



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
September 8, 2020, 6:00 P.M.**

**I. PRELIMINARY MATTERS**

- Mayor Wiebold called the meeting to order at 6:03 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, Michael Sullivan, Daphne Hamlin, Kim Morris, Rick Ranspot, Charles Kirk, Kevin Casey and City Attorney Alan Lathrom were also present.
- Prayer was led by Kim Morris, Fire Chief, followed by the pledges to the United States and Texas flags.
  - Calendar of upcoming holidays and meetings.
  - Due to the Covid-19 pandemic Old Time Saturday has been cancelled.
  - The Planning & Zoning Commission will meet on Monday, September 21<sup>st</sup> at 7:30 p.m. due to Early Voting in the Council Chambers.
  - The City Council will meet on Tuesday, September 22<sup>nd</sup> at 7:30 p.m. due to Early Voting in the Council Chambers.
    - Mayor Wiebold read an invitation from the City of Princeton regarding their groundbreaking ceremony for the new Princeton City Hall and Municipal Park.

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

- No one came forward in person or via teleconference.

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

- No one came forward in person or via teleconference.

#### 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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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
  - Craig Overstreet pulled the Public Work’s Report.
    - Motion to approve items A-F, H & I made by Craig Overstreet
    - 2<sup>nd</sup> to approve was Mike Henry
    - All council members voted in favor
  - Craig Overstreet asked about the status of the wastewater treatment plant arm that is supposed to be replaced.
  - Ben White stated it was in the design and engineering phase.
  - Craig Overstreet asked if plant 2 could carry the load until the arm was fixed.
  - Ben White stated it could.
  - Craig Overstreet asked when it was going to be completed.
  - Ben White explained that he had spoken to the City Engineer and told them that they needed to get through the design phase quickly.
    - Motion to approve the Public Work’s Report made by Craig Overstreet
    - 2<sup>nd</sup> to approve was Jim Hemby
    - 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
    - Terry Williams stated they are working on new bylaws.
  
- B. Farmersville Community Development Board (Type B)
  - 1. Minutes
  - 2. Possible Council Liaison Report
  
- C. FEDC Farmersville Economic Development Board (Type A)
  - 1. Minutes
  - 2. Possible Council Liaison Report
  
- D. Main Street Board
  - 1. Possible Council Liaison Report
  
- E. Parks & Recreation Board
  - 1. Possible Council Liaison Report
  
- F. Planning & Zoning Commission
  - 1. Possible Council Liaison Report
  
- G. TIRZ Board
  - 1. Possible Council Liaison Report

## VI. PUBLIC HEARING

- A. Public hearing on the Fiscal Year 2020-2021 proposed budget to allow proponents and opponents of the proposed budget to present their views.
- Mayor Wiebold opened the public hearing at 6:10 p.m. and asked if anyone wanted to speak for or against the item.
  - No one came forward in person or via teleconference so he closed the public hearing at 6:11 p.m.
- B. Public hearing on Tax Rate to allow proponents and opponents of the tax rate to present their views.
- Mayor Wiebold opened the public hearing at 6:11 p.m. and asked if anyone wanted to speak for or against the item.
  - No one came forward in person or via teleconference so he closed the public hearing at 6:12 p.m.

## VII. READING OF ORDINANCES

- A. Consider, discuss and act upon the first and only reading of Ordinance #O-2020-0908-001 adopting and approving the budget for FY 2020-2021.
- Mayor Wiebold read the caption to the ordinance.  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; PROVIDING FOR INTRA- AND INTER-DEPARTMENTAL FUND TRANSFERS; AMENDING AND ADOPTING THE REVISED FISCAL YEAR 2019-2020 BUDGET; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**
  - Craig Overstreet thanked Daphne Hamlin for sending out more information to the Council. He also stated that he was disappointed that more money could not go in the budget for streets.
    - Motion to approve made by Mike Henry
    - 2<sup>nd</sup> to approve was Jim Hemby
    - All council members voted in favor
- B. Consider, discuss and act upon the first and only reading of Ordinance #O-2020-0908-002 adopting the FY 2020-2021 tax appraisal roll.

- Mayor Wiebold read the caption of the ordinance  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, ADOPTING THE FISCAL YEAR 2020 – 2021 TAX APPRAISAL ROLL FOR THE CITY OF FARMERSVILLE, TEXAS; PROVIDING FOR SEVERABILITY; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE**

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

- Motion to approve made by Terry Williams
- 2<sup>nd</sup> to approve was Mike Henry
- All council members voted in favor

- C. Consider, discuss and act upon the first and only reading Ordinance #O-2020-0908-003 adopting the tax rate for FY 2020-2021.

- Mayor Wiebold read the caption of the Ordinance.  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, ADOPTING A TAX RATE AND FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF FARMERSVILLE, TEXAS, AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE TAX YEAR 2020 (FISCAL YEAR BEGINNING ON OCTOBER 1, 2020 TO AND INCLUDING SEPTEMBER 30, 2021); APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSES; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

- Motion to approve made by Jim Hemby
- 2<sup>nd</sup> to approve was Terry Williams
- All council members voted in favor

- D. Consider, discuss and act upon the first and only reading of Ordinance #O-2020-0908-004 adopting the General Obligation Bond Series 2012 annual budget for FY 2020-2021.

- Mayor Wiebold read the caption of the Ordinance  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, ADOPTING THE GENERAL OBLIGATION BOND SERIES 2012 ANNUAL BUDGET FOR THE CITY OF**

**FARMERSVILLE, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; PROVIDING FOR INTRA-DEPARTMENTAL TRANSFERS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

- Motion to approve made by Terry Williams
- 2<sup>nd</sup> to approve was Craig Overstreet
- All council members voted in favor

E. Consider, discuss and act upon the first and only reading of Ordinance #O-2020-0908-005 adopting the General Obligation Bond Series 2017 annual budget for FY 2020-2021.

- Mayor Wiebold read the caption of the Ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, ADOPTING THE GENERAL OBLIGATION BOND SERIES 2017 ANNUAL BUDGET FOR THE CITY OF FARMERSVILLE, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; PROVIDING FOR INTRA-DEPARTMENTAL TRANSFERS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

- Motion to approve made by Mike Henry
- 2<sup>nd</sup> to approve was Terry Williams
- All council members voted in favor

F. Consider, discuss and act upon the first and only reading of Ordinance #O-2020-0908-006 adopting the General Obligation Bond Series 2019 annual budget for FY 2020-2021.

- Mayor Wiebold read the caption of the Ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, ADOPTING THE GENERAL OBLIGATION BOND SERIES 2019 ANNUAL BUDGET FOR THE CITY OF FARMERSVILLE, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; PROVIDING FOR INTRA-DEPARTMENTAL TRANSFERS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

- Motion to approve made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Jim Hemby
  - All council members voted in favor
- G. Consider, discuss, and act upon Ordinance #O-2020-0908-007 regarding Lakehaven Farmersville, LLC's petition requesting inclusion of land into the City of Farmersville's Extra Territorial Jurisdiction (ETJ).
- Mayor Wiebold read the caption of the Ordinance.  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS ACCEPTING A PETITION FOR THE INCLUSION OF CERTAIN CONTIGUOUS LAND INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FARMERSVILLE; PROVIDING FOR TERMS AND CONDITIONS REGARDING ACCEPTING SAID LAND INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FARMERSVILLE; PROVIDING FOR THE FILING OF THIS ORDINANCE WITH THE COLLIN COUNTY CLERK AND THE UPDATING OF THE CITY'S OFFICIAL MAP TO REFLECT THE INCLUSION OF SAID LAND IN THE CITY OF FARMERSVILLE'S EXTRATERRITORIAL JURISDICTION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND SETTING AND PROVIDING FOR AN EFFECTIVE DATE.**
  - Ben White stated this will bring the entirety of the Lakehaven property into the city's ETJ prior to platting.
    - Motion to approve made by Terry Williams
    - 2<sup>nd</sup> to approve was Mike Henry
    - All council members voted in favor

## VIII. REGULAR AGENDA

- A. Consider, discuss and act upon Resolution #R-2020-0908-001 regarding a negotiated settlement between the Atmos Cities Steering Committee and the Atmos Energy Corp., Mid-Tex Division regarding the Company's 2020 rate review mechanism filing.
- Motion to approve made by Mike Henry
  - 2<sup>nd</sup> to approve was Terry Williams
  - All council members voted in favor

- B. Consider, discuss and act upon Resolution #R-2020-0908-002 regarding the eminent domain for Collin Parkway.
- Ben White stated this is a condemnation process for JMR Farms property regarding the Collin Parkway construction.
    - Motion to approve made by Terry Williams
    - 2<sup>nd</sup> to approve was Jim Hemby
    - All council members voted in favor
- C. Consider, discuss and act upon approving the Economic Development Corporation proposed projects and budget for Fiscal Year 2020-2021.
- Motion to approve made by Terry Williams
  - 2<sup>nd</sup> to approve was Craig Overstreet
  - All council members voted in favor
- D. Consider, discuss and act upon approving the Community Development Corporation proposed projects and budget for Fiscal Year 2020-2021
- Motion to approve made by Mike Henry
  - 2<sup>nd</sup> to approve was Terry Williams
  - All council members voted in favor
- E. Consider, discuss and act upon approving the Tax Increment Refinancing Zone proposed projects and budget for Fiscal Year 2020-2021.
- Motion to approve made by Mike Henry
  - 2<sup>nd</sup> to approve was Jim Hemby
  - All council members voted in favor
- F. Consider, discuss and act upon a consulting agreement with Eddie Peacock, PLLC for financial management support.
- Ben White stated there was a not to exceed amount of \$12,000.00 placed in the contract per Council's request.
    - Motion to approve made by Terry Williams
    - 2<sup>nd</sup> to approve was Mike Henry
    - All council members voted in favor
- G. Consider, discuss and act upon accepting the conveyance of approximately 8.1 miles of the Northeast Texas Trail extending in a northern direction from the current end of the City's Chaparral Trail.



- Ben White stated this item included a Quitclaim Deed for the 8.1 miles in Hunt County that would extend the trail to the city limits of Celeste. The NETT is asking the city to put a surface on the 8.1 mile trail portion within 7 years.
- Craig Overstreet asked if the \$100,000.00 that 4B set aside was for this new part of the trail and if the city would have liability insurance for that portion of the trail.
- Ben White stated yes the money was set aside for a grant to get from the Texas Parks & Wildlife. He explained the liability insurance would be added if the Council approves this item.
- Steve Caspari, who is a representative of the 4B board, stated that he has confirmed the Rails to Trails have a grant writer that will take the \$50,000.00 and will get matched \$200,000.00.
- Craig Overstreet asked if they would do an overall study on what the trail needed.
- Steve Caspari stated the clearing of brush and bridges have already been completed. They are just wanting us to resurface it.
- Dwain Mathers said the grading and removal of brush has been done all the way up to Celeste.
- Mike Henry asked what the cost of maintenance would be for the mowing.
- Ben White stated it would be approximately \$20,000.00 a year for mowing of the new edition. Right now our public works crew are mowing the current trail, but they are tasked with other things and would be able to keep up with it.
- Craig Overstreet asked if there have been any issues with vandalism on the trail.
- Chief Sullivan stated they get phone calls that ask for more police presence on the trail, but he stated that there has been no vandalism calls or any other calls within the past two years.
- Leaca Caspari, who resides at 405 Summit Street, stated she has spoken with the gentleman who takes care of the trail right now and he stated that he maintains the 8.1 miles plus a few more within a day. She said that he indicated if the weeds and poison ivy are sprayed and kept back away from the trail it makes it easier to maintain. They are planning to have a non-profit group, Friends of the Trail, help take care of the trail.
- Mike Henry asked about the liability of the trail and how much that would cost the city.
- Daphne Hamlin stated it would probably be less than \$1,000.00 a year.
- Craig Overstreet asked if the police department would patrol the trail on bikes.

- Chief Sullivan stated they do not have an overtime budget and they have a limited staff.
- Dwain Mathers asked how they would handle special events on the trail.
- Chief Sullivan stated special event applicants have to pay the police officers on their own.
- Mayor Wiebold asked if there was a way we can get the county to put up more signs when the trail gets close to County Roads.
- Dwain Mathers stated that signs are already in place.
- Jim Hemby asked if someone got hurt on the trail how would fire and EMS respond.
- Chief Morris stated that the ambulance service, AMR, responds to both Collin and Hunt County areas. He stated that the fire department on the Hunt County side of the trail would be Celeste Fire Department more than likely.
  - Motion to approve made by Mike Henry
  - 2<sup>nd</sup> to approve was Terry Williams
  - All council members voted in favor

- H. Consider, discuss and act upon allowing restaurants/businesses to extend seating onto the walkway and street because of the 50% occupancy limit due to Covid-19.
- Dwain Mathers stated other cities are using parking spaces to extend the dining area outside to help with expanding restaurants capacity, but one of the concerns is selling alcohol in these areas.
  - Alan Lathrom stated there is a prohibition to consume alcoholic beverage in the open in the Central Area District. Businesses on the square have a problem because of the sidewalk area and because of ADA issues. Under the regulations by TABC, the property has to be directly adjacent to the area and the sidewalk prohibits that. The area would have to be sectioned off and it would have to be an extension of the restaurant. He stated the City of McKinney requires the restaurants have to have an agreement with the city to allow them to use the sidewalks since it is in the right-of-way. He explained they would also have to have liability insurance that named the City as an additional insured.
  - Mayor Wiebold asked who would be responsible for the parking spaces in front of the businesses downtown.
  - Alan Lathrom stated it would be TxDOT because McKinney Street is an extension of Business 78.

- Ben White stated that cars would still go up and down the street and the barrier would have to keep any traffic from veering off and hurting people.
- Mayor Wiebold asked if the city could just allow restaurants to go to 75% occupancy.
- Alan Lathrom stated no because of the Governor's Order. The restaurants can already sell alcoholic beverages to go because TABC has allowed that due to Covid.
- Craig Overstreet wanted to know if there was a recommendation from the City Manager, Chamber of Commerce, and even the Main Street Manager concerning the issue.
- Alan Lathrom stated if the restaurant was using a space that is not adjacent to the restaurant they would have the extra expense of obtaining a catering permit.
- Jim Hemby stated the area would have to be leveled out and the barrier would have to be pretty significant to protect patrons.
- Mike Henry asked how many business this would affect.
- Dwain Mathers stated it would affect four and safety was a valid concern.
- Ben White suggested using the back of the restaurants instead of the front. He stated the Main Street Manager could look in to it further and bring a recommendation back to Council at another meeting.
  - Motion to put item on a future agenda made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Mike Henry
  - All council members voted in favor

## **IX. EXECUTIVE SESSION**

- Mayor Wiebold stated that the Executive Session would be pulled from the agenda because NTMWD was not ready with the documents.

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

- A. Discussion of Matters Permitted by Texas Government Code Section 551.071(1)(A) Pending or contemplated litigation:
  1. Ratification of amendatory contract and companion agreements related to NTMWD.

X. 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 taken since it was pulled from the agenda.

XI. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Mike Henry wanted an update on the Enterprise Fleet contract.
- Craig Overstreet wanted an update on the Development Agreements for Reliable Concrete and Nelson Bros. Concrete.
- Mike Henry wanted an update on CR 699 and Collin Parkway.
- Jim Hemby asked for an update on Hamilton Street.

XII. ADJOURNMENT


Meeting was adjourned at 7:06 p.m.

APPROVE:



Bryon Wiebold, Mayor

ATTEST:



Sandra Green, City Secretary

