

FARMERSVILLE CITY COUNCIL
MEETING MINUTES
January 12, 2016

The Farmersville City Council met in regular session on January 12, 2016 at 6:03pm in the Council Chambers at City Hall with the following members present: Mayor Helmberger, John Klostermann, John Politz, Leaca Caspari and Jim Foy. Councilmember absent was Michael Hesse. Staff members present were City Manager Ben White, City Attorney Alan Lathrom, Police Chief Mike Sullivan, Fire Chief Kim Morris, 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. Jim Foy offered the invocation. Mayor Helmberger led the audience in the Pledge of Allegiance to the American Flag and the Texas Flag.

A calendar of upcoming meetings and holidays was included with the packet. On said calendar included City offices closing Monday, January 18th in observance of Martin Luther King, Jr. Day.

Also in the announcements, the signups for the May 7th City Election will be held January 20th thru February 19th. Applications are available thru the City Secretary.

Mayor Helmberger expressed his gratitude to all the public safety personnel during the tornado event December 26th.

ITEM II) CONSENT AGENDA

Mayor Helmberger opened this item and requested Item C – Code Enforcement/Animal Control Report be pulled for discussion. Leaca Caspari requested Item H – Library Report be pulled for discussion. Jim Foy requested Item A – City Council Minutes and Item G – Public Works Report be pulled for discussion. John Klostermann motioned to approve items B, D, E, F, and I be approved as presented with Jim Foy seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

Jim Foy was asked to go first regarding Item A – City Council Minutes. On the December 15th minutes, page 3, Mr. Foy stated he left the meeting prior to Item VI-B and did not vote on items thereafter. With corrections, Mr. Foy motioned to approve the minutes with Leaca Caspari seconded the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

Item C – Code Enforcement/Animal Control Report: Mayor Helmberger asked for an update on Code Enforcement activities with Police Chief Mike Sullivan stepping forward stating Code Enforcement has become more visible in the community. Currently Code Enforcement is looking at separating the City into quadrants. Mayor Helmberger stated he wanted understood he and the Council know Code Enforcement is an issue.

Chief Sullivan stated Cameron Brooks was hired and is currently taking the State test to make him eligible to write citations without a peace officer present. By placing the Code Enforcement team in quadrants, areas can be focused on daily. Areas of concern can be identified and followed up on a regular basis. Chief Sullivan also noted a change in the reporting of Code Enforcement. Each property within the City is being identified and coded of condition in the Records Management Program. This is the base of which to track properties moving forward. The Records Management Program will allow better tracking and better note taking. Leaca

Caspari noticed her residence was on the list. Although no violations are noted, Chief Sullivan stated every residence and property within the City will be included.

Mayor Helmberger questioned an instance where a tree fell on Woodard in the right-of-way which is not in someone's property or residence. The question was asked how to identify such issues and how to have them resolved. Chief Sullivan stated those situations would constitute a service order being created through Public Works, but the tracking will also include the Public Works service order. We currently have an overlap which is not tracked.

Mayor Helmberger also stated two structures were damaged from the tornado on December 26th. To date there have been no changes to the cleanup of the structures. Chief Sullivan stated the owners of the Holloman building have been contacted. He will confirm if the Code Enforcement Department has reached out to the party barn property owner.

Council made a decision to progress with Code Enforcement as this is an item of concern. Chief Sullivan stated progress is not immediate but progress is being made. Leaca Caspari motioned to approve the Code Enforcement/Animal Control Reports with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

Item G – Public Works Report: Jim Foy questioned if the recent rains caused major spikes in the infiltration of the wastewater system. City Manager Ben White indicated the City is bursting at the limits. TCEQ has knowledge of the infiltration issues as well as others including North Texas Municipal Water District. Currently we are flying under the radar but TCEQ could choose to enforce actions. The City has worked diligently to take care of the infiltration. For instance, Buckskin is an area being replaced. Once funding is secured, more work lies ahead. Mr. Klostermann asked where other infiltration areas exist. Mr. White offered a list that can be presented at the next meeting. Jim Foy motioned to approve the Public Works Report with Leaca Caspari seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

Item H – Library Report: Leaca Caspari wanted to point out and commend the good work of the Library for the Food for Fines program. Librarian Trisha Dowell came forward and stated the Library has offered this program every quarter. This last quarter, 82 cans were received equaling \$37 in fines. Leaca Caspari motioned to approve the Library Report with John Klostermann seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM III) INFORMATIONAL ITEMS

Council did not request any items to be withdrawn to be considered separately.

ITEM IV – A) PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE WATER MANAGEMENT PLAN WHICH INCLUDES THE DROUGHT CONTINGENCY PLAN

City Manager Ben White gave a short synopsis of changes made to the Water Management Plan which included minor requirements from TCEQ. The Plan is a conservative plan and is aligned with the NTMWD model. However, Mr. White stated the Water Management Plan presented has been adapted for the City of Farmersville and does not follow NTMWD's model in every case. The biggest change included having 3 drought stages rather than 4.

Mayor Helmberger opened the Public Hearing at 6:54pm and asked for those FOR the Water Management Plan to come forward. With no one coming forward, Mayor Helmberger

asked for those OPPOSING the Water Management Plan to come forward. With no one coming forward, Mayor Helmberger closed the Public Hearing at 6:55pm.

ITEM V – A) FIRST READING TO CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE AMENDING THE WATER MANAGEMENT PLAN

The ordinance presented had a few issues. The word “Model” was removed as the Water Management Plan was adapted for the City of Farmersville, although the NTMWD model was utilized. While trying to make the corrections, a technical issue occurred and the corrected ordinance was not available for Council review. Mayor Helmberger requested this item be placed on the next agenda for action. No action was taken by Council at this time.

ITEM V – B) FIRST READING TO CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE AMENDING THE SIGN ORDINANCE TO ALLOW BUSINESS OWNERS TO HAVE A PERMITTED SIGN LOCATED OFF-PREMISES OF THE BUSINESS LOCATION

City Attorney Alan Lathrom provided an amended ordinance not included in the Council packet which added an area regarding the property “on which the off-premises or off-location sign is located must be at least one acre in area and owned by the same person or entity that owns the lot or tract of land on which the business, person, organization, activity, event, place, service, product, etc., so advertised, promoted or appertaining to is located.” This statement will keep an area from being sold or rented to use just for the sign only and not infringe the platting regulations which do not allow this type of platting. The attempt was to avoid carving out 600 square feet to build a billboard or other type of allowed sign. This verbiage also is trying to avoid piece-mealing the property.

Jim Foy asked how this ordinance justifies the use as the ordinance must be defensible in court. Mayor Helmberger stated the ordinance only the signage as allowed by our ordinance would be allowed under the off-premises ordinance as presented. Jim Foy contended most cities ban off-premises signage because of appearance, traffic hazards and most likely too many signs. Mayor Helmberger states the ordinance presented would allow a business to build a sign that meets our current ordinance. Leaca Caspari stated she did not want the property to be leased or sold just for random signage. Jim Foy questioned why the property owner should own both properties and why make exceptions. It seems, per Mr. Foy, once this opportunity is opened to all it creates a bigger mess.

Mayor Helmberger requested an Executive Session to discuss matters further with the City Attorney. Mayor Helmberger stated the City Council is now going into Executive Session for consultation with the City Attorney pursuant to Texas Local Government Code Section 551.071 at 7:07pm.

The Council returned from Executive Session and resumed the regular meeting at 7:20pm. John Politz motioned to pass the ordinance as amended on first reading with John Klostermann seconding the motion. Jim Foy noted if changed, the ordinance would only apply to the Extra Territorial Jurisdiction. Another section states off-premises signs are not allowed within the City Limits of Farmersville. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM V – C) SECOND READING TO CONSIDER, DISCUSS AND ACT UPON AN ORDINANCE CHANGING THE PRIMA FACIE SPEED LIMIT ALONG AUDIE MURPHY PARKWAY BETWEEN CR 607 AND FLOYD STREET

The ordinance presented is equivalent to the traffic study provided by TxDOT. Jim Foy motioned to approve the ordinance as presented with John Klostermann seconding the motion.

A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM VI – A) CONSIDER, DISCUSS AND ACT UPON ISSUES WITH TAPS BUS

County Commissioner Chris Hill came and spoke with the Council regarding TAPS which has fallen on hard times. Mayor Helmberger moved this item to the front of the meeting; however for minutes it is in correct written order.

When TAPS, out of Grayson County, was named the official transit provider for Collin County, there was great excitement. All indicators were positive and TAPS had reports of great service and a good financial background. The first 12 months of the contract was fantastic, but then after 18 months into the contract negative reports began. The reports increased. In August 2015, an audit was received by the board, of which Mr. Hill was a director, which revealed significant deficiencies. Mr. Hill and the pursued inspection of financials which were not made available. Further investigation found \$4,000,000 in debt and of that, \$1,000,000 was owed to the IRS. All confidence had been lost. During the investigation, the Board learned of the 144 fleet of buses, 72 were out of commission. With half the fleet in operation, customers lost credibility. The Executive Director was released from duty in September. The Chairman of the Board resigned in October and Mr. Hill took this role. Initially Mr. Hill stopped expenditures and reduced basic levels of service and also found reimbursements had not been requested from grants and funding agencies. Reimbursements totaled \$2,000,000. In November 2015 all services were elected to be cancelled except medical transports.

Due to a breach of contract, the City of McKinney cancelled all services with TAPS. The TAPS board asked all parties from Collin County to step down from the Board. Mr. Hill stated since he could not help the agency turn around or make any recognizable rescue, he did step down and asked Collin County Commissioner's Court to revoke the contract with TAPS. TAPS has since ceased all operations for 90 days.

Collin County does have funding assets for a transportation benefit. NCTCOG has 20 vehicles which are for our region. The State of Texas allows funding to have a provider in our area. DART is a significant player in this region although outside our area. At present, it is unclear which direction the Commissioner's Court will take but other providers have been asked to bid on the service. No takers have come forward as of yet. In the interim, Commissioner's Court is looking to provide taxi cab services for residents with medical needs. The mechanics of this service is still being worked out but it is expected the County will purchase vouchers and residents will go through a process to attain said vouchers. Even though Farmersville is an incorporated city, it is included in the County's rural sector and those needing vouchers would be eligible.

Hunt County has a provider but they too have not submitted interest in providing services in Collin County. Jim Foy stated it would make sense to divide the County where various providers could provide services. This option was discussed during Commissioner's Court. The goal is to have a unified system but Commissioner's Court may require taking a different direction. Mayor Helmberger questioned the demise of CCART as a transit provider. Mr. Hill stated a similar situation of inefficient funds and similar crossovers as TAPS which met the same result. CCART's role as a transit provider grew from Meals on Wheels. Funding was overstretched and TAPS fell into the same situation. If charged more for fares, the State or Federal funding would be compromised. Transit is a heavily subsidized industry and will probably remain so. TAPS used an agreement for parking stations throughout cities in the County as in-kind matching funds but with no actual dollars, funding was stretched and mathematically did not equate.

Mr. Foy asked if Mr. Hill felt reports presented were erroneous and questioned if TAPS was being audited. Mr. Hill confirmed his suspicions of erroneous reports and audits were being

performed, although a couple of years behind. When the agency contracted for an audit, it was too late.

ITEM VI – B) CONSIDER, DISCUSS AND ACT UPON ACCEPTING BILL HARRISON'S RESIGNATION FROM THE SENIOR CITIZENS ADVISORY COMMITTEE

Leaca Caspari motioned to accept Bill Harrison's resignation from the Senior Citizens Advisory Committee with John Politz seconding the motion. A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM VI – C) CONSIDER, DISCUSS AND ACT UPON PROCESSES RELATED TO ASSIGNING NORTH TEXAS MUNICIPAL WATER DISTRICT DIRECTORS

A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM VI – D) CONSIDER, DISCUSS AND ACT UPON A RESOLUTION AUCTIONING PUBLIC WORKS DEPARTMENT ITEMS

A poll of the Council was taken as follows: John Klostermann yes, John Politz yes, Leaca Caspari yes and Jim Foy yes. Motion passed with full Council approval.

ITEM VI – E) CONSIDER, DISCUSS AND ACT UPON A MUTUAL BOUNDARY AGREEMENT AND MAP BETWEEN THE CITY OF FARMERSVILLE AND THE CITY OF PRINCETON

Map needs to be modified and in black & white for proper interpretation as in required by the county. Once modified, map is to be sent to city council members separately for review before next meeting. To be considered, discussed and acted upon at February 9, 2016 council meeting.

ITEM VI – F) CONSIDER, DISCUSS AND ACT UPON A MUTUAL BOUNDARY AGREEMENT AND MAP BETWEEN THE CITY OF FARMERSVILLE AND THE CITY OF BLUE RIDGE

Map needs to be modified and in black & white for proper interpretation as in required by the county. Once modified, map is to be sent to city council members separately for review before next meeting. To be considered, discussed and acted upon at February 9, 2016 council meeting.

ITEM VI – G) CONSIDER, DISCUSS AND ACT UPON RENOVATIONS FOR THE CHARLES R CURINGTON PUBLIC SAFETY BUILDING

Information was presented by Ben White regarding possible renovations. He is seeking cost estimates and will present findings at next meeting. Action to be taken at the February 9, 2016 council meeting.

ITEM VII) PUBLIC COMMENT

No one came before the Council to speak.

ITEM VIII) EXECUTIVE SESSION – DISCUSSION OF MATTERS PERMITTED BY TEXAS GOVERNMENT CODE CHAPTER 551, SECTION 551.071, CONSULTATION WITH CITY ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION: TEXAS VOICES FOR

REASON AND JUSTICE, INC. V. THE CITY OF FARMERSVILLE, TEXAS, NO. 380-05234-2015,
CHALLENGING CITY ORDINANCE NO. 2006-42

**ITEM IX) RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON
MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY SECTION 551.071 OF THE
TEXAS GOVERNMENT CODE**

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

ITEM XI) ADJOURNMENT

Council adjourned at 8:21pm

APPROVED

Joseph E. Helmberger, P.E., Mayor

ATTEST

Paula Jackson, Interim City Secretary