



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
May 26, 2020, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Wiebold called the meeting to order at 6:00 p.m. Council members, Mike Henry, Craig Overstreet, Jim Hemby, Dwain Mathers and Terry Williams were all present. City staff members Ben White, Sandra Green, Mike Sullivan, Kim Morris, Daphne Hamlin, Rick Ranspot, Oscar Mejia and City Attorney Alan Lathrom were also present.
- Prayer was led by Rick Ranspot followed by the pledges to the United States and Texas flags.
 - Calendar of upcoming holidays and meetings.
 - City Boards will resume meeting in June.
 - There will be a celebration of Audie Murphy's 75th Anniversary Homecoming to Farmersville on June 15th at 5:30 p.m. at the gazebo.
 - The City would like to thank the Farmersville Boy Scout Troop for cleaning up the Chaparral Trail between Houston Street and J.W. Spain.
 - Mayor Wiebold stated he wanted to thank Chief Sullivan for working with the school district regarding the 2020 graduating seniors' drive-by parade.

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

- Due to the pandemic of Covid-19, no citizens were allowed in the Council Chambers. No one came forward on the teleconference to speak.

III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

- Due to the pandemic of Covid-19, no citizens were allowed in the Council Chambers. No one came forward on the teleconference to speak.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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. City Council Special Minutes

C. City Financial Report

- Craig Overstreet asked to pull the City Financial Report.
 - Motion to approve items A & B made by Jim Hemby
 - 2nd to approve was Mike Henry
 - All council members voted in favor
- Craig Overstreet stated he wanted to know why the number of meters were showing lower than what it was last year on OpenGov.
- Ben White stated he was not sure, but they would take a look at it.
- Craig Overstreet asked about capital expenditures and wanted to know if the \$150,000.00 was for the pole truck and another expenditure for \$298,000.00.
- Daphne Hamlin stated the \$298,000.00 was for the Palladium wastewater line that we were using the impact fees from last year on.
- Craig Overstreet said the \$150,000.00 was under the line item of equipment replacement.
- Ben White stated the equipment replacement fund has not been used for years. He explained the last time that category was used was to fund police cars back in 2012-2013. He said for the pole truck they did a lease/purchase. He stated they would research what the \$150,000 was for and report back to Council at the next meeting.
- Craig Overstreet stated the impact fee amount was significantly down this year.
- Ben White stated he expects the impact fees to go up when Camden Park Phase 3 starts building homes.
 - Motion to approve the City Financial Report made by Craig Overstreet

- 2nd to approve was Dwain Mathers
- 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. Possible Council Liaison Report

- B. Farmersville Community Development Board (Type B)
 - 1. Financials
 - 2. Possible Council Liaison Report

- C. FEDC Farmersville Economic Development Board (Type A)
 - 1. Financials
 - 2. Possible Council Liaison Report

- D. Main Street Board
 - 1. Possible Council Liaison Report

- E. Planning & Zoning Commission
 - 1. Possible Council Liaison Report

- F. TIRZ Board

1. Financials
2. Possible Council Liaison Report

G. City Manager's Verbal Report

1. Update on Hamilton Street
 - Ben White stated the contractor has been clearing trees and working on storm water installation from the top of the project all the way to the creek.
2. Update on Martin Marietta
 - Ben White stated there is no communication between Martin Marietta and the city at this time. He said he has noticed they have been working on drive approaches on to U.S. Highway 380.
3. Update on Development Agreement punch list for Reliable Concrete
 - Ben White stated the following list is the remaining items that they have to do as part of their Development Agreement: a Certificate of Occupancy for their operations building has to be issued, complete platting of the property, improvements on CR 699 (joint effort from city and Reliable Concrete – they supply materials and city supplies labor and engineering design), pay tap and impact fees (which they have done, he said), they have to complete the screening wall (he stated that is 75% complete), they have to complete the planting of the trees, irrigation system for the trees, they have not connected the internal driveways to CR 699, they have completed the paperwork that stated the sales tax form as FOB Farmersville (but the city has not seen the paperwork for this as of yet, he said), they have to meet the capacity requirements of the performance criteria.
 - Craig Overstreet asked about the platting and what was still lacking.
 - Sandra Green stated they have not submitted a plat of any kind to the City.
 - Craig Overstreet asked if Ben White was staying on them regarding the platting.
 - Ben White stated he had a meeting with them prior to the Covid crisis and they are staying in touch. He said he called them about two or three weeks ago and they talked over some items, especially the sales tax issue and whether or not they have turned the paperwork in. He said they have got to get that done or they will not get their money back that is in escrow. He explained the city has a good sum of

money, over \$100,000.00, in escrow waiting to be released back to them once all the items are completed.

- Terry Williams asked if they have a timeline.
 - Ben White stated they do, but in reality they have not met the timelines in the Development Agreement. He said they are moving forward and they have been slow in completing things, but it is getting done.
 - Terry Williams asked how much of the \$100,000.00 is at risk.
 - Ben White stated all of it.
 - Craig Overstreet said if they are not in the city they would not have to pay us sales tax.
 - Ben White stated they are in the city, because they did complete the annexation process.
 - Mayor Wiebold asked what Ben White's recommended course of action would be.
 - Ben White stated just working with them and reminding them of the items.
 - Mike Henry wanted an update regarding the platting process at the next meeting and why it has taken them so long to get that completed.
 - Sandra Green stated the site was released to the county for permitting before they had to plat the property and ever since then they have started building on the site, but have never submitted the plat per the Development Agreement.
4. Update on Development Agreement punch list for Nelson Brother's Concrete
- Ben White stated they have items to complete as stated in their Development Agreement. He said they have to complete the platting of their property. He explained they have improvements of their own to complete on CR 699. They will have to pay their applicable tap fees and impact fees once water meters are installed. He stated they have to complete their screening wall and planting of trees and grass on the lot. He said they also have to complete their internal driveways and they have to execute their paperwork to indicate FOB Farmersville. He indicated that Tony Strickland sent him an email that said he would like to get with him to talk about things.
5. Update on the construction of County Road 611
- Ben White explained the engineering design package is completed and has been approved by the college. The driveway interfaces have been

approved as well. Our engineering firm has worked with Texas-New Mexico Power regarding the relocation of the electrical utilities along the right-of-way. He stated the bid package is complete and it has been advertised. He indicated the bid opening date is June 4th. He said he expects work to start in July.

VI. PUBLIC HEARING

A. Public hearing to consider, discuss and act upon the first reading of Ordinance #O-2020-0609-001 amending Section 65-83 of the Subdivision Ordinance authorizing the City Manager to release building permits for up to six (6) single-family residential lots in a subdivision that is then being platted before all of the required public improvements have been constructed and final accepted by the City and before the final plat is recorded with the county.

- Mayor Wiebold read the caption of the Ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, BY AMENDING CHAPTER 65 "SUBDIVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, THROUGH THE AMENDMENT OF ARTICLE V, "REQUIREMENTS FOR COMPLETION, ACCEPTANCE AND MAINTENANCE OF IMPROVEMENTS," BY DELETING SECTION 65-83 "ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY," IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 65-83 THAT IS ALSO ENTITLED "ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY"; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

- Mayor Wiebold opened the public hearing at 6:24 p.m. and asked if anyone wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 6:25 p.m.
- Ben White stated he was receiving a request from the developer of Camden Park to build a few houses in advance of finalizing the preliminary plat requirements. Those requirements would be all the infrastructure being in and accepted by the city. He said that our ordinances did not allow for them

to build houses before the infrastructure was in, but other cities do allow it. He explained the ordinance would allow them to construct six houses or 10% whichever is greater. The ordinance would put restrictions on them, like having all required public improvements in place for fire access for the area of the development for which the early release lots are situated. He said they could not connect to the sanitary sewer or convey a title until all the public infrastructure was in place. He explained they did have a provision in the ordinance that would allow the developer to enter into a facilities agreement to complete the infrastructure at a later time.

- Mike Henry asked about subparagraph (d) in regards to the temporary certificate of occupancy and facilities agreement.
- Ben White stated that if a facilities agreement is in place then the city would have the ability to issue a temporary certificate of occupancy.
- Alan Lathrom stated they had a prohibition in subparagraph (c) that you could not receive a certificate of occupancy unless all the public improvements for the full development have been constructed and accepted by the city. He said in subparagraph (d) it would allow a developer to go ahead and request a facilities agreement for the deferral of the public improvements. They would be required to post a bond or cash deposit for the improvements. If that were the case, then the City Manager would have the ability to grant a conditional or temporary certificate of occupancy, or green tag. He said that would allow someone to conditionally occupy the structure until all the other public improvements are in place.
- Mike Henry stated he did not like that portion of the ordinance.
- Craig Overstreet stated he did not like that part of the ordinance either. He said he did not feel we need the option for the facilities agreement.
- Jim Hemby stated it is a single family home and if we allow someone to move in, then they are there.
- Mike Henry stated he was good with everything except the conditional or temporary certificate of occupancy. He said everything else like access, fire and sewer were covered.
- Alan Lathrom stated the Council could remove subparagraph (d) and it would not impact the other parts of the ordinance at all. He explained that developers already have the right to come in and request a facilities agreement, but a certificate of occupancy would not be granted until all public infrastructure was in place and accepted by the city. He said this ordinance gives developers an option to build some of their spec homes so they have something they can market and be ahead of the curve before the subdivision is complete.

- Dwain Mathers stated he liked the idea of being business friendly. He asked about the sewer connection.
- Alan Lathrom stated they would not be allowed to tie in to the sewer system until they complete all the other infrastructure. We would allow them to have water to go to the fire outlets, but they would not be able to have a place for the water to go inside the house.
- Dwain Mathers asked for a clarification of what Mike Henry was concerned about regarding subparagraph (d).
- Mike Henry stated that subparagraph (d) would allow the City Manager to issue a conditional certificate of occupancy without them having to finish the rest of the infrastructure at that point. He explained that if they were not given a conditional certificate of occupancy then their feet would be to the fire to finish the rest of the infrastructure.
 - Motion made by Mike Henry to move forward with the first reading but to remove subparagraph (d) before second reading.
 - 2nd to approve was Terry Williams
 - All council members voted in favor

VII. REGULAR AGENDA

- A. Consider, discuss and act upon personnel policy changes.
- Ben White stated he wanted to update the policy manual regarding attendance. He said that Daphne Hamlin had a back log regarding other changes that were needed as well.
 - Craig Overstreet asked if the policy changes had been reviewed by the city attorney.
 - Daphne Hamlin stated she did not send it to Alan Lathrom.
 - Jim Hemby agreed the city attorney should review it.
 - Mayor Wiebold asked how staff would learn of the changes to the policy.
 - Ben White stated he discusses the changes in administrative staff meetings and it would filter down from there.
 - Motion to table the item until the city attorney can review the changes made by Craig Overstreet
 - 2nd to approve was Jim Hemby
 - All council members voted in favor
- B. Consider, discuss and act upon the assignment of Council liaisons to City boards and commissions.

- Mayor Wiebold stated he would like to suggest liaisons for the Council and receive their feedback.
- Craig Overstreet asked when the Main Street meetings were held.
- Sandra Green stated Main Street meeting were held on the 2nd Monday of the month at 4:30 p.m.
- Mayor Wiebold gave explanations of why he choose each Council member for the boards indicated.
- Mayor Wiebold assigned the liaisons as follows:
 - Mike Henry – Capital Improvement/Planning & Zoning
 - Craig Overstreet – Main Street
 - Dwain Mathers – FEDC (4A)
 - Jim Hemby – Building & Property Standards
 - Terry Williams – FCDC (4B) & City Amenities Board
- Mike Henry made a motion to accept the Council liaison assignments as the Mayor indicted.
- Craig Overstreet asked Jim Hemby if he was okay with the Building & Property Standards assignment since they do not meet very often.
- Jim Hemby explained he was okay with that.
- Mayor Wiebold stated he believes the city needs a Council liaison to the school board as well.
- Dwain Mathers stated Jim Hemby would be passionate about the school.
- Ben White stated he believes it would create a good relationship with the school district.
- Craig Overstreet explained the Council would eventually need a liaison to Collin College as well.
- Jim Hemby indicated he did not have any issues being the liaison to the school board.
 - Mike Henry changed his previous motion to state the Council accept the board assignments and include Mr. Hemby as the school board liaison.
 - 2nd to approve was Dwain Mathers
 - All council members voted in favor

- C. Consider, discuss and act upon appointing new members to City boards.
- Mayor Wiebold stated he spoke with several citizens about who would want to serve the city. He showed a picture of the Farmersville ultimate boundary proposal from the Comprehensive Plan from 2013. He stated he believes it is a great plan. He said we want people to live here, work here and play here. He indicated the city has great lakes, great roads and his top priority is to revise the Comprehensive Plan. He stated that in the

course of discussions with citizens he received the response of "why bother" when discussing serving on the boards. He said most felt they would not have a chance to serve. He said he would like to talk about changing the application process of the boards and commissions. He suggested they form a subcommittee of the Mayor, Council liaison to the board, and the board President to interview the applicants.

- Terry Williams stated he believes that was a great idea. He said he does not know a lot of people and interviewing them would help.
- Craig Overstreet wanted to know what the Council's role would be.
- Mayor Wiebold stated the Council liaison would be in the interview and then the subcommittee would make a recommendation to Council of who they want to sit on the board. He said then Council would make the appointment.
- Dwain Mathers stated he likes the idea, but wanted to know if there were any legal issues with the whole idea.
- Alan Lathrom stated there are not any guidelines or legal requirements that are set out in the city's codes or ordinances. He said right now we have it in the codes of how the boards were established. He indicated that term limits and residency requirements are either set up by city codes and ordinances or state statute.
- Mayor Wiebold asked what the Council would need to do if they agreed to handle the board assignments this way.
- Alan Lathrom stated it could be a motion or the Council could create a Resolution.
- Mike Henry asked what time frame the Mayor was looking at for the appointments to take place.
- Alan Lathrom stated the current board members would stay in place until they had time to get through the process.
- Craig Overstreet stated it has always been tough to fill the positions and he hoped people would still apply.
- Mayor Wiebold stated the Council would have to get out and talk to people.
- Dwain Mathers agreed with the Mayor and stated it raises the level of the boards. Another important point is that they can discuss with the person what the board does.
- Mayor Wiebold stated they would let everyone know about the boards by word of mouth and social media.
- Terry Williams stated he believes it is a great way to meet people and teach people how the Council wants the city to grow.
- Mike Henry asked about timeline again
- Dwain Mathers stated the 1st meeting in July would be enough time to conduct interviews and then conduct the appointments.
- Council decided to have a deadline for the applications at the close of business on June 9th and then appoint the new board members on June 23rd.

- Motion to move forward with the idea made by Terry Williams
- 2nd to approve was Dwain Mathers
- All council members voted in favor

VIII. EXECUTIVE SESSION

- Alan Lathrom indicated that there was not need to hold executive session if all the Council's questions were answered in relation to the board appointments.
- Mayor Wiebold indicated no executive session would be held.

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. Possible consultation with City Attorney regarding the City Council's authority to determine and change the composition of appointed boards and commissions.

VI. RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY SECTION 551.071 OF THE TEXAS GOVERNEMENT CODE.

- No action was taken since Council did not go into executive session

IX. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Craig Overstreet wanted an update on Reliable Concrete and Nelson Bros.
- Mike Henry wanted to discuss the Historical Preservation Ordinance and historical district boundaries.

X. ADJOURNMENT

Meeting was adjourned at 8:02 p.m.

APPROVE:



Bryon Wiebold, Mayor

ATTEST:


Sandra Green, City Secretary

