department is anticipating the tanker truck to have a built date the latter part of May. The company building the tanker will not deliver to Farmersville as originally anticipated. The grant which funded the tanker still has funds available for travel expenses to pick up the tanker.

Lee Warren stated that a goal of Chief Morris was to have all firefighters acquire Basic and Class B training. Chief Morris reported that all but one has their Class B and all firefighters have their Basic training completed.

Chief Morris stated that the Annual Fish Fry is planned for June 13.

#### POLICE DEPARTMENT REPORT FOR THE MONTH OF MARCH

Police Chief Phillip Pannell came before the Council to report that the Police Department responded to 422 calls with 13 arrests for the month of March. Chief Pannell gave the different types of calls and stated that 20 cases were filed with the District Attorney's Office. The Department cleared 37 cases during the month and there were 130 citations issued. The grant paperwork has been completed for the 3 additional officers. June 26<sup>th</sup> is planned for the 2<sup>nd</sup> Annual Softball Tournament with estimated 40 teams.

#### WARRANT OFFICER REPORT FOR THE MONTH OF MARCH

Warrant Officer Greg Perkins presented to the Council a Power Point Presentation regarding the Warrant Officer program since its inception in November. Officer Perkins relayed the income that has been brought in for the duration of the program and the increase from previous years. Officer Perkins also informed the Council his plans of working on a 3 Year Policing Plan and doing more work for the Police Chief as warrants slow down.

#### STATUS OF THE CITY FOR THE MONTH OF MARCH

Interim City Manager, Shirley Horton, reported to the Council that the Super Series held April 4 & 5 made approximately \$2,700. The TxDOT Highway 380 Project

is still underway with the contract for Phase I planned to let middle of May and construction in July. The plan is to build the South side first moving traffic to the North side. We are awaiting final approval from TxDOT to begin construction of the sewer line on the loop between Hwy 78 & Hwy 380. The contract on Phase II is scheduled to let August 2009. Another TxDOT meeting will be held April 29 which will be attended. The water line is complete on the Highway 380 Grant. We will lay the 400' extension at Advanced Fixtures for future expansion this week. An 8" line from Floyd Street Creek to Tommy Smith's driveway will be installed with a fire hydrant. Rike Street Railroad Crossing project is at a stand still due to weather. We received reimbursement from Provident for the Feasibility Study. The Budget Report was relayed with all departments reflecting at or near 50% as expected for this time of year with a few exceptions.

EXECUTIVE SESSION – CONSULTATION WITH ATTORNEY TO DISCUSS THE FOLLOWING MATTERS ALLOWED BY TEXAS GOVERNMENT CODE §551.071

- A. COMPENSATION PACKAGE ESTABLISHED IN THE FORMER CITY MANAGER'S CONTRACT
- B. RESPONSIBILITIES IN A MANAGER-COUNCIL FORM OF GOVERNMENT
- C. CONTRACT DOCUMENTS FOR PURCHASE OF QUINT FIRE TRUCK

Mayor Smith closed the Open Meeting to go into Executive Session at 7:24pm.

RECONVENE FROM EXECUTIVE SESSION

Council returned from Executive Session at 7:42pm and reconvened into the Open Session Meeting.

DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION

- a. Discuss the possible hiring of an Executive Search Firm for the City Manager Position: Considering the monetary difference from the previous City Manager's salary and current expenses, the budget will allow approximately \$21,000 to hire a professional search firm per Mayor Smith. After much discussion, Billy Long moved to approve seeking an Executive Search Firm and have Shirley Horton make recommendations at a later date with Kevin Green seconding the motion. Lee Warren opposed. Motion passed.
- b. Mayor Smith announced that he has asked Royce City's Interim City Manager to come to the Workshop Meeting prior to the Town Hall Meeting on 4-28-09. The Council requested a form to be given to the citizens at the Town Hall Meeting to ask their name, address, why they wish to serve on the Search Committee, their time they can dedicate to the project and the evenings available to meet. The Council also requested the Mayor limit the speakers at the Town Hall Meeting to speak only once and for 5 minutes only.
- c. The Council spoke extensively regarding employees being on the Search Committee as this would be a conflict of interest. After much discussion of the diversity of the Search Committee, Paul Kelly moved to have 8 people on the Search Committee and the Chair should not vote. Kevin Green seconded the motion. Paul Kelly amended his motion to reflect the Search Committee to be

comprised as follows: 2 Council, 2 Chiefs, 1 ISD Member, 3 Citizens and the Interim City Manager and allowing the Chair to vote with Kevin Green amending his second. Motion carried unanimously.

REQUEST TO PLACE ITEMS ON FUTURE AGENDA AND QUESTIONS ABOUT CITY OPERATIONS

Lee Warren requested Joe Jaynes be first on the April 28<sup>th</sup> Agenda for the check presentation.

ADJOURNMENT

On a motion by Lee Warren and a second by Billy Long, Council adjourned the meeting at 8:25 p.m.

APPROVED

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Donald C. Smith, Mayor

ATTEST

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Edie Sims, City Secretary