



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
March 10, 2020, 6:00 P.M.**

**I. PRELIMINARY MATTERS**

- Mayor Rice called the meeting to order at 6:00 p.m. Council members, Mike Hurst, Craig Overstreet, Dwain Mathers and Donny Mason were all present. Jim Hemby was not in attendance. City staff members Ben White, Sandra Green, Kim Morris, Rick Ranspot, Mike Sullivan and City Attorney Alan Lathrom were also present.
- Prayer was led by Craig Overstreet followed by the pledges to the United States and Texas flags.
  - Calendar of upcoming holidays and meetings.
  - Applications for Boards and Commissions are now being accepted. An application can be download on the website or picked up at City Hall.
  - March 2<sup>nd</sup> through March 31<sup>st</sup> citizens may notice a change in their water due to NTMWD's annual water disinfection.
    - Ben White stated the Rails to Trails is having a celebration on the 18<sup>th</sup> of April and John Klostermann, the city's North East Texas Trails (NETT) Representative has more information.
    - John Klostermann stated April 18<sup>th</sup> is the National Rails to Trails opening day for trails across the United States and a lot of people hold a celebration with activities. He explained it is a way to get people interested in the trails.

**II. PUBLIC COMMENT ON AGENA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)**

- No one came forward.

### III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

- No one came forward.

### IV. CONSENT AGENDA

Items in the Consent Agenda consist of non-controversial or “housekeeping” items required by law. Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually. Following approval of the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.

- A. City Council Minutes
  - B. Police Department Report (OpenGov)
  - C. Code Enforcement/Animal Control Report (OpenGov)
  - D. Fire Department Report (OpenGov)
  - E. Municipal Court Report (OpenGov)
  - F. Warrant Officer Report (OpenGov)
  - G. Public Works Report
  - H. Library Report (OpenGov)
  - I. City Manager’s Report
- Donny Mason pulled the City Manager’s Report
    - Motion to approve items A – H made by Donny Mason
    - 2<sup>nd</sup> to approve was Dwain Mathers
    - All council members voted in favor
  - Donny Mason asked for an update on the Hamilton Street Reconstruction Project.
  - Eddy Daniel from DBI Engineering stated they had a preconstruction meeting and the contractor should have already started the project, but the rain has held them up. He said he believed they would start this week with the demolition of trees.
    - Motion to approve the City Manager’s Report made by Donny Mason
    - 2<sup>nd</sup> to approve was Mike Hurst
    - All council members voted in favor

## V. INFORMATIONAL ITEMS

These Informational Items are intended solely to keep the City Council apprised of the actions and efforts of the various boards and commissions serving the City of Farmersville. Council members who serve as a liaison to a particular board or Commission may report to the City Council regarding that body's most recent and/or upcoming meetings and activities. Council members may also deliberate and/or request further information or clarification regarding any one or more of the items contained in this provision. City Council approval of, or action on, these items is not required or requested. **Matters that require City Council action shall be considered and acted on only if an item related thereto is included in the Consent Agenda or the Regular Agenda.**

Consideration and discussion regarding the following matters, minutes and reports, which consideration and discussion may also include or pertain to individual items and projects set forth in such matters, minutes and reports, as well as related background information and plans for future completion, performance or resolution as may be necessary to understand such individual items and projects and the City's related operation:

### A. City Amenities Board

1. Minutes
2. Possible Council Liaison Report
  - Ben White stated they had an update on the Senior Citizen's Center and the Library. John Klostermann gave a debrief on the Chaparral Trail. He said they are laying the groundwork for the concert in the park. He explained that he gave an update on J.W. Spain regarding the parking lot. He stated one of the swing sets for Rambler Park was in, but the ADA swing was not here yet.

### B. Farmersville Community Development Board (Type B)

1. Financials
2. Possible Council Liaison Report
  - Dwain Mathers stated they discussed the new wraps for the billboards and coordinated with the Main Street Board.

### C. Farmersville Economic Development Board (Type A)

1. Financials
2. Possible Council Liaison Report

### D. Main Street Board

1. Possible Council Liaison Report
  - Donny Mason stated they gave an update on the upcoming celebration and the subcommittee planning. They discussed their downtown

merchant assignments and how they are going to go around and find out how they can help the business owners. He said they also discussed the billboards.

E. Planning & Zoning Commission

1. Minutes
2. Possible Council Liaison Report

**VI. REGULAR AGENDA**

A. Consider, discuss, and act upon Resolution #R-2020-0310-001 supporting a grant application for the Police Cruiser Project.

- Chief Sullivan stated the Resolution was supporting a grant application that would be 100% funded and they are hoping to buy a police car with the grant if it is awarded to them.
  - Motion to approve made by Mike Hurst
  - 2<sup>nd</sup> to approve was Craig Overstreet
  - All council members voted in favor

B. Consider, discuss and act upon how other cities handle building of streets and street repairs

- Craig Overstreet stated he wanted information related to impact fees, what we charge and how road repairs are handled.
- Ben White explained that our current budget is low and only allows us to repair potholes and other various items. He said the budget would need to increase to build or rebuild any streets. He indicated the TIRZ board is looking at possibly rebuilding some streets that are in the TIRZ area. He stated Welch Drive and Raymond Street would be examples of roads they could repair. He explained the other sources of funding could be 4A or 4B.
- Eddy Daniel from DBI Engineering stated that cities can use grants to repair streets and Hamilton Street was being built by a bond. He said developers put in roadways when they develop a piece of property. He explained the city does not have roadway impact fees at this time.
- Ben White stated we have impact fees for water and sewer only.
- Eddy Daniel stated he sees a lot of small cities not charge roadway impact fees because they have to justify the fees being charged. He said it also tends to send developers elsewhere if they feel the fees are too high.

- Ben White explained that he has been told it would cost approximately \$200,000 to have a study completed to determine the amount of roadway impact fees that could be charged.
- Eddy Daniel stated we would probably not charge all that we could for those fees because it would price the city out. He said the roads would have to follow the Thoroughfare Plan and other complicated factors like drainage come in to play. He stated new developments that are coming in do have to construct the roads they will utilize.
- Mike Hurst asked when it would be feasible for the city to charge roadway impact fees.
- Alan Lathrom stated the cost to perform the study and set up the roadway impact fee program could be included in the amount of roadway impact fees that are charged. The roadway impact fees cannot be used for repair or replacement of existing roads. They are typically not used on the residential roads that are in subdivisions because they are built by the developer when they come in. He said cities are capped on the amount of roadway impact fees they can collect. He explained you can only collect up to 50% of the actual costs unless you do an additional study that spells out what benefits, in the way of ad valorem taxes and property taxes, the city would receive off the development.
- Ben White asked if most cities provide the upfront cost and then are paid back by the impact fees over time.
- Alan Lathrom stated that is usually what happens and the whole thought process is that new developments help foot the bill for the cost they put on the city for coming in to the city.
- Eddy Daniel said water and sewer impact fees are easier to charge and it is hard to justify roadway impact fees.
- Alan Lathrom stated the water impact fees and sewer impact fees can be city wide. He said roadway impact fees are limited to a three mile diameter and you have to break up the city into smaller areas and look at the cost of sharing roadway improvements to serve that particular roadway district. He said you have to break it out into different districts and charge different rates in different areas of town depending on the roads that are already constructed versus the roads that are necessary to serve future development.
- Mike Hurst explained his concern was the older roads getting left behind.
- Eddy Daniel stated that original Farmersville would not be touched by any roadway impact fees.
- Alan Lathrom stated roadway impact fees can only be used for new development, it cannot be used for redevelopment, repairs or maintenance.

- Mike Hurst wanted to know the solution to solve the street repairs.
- Eddy Daniel stated money needed to be in the budget for roads and road repairs and potentially a bond issue could be passed for street repairs. He said that is why the city utilized the Community Block Grants to help with street repairs. He explained you can only apply for those grants every two years and we just finished completing Rike Street.
- Ben White stated there could be a future discussion about when other cities starting charging roadway impact fees.
- No action taken.

C. Update regarding the construction of County Road 699.

- Ben White stated he had a meeting with Reliable Concrete to discuss the items that still needed to be completed in regards to the development agreement. He said DBI Engineering would be starting the design work fairly quickly on the roadway.
- Eddy Daniel stated they have started the field work for County Road 699 and Welch, but they would be bidding Farmersville Parkway before the end of month.
- Ben White stated some of the roadway is in Hunt County and the other is in Collin County so that might be a little tricky. He said Reliable understands they will pay for the materials and the city will provide the labor for the street.
- Mayor Rice stated since the Council was already discussing streets he said they would go ahead and discuss Item E. Consider, discuss and act upon Farmersville Parkway possible grant.
- Ben White stated he had no new news regarding the grant. He did say he thought the county placed it on the upcoming County Commissioner's agenda.
- Craig Overstreet asked what the backup plan would be if the city did not receive the grant.
- Ben White stated he did not have a backup plan. He said it would have to be placed on the city's long-term plan and complete it as cash becomes available. He explained that Collin College is not requiring that section of the roadway to be completed as a part of the Development Agreement, but he figured it would be a good project if the County would fund it.
- Dwain Mathers asked if the County bailed out on the project.
- Ben White stated different cities filled out an application and the County will select the projects they want to move forward with. They have not funded any yet. He believes the decisions would be made in the next few months.
- Craig Overstreet explained that Commissioner Hale did say the projects that showed characteristics of having safety issues would receive a higher

score, as well as, volume of traffic. He does not feel that optimistic about getting the funds.

D. Update on the city's contract with the North Texas Municipal Water District (NTMWD).

- Ben White stated the larger cities of Garland, Mesquite, Plano and Richardson were the petitioners in the suit and they believe that the rates being charged to them by the North Texas Municipal Water District are unfair. He said the City of Farmersville has taken the position that it is fair. The petitioner's have been through their heavy growth periods and it is a take or pay system. He explained that the petitioner's believe the cost does not consider conservation. There was a drought and the petitioning cities felt that through those years they were penalized. With take or pay, you pay for the amount that is set whether you use that much water or not. He stated that we are getting closer to our take or pay and our position of what is fair has been in place since 1959. He explained that Art Rodriguez is our attorney in Austin that is handling our case with the Public Utility Commission.
- Craig Overstreet asked if it had to be a unanimous decision between all the 13 member cities before something could be passed.
- Ben White stated yes and they have all been working on it for approximately 2 ½ years. He said on February 27, 2020, the Commission determined that the rates protested by petitioners are adverse to the public interest determination. He said he would sum it up by saying that they found the rates to be unfair.
- Eddy Daniel stated that the public interest determination was huge because that is what gives them jurisdiction to determine if the rates are fair or not. He stated the petitioning cities want to lower their take or pay.
- Ben White stated that Tom Kula, Executive Director for NTMWD said in an email that hey encourage all 13 member cities to continue to meet and solve the issue regionally. He said the best strategy is to get together with the other member cities and discuss.

E. Consider, discuss and act upon Farmersville Parkway possible grant.

- This item was discussed earlier in the agenda.

F. Consider, discuss and act upon boundary agreement with the City of Blue Ridge.

- Ben White showed an Ordinance from the City of Blue Ridge where they strip annexed some areas on June 11, 1987 and then showed the City of Farmersville's Ordinance where we strip annexed on State Highway 78 in 1975. He stated the Blue Ridge Ordinance was done prior to September of 1987 so the annexation would be valid. He said when he met with the

Mayor of Blue Ridge she indicated they did not agree with our suggested boundary lines. He said his strategy with Blue Ridge would be to let it ride and to see which city would grow to that area first.

## **VII. EXECUTIVE SESSION**

- Mayor Rice read the information below and stated the Council would go into Executive Session at 7:25 p.m.

Discussion of matters permitted by Texas Government Code Chapter 551 as follows:

- A. Discussion of Matters Permitted by Texas Government Code Section 551.071, **"Consultation With Attorney"**:
  1. Consultation with City Attorney regarding mediation or contemplated litigation with United States Department of Justice concerning ADA complaint.
- B. Discussion of Matters Permitted by Texas Government Code Section 551.086, **"Deliberation Regarding Public Power Utility Competitive Matters,"** as "competitive matters" is defined by Texas Government Code Section 552.133:
  1. Collin College Power Agreement Proposal.

## **VIII. RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION**

- A. Mediation or contemplated litigation with United States Department of Justice concerning ADA complaint.
- B. Collin College Power Agreement Proposal.
  - Mayor Rice stated the Council would reconvene at 8:16 p.m. and no actions would be taken on matters discussed in Executive Session.

## **VIII. REQUESTS TO BE PLACED ON FUTURE AGENDAS**

- Ben White wanted an item that showed when other cities started collecting roadway impact fees.
- Mayor Rice suggested taking photos of the Council at the next meeting.
- Craig Overstreet wanted an update on the review of the scope of work for the \$1 million sewer plant.
- Craig Overstreet stated he wanted a status report on Martin Marietta.



- Craig Overstreet wanted a discussion on how the city would meet and react to the coronavirus.
- Craig Overstreet wanted an update on Reliable Concrete.
- Craig Overstreet wanted to see where the city is at on the Capital Improvements Plan.
- Mike Hurst wanted an update on Palladium.

IX. ADJOURNMENT

Meeting was adjourned at 8:18 p.m.

APPROVE:

  
\_\_\_\_\_  
Jack Randall Rice, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra Green, City Secretary

