

**FARMERSVILLE CITY COUNCIL
MEETING MINUTES
January 10, 2012**

The Farmersville City Council met in a regularly called session on January 10, 2012 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. Staff members present were Interim City Manager Ben White, Police Chief Mike Sullivan, City Attorney Alan Lathrom, Fire Chief Kim Morris, Finance Director Daphne Hamlin, Librarian Trisha Dowell 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 announced that Kenny Davis has received the Fireman of the Year Award and wished to give congratulations.

Mayor Helmberger also announced that the Annual Chamber Banquet is slated for March 24th.

The Rike Library will be closed January 17th and 18th to move books and furniture to storage buildings in preparation of the construction and new shelving that is to be installed. The Library will re-open for business on February 1st.

CONSENT AGENDA

Mayor Helmberger pointed out that minutes from the November meeting were included in the Council packet; however, the Agenda did not reflect that November minutes were to be acted upon by Council. Therefore, Mayor Helmberger stated that the month should be removed from the reports so that previous month's information can be acted upon. No action was taken on the minutes.

Mayor Helmberger also requested to the Main Street Report to the Informational Section of the Agenda.

Paul Kelly requested Item K – City Manager's Report be pulled for discussion.

Jim Foy requested Item D – Code Enforcement/Animal Control Report for the month of December and Item H – Public Works and Customer Service Report for the month of December be pulled for discussion.

Jim Foy motioned to approve Items B, C, E, F, G, I, and J. 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.

Item D – Jim Foy stated he wanted to take the opportunity to thank the Code Enforcement/Animal Control Officer for the work performed. This is very beneficial to the community and wanted to express what a job well done. Billy Long motioned to approve Item D 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.

Jim Foy questioned Item H regarding the section entitled "Street System." The Sycamore Street panel replacement is also included in the bond project. Mr. Foy asked if the Public Works Maintenance funds are to be used to facilitate this project or will this remain on the bond project list. Ben White, Interim City Manager, informed the Council that his intention was to repair the worst pot holes and do what can be done with the funds available. If this specific project is completed by the Public Works Department, this would lessen the amount of the bond.

Jim Foy also questioned the section entitled "Water System." Mr. Foy asked if daily use for last year can be provided. Mr. Foy stated he would like to see if the conservation efforts are working. Ben White, Interim City Manager, stated he would like to give an annual chart to reflect water consumption. Under the section entitled "Special Projects/Grants," Mr. White expressed that the final design will be presented to the Council regarding the Safe Routes to School Grant. The design will enlighten the complexities of the project and show how to avoid the trees. Farmersville Parkway Phase 3 is not listed in the section entitled "Street Projects." Mayor Helmberger stated that the County has not sold the bonds and will not sell them until the City has the matching funds. Jim Foy stated this issue should be addressed with the Bond Committee as well. Jim Foy 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.

Paul Kelly asked to discuss Item K – City Manager's Report. Mr. Kelly thanked the Interim City Manager for this detailed report. Mr. Kelly also thanked Mr. White for working with Sharyland Utilities so that customer service is first. Interim City Manager Ben White stated he met with Sharyland Utilities and they gladly accepted the changes to allow customer service to continue by allowing Sharyland payments to be brought to City Hall; however, City Hall will not be handling any cash for Sharyland payments. Sharyland customers can place their stub and funds in an envelope, seal it and present it sealed to City Hall. Sharyland will then come by City Hall and pick up the sealed envelopes and process them. Paul Kelly asked if Sharyland will update their website to include the fees charged by stores who are taking payments. Interim City Manager Ben White also discussed hiring an additional person to work at the front counter as Paula has been an essential part with Public Works Operations. Having an additional person to take care of customer service more like a teller position and will allow Paula to be better utilized in her capacity. This will be a full time position. Jim Foy asked if the budget will support this position with Mr. White stating one of his Public Works employees will be retiring at the end of February. His job will be covered until the next budget year, but Mr. White also expressed that he wanted to study the budget further to support this position. Paul Kelly motioned to approve Item K with Pansy Hundley 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

All Informational Items were presented to the Council. Council did not request further information or clarification regarding Informational Items.

READING OF ORDINANCES – FIRST READING: CONSIDER, DISCUSS AND ACT UPON ORDINANCE # O-2012-0124-001 FOR A BUDGET AMENDMENT REGARDING THE FIRE DEPARTMENT FOR BUNKER GEAR WHICH IS TO BE REIMBURSED BY THE TEXAS FORESTRY GRANT

Fire Chief Kim Morris came before the Council and informed them that on \$5,000 had been budgeted for uniforms and bunker gear. One set of bunker gear alone costs \$3,000. The lifespan of a set of bunker gear is 10 years and the department must renew the gear. The Forestry Service has offered a 90/10 grant which will allow \$8,400 to the City of Farmersville to purchase 4 sets of bunker gear along with 8 helmets and 30 hoods. The current bunker gear is dated 2005 and will need to be replaced. Chief Morris stated he is constantly searching for grant opportunities to keep his Department up to date. Currently the Department has 35 volunteers. Billy Long motioned to approve Ordinance # O-2012-0124-001 on the first reading

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 OPENING AN ACCOUNT AT FIRST NATIONAL BANK OF TRENTON FOR A POLICE DEPARTMENT SEIZURE ACCOUNT

Police Chief Mike Sullivan came before the Council and addressed the need for a Police Department Seizure Account. Chief Sullivan will be the sole signator on this account; however the funds will be audited by the City's annual audit and an audit through the Attorney General's Office. These funds can be used for equipment, programs through the Police Department and infrastructure such as computers and systems. In most cases, vehicles that are seized will be turned over to an auction and then those funds will be placed back into the account. The District Attorney's Office takes a portion of the seizure funds for their portion of working cases, but the remainder is placed in this special fund. Billy Long motioned to approve opening an account at First National Bank of Trenton for a Police Department Seizure Account 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.

CONSIDER, DISCUSS AND ACT UPON AMENDMENTS TO THE CITY MANAGER ORDINANCE

Interim City Manager Ben White presented some possible amendments to the City Manager Ordinance # 2009-34. The first issue brought to the attention of the Council was in regard to the residency requirement. Mayor Helmberger stated he prefers the amendment to have the City Manager reside within the City Limits of Farmersville as this would be a "buy-in" to the City and the Community. To live within the City would be critical to becoming an active participant in the community. Paul Kelly stated he would like to see the City Manager live in the Farmersville ISD. After further discussion, the Council opted to leave Section 8.122.2 regarding residency as previously written to continue allowing the City Manager to reside outside the boundaries of the Farmersville ISD with approval of the Council.

The Council also discussed the possible amendment of removal of the City Manager instead of super majority. Jim Foy compared this position to hiring the President and it takes special care and considerations for removal of this particular officer. Therefore, the Council all agreed to leave the original wording as previously written.

The next proposed amendment was referencing Section 8.122.4 regarding Compensation. The proposed amendment included "based on an annual review by the Mayor and City Council." City Attorney Alan Lathrom stated he felt this amendment could be a problem. The City Manager is hired through a contract and the salary should be fixed through using said contract. Mayor Helmberger stated the contract establishes employment and the initial salary. Pansy Hundley stated she liked having an annual review by the Mayor and City Council. Under Section 8.122.5 (B), Jim Foy stated there are three positions that work for the Council rather than the City Manager: the City Attorney, the City Secretary - who is hiring by the City Manager but is approved by the City Council and the Municipal Judge who is appointed by the City Council on the same schedule as the Mayor's election. Mayor Helmberger requested the term appointees be removed, otherwise leave as is. Section 8.122.5 (J) needs to remain that the City Manager shall be the Chief Building Official for the City of Farmersville. By this title, if the City Manager chooses to hire an individual or firm to perform the tasks regarding inspections, that is accomplished at his/her discretion. Section 8.122.5 (L) was suggested to strike "a majority" but Council opted to leave as is. Mayor Helmberger requested all changes be brought back to the Council for consideration at the next meeting.

CONSIDER, DISCUSS AND ACT UPON AMENDMENTS TO THE PERSONNEL POLICY

Interim Ben White presented amendments to the Personnel Policy which only affected Section 7-08 through 7-11 regarding Appeals, Grievance and Exemptions. Pansy Hundley stated she was for having the appeals process return previously before this policy was changed allowing the employees to appeal the City Council after following the proper procedure. Currently the Policy has the City Manager as the final authority to approve, disapprove, modify or rescind any disciplinary actions taken and that the City Manager's is the only person to appeal a decision regarding disciplinary actions. The City Manager's decision is final and no further appeals process is allowed through the City Council. After a short discussion, the Council agreed that having the Council as the final appeal of an employee discrepancy is best for the employees. Mayor Helmberger requested City Attorney Alan Lathrom to clean up the amendments and ensure the Grievance Policy is correct. Regarding Section 7-11 Exemptions – Pansy Hundley stated that the City Manager should not be exempt from disciplinary, dismissal, suspension or demotions; however the Council concurred that the City Manager falls under his/her contract and has a different standard to meet through the City Council based on that particular position. This item will be brought back to the Council at the next meeting.

CONSIDER, DISCUSS AND ACT UPON SHARYLAND UTILITY PAYMENTS PROCESS

As previously discussed during the City Manager's Report, the Sharyland Utility payments are being received at City Hall; however the customer is responsible to place the paystub and their funding in an envelope and seal the envelope. The sealed envelopes are picked up by Sharyland employees. Paul Kelly requested the fees being charged by other pay stations be placed on the City's website and on Sharyland's website and if payment information can be added to the monthly statement. No further discussion was held regarding this issue.

CONSIDER, DISCUSS AND ACT UPON THE DEMOLITION OF THE OLD CLUBHOUSE AT SOUTHLAKE PARK

Council asked Interim City Manager Ben White if the demolition project would be an in-house project with the reply being no. An asbestos survey will be performed to ensure that no asbestos is in the structure. A contracted service will demolish and remove the debris. The building was given to the Fire Department several years ago; however, the Fire Department does not have any problem with the structure being demolished. The cost of this removal is budgeted contingent on the assumption of no asbestos being identified. No further discussion was held regarding this issue.

CONSIDER, DISCUSS AND ACT UPON LIBRARY POLICY CHANGES

Trisha Dowell, Librarian for the Rike Library, requested the Council to approve the changes of the Library Policy as approved by the Library Board to read as follows: "...patrons using computers are required to refrain from viewing or accessing materials on the computers that display sexually explicit or obscene material." This statement will prohibit patrons from using pin drives, thumb drives or other devices which can be used to display sexually explicit or obscene material. Billy Long motioned to approve the changes as recommended by the Library Board 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.

UPDATE FROM POLICE CHIEF SULLIVAN REGARDING THE UTILITY AND COURT COLLECTIONS THROUGH MCCREARY, VESELKA, BRAGG AND ALLEN, P.C., COLLECTION ATTORNEYS

Police Chief Mike Sullivan came before the Council with an update of warrant and utility collections through McCreary, Veselka, Bragg and Allen, P.C. With ½ million dollars in outstanding warrants, the collection firm has collected \$10,000. The attorneys have stated that collections will improve during income tax return season. Chief Sullivan stated the income could be boosted with a warrant round-up; however it is expected that a larger amount of violators would want to sit out their fines in jail rather than paying the fine. The cost of housing inmates at Collin County Jail exceed the amount of fines and is very cost prohibitive. Collin County Jail charges \$69 per day. A warrant round-up may still be considered if arrangements can be made with Judge Douglas for his availability to magistrate the offenders. Mayor Helmberger stated we recently had a warrant officer and the warrants collected did pay his salary. A huge portion of a warrant officer's job is finding people and making arrangements. Paul Kelly suggested including overtime in next year's budget so that police officers can also work warrants. Chief Sullivan stated there are legalities to that method as it has been abused by other departments. Chief Sullivan stated he is not opposed to a warrant officer and this job would need to be job specific. No action was taken by Council regarding this issue.

UPDATE ON A SALARY SURVEY FOR CITY EMPLOYEES

Interim City Manager Ben White informed the Council that data to compare Farmersville with other cities has been attained and now the process is to narrow the search close to how Farmersville's City operates. This information will be meshed together and systematically prepared for presenting to the Council. Mr. White stated we are well beyond the initial steps and are making progress. No action was taken by Council regarding this issue.

UPDATE ON THE BOND COMMITTEE

City Secretary Edie Sims informed the Council that a Bond Committee has been formed and the first meeting is scheduled for January 12th. The first meeting will include a presentation of Bonds 101 by FirstSouthwest. The next meeting held on January 19th will include a presentation regarding projects by Interim City Manager Ben White. The Bond Committee will be meeting each Thursday for a total of 5 weeks due to the time issue for election requirements. The meetings will be publicly posted and are open to anyone. No action was taken by Council regarding this issue.

UPDATE REGARDING THE COMPREHENSIVE PLAN

Interim City Manager Ben White stated the scope document for the project is to be prepared for the 4A Economic Development Corporation meeting on January 18th. Since 4A is funding this project, the scope of project will be delivered to them for approval. The scope of project document will then come before the Council for final approval. Impact fees have been included. It may take 7-9 months to work out all the particulars for impact fees and approximately 3 month to adopt the impact fees, the timing will include public hearing requirements. This plan is not the "Cadillac" plan but is very good and will fit our needs. No action was taken on this item.

UPDATE ON THE TAX INCREMENT REINVESTMENT ZONE (TIRZ) PROGRESS

Interim City Manager Ben White informed the Council that a Resolution is to be presented to Collin County Commissioner's Court to approve participation with the City of Farmersville on January 23rd. There are several key milestones which must be met including by

laws, Interlocal agreements, an annual report by the end of the year and have a final project review in April. Paul Kelly requested the dates of milestones and other events regarding the TIRZ be placed on the City's website. No action was taken on this item.

UPDATE ON THE WATER MANAGEMENT PLAN/DROUGHT CONTINGENCY PLAN

Interim City Manager Ben White informed the Council he has received an example from the City of Frisco to assist with preparing our own water management and drought contingency plan. It is true that the City copied North Texas Municipal Water District's plan, but it does not identify the specific needs of Farmersville. April 1st is still slated to begin Stage 4 unless the level of the Lake changes. Landscaping businesses, car washes, restaurants and other businesses will be affected when Stage 4 is implemented. After the next meeting with North Texas Municipal Water District (NTMWD), Mr. White stated he will work with the Farmersville Times to inform the public as well as have information available on the City's website. NTMWD sets the targets and goals but the individual cities are to meet the goals and manage the system effectively. Paul Kelly's question of rate increasing due to Stage 4 conservation was answered no since the City of Farmersville has a "take or pay" type of rate system with NTMWD. Since 2006, the City of Farmersville has not met our take or pay rate. No action was taken on this item.

UPDATE ON CIVIC CENTER RENTAL FEES

Interim City Manager Ben White informed the Council that he has implemented a tracking system to track all expenditures for the Civic Center which includes the Caretaker's fee, cost of paper products, cleaning supplies, etc. Mr. White stated he would like this system monitored for three months to be able to set the rate according to data presented. The Civic Center should not be a revenue maker, but should pay its own expenses. Council concurred to have this item brought back to the Council in April.

UPDATE ON AUTOMATED METER READING EQUIPMENT

Interim City Manager Ben White presented a power point presentation with automated meter reading information from ITRON. The automated meter reading system will be especially cost effective for revenue recovery and leak detection. The goal in having an automated meter reading system is to deliver utilities at an affordable price and have measures done accurately. Today water meters are getting older, water lines have to be repaired or replaced and our revenues are declining. Several companies offer an automated meter reading service which helps to manage leak detection. Mr. White stated he would like to present a business case analysis at the next Council meeting. Pansy Hundley questioned if grant funds are available for this type of equipment. Mr. White stated that the City of Bonham was able to attain a sizeable grant.

Mr. White also indicated that ITRON integrates electrical automated meter reading systems as well as water meter reading. This is definitely something for the City to keep our hand in the game so that futuristically we may want to use our own uniqueness to help ourselves. Grants may be more available to us since we are very unique. Mayor Helmberger expressed it is time to proceed. This item will return to the next Council meeting.

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

- A. SECTION 551.071, CONSULTATION WITH CITY ATTORNEY TO SEEK AND/OR RECEIVE LEGAL ADVICE REGARDING MATTERS IN WHICH THE DUTY OF THE

ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT REQUIRES PRESERVATION OF THE ATTORNEY-CLIENT PRIVILEGE:

1. LEGAL ISSUES REGARDING A SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS WITH JOHN MORAN RELATED TO UNILATERAL SEVERANCE OF EMPLOYMENT PURSUANT TO THE CITY MANAGER AGREEMENT AND RELATED OBLIGATIONS

Council exited from Regular Session at 8:22pm into Executive Session.

RECONVENE FROM EXECUTIVE SESSION

Council reconvened from Executive Session into Regular Session at 9:00pm.

CONSIDER, DISCUSS AND ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION

1. LEGAL ISSUES REGARDING A SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS WITH JOHN MORAN RELATED TO UNILATERAL SEVERANCE OF EMPLOYMENT PURSUANT TO THE CITY MANAGER AGREEMENT AND RELATED OBLIGATIONS

Jim Foy motioned to approve the settlement agreement with John Moran subject to a health insurance issue. 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.

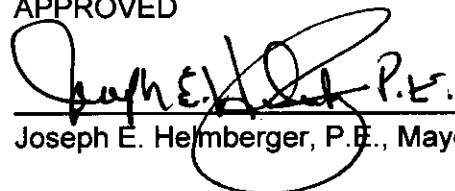
REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

No items were requested by Council for future agendas.

ADJOURNMENT


Council adjourned at 9:03pm.

APPROVED



Joseph E. Helmberger, P.E., Mayor

ATTEST



Edie Sims, City Secretary

