

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
October 14, 2014

The Farmersville City Council met in regular session on October 14, 2014 at 6:00pm in the Council Chambers at City Hall with the following members present: Mayor Helmberger, John Klostermann, John Politz, Michael Hesse and Jim Foy. Council member not present was Russell Chandler. Staff members present were City Manager Ben White, Police Chief Mike Sullivan, Fire Chief Kim Morris, City Attorney Alan Lathrom, Assistant to the City Manager Paula Jackson, Warrant Officer Rick Ranspot, Librarian Trisha Dowell 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. Jim Foy offered the invocation with Mayor Helmberger leading the audience in the Pledge of Allegiance to the American Flag and the Texas Flag.

Austin Kemp, with Boy Scout Troop 310 who resides at 13004 CR 574, Farmersville, came before the Council to ask three questions in order to receive his Citizenship in the Community Merit Badge. The first question asked pertained to preserving the natural resources in our community. City Manager Ben White stated new water meters are being installed that offer leak detection. Electric meters are also being installed that will accurately monitor our electrical system. The next question Mr. Kemp asked was how young people can help. Jim Foy answered by reminding people of conservation efforts and of current water restrictions. The third question pertained to recycling and what is offered in the City of Farmersville. Mayor Helmberger stated the City offers recycling every Saturday at the Service Center and residential recycling pickup every other Wednesday. The City also is now offering Hazardous Household Waste removal in a responsible way. Mr. Kemp requested the attendees of the meeting to support the Boy Scout Troop by purchasing popcorn at the end of the meeting.

Jim Foy noted Fire Chief Kim Morris celebrated his birthday recently.

Item II) CONSENT AGENDA

Jim Foy requested Item C – Code Enforcement/Animal Control Report be withdrawn for discussion. With no other reports being withdrawn for discussion, John Klostermann motioned to approve Items A, B, D, E, F, G, H and I with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

Item C – Code Enforcement/Animal Control Report: Jim Foy recognized Karen Dixon for her efforts handling code enforcement issues. This is a difficult job that has great deal of activity. With no further discussion, Jim Foy motioned to approve the Code Enforcement/Animal Control 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 and Jim Foy yes. Motion passed with full Council approval.

Item III) INFORMATIONAL ITEMS

Council did not request any information or clarification regarding Informational Items.

ITEM IV – A) SECOND READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE AMENDING THE MASTER FEE SCHEDULE REGARDING SPECIAL EVENT FEES

With no discussion from the Council, Jim Foy motioned to approve the ordinance as presented with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM IV – B) ONLY READING – CONSIDER, DISCUSS AND ACT UPON AMENDING THE MASTER FEE SCHEDULE FOR WATER RATE INCREASES FROM NORTH TEXAS MUNICIPAL WATER DISTRICT

Judd Sanderson, Director of Finance at North Texas Municipal Water District, along with Bill Harrison, Director of the North Texas Municipal Water District Board, was present to answer/discuss the water rate increase. Mr. Sanderson stated the rate increase is due to the pipeline installation from Lake Texoma to the water treatment facility at NTMWD in Wylie due to the zebra mussel infiltration and required treatment. The cost also covers the planning of the capital expenditures for the next water supply, Lower Bois D' Arc Creek, in Fannin County, which is expected to be underway within the next 3-4 years. Mr. Sanderson pointed out the City of Farmersville has been very conscientious of water conservation.

The water rate presently is \$1.87 per 1,000 gallons. The rate increase will reflect the rates at \$2.06 per 1,000 gallons. Mr. Sanderson stated a rate increase will be presented to the member cities over the next 3 years. NTMWD had a plan of increasing the rates over a 5 year period. The rate presented will be step two of a 5 step plan. The lake in Fannin County will provide over 100 million gallons, which is more than Lake Lavon offers.

Mayor Helmberger expressed concern that the City will see the rate increase whether the Council adopts the water rate ordinance passing the cost to the citizens or not. Jim Foy motioned to approve the water rate increase ordinance with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM IV – C) ONLY READING – CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE AMENDING THE 2014-2015 BUDGET REGARDING POLICE CAR CAMERAS

Police Chief Mike Sullivan informed the Council a grant has been funded through the US Department of Justice for in-car police cameras. Since the grant was not approved prior to the adoption of the 2014-2015 Budget, a budget amendment is required to set up this expenditure. The cameras will be installed in the entire Police

fleet. By having this equipment, server space will be freed on the Police Department's main server. Michael Hesse motioned to approve the budget amendment ordinance as presented with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – A) CONSIDER, DISCUSS AND ACT UPON AN AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF AGRICULTURE AND THE CITY OF FARMERSVILLE FOR A COMMUNITY DEVELOPMENT BLOCK GRANT

City Manager Ben White indicated three of the Bond sewer projects will be paid through the CDBG Grant. The contract is a standard contract with the Texas Department of Agriculture. Mr. White stated a selection process for the engineer and grant administrator will be forthcoming. John Klostermann motioned to approve the agreement as presented with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – B) CONSIDER, DISCUSS AND ACT UPON THE RESIGNATION OF A BOARD MEMBER FOR THE PLANNING AND ZONING COMMISSION AND THE PARKS AND RECREATION BOARD

Tom Waitschies has offered his resignation from the Planning and Zoning Commission and the Parks and Recreation Board. John Politz motioned to accept the resignation with Jim Foy seconding the motion. Mr. Foy stated Mr. Waitschies moved his residence but will still be a part of our community. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – C) CONSIDER, DISCUSS AND ACT UPON APPOINTING A BOARD MEMBER TO THE PLANNING AND ZONING COMMISSION

Staff recommended appointing Chad Dillard to fill the vacant position on the Planning and Zoning Commission. Mayor Helmberger stated he has visited with Mr. Dillard and he is glad to accept the position. Jim Foy motioned to appoint Chad Dillard to P&Z with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – D) CONSIDER, DISCUSS AND ACT UPON APPOINTING A BOARD MEMBER TO THE PARKS AND RECREATION BOARD

Staff recommended appointing Charles Casada to fill the vacant position on the Parks and Recreation Board. John Politz motioned to appoint Charles Casada to the Parks & Recreation Board with Michael Hesse seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – E) CONSIDER, DISCUSS AND ACT UPON A RESOLUTION TO PURCHASE TWO 2014 POLICE VEHICLES

Police Chief Mike Sullivan made a request for the Council to approve the resolution as presented to make purchase of two 2014 Chevrolet Tahoes. Jim Foy questioned why purchase an SUV versus a car with Chief Sullivan replying the SUV's allows officers to carry more equipment. The expenditure has been budgeted during the 2014-2015 Budget. Michael Hesse motioned to approve the resolution as presented with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – F) CONSIDER, DISCUSS AND ACT UPON A PUBLIC PROPERTY FINANCE ACT CONTRACT WITH GOVERNMENT CAPITAL CORPORATION FOR TWO POLICE DEPARTMENT VEHICLES

Police Chief Mike Sullivan stated he is purchasing two Chevrolet Tahoes from Public Defender Supply who will also offer State contract prices which include the outfitting of the vehicles as well. When the vehicles are brought to Farmersville, they are ready for service. This process also allows the vehicles to meet all the bidding requirements. City Manager Ben White stated he would like to have the option of paying the vehicles within 2 years, but depending upon circumstances, may pay off the debt in 3 years. Historically, the City has purchased vehicles outright and not had to contract for financing. By purchasing on a loan, there is more flexibility and allows the vehicle to be resold all the while keeping the mileage under 100,000. The plan is to have the entire fleet replaced within the next 4 – 5 years. John Klostermann motioned to approve the contract as presented with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – G) CONSIDER, DISCUSS AND ACT UPON A CONTRACT AMENDMENT WITH COLLIN COUNTY EMS SERVICES

City Manager Ben White stated the contract amendment is a standard request and has not changed since last year. The payments will be made in 3 equal installments. AMR is the provider for all of Collin County. John Politz motioned to approve the contract amendment as presented with Jim Foy seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – H) CONSIDER, DISCUSS AND ACT UPON AN AGREEMENT WITH COLLIN COUNTY REGARDING FUNDING FOR THE RIKE LIBRARY

Mayor Helmberger stated his request to have the agreement changed to be with the City and not the Library as the Library is not a stand-alone government entity. The Library is a function of the City and funded mostly by the City. The agreement will be submitted to Collin County with the requested change. No action taken by the Council at this time.

ITEM V – I) CONSIDER, DISCUSS AND ACT UPON A RESOLUTION APPOINTING THE NEWSPAPER OF MAJOR CIRCULATION

With no discussion, Jim Foy motioned to approve the resolution appointing Farmersville Times as the newspaper of major circulation during fiscal year 2014-2015. John Politz seconded the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – J) CONSIDER, DISCUSS AND ACT UPON STREET PROJECTS THROUGH THE GENERAL OBLIGATION BOND

City Manager Ben White offered a Change Order for the Orange Street overlay project. The Change Order will allow 2" of asphalt overlay rather than 3" which will be cheaper. Also the existing base will be stabilized rather than redone. If approved, the contractor will start next week. Mr. White stated a portion of South Orange Street is in the County and approximately 800' is within the City of Farmersville. The City can save bond dollars by improving the street at a lower grade as this area is not heavily used. Collin County was going to charge the City \$108,000 to do the same job that we can have done for \$57,000 with less asphalt and stabilizing the base.

The need to bring this project higher on the list is due to asthmatic children who live on Orange Street. Collin County will continue to do their side of Orange Street on their schedule and the City will move forward with this project on our side. Jim Foy stated he has expressed concern of doing this street in the past and still does not see the priority but will agree to the Change Order only.

John Politz motioned to approve the Change Order with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Michael Hesse yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – K) CONSIDER, DISCUSS AND ACT UPON LIABILITY ISSUES IN CITY PARKS

Mayor Helmberger brought this item before the Council after attending a training session. Mayor Helmberger wanted to address the hand rails along the bridges and crossings along the Chaparral Trail. Signage needs to be installed for protection. City Attorney Alan Lathrom referred to the Tort Claims Act and the Recreational Use Statute which does protect the City as the Trail is an outdoor use whereby the City is not willfully or wantonly causing injury. Out of abundance of caution, signage can be installed to "use at your own risk" which is understood. Warnings have to be sufficient and placed where people are informed in time to make a decision. Jim Foy stated since this item has been discussed and brought forward in an open forum, signs need to be installed. Staff was given direction to install warning signs. No further action was taken at this time.

ITEM V – L) CONSIDER, DISCUSS AND ACT UPON ELECTRIC RATES

City Manager Ben White brought this item before the Council per a dispute with a major commercial power user who has a demand meter. The demand meter takes a

measurement in 15 minute intervals. The highest reading of kilowatts helps determine the bill. The demand charges have been in place through an ordinance for many years. The recent bill was submitted according to the electric rate ordinance and applied the rates according to demand meter reading. Most municipalities, co-ops and electric companies use the same type of demand reading; however some do not.

Under Sharyland Utilities, the ordinance was not being applied as written. The company was operating under the paradigm that they would pay for what is used and not through the demand use. The plan is in operation for fabrication during certain months and not others. The overtime rate x demand x kWh gave the correct bill, however the bill was double from the last bill when the fabrication had stopped.

Mayor Helmberger stated the reason for the demand style payment is to pay for infrastructure. If a transformer needs replacing, it can cost upwards of \$30,000-\$40,000. City Manager Ben White stated for over 10 years the company was charged for what was used only and not based on demand. Recently when we took back our electric utility, the company experienced high usage and then when the high rate was billed, the company realized the high bill and saw the bill was different than when Sharyland was billing. Mr. White provided a chart showing with and without the ratchet increase which proved \$18,000 difference per year. When compared with other electric systems, Farmersville Electric has the lowest rate. Mr. White requested the Council's guidance on this issue.

An option would be to change the ordinance to allow for special commercial users and have an agreement based on the specific needs. Another option would be to apply the rates as written. Mr. White stated if an agreement cannot be attained, the company is considering moving their operations. The company operated under an assumption and was allowed to operate as such.

David Eaves, representative for J.D. Russell, came forward representing the company in question. Mr. Eaves stated J.D. Russell paid for all infrastructure including the transformer. Mr. Eaves also stated he has a letter from Sharyland that allowed them to be billed for direct usage only and not under the demand rates. This letter was not presented to Council and was not recalled since it was not ratified with Council approval.

City Manager Ben White stated he recommended withholding extra costs until this issue is decided; however the fees could be retroactive back to the most recent billing. Council concurred to have the letter brought back to Council for further discussion.

ITEM V – M) DISCUSSION AND UPDATE REGARDING HAZARD MITIGATION

Jason Lane with Collin County Homeland Security came before the Council stating the Hazard Mitigation Plan is coming to its final piece. Hazards have been identified and the last piece is the hazard strategies to reduce loss of life and property with objectives before each situation. This mitigation action is due in a plan format October 20th. Once this portion is done, the Mitigation Plan will be submitted to the State and then FEMA for approval. Once approved by FEMA and the State, funds will be available to be pursued by the City for hazard mitigation.

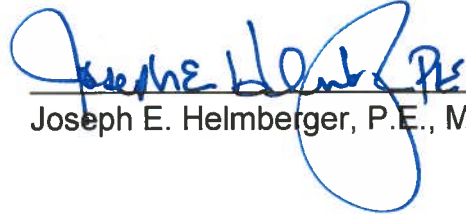
ITEM VI) REQUEST FOR CONSIDERATION OF PLACING ITEMS ON FUTURE AGENDAS

No one requested items for future agendas.

ITEM VII) ADJOURNMENT

Council adjourned at 7:30:38pm.

APPROVED



Joseph E. Helmberger, P.E., Mayor

ATTEST



Edie Sims, City Secretary

