

**FARMERSVILLE CITY COUNCIL
MEETING MINUTES
JANUARY 11, 2011**

The Farmersville City Council met in called regularly called session on January 11, 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.

ANNOUNCEMENTS RELATING TO ITEMS OF PUBLIC INTEREST

Police Chief Mike Sullivan introduced Eric Huggins as the newly appointed School Resource Officer. Mr. Huggins has been with the Farmersville Police Department since November 2009 and looks forward to his appointment as SRO Officer.

Mayor Helmberger gave congratulations to Farmersville Main Street and all the volunteers who work with Main Street to have made this program such a success. Farmersville's Main Street was mentioned in an article of Main Street Matters featuring the Farmersville Times building and the Geocaching on the Chaparral Trail.

CONSENT AGENDA

Mayor Helmberger requested Items B through H be removed for questions from the Consent Agenda. Jim Foy motioned to approve Item A (City Council Minutes for the month of December 2010) 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.

ITEM B CITY FINANCIAL REPORTS: Mayor Helmberger questioned the Workers Comp payment being only one payment due. City Manager John Moran informed the Mayor and Council that this payment is an annual payment. Mayor Helmberger questioned the Franchise Fee for Atmos. City Manager John Moran stated the Franchise Fee will be renegotiated when the Atmos Natural Gas contract comes due. Mayor Helmberger also requested the School Resource Officer report be added to future Consent Agenda items.

ITEM C POLICE DEPARTMENT REPORT FOR THE MONTH OF DECEMBER 2010: Mayor Helmberger requested Police Chief Mike Sullivan to report on the Code Red or Reverse 911 contact methods which will contact businesses regarding burglaries or other significant issues requiring business continuity. Chief Sullivan stated he has been working with Jason Lane with Collin County who stated Code Red is not in use and Collin County is now using Everbridge as their Emergency Notification and Incident Communication System. This software allows notices from the Police Department or City can be global to the Farmersville area. Chief Sullivan stated he will continue to research and attain more information for a future Council meeting.

ITEM D CODE ENFORCEMENT /ANIMAL CONTROL REPORT FOR THE MONTH OF DECEMBER 2010: Chief Mike Sullivan reported that since Karen Dixon has been working Code Enforcement, she has the need for Council direction and has requested a workshop to plan a course of action. City Manager John Moran requested to work the code enforcement issues with the Chief. Also Chief Sullivan requested the purchase of new equipment for the Animal Control Department to be discussed for this year's expenditures or for next year's budget cycle. Jim Foy questioned the high amount of code enforcement issues being deduced to the period of non enforcement with City Manager John Moran answering true.

ITEM E FIRE DEPARTMENT REPORT FOR THE MONTH OF DECEMBER 2010: Mayor Helmberger requested Fire Chief Morris to report on the Saver Grant. Chief Morris explained that the City of Farmersville is not on the rejection list meaning that the grants are still in the review stage. The panel for the grant has had concern due to the number of Fire Department employees requested which was explained in the grant submittal. Chief Morris stated that most grant awards are in September and could be as late as October before Farmersville is apprised of a successful grant. Mayor Helmberger also questioned the training being funded by the Texas Forestry Service which is 100% paid training for First Responder/Emergency Care Attendant.

ITEM F MUNICIPAL COURT REPORT FOR THE MONTH OF DECEMBER 2010: Mayor Helmberger questioned the effect of Omnibase. Police Chief Sullivan informed the Mayor and Council that the use of Omnibase keeps defendants from renewing their driver's license until warrants are paid.

ITEM G PUBLIC WORKS AND CUSTOMER SERVICE REPORT FOR THE MONTH OF DECEMBER 2010: Mayor Helmberger questioned if all disconnected water meters are checked with Interim Public Works Director Walter Ragsdale informed the Mayor and Council that all disconnected meters are confirmed each month.

ITEM H LIBRARY REPORT FOR THE MONTH OF DECEMBER 2010: On the Library Report, a line item is dedicated to Patrons Saved. Mayor Helmberger questioned this line item and was reported in writing from Librarian Trisha Dowell that by a patron borrowing the book from the Library rather than purchasing, this is the cost savings

Bobby Bishop moved to approve Items B through H with Paul Kelly 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.

INFORMATIONAL ITEMS

Mayor Helmberger announced having Informational Items on the Agenda to report the various boards and commissions to keep the Council apprised of their actions and efforts.

- A) UPDATE REGARDING STATUS OF GRANTS AND BOND PROGRAMS APPLIED FOR AND/OR RECEIVED BY THE CITY: Interim Public Works Director Walter Ragsdale informed the Council that Floyd Street has not been engineered or designed and the project has been on hold for some time now. Funding spent on Floyd Street has been for land acquisition only.

Councilman Jim Foy questioned if the luminaries have been installed with the SECO Grant. Mr. Ragsdale informed the Council that lights have been exchanged on Main Street and McKinney Street with basically the same fixture; however the lighting element was changed to accommodate LED style lighting. On another note, a light pole at the Spain Baseball Field fell causing damage to some of the ballfields fencing has been scheduled to be changed out. A claim has been filed with the City's insurance and Sharyland is testing all the other poles.

Mayor Helmberger has requested all other board minutes be added to the Informational Items on the Council Agenda.

READING OF ORDINANCES: FIRST 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

Mayor Helmberger opened this item to state the first reading of Ordinance # O-2011-0208-001 to allow the public to come, ask questions and be aware of ordinances being proposed for passing. Mayor Helmberger also stated this ordinance was not intended for the City Manager to take control of the Municipal Court. The creation and revisions of this ordinance up to this point were to make the positions clearer. Mayor Helmberger informed the Council that he had one other revision regarding Section 8.134.10 (1) changing the verbiage from the court calendar coordination with the court clerk, the municipal prosecutor and/or the City Attorney and being approved by the City Manager be changed to coordination with the city secretary to minimize scheduling conflicts and assure availability of court room facilities. City Manager stated his concern for this change as he is responsible for the city facilities and not the City Secretary. After a brief discussion, Jim Foy interjected that all employees regarding this ordinance work under the City Manager and having the City Manager declared on the ordinance is not necessary. Jim Foy motioned to approve the first reading with the revision as requested by Mayor Helmberger. Bobby Bishop 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.

CONSIDER RESOLUTION #R-2011-0111-001 TO CALL A GENERAL ELECTION FOR MAY 14, 2011 AND AUTHORIZE THE CITY SECRETARY TO ARRANGE FOR A JOINT ELECTION AND AUTHORIZING THE MAYOR TO SIGN THE ORDER OF GENERAL ELECTION

Councilman Jim Foy motioned to approve Resolution # R-2011-0111-001 with Paul Kelly 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.

PRESENTATION, DISCUSSION AND POSSIBLE CONSIDERATION 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

Edward Lopez and Dan Romo of Linebarger Goggan Blair & Sampson, LLP presented information about their firm to the City Council. Mr. Lopez stated his firm has

34 years of experience collecting governmental receivables and representing more than 1,900 governmental entities with offices nationwide. Mr. Lopez also informed the Council that his firm created and maintains proprietary software for collections. If the City chooses Mr. Lopez's firm, Incode will charge a fee of \$2,200 to work in conjunction with their software. This fee will be reimbursed back to the City or the firm will bear this cost. Invoices will be monthly to the Court and Utility Department for fees collected. The percentage of fees charged for the Court is standardized at 30%; however the utility bill collection fees can be negotiated, but usually costs 30% of the fees collected. The Court can remove the collection fee to the firm if collected due to the efforts of the local law enforcement.

Fred Langford stated he has had experience with this law firm and was not pleased with their handling of his account as being a customer. City Manager John Moran stated he has not had the opportunity to check references and requested the Council to forward this item to the January 25th Council meeting. Council concurred and requested this item be brought to the January 25th agenda.

DISCUSSION AND POSSIBLE AUTHORIZATION TO PROCEED WITH THE PROCUREMENT OF ENGINEERING SERVICES BY FOLLOWING TXDOT'S ENGINEERING SELECTION GUIDELINES FOR THE SAFE ROUTES TO SCHOOL GRANT

Interim Public Works Director Walter Ragsdale presented a Power Point presentation showing the areas the project will affect. Due to the nature of the this grant, TxDOT will reimburse 100% of the costs incurred, however the City will be required to pay all costs upfront. Jim Foy motioned to proceed with the procurement of engineering services by following TxDOT's engineering selection guidelines with Paul Kelly 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.

CONSIDER, DISCUSS AND POSSIBLY ACT ON A RENEWAL AGREEMENT WITH THE FARMERSVILLE RIDING CLUB

City Attorney Alan Lathrom informed the Council that the Agreement with the Riding Club has included an indemnity clause and a statement that gives the City the right to charge user fees for utilities for non sanctioned use by the Riding Club. Paul Kelly motioned to approve with Billy Long seconding the motion. Mayor Helmberger stated this Agreement needs to have formal recommendation from the Parks and Recreation Board prior to the Council's approval. Paul Kelly withdrew his motion as well as Billy Long withdrawing his second. After the Parks Board meets on this topic January 24, 2011 and makes a recommendation, the Council will act on February 8, 2011.

DISCUSSION AND CONSIDER APPROVING RESOLUTION # R-2011-0111-002 TO APPOINT AN ADMINISTRATOR AND ENGINEER FOR THE MAIN STREET SIDEWALK GRANT DISBURSED FROM THE TEXAS CAPITAL FUNDS

Paul Kelly motioned to approve Grantworks as the Administrator and Daniel and Brown, Inc. as the Engineer for the Main Street Sidewalk Grant through Texas Capital Funds through Resolution # R-2011-0111-002. Billy Long 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 CONSIDER APPROVING RESOLUTION # R-2011-0111-003 APPOINTING THE MAYOR, CITY MANAGER, MAYOR PRO TEM, AND THE CITY SECRETARY AS GRANT SIGNATORIES FOR A TEXAS DEPARTMENT OF AGRICULTURE PROGRAM CONTRACT

Bobby Bishop motioned to approve Resolution # R-2011-0111-003 to appoint the Mayor, City Manager, Mayor Pro Tem and the City Secretary as grant signatories for a Texas Department of Agriculture Program Contract. Paul Kelly 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 CONSIDER APPROVING RESOLUTION # R-2011-0111-004 TO ADOPT A PLAN TO ENCOURAGE EMPLOYMENT OPPORTUNITIES AND CONTRACTING WITH SECTION 3 RESIDENTS AND BUSINESSES, IN ACCORDANCE WITH 12 U.S.C. 1701U, SECTION 3

Due to the Main Street Grant, Paul Kelly motioned to approve Resolution # R-2011-0111-004 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.

PRESENTATION, DISCUSSION AND POSSIBLE ACTION ADDING POSITIONS TO SELECTED BOARDS THAT WOULD POTENTIALLY ALLOW CHILDREN FROM 14-17 YEARS OF AGE THE ABILITY TO SERVE ON SPECIFIED CITY BOARDS, AS PRESENTED BY RUSSELL CHANDLER

Russell Chandler was not present for the meeting, therefore no action was taken.

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

City Attorney Alan Lathrom had been requested to give a legal opinion of the enforceability of the City's building regulations in the Extraterritorial Jurisdiction (ETJ). Mr. Lathrom's opinion indicated that the City's building codes are enforceable in the ETJ due to health, safety and welfare of the City and the future growth of the City. If the City grows to a point that the current ETJ is now part of the City Limits, the enforced building codes will ensure that the buildings, at the time, were inspected to the fullest extent allowed. If the City chose to pursue this option, the building code ordinances will need to be updated and include the ETJ. Nuisances and sexually oriented businesses can be regulated within 5,000 feet of the existing City Limits. Currently the County requires three (3) inspections for foundation, rough-in and final which the homeowners are responsible to have inspected. Mr. Lathrom's opinion is based on a case between the City of Lucas and North Texas Municipal Water District where the City was found to be allowed the building inspections within their ETJ. Paul Kelly was concerned of the repercussion this action will initiate. Billy Long surmised a starting point would be to the City's advantage.

CONSIDERATION AND POSSIBLE ACTION AUTHORIZING THE CITY MANAGER TO GRANT AND EXECUTE A UTILITY EASEMENT IN SOUTHLAKE PARK

Interim Public Works Director Walter Ragsdale, with the assistance of a Power Point Presentation, showed the Council the previously authorized utility easement for Oncor to install a transformer to provide power to Southlake Park. The easement has

been revised to another location that will allow Oncor to use existing lines and the property will require being surveyed for the revision. Billy Long motioned to approve authorizing the City Manager to grant and execute a utility easement in Southlake Park with the latest revisions. Paul Kelly 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.

UPDATE ON THE US HIGHWAY 380 EXPANSION PROJECT

Interim Public Works Director Walter Ragsdale reported that the Highway 380 Expansion Project is on schedule. Phase 2 of the project is also on schedule and the contractor has begun moving the necessary utility lines from Floyd Street to the Hunt County Line. Phase 3 of the project is tight but everything is lined up with the Main Street Bridge which is the biggest factor of this phase. No action was taken by the Council.

UPDATE ON THE ONGOING UTILITY RATE STUDY

City Manager John Moran reported that he has a meeting with J. Stowe and Company next Thursday and the utility rate study project is close to being ready for a presentation to the Council. Questions were raised why the rate study project has taken much longer than expected. Per Interim Public Works Director Walter Ragsdale, the attaining and disposition of the existing data was challenged to be conformed to meet J. Stowe and Company which delayed the project.

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

Per City Manager John Moran, the City of Farmersville is in violation of the Texas Commission on Environmental Quality (TCEQ) 70/90 rule which requires at 70% capacity to be preparing and planning for construction to increase capacity for the sewer system. After working with advisors at TCEQ, the violation would be dropped if the City implemented the Sewer System Overflow Initiative (SSO). Said initiative has been submitted to TCEQ and we are awaiting their response.

DISCUSSION REGARDING A PROPOSED INTERLOCAL AGREEMENT WITH THE FARMERSVILLE INDEPENDENT SCHOOL DISTRICT PROVIDING VARIOUS UTILITIES TO THE TENNIS COURTS AND RIKE FIELD

Mayor Helmberger brought this item to the Council to begin a process of Interlocal Agreements with the Farmersville ISD for properties owned by the school yet where the City is furnishing utilities. Council concurred to direct staff to work with FISD to have an Interlocal Agreement for both the School Board and Council to review.

UPDATE ON THE 2009 – 2010 FISCAL YEAR AUDIT

City Manager John Moran reported to the Council that several messages have been left for our auditor Robert Lake, CPA, of Rutherford, Taylor and Company. This item has been requested to be on the January 25th workshop agenda.

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

A. SECTION 551.071, CONSULTATION WITH CITY ATTORNEY

1. CONSULTATION WITH CITY ATTORNEY REGARDING A COLLIN COUNTY COMMUNITY COLLEGE DEVELOPMENT AGREEMENT
2. CONSULTATION WITH CITY ATTORNEY REGARDING A REPORT RELATED TO OPERATIONS ASSESSMENT
3. CONSULTATION WITH CITY ATTORNEY CONCERNING PENDING OR CONTEMPLATED LITIGATION RELATIVE TO PREVIOUS ELECTRIC SERVICE PROVIDERS

Council exited to Executive Session at 8:29pm.

RECONVENE FROM EXECUTIVE SESSION

Council reconvened from Executive Session at 9:35pm.

DISCUSS/CONSIDER/ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

No action was discussed from the Executive Session.

REQUEST TO PLACE ITEMS ON FUTURE AGENDAS

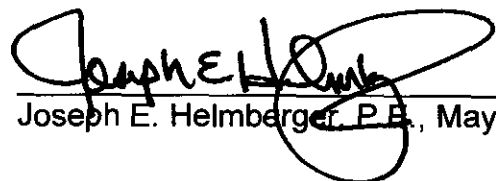
- Fred Langford requested to review the collection agencies for Court and Utility Fees.
- Fred Langford also requested an item to discuss Crime Stoppers.
- Jim Foy requested an item to discuss the time table for the electrical bids.

On another note, Mayor Helmberger requested information regarding the burglary at City Hall which occurred this morning. Upon arrival to City Hall, damages to the building were discovered as well as items missing.

ADJOURNMENT

Council adjourned at 9:45p.m.

APPROVED


Joseph E. Helmberger, P.E., Mayor

ATTEST


Edie Sims, City Secretary