

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
August 26, 2014

The Farmersville City Council met in regular session on August 26, 2014 at 6:00pm, in the Council Chambers at City Hall with the following members present: Mayor Helmberger, John Klostermann, John Politz, Michael Hesse, Russell Chandler and Jim Foy. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, Fire Chief Kim Morris, City Attorney Alan Lathrom, Finance Director Daphne Hamlin, Librarian Trisha Dowell, Main Street Manager Adah Leah Wolf and City Secretary Edie Sims.

Item I) 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. Tom Waitschies, pastor of the First United Methodist Church, offered the invocation with Mayor Helmberger leading the audience in the Pledge of Allegiance to the American Flag and the Texas Flag.

Mayor Helmberger read a proclamation declaring September 7, 2014 as Public Safety Sunday.

Item II – A) ONLY PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT ON THE PROPOSED FARMERSVILLE COMMUNITY DEVELOPMENT CORPORATION PROJECTS AND BUDGET FOR FISCAL YEAR 2014-2015

Mayor Helmberger opened the Public Hearing regarding the Farmersville Community Development Corporation Board projects and budget for fiscal year 2014-2015 at 6:04pm. Leaca Caspari, President of the FCDC Board came before the Council stating the CDC has had great accomplishments this past year and felt the Board is very responsible to execute the programs submitted. The FCDC has an ongoing commitment to pay for property purchased at the Spain Athletic Complex, continued support of the Main Street Program including the National Registry, supporting City projects such as the Chaparral Trail, fireworks display, scholarships with Collin College and Christmas activities. Other projects to be funded include the Bain-Honaker house and the Farmersville Heritage Museum. A new event has been added, the Herb Ellis Jazz event. Cash reserves are available to operate for one year event with the above mentioned projects. With no one else coming forward to speak on behalf of the FCDC's upcoming budget proposal, Mayor Helmberger asked for those opposing the budget proposal. With no one coming forward, Mayor Helmberger closed the Public Hearing at 6:07pm. No action was required.

ITEM II – B) ONLY PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT ON THE PROPOSED FARMERSVILLE ECONOMIC DEVELOPMENT CORPORATION PROJECTS AND BUDGET FOR FISCAL YEAR 2014-2015

Mayor Helmberger opened the Public Hearing regarding the Farmersville Economic Development Corporation Board projects and budget for fiscal year 2014-2015 at 6:07pm. Mayor Helmberger requested anyone for the FEDC budget and

proposed projects to step forward. With no one coming forward, Mayor Helmberger requested anyone opposing the FEDC budget and proposed projects to come forward. With no one coming forth, Mayor Helmberger closed the Public Hearing at 6:08pm. No action was required.

ITEM II – C) FIRST PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED 2014 PROPERTY TAX RATE FOR THE CITY OF FARMERSVILLE

Mayor Helmberger opened the Public Hearing regarding the proposed tax rate for fiscal year 2014-2015 at 6:08:30pm. Mayor Helmberger requested anyone for the proposed tax rate to step forward. With no one coming forward, Mayor Helmberger requested anyone opposing the proposed tax rate to come forward. With no one coming forth, Mayor Helmberger closed the Public Hearing at 6:09pm. No action was required.

ITEM II – D) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A REPLAT FOR A RESIDENTIAL SUBDIVISION TO BE LOCATED AT OR ABOUT THE BUCKSKIN AND HOUSTON STREETS, FARMERSVILLE

Mayor Helmberger opened the Public Hearing regarding a replat for a residential subdivision at 6:09:15pm. Mayor Helmberger requested anyone for the replat to step forward. With no one coming forward, Mayor Helmberger requested anyone opposing the replat to come forward. With no one coming forth, Mayor Helmberger closed the Public Hearing at 6:10pm.

Mayor Helmberger stated the name of the addition needed to be corrected from Woodards to Woodard. Jim Foy expressed concern of the set back on Houston Street showing 7-1/2' and should be a 30' set back. The setback would include Merit Street as well. The Thoroughfare Plan reflects Merit Street to be expanded as a main thoroughfare in the future. City Manager Ben White stated the Buckskin railroad crossing would be closed if completed the Thoroughfare Plan.

The existing structure will be treated as a non-conforming use. Jif Foy motioned to approve the replat contingent upon increasing the setbacks on Houston and Merit Streets to 30' for SF-2 zoning requirements, dedicating Merit Street with a 15' right-of-way easement according to the Thoroughfare Plan and Comprehensive Plan and changing the name on the replat to Woodard. If there is a failure in complying with these contingencies, the replat will be disapproved. Russell Chandler seconded the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion carried with full Council approval.

ITEM III – A) CONSIDER, DISCUSS AND ACT UPON CITY FINANCIAL REPORTS

City Manager Ben White addressed the Council regarding the cash balances stating the operating intent is to become fluid with a 90 day reserve. Daphne Hamlin, Finance Director, stated the Court Fund has worked very hard to meet the aggressive budget. Mr. White stated the Court has met the budget line and had quite an undertaking, but the Warrant Officer program has been very effective.

Ms. Hamlin stated the water and wastewater funds have been split to reflect the actual funds. The Water Fund is down \$338,000 with the Wastewater Fund up \$295,000. Mr. White stating his recommendation of splitting the funds is to be more transparent. Ms. Hamlin reported the water sales are lower this year than last year. Mr. White reiterated the East tower needing a replacement of a stem to the main tower. This project can be pressed forward to next year's budget as a temporary fix has been in place for now. Ms. Hamlin stated all the other funds of the City are quite healthy. Jim Foy motioned to approve the City Financial Report with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes, Russell Chandler yes and Jim Foy yes. Motion carried with full Council approval.

ITEM III – B) CONSIDER, DISCUSS AND ACT UPON HEALTH INSPECTIONS AND FOOD HANDLING WITHIN THE CITY OF FARMERSVILLE

Mayor Helmberger opened this item to discuss with an audience of the local restaurateurs. An ordinance was passed in 2009 requiring Collin County to make inspections of all restaurants and ensure food handling training was accomplished.

Joe McKee, owner of Dairy Queen, came forward expressing his request for the Council to either rescind the ordinance or amend the ordinance to have inspections from going to the extreme. Dairy Queen is a franchise and therefore must adhere to multiple inspections due to the franchise. Other franchise restaurants in the City have the same criteria through their franchise agreements. Currently all restaurants are being inspected by the State. The State Inspector is tough although fair and he spends time educating rather than degrading and demanding. Mr. McKee stated he would rather leave the inspections with the State and not have the inspections through the County which would cost the restaurants more. In the future when growth has mandated the need, the City may wish to pursue having an internal inspector.

Diane Piwko, owner of Fiber Circle, stated she was not informed of the preliminary meeting of the restaurant owners. She too is inspected by the State due to the fudge made in her store. Ms. Piwko expressed concerns of paying triple or quadruple fees if the City works with any other inspectors other than the State. Ms. Piwko stated the kitchen in her store predates the current ordinance and she would have considerable cost to change the restroom and other facilities.

Lisa Pomroy, representative for Bureau Veritas, came before the Council offering their services for the inspections of restaurants and food handlers. Bureau Veritas follows the Food Establishment Rules per the State using registered Sanitarians as inspectors. Ms. Pomroy stated the State does a good job; however if the City wanted to have inspection information, a Public Records Request must be submitted. If the City hired Bureau Veritas, the City would have all information as Bureau Veritas would work for the City and provide all information to the City. Also, any permits and permit fees would go through the City. Bureau Veritas would inspect temporary events, perform health plan reviews and follow all building codes through the City.

Jim Foy states the existing ordinance specifies child care facilities and mobile units are to be inspected. The State does inspect mobile food units however Child Protective Services inspects child care facilities.

Jeremy LaCook, representative for Sonic, stated he too is a franchise that is inspected twice per year by Sonic inspectors which are more rigorous than typical inspections. Other restaurants may be different. With regards to food handler cards, Sonic uses their own SonicSafe Program. Serve Safe is a nationally accredited program used by most restaurants.

All restaurateurs present agreed the State's inspections are more thorough than Collin County's. The State inspects each restaurant once per year, but the timing is not scheduled. Restaurants pay an annual fee to the State as well.

Food handler cards, according to Joe McKee, come down to the basic teaching of washing hands and keeping the areas clean. Michael McMeans of Back Forty Country stated after the tornado storm, he was inspected the day after. Mr. McMeans stated he appreciates the State inspector as he teaches as well as inspects. Back Forty's insurance inspector also inspects his business, thereby having 5 inspections since he opened his business this year.

Misty Brown, Collin County Development Services Division Manager, stated Collin County would not have been able to enforce the ordinance as written in 2009. The County also follows the Health and Safety Code as provided by the State. Collin County follows the same rules and guidelines as the State. Ms. Brown also addressed Diane Piwko's concern stating her business was not deemed a restaurant and carries different type of inspection. Collin County does enforce inspections on daycares, public swimming pools, hotels, bed and breakfasts, and other health establishments.

City Manager Ben White stated he invited all the restaurants to attend a pre-meeting and the conversation relayed was the same at the pre-meeting. Mr. White stated staff recommendation is to have the ordinance rescinded and continue inspections through the State. Presently there are no problems with the public health and safety by keeping the inspections with the State. The future may hold changes that would require the City to inspect other options, but presently the State is fulfilling the need.

Tammy Fording with Lovey's Café and Tea Room stated she wanted to reiterate what all the other restaurants were stating regarding the need to keep the State inspector. Ms. Fording thought the State was to inspect each restaurant twice per year but has only come to her café once this year.

Mayor Helmberger offered another concern regarding concession stands covered by the schools. The Athletic Association should have a license. Lisa Pomroy with Bureau Veritas stated she doubted the concession stands are inspected. The State will inspect when a permit is applied for, but an inspection must be requested. Ms. Pomroy stated Farmersville is not the only City that has these concerns.

Jeremy LaCook with Sonic stated he has another restaurant in Leonard. When he works at the concession stand, someone that has a food handler's card must always be available and stand responsible for the work performed. Diane Piwko spoke up

regarding the Rotary luncheon should also be included. Joe McKee stated food handled at Old Time Saturday, church functions, school fundraisers and other events should also be considered when deciding the inspection process.

Council concurred to bring an ordinance to the Council to rescind the 2009 ordinance.

ITEM III – C) CONSIDER, DISCUSS AND ACT UPON WASTEWATER RATE INCREASE

Chris Ekrut with NewGen Strategies came before the Council. According to the rate study, the 2015 projections were based on how the budget was put together at the time. The original rate study was set in motion as a 4 year plan. If a rate action is not taken, it is anticipated the water and wastewater utilities will have insufficient revenues of negative \$277,000. When the original rate study was implemented, it was thought to be further down the road on the regional wastewater treatment facility. The City is driven by its capital and we are still in the same position as we were 3 years ago.

The sewer rates were phased in to help the impact of the customers. It is painfully obvious the issues facing our wastewater department and the need to prepare for new facilities. Many cities are in drier straights due to the drought and other conditions such as old dilapidated infrastructure. Unfortunately water and wastewater is not getting cheaper. We are seeing more breaks with fewer dollars to fix our infrastructure.

Mayor Helmberger stated the City of Wylie implemented a surcharge to the customers to help with infrastructure needs. Concerns were raised regarding the heavy hand of TCEQ which could require implementation immediately. City Manager Ben White stated we know of infiltration problems and have been working towards addressing those issues. Mr. White also expressed concerns if the drought breaks that other major issues will come. At present, an interceptor line will cost \$14-15 million dollars. It will cost the City \$500,000 per year in payments to keep up a \$15,000,000 debt for a 20 year bond payout. Mayor Helmberger stated impact fees from the increased houses in the MUD district will help; however the current rates still have to be sufficient.

City Manager Ben White stated if the rate increase is approved, Farmersville will be in the top ten of the highest rates in Collin County. With a loan from the Texas Water Development Board, payments will not be required until after construction. Chris Ekrut stated we are already behind the 8-ball before we start on new debt.

Jim Foy stated he did not like to make this decision, but the facts prevailed. Mr. Foy motioned to accept the next rate increase as proposed with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes, Russell Chandler no and Jim Foy yes. Motion carried with votes 4 to 1.

ITEM III – D) CONSIDER, DISCUSS AND ACT UPON PROCESSES AND REQUIREMENTS FOR SPECIAL EVENT PERMITS

City Manager Ben White stated he had a few recommendations regarding the Special Event Permit ordinance. "Jazz on Main Street" needs to be added as a traditional special event. On page 9 of the ordinance under Section 60-11 (a) (1) (iv) the phrase per calendar year should be added to allow six special event permits "per calendar year" may be issued. Under the same page and same Section, item iii states the permit shall be granted or denied within 5 days after submission. This seems fair and allows information to be changed if need be.

On page 12, item (6), remove the last sentence. Page 14, use the word will instead of shall on the first paragraph. Mr. White had some minor changes to the Permit form. Mr. White also recommended a standard fee but allow other applicable costs to be charged to the permittee. Police Chief Mike Sullivan stated off duty Police Officers should be charged a minimum of \$30 per hour with a 2 hour minimum. Some events will need to be considered for overtime as well. Mayor Helmsberger stated these charges should be quantified in the ordinance. City Attorney Alan Lathrom stated the fees are separate from this ordinance and are placed in the Master Fee Schedule. Mr. White stated he would rather have a cost item rather than a set fee to cover costs incurred. Council concurred to the mentioned changes and to bring back to the September 9th meeting.

ITEM III – E) CONSIDER, DISCUSS AND ACT UPON INFORMATION REGARDING THE PROCUREMENT OF AN ADVANCED METERING INFRASTRUCTURE SYSTEM

City Manager Ben White discussed the advanced metering infrastructure system with the Council stating demand options are available. The Smart Meters talk to an in-ground meter. The system will be small enough that Wide Area Network (WAN) stations can be installed. The City has a router but would require buying the server from Tantalus. Mr. White proposed implementing a "sole source proposal" for the two phases of this project. The project would include all the equipment for City Hall including the software, programming the collectors and antennas.

Mr. White preferred to have a prototype and being our changeover with a small contingent of collectors with 30 smart meters around Gaddy Center. There are at least 12 types of meters and this area covers all types of meters. The first phase of this project will cost \$118,500 for implementation. Phase 2 would populate the meters with the rest of the collectors and repeaters. There will be a charge per meter. Mr. White stated he plans to use the Sharyland True-Up funds and any additional funds would come from the Surcharge Fund. Any surplus from the overage will go to the Capital Improvements Account. Another option would be to delay deployment until next year.

The advantage to this system will include meters that perform properly and accurately. The data will be available to the customers. Jim Foy saw the advantage and stated customers can see daily or hour by hour usage. This information will feed into the billing system and our Electric Department can go online and see what is out in the system, including voltage sags. Mr. White stated both water meters and electric meters will be installed in this area. With different types of meters available, Mr. White

is working toward the "sole source proposal" to use Tantalus, Itron and specific meters to work with this system. Mr. White stated several years of technology are going into this system. Garland Power & Light deployed this similar system 1-1/2 years ago. The City of Brady also implemented this type of system. The Public Utility Commission is gearing toward having all smart meters in the future. We will be ahead of the curve. There will be a software contract due annually costing \$7,400. The City of Brady has Incode, meaning the system is interactive with our Incode system as well. Mr. White recommended moving forward with this project. John Politz stated there is no telling how much revenues are being lost due to poorly operating meters. Council concurred to add this cost into the budget.

ITEM III – F) CONSIDER, DISCUSS AND ACT UPON ITEMS REGARDING AMERICAN DISABILITY ACT COMPLIANCY

City Manager Ben White met with Daniel and Brown, Inc. to develop information regarding items for the ADA compliance list. Cost estimates for each item will be performed by Guillermo Alvarez. The signs for handicapped areas have been ordered for the Onion Shed. Mr. White plans to accomplish the simple and least expensive items first.

The Centennial Committee will help fund the interface and issues surrounding the Library/Civic Center/Senior Citizens Center.

ITEM III – G) UPDATE ON WATER, WASTEWATER AND STREET GENERAL OBLIGATION BOND PROJECTS

City Manager Ben White informed the Council the Hamilton Street overlay project is moving along. Hamilton has been pulverized from McKinney to Gaddy Streets. With a binding agent in place, the asphalt is planned to be installed next Tuesday. Repairs to Central have been submitted to the contractor. Drainage issues still need to be addressed. Mr. White stated he is pressing to have Hamilton Street done and not go forward with other street projects until completed.

Sycamore Street has been completed under budget by our City crews. Beech Street will be next on the overlay list.

ITEM III – H) UPDATE ON SAFE ROUTES TO SCHOOL PROJECT

City Manager Ben White stated the Safe Routes to School project is all but complete. The punch list items have been submitted to the contractor. AT&T is supposed to take care of a hole on Pendleton due to their line. Michael Hesse stated the retainer wall on Pendleton is way too close to the driveways and the caps are not staying on properly. This is not a good design. Final panel will be finished on Sycamore when the water line project is complete.

ITEM III – I) UPDATE ON CHAPARRAL TRAIL PROJECTS

Presently there are no changes to the Chaparral Trail as we are still awaiting the drawings.

ITEM III – J) UPDATE ON HIGHWAY 380 PROJECT

The railroad has started work on the passing track per City Manager Ben White. Joe McKee with Dairy Queen requested the Orange/Rike Street area be finished. The slow down to the progress on Highway 380 is the old main track.

ITEM IV) BUDGET WORKSHOP

According to City Manager Ben White, the PCA charges are in arrears. Now that the true-up with Sharyland has completed, we are now on our own with our Electric Utility. Sharyland however submitted a bill for three months of transmission costs. However charges should be the same per month from Garland. No other items were discussed.

ITEM V) REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

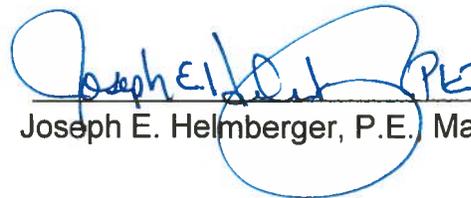
No one requested placing items on future agendas.

ITEM VI) ADJOURNMENT

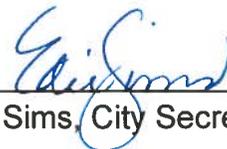
Council adjourned at 8:33:44pm.

APPROVED

ATTEST



Joseph E. Helmberger, P.E. Mayor



Edie Sims, City Secretary

