

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

The Farmersville City Council met in a regularly called session on October 11, 2011 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Joe Helmberger, Pansy Hundley, Paul Kelly, Billy Long and Jim Foy. Russell Chandler was not present. Staff members present were Police Chief Mike Sullivan, Public Works Director Ben White, City Attorney Alan Lathrom, Fire Chief Kim Morris, Finance Director Daphne Hamlin 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. Mayor Helmberger welcomed all guests and visitors.

Mayor Helmberger thanked all those who participated in Old Time Saturday and thanked the City and staff for all their efforts.

Mayor Helmberger announced a quarterly meeting of the North East Texas Trail system will be meeting next week. This particular trail system begins in Farmersville and will be a gateway through North Texas to Texarkana. Ben White and Mark Vincent will be attending this meeting.

Mayor Helmberger also announced previous City Manager Alan Hein's passing and a memorial on Friday, October 14<sup>th</sup>, 2011 at Hurst Funeral Home.

Paul Kelly announced Mount Calvary Church will be holding a Revival Tuesday October 11<sup>th</sup> through October 13<sup>th</sup>, 2011 and invited all to attend.

**CONSENT AGENDA**

Mayor Helmberger pulled items A, B, G and H from the Consent Agenda for discussion. Jim Foy requested to pull items D and F. Billy Long motioned to approve items C, E, I and J of the Consent Agenda with Paul Kelly seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

ITEM A – City Council Minutes for the month of September: Mayor Helmberger requested the minutes from September 27<sup>th</sup> regarding the evaluation of the electric utility system be clarified that his comment was to investigate if there is a necessity to take the electric system over. Also to clarify that McCord Engineering was being considered to perform the electric study. Paul Kelly motioned to approve Item A with stated changes with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

ITEM B – City Financial Reports: Mayor Helmberger requested not to take action regarding the City Financials as they were not received by time of the meeting and was not allowed time to review. The financials were submitted to the Council on same date as the meeting; however Mayor Helmberger did not receive the documents in a timely manner for review. City Manager John Moran stated that before the budget amendment, the budget is sorely behind and clarified the expenses are on target and the revenues are below the budget projections. Daphne Hamlin came before the Council and explained that the Community Development Corporation reimburses the City for their expenditures which makes the current figures appear higher than expected. Jim Foy motioned to approve the City Financials as presented with Paul Kelly seconding the motion. A poll of the Council was taken as follows:

Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

ITEM D – Code Enforcement/Animal Control Report for the month of September: Jim Foy stated he has noticed an increase of Code Enforcement activity on PR 100 and asked if this area is in the City Limits of Farmersville. Mr. Foy was informed the property is the Hendricks Mobile Home Park on Highway 380. With no further questions, Billy Long motioned to approve Item D with Paul Kelly seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

ITEM F – Fire Department Report for the month of September: Jim Foy questioned Fire Chief Kim Morris regarding mutual aids to other departments if a written policy is in place regarding the Farmersville's equipment being sent out and leaving the City unprotected. Chief Morris stated depending upon the type of call and the type of equipment used, if mutual aid's require all of our equipment, other neighboring departments are contacted to "back-fill" which will not leave our City unprotected. Chief Morris added that 5 new members will be voted on at the next Department meeting and 3 more will be voted on at a future meeting. This brings the Volunteer Department staffed at 28. Jim Foy motioned to approve Item F with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

ITEM G – Municipal Court Report for the month of September: The Court Clerk gave an update regarding the warrant collections through the attorney collection agency stating that a total of 1269 warrants were sent on March 23, 2011. Presently, the Court has around 35 warrants to send as a new batch for collection. The firm's skip tracing department was having difficulties locating defendants and no payments have been received to report to the Council. Mayor Helmberger requested backup documentation be attached to the Council packets. No action was taken on this item.

ITEM H – Public Works and Customer Service Report for the month of September: Mayor Helmberger asked how the Public Works could track repairs from vandalism in our City's parks. Public Works Director Ben White stated that work orders are made and documented under Property and Buildings. Mayor Helmberger requested a financial total for what the City expended for Old Time Saturday including labor, equipment rental, and materials. Ben White announced the auction items through Rene Bates Auctioneering was a tremendous success. Expected income was \$42,000 and the total is close to \$63,000. Mr. White expressed great excitement to use these funds at the Maintenance Building to make necessary upgrades. Mayor Helmberger requested a list of items to be accomplished at the Maintenance Building for the next meeting. Daniel and Brown, Inc. has donated a couple hours of their time and expertise to assist with the needs of the Maintenance Building. Mr. White also stated he has been working with Fire Chief Kim Morris to upgrade the color scheme of the fire hydrants to indicate the flow rate. Changing the color of each fire hydrant accordingly will be an affirmative improvement for the water system. This change will also allow for problems within the system to be identified. Billy Long motioned to approve Item H with Paul Kelly seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

**INFORMATIONAL ITEMS – UPDATE REGARDING STATUS OF GRANTS APPLIED FOR AND/OR RECEIVED BY THE CITY INCLUDING BONDS**

Public Works Director Ben White gave an overview of the grants as follows:

- Safe Routes to School Grant – survey work is being done and a major debrief with the Council will occur in November.
- The Sewer Line Grant is going forward. An item will be further discussed at this meeting regarding the purchase of materials with our Public Works Staff installing by mid December 2011.
- Southlake Grant – The sidewalks have been replaced in most areas and the forms are in place east of the Gazebo to pour those sidewalks. There was a cost change due to a lower amount of material used which will keep the replacement cost below \$10,000.
- Main Street Grant – An amendment to the budget has been included to the upcoming Budget Amendment in this meeting for \$15,000 which was lowered from the original \$45,000 cash match requirement. The Centennial Committee and the 4B Community Development Corporation may also be able assist with additional funding but more communication is required with downtown merchants as well.
- Chaparral Trail Grant – David Baldwin, Landscape Architect, has long term plans for an 8' wide trail. Mayor Helmberger requested this specific topic be on the next Workshop for the Council.
- Phase III Utility Relocation on Highway 380 – There were some delays in getting this Phase started, but it is expected to have completed by the end of the year.
- Mayor Helmberger asked that any Library grants be added to the spreadsheet presented for future visibility to the Council for all grants

PUBLIC HEARING – TO CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-1025-001 GRANTING TO TEXAS NEW MEXICO POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE NON-EXCLUSIVE RIGHT TO USE AND OCCUPY RIGHTS-OF-WAY WITHIN THE CITY OF FARMERSVILLE FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM UPON THE TERMS AND CONDITIONS SET FORTH IN SAID ORDINANCE

Mayor Helmberger opened the Public Hearing at 6:38pm with no one coming forth for or opposing the Ordinance presented granting Texas New Mexico Power the non-exclusive right to use and occupy rights-of-way within the City of Farmersville for construction and operation of the electric transmission and distribution system. Mayor Helmberger closed the Public Hearing at 6:39pm. Jim Foy brought to the Council's attention that a limited amount of meters are serviced through Texas New Mexico Power. Mr. Foy also questioned the amount the City will be paid per kilowatt hour. The rate shown on the Ordinance is \$0.14 multiplied by each kilowatt hour of electricity delivered by TNMP to each retail customer within the City's boundaries. City Attorney Alan Lathrom stated the amount contracted is the allowable amount by State Law. Mayor Helmberger clarified that the term retail customer included anyone who uses electricity, whether a business or residential. The extension of Farmersville Parkway was discussed regarding the moving of power poles. City Manager John Moran stated Sharyland has budgeted to move the poles at their cost when the road is expanded. Paul Kelly motioned to approve the first reading of Ordinance # O-2011-1025-001 with Jim Foy seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

PUBLIC HEARING – CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2011-1025-002 AMENDING SECTION 5.112 OF THE CITY OF FARMERSVILLE'S CODE OF ORDINANCES, ENTITLED "TAXATION OF TANGIBLE PERSONAL PROPERTY IN TRANSIT" BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING IT WITH A NEW

SECTION 5.112 ALSO ENTITLED "TAXATION OF TANGIBLE PERSONAL PROPERTY IN TRANSIT" TO ALLOW THE CONTINUED TAXATION OF "GOODS-IN-TRANSIT" IN ACCORDANCE WITH THE REQUIREMENTS OF SB 1 (2011), AND SECTION 11.253 (J-1) OF THE TEXAS TAX CODE

Before opening the Public Hearing, Mayor Helmberger requested an explanation for Council and the audience of the Ordinance presented. City Attorney Alan Lathrom proceeded to explain the ordinance pertains to the Super Freeport Exemption. In 2007 the Texas Legislature exempted warehoused items from ad valorem taxes unless the municipality opted to tax access the property by opting in. Most cities did opt in to allow property to be taxed. In the previous Legislature, cities can continue in this endeavor by opting in; however if a city fails to opt in, the city will lose their right forever to opt back in for taxing purposes. Currently, the City of Farmersville does not have any opportunities to use this tax, but if a Railroad HUB or other form of transit should place their business here, that would be when this ordinance would be effective. Property is taxed as long as it resides within a building in the city limits of Farmersville until the product is shipped.

Mayor Helmberger opened the Public Hearing at 6:52pm. No one spoke for or opposed the Ordinance presented. The Public Hearing was closed at 6:52:30pm.

City Manager John Moran recommended the Council to opt in and look at the future possibilities. Jim Foy motioned to approve the first reading of Ordinance # O-2011-1025-002 with Billy Long seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

FINAL READING OF ORDINANCE – CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE # O-2011-1011-001 AMENDING THE BUDGET FOR FISCAL YEAR 2011-2012

City Manager John Moran stated that at the last Council meeting, the Council ratified the budget items after the confirmed contract with Sharyland Utilities. One other addition has been added to the Budget Amendment. The sidewalk project at Southlake will be \$15,000 less than anticipated while the Main Street sidewalk grant will be in need of \$15,000 cash match. Therefore the funds have been clarified for each project proportionately. Paul Kelly motioned to approve Ordinance # O-2011-1011-001 with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDER REQUEST TO CLOSE FARMERSVILLE PARKWAY ON NOVEMBER 5<sup>TH</sup>, 2011 FROM 6:30 A.M. TO 4:30 P.M. FOR THE DOGGIE DAY FESTIVAL EVENT

Paula Stogner, Event Coordinator/Chair, came before the Council to address questions or concerns regarding the First Doggie Day Festival. This is a Main Street Event and has been in the planning for months. The Boy Scout Troop will be the official clean up behind the animals. There are quite a few rules regarding the safety of all, including no aggressive dogs, dogs cannot be in season, must be leashed at all times. This event is planned to extend into Audie Murphy Day due to Paws for Patriots. A photo-grapher will be on site at the event. Ben White included that City Staff will be participating in this event. Jim Foy motioned to approve closing of Farmersville Parkway on November 5<sup>th</sup> from 6:30am to 4:30pm for the Doggie Day Festival. Billy Long seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDERATION AND POSSIBLE ACCEPTANCE OF A DONATION FROM SHARYLAND UTILITIES DESIGNATED FOR THE RIKE PUBLIC LIBRARY

Sharyland Utilities has donated \$500 to be designated to the Rike Public Library. In return, Sharyland asked for a plaque to be hung in the Library displaying the donation. Billy Long motioned to accept the donation from Sharyland Utilities for the Library with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDERATION AND POSSIBLE ACTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TLC NETCON FOR INFORMATION TECHNOLOGY SERVICES

With increased amounts of computers and 2 additional servers, City Manager John Moran indicated to the Council that TLC NetCon, Inc. has provided a valuable resource to the City by provisioning for the IT needs of the City. The amount requested in the contract is the same amount that was placed in the budget. An additional provision has been included in the contract with a "not to exceed" clause which was been agreed by both parties. Tony has done a great job with our systems with little problems. Also noted to the Council, this type of service does not require competitive bidding. Paul Kelly expressed concerns of licensing or other additional fees, with the reply that funds have been set aside for these types of expenditures. Jim Foy motioned to authorize the City Manager to execute a contract with TLC NetCon, Inc. for IT services with Paul Kelly seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

DISCUSSION AND POSSIBLE APPROVAL RELATIVE TO MATERIAL QUOTES ON SEWER REHABILITATION GRANT

Eddy Daniel, with Daniel and Brown, Inc., came before the Council to inform of material quotes required for the sewer rehabilitation grant. After Dickerson Construction completed their task of rehabilitating the sewer lines through a Community Development Block Grant, an additional \$25,000 funds remained. Rather than lose these funds, there was still more work to be done on the sewer lines; therefore materials were requested and the Public Works Department will install which will allow the labor to equal the match required. Since this is a small purchase procurement, publicizing and the full bidding process is not required. All material bids have been calculated to the exact amount needed for the project. Mr. Daniel recommended the Council award the bid to the lowest bidders. There are several bidders for individual products including hot mix and concrete. Each contractor will have a separate contract and Daniel and Brown, Inc. will supply all contracts and arrangements. Billy Long motioned to award each of the materials to the lowest bidder and to allow the City Manager to execute contracts with each vendor accordingly. Jim Foy seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDERATION AND POSSIBLE ACTION REGARDING THE NEGOTIATION AND EXECUTION OF A CONTRACT FOR SOLID WASTE SERVICES WITH IESI AND RECYCLING SERVICES WITH CWD

IESI sent information to the City at 5:45pm same date of the meeting which started at 6pm. City Attorney Alan Lathrom requested this topic be discussed in an Executive Session in accordance with Texas Local Government Code 551.072 attorney client privilege. Council

retreated to Executive Session at 7:18pm. Council reconvened from Executive Session at 8:05pm. No action was taken on the contracts.

UPDATE REGARDING STREET, DRAINAGE, WATER AND SEWER STUDY BEING PREPARED BY DANIEL AND BROWN, INC. AND KIMLEY HORN, INC.

Ben White, Public Works Director, stated that Daniel and Brown, Inc. and Kimley Horn, Inc., public works engineers, have been diligently preparing a street, drainage, and a water/sewer study. The Council will be debriefed on this project at the November 7<sup>th</sup> meeting. Mr. White stated he is very pleased with the progress and the project is planned to be completed by the end of October. No action was taken by the Council at this time.

CONSIDERATION AND ACTION IMPLEMENTING THE STAGE 3 DROUGHT CONTINGENCY PLAN

City Manager John Moran announced that North Texas Municipal Water District has held several meetings regarding the drought conditions. NTMWD has implemented Stage 3 of the Drought Contingency Plan to be active November 1 which is mandatory water restrictions and outdoor watering will be allowed only twice a month. All other unnecessary watering is restricted from November 1<sup>st</sup> through March 31<sup>st</sup>. Presently Lake Lavon is below 480'. If the drought continues and the water level lowers to 475', NTMWD will automatically implement Stage 4 of the Drought Contingency Plan. NTMWD is not requiring an ordinance at this time since the City has an ordinance in effect, but asks the Council for directive to implement Stage 3 to the citizens of Farmersville.

Jim Foy expressed concerns of implementing Stage 3 when he feels a policy should be in place to give specific guidelines. John Moran, City Manager, agreed the ordinance needs updating; however the need to go to Stage 3 outweighs the policy at the present time due to the condition of our water resource. Jim Foy motioned to implement Stage 3 on November 1<sup>st</sup> and notify the public. Paul Kelly seconded the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

CONSIDER, DISCUSS AND ACT UPON APPOINTING AN ACTING CITY MANAGER DURING THE CITY MANAGER'S TEMPORARY ABSENCE

City Manager John Moran stated he will be out on medical leave and suggested appointing Police Chief Mike Sullivan to fill the position of Acting City Manager until Mr. Moran's return to duty. Billy Long motioned to appoint Mike Sullivan as Acting City Manager until John Moran returns from medical leave with Jim Foy seconding the motion. A poll of the Council was taken as follows: Pansy Hundley yes, Paul Kelly yes, Billy Long yes and Jim Foy yes. Motion passed with full Council approval.

CITY MANAGER UPDATE ON THE ELECTRICAL SYSTEM

City Manager John Moran stated he has met with Dwight Yarborough, Vice President of Sharyland Utilities. Several things came out of the contract process which is very beneficial to the City of Farmersville. One of those processes is clarifying who owns what poles and defining assistance when poles are to be moved or updated and maintained. Through a contract with AT&T, AT&T will pay 50% of the pole inventory, Sharyland Utilities will pay 25% and the City will pay the remaining 25%. Sharyland is taking the lead on the pole inventory system at their cost. A customer service ordinance is expected to be in place after the first of 2012. Further analysis is underway for information of taking the electric utility back in house and this topic will be

addressed in more detail at a future meeting. Mr. Moran expressed thanks to Sharyland and stated the City and Sharyland have a great contract.

UPDATE AND DISCUSSION REGARDING POSSIBLE JOINT MEETING OF THE FARMERSVILLE CITY COUNCIL AND THE FARMERSVILLE INDEPENDENT SCHOOL DISTRICT

City Manager John Moran relayed the request of having a joint meeting between the Council and the Farmersville ISD School Board to the FISD Superintendent. The School Board has indicated that issues between the FISD and City need to be presented to the Superintendent who will then present those issues to the School Board. Jim Foy indicated a great benefit to having both entities come together. Mayor Helmberger stated he will write a letter to the School Board Chairman.

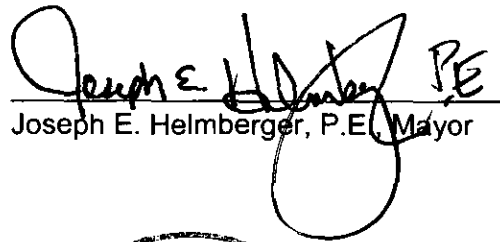
REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

- Paul Kelly requested a workshop item to evaluate the City's Ethics Policy for all Boards and Commissions
- Jim Foy requested the status of the construction and requirements along 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> Streets

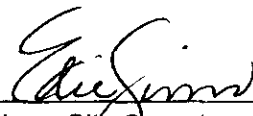
ADJOURNMENT

Council adjourned at 8:33pm.

APPROVED

  
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Joseph E. Helmberger, P.E. Mayor

ATTEST

  
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Edie Sims, City Secretary

