



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
January 26, 2021, 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, Dwain Mathers, Jim Hemby and Terry Williams were all present. City staff members Ben White, Sandra Green, Rick Ranspot, Daphne Hamlin, Michael 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.
 - City Hall will be closed on Monday, February 15th in observance of Presidents' Day.
 - Mayor Wiebold said the Farmersville Market will be Saturday, February 6th.
 - Mayor Wiebold explained the new football coach, Mr. Barnes, will have an introduction to the community on Sunday at 6:00 p.m. at the High School gym.

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

- Aaron Destefano, who resides at 1987 CR 700, explained he had concerns regarding the grading and excavation ordinance. He stated that it was his opinion that Council should vote down the ordinance. He said the definitions are too broad and could cause extra inspections and cost. He explained with the definition being that broad it would include almost all construction, landscaping and gardening projects to where they would require a permit. He was also concerned about the expiration of the permit and how that would create

additional cost and liability on the contractor while waiting for the permit to be reissued. He explained he also had concerns about requiring fencing around ponds on property larger than 5 acres. He said he believes that this ordinance would make people not want to annex into the city limits.

- Allison Mathers, who lives at 109 College Street, spoke regarding the proposed sign ordinance changes. She explained she was appointed to the Historic Preservation Ad Hoc Committee and she felt they need to review this ordinance. She said this ordinance would take a lot of time and effort to discuss, and you have to weigh things differently when our downtown is a National Historic District. She said art is subjective and showed some examples of murals.

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. City Financial Report

- Motion to approve made by Mike Henry
- 2nd 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

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

- C. FEDC Farmersville Economic Development Board (Type A)
 - 1. Financials
 - 2. Possible Council Liaison Report
 - Dwain Mathers said they discussed economic development and possibly hiring an Economic Development Manager. He stated they budgeted approximately \$20,000.00 for a consultant for guidance.

- D. Main Street Board
 - 1. Possible Council Liaison Report
 - Craig Overstreet wanted to recognize and thank the Main Street Board and the 4B Board for the metal benches and he believes they are a nice addition to the downtown.

- E. Parks & Recreation Board
 - 1. Minutes
 - 2. Possible Council Liaison Report

- F. Planning & Zoning Commission
 - 1. Possible Council Liaison Report
 - Mike Henry stated they held a public hearing for the Land Use and Thoroughfare Maps. He said they held a public hearing for accessory buildings and staff was directed to bring that back as an ordinance for the next meeting. He explained they tabled the discussion regarding the Comprehensive Zoning changes for industrial areas, but they reviewed two plats and followed the Engineer's recommendation for denial.

- G. TIRZ Board
 - 1. Possible Council Liaison Report

VI. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a Texas Community Development Block Grant (TxCDBG) Program application.
- Mayor Wiebold opened the public hearing at 6:17 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 6:18 p.m.
 - Ben White stated this was a requirement that had to be done in order to apply for these grants. They are hoping to apply for another Main Street grant and other grant for streets.

VII. READING OF ORDINANCES

- A. Consider, discuss and act upon the second reading of Ordinance #O-2021-0126-001 regarding grading and excavation.

- 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, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 26, "ENVIRONMENT," THROUGH THE AMENDMENT OF ARTICLE II, "FLOOD CONTROL," BY ADOPTING A NEW DIVISION 4 TITLED "FILLING, GRADING, EXCAVATION, AND OTHER SOIL DISTURBING ACTIVITY" TOGETHER WITH NEW SECTIONS 26-101 THROUGH 26-114 AS PROVIDED HEREIN-BELOW, AND AMENDING APPENDIX A, "MASTER FEE SCHEDULE" TO INCLUDE PERMITTING FEES FOR FILLING, GRADING, EXCAVATION, AND OTHER SOIL DISTURBING ACTIVITY PERMITS ON PRIVATE PROPERTY; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

- Ben White stated this is the second reading and the attorney made changes to the document as requested by the City Council.
- Dwain Mathers asked Aaron Destefano why it would be negative from a contractor's point of view.
- Aaron Destefano stated the trigger point for a permit is 12 inches or 200 square feet and that encompasses a lot. He explained it would require additional inspections and more money, because it would require a permit. He said he would not want to pay an additional \$200.00 and add another inspection for an excavation permit when he builds a house.
- Mike Henry stated it would not create an additional fee for the inspection of a foundation. He said that would be covered in the permit he received for building the house.
- Ben White stated the city's interest is not regarding items that are being built from the ground up. The house permit would include grading on the land for the house. The problem is if we have neighbors building a retaining wall or excavating and it changes the flow of water runoff.
- Aaron Destefano asked if he would have to get a permit if he was going to re-sod his yard.
- Alan Lathrom stated if he was going to dig 12 inches and disturb over 200 square feet of land he would.
- Mike Henry stated he had people come to him concerned about this ordinance as well. He knows we need to address something, but he believes we have gone farther with this document than we meant to.
- Terry Williams asked Mr. Destefano if he would be more-or-less inclined to annex into the city because of this ordinance.
- Aaron Destefano said absolutely less inclined.
- Terry Williams explained to him that because of Texas law the city could not annex his property unless he petitioned us to do so.
- Craig Overstreet stated the document was taken a little too far. He stated it is overreaching and it was designed to change the water flow from one neighbor to another.
- Terry Williams explained he had concerns about the requirements for ponds.
- Mike Henry suggested the Council hold a workshop to allow others to discuss and get input.
- Alan Lathrom stated they could have a workshop either during Council or before or after the meeting.

- Motion to table and set up for a workshop made by Mike Henry
- 2nd was made by Jim Hemby
- All council members voted in favor

B. Consider, discuss and act upon the first reading of Ordinance #O-2021-0209-001 regarding an amendment to the Sign Ordinance pertaining to painted signs on walls.

- Mayor Wiebold read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING CHAPTER 56, "SIGNS AND ADVERTISING," THROUGH THE AMENDMENT OF ARTICLE II "DEFINITIONS AND REGULATIONS," OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 56-31, "DEFINITIONS; SIGN REGULATIONS AND REQUIREMENTS," BY AMENDING THE DEFINITIONS FOR THE FOLLOWING WORDS OR PHRASES "CENTRAL AREA (CA) ZONING DISTRICT OR CA – CENTRAL AREA DISTRICT," "GRAFFITI," "MURAL," "REAR WALL SIGN," AND "WALL SIGN," BY AMENDING SECTION 56-32, "PROHIBITED SIGNS" BY AMENDING SUBPARAGRAPH (L) TO PROHIBIT A SIGN TO BE PAINTED DIRECTLY ON TO THE EXTERIOR WALL OR FACADE OF A BUILDING OR STRUCTURE IN THE CENTRAL AREA (CA) ZONING DISTRICT SAVE AND EXCEPT A MURAL (IF OTHERWISE PERMITTED), A REAR WALL SIGN, AND/OR A WALL SIGN, AND BY AMENDING SECTION 56-53, "SIGNS FOR THE CENTRAL AREA (CA) ZONING DISTRICT" TO ALLOW A MURAL (IF OTHERWISE PERMITTED), A REAR WALL SIGN, AND/OR A WALL SIGN, TO BE PAINTED DIRECTLY ON TO THE EXTERIOR WALL OR FACADE OF A BUILDING OR STRUCTURE IN THE CENTRAL AREA (CA) ZONING DISTRICT; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

- Ben White stated that at prior meetings we passed this down to the Planning & Zoning Commission. He said we have some

owners that would like to paint their sign directly on their building face.

- Mike Henry asked if a sign that was painted on a wall was permitted erroneously. He said he would like to table it and move it to the Historic Preservation Ad Hoc Committee. He would like it reviewed in a timely manner and then brought back to Council.
- Dwain Mather stated he agreed with Mike Henry.
- Craig Overstreet stated he would like to see it back in front of Council within 60 days.
- Ben White said he told the business that had the sign they were in violation and we are waiting on a decision from Council regarding this ordinance.
- Mike Henry asked if another application for this type of sign came into the city what would the city do at this point.
- Ben White stated a permit would not be issued because we would follow the sign ordinance.
 - Motion to table and send the ordinance to the Historic Preservation Ad Hoc Committee made by Mike Henry
 - 2nd was made by Craig Overstreet
 - All council members voted in favor

VIII. REGULAR AGENDA

- A. Consider, discuss and act upon Resolution #R-2021-0126-001 finding and declaring the current number of inhabitants within the city's corporate limits to exceed 5,000.
- Mike Henry stated he read through the document and conducted his own research and he received documents that had numbers from the city. He said the U.S. Census comes out in April and if Council stated we were at 5,000 and the census said less than 5,000 he would have a problem with that.
 - Dwain Mathers stated he agrees with Mike Henry. He stated there are some questions, after his research, as to whether there are 5,000 inhabitants. He said he believes a year from now it will be different, but we are trying to do this a month before the census comes out. He wants to delay it.
 - Craig Overstreet stated the census is not a do all to catch all. He explained he feels the census may not be accurate because a lot of people do not fill them out. He said it is dangerous to say that the census

is the do all to catch all. The charter is a good document and sitting close to the number is problematic.

- Mike Henry asked when the election would be held.
- Ben White stated it would be May 1st. He said we have options for November, but it would cost the city a lot of money to hold it then.
- Craig Overstreet stated the Council would be saying the city has 5,000 or more inhabitants right now if they wanted to move forward.
- Mike Henry asked if Alan Lathrom had any comments.
- Alan Lathrom stated the law speaks to the number of inhabitants in the city instead of population. He said the population is determined by the census and inhabitants is left up to the determination of the local governmental entity. He said it is a question as to whether Council has enough confidence in the numbers and the process and methodology that is used to get to that point. He explained that is for the Council's determination.
- Mayor Wiebold asked what equation was used in 2020 when this came before the Council.
- Ben White stated the multiplier was 3.2.
- Alan Lathrom stated the North Texas Council of Governments uses the multiplier of 3.0 to calculate.
- Ben White stated there is a lot of building going on right now that cannot be used in the determination.
- Craig Overstreet stated he questions the number of meters that were turned on for the year. He said he finds it hard to believe that there were only 46 residential meters turned on.
- Dwain Mathers stated he is concerned it will have a negative effect if they start out with a negative vote.
- Mayor Wiebold asked about the cost of the election in November if the city had it on the ballot then.
- Sandra Green said it would be very expensive because it would be an extra election date for us that we usually do not have.
- Alan Lathrom stated if they hold the election in May then we already have Council elections, so there would not be any added costs.
- Dwain Maters asked how time critical this is.
- Ben White stated it adds some benefits to the city, but he wants it to pass the first time.
- Terry Williams stated it is too close of a call right now.
- Mayor Wiebold stated the schedule is time critical to get it on the ballot if that is what is decided.

- Craig Overstreet stated if the city decides to move forward with this then the city boundary agreements need to be resolved soon, and that is critical.
 - Motion to reject at this time and bring it back up next year made by Mike Henry
 - 2nd was made by Dwain Mathers.
 - Craig Overstreet asked a question about the end of his motion. He wanted to see if he would revise it to just say reject at this time.
 - Mike Henry agreed to the change in the motion.
 - All council members voted in favor, except Craig Overstreet who voted no.
- B. Consider, discuss and act upon Resolution #R-2021-0126-002 reinstating the Rifle Purchase Program and Policy.
- Ben White stated this is a rifle buyback program for the police department and since resolutions have expiration dates, we had to approve this again. He explained rifles are expensive and this is a way for officers to purchase the weapons and pay them out to the city within the budget year.
 - Chief Sullivan stated that some agencies can provide rifles to their officers, but we do not have that opportunity. It gives our officers the ability to get the rifle he or she wants through this program. He explained they have to qualify with it, and they have to get their own tact stamps and go through the ATF.
 - Motion to approve made by Mike Henry
 - 2nd to approve was Jim Hemby
 - All council members voted in favor
- C. Consider, discuss and act upon the resignation and replacement of Amber Bynum from the Main Street Board.
- Motion to accept Amber Bynum's resignation made by Craig Overstreet
 - 2nd to approve was Mike Henry
 - All council members voted in favor
 - Kevin Casey stated Bruce Woody applied for the Main Street Board position. He owns a lot of property within Farmersville and he was really excited about the possibility of sitting on the board. He believes his insight on this board would be a great asset.

- Craig Overstreet stated that if the appointment of Bruce Woody meets all the requirements of the bylaws then he would be fine with the appointment.
 - Motion to appoint Bruce Woody subject to him meeting all the requirements of sitting on the board stated in the bylaws made by Craig Overstreet
 - Mayor Wiebold stated he spoke to the Board President, Doris Cooks, and she explained that Mr. Woody did meet all the requirements.
 - Dwain Mathers asked if there was any requirement to post the position so others could apply.
 - Alan Lathrom stated there were no such requirement.
 - 2nd to approve was Terry Williams
 - All council members voted in favor
- D. Consider, discuss and act upon the recommended changes from the Parks and Recreation Board regarding the Little League Contract.
- Alan Lathrom stated the changes were made as requested by the Parks & Recreation Board. He said he added information about wasting of utilities and they may have to pay a fee if they leave the lights or water on for long periods of time. He explained it adds the fee in for the cost per team and the dates of the season.
 - Dwain Mathers asked about the waste fee.
 - Alan Lathrom stated if they leave the lights or water on, then there is a slight fee they might incur for that. In that situation the city would have the option to charge an hourly fee to offset the extra costs.
 - Craig Overstreet asked about the section that referred to personal conduct at an athletic event. He wanted to know if there were signs posted on sight that illegal drugs and consumption of alcohol were not permitted in order for it to be enforceable by ordinance.
 - Alan Lathrom stated it is already enforceable by ordinance and the city can enforce those.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Terry Williams
 - All council members voted in favor
- E. Consider, discuss and act upon an interlocal agreement with Collin County regarding ambulance services.

- Motion to approve made by Terry Williams
 - 2nd to approve was Jim Hemby
 - All Council members voted in favor
- F. Consider, discuss and act upon an interlocal agreement with Collin County regarding fire inspections and fire plan review services.
- Motion to approve made by Jim Hemby
 - 2nd to approve was Terry Williams
 - All Council members voted in favor
- G. Consider, discuss and act upon possibly changing the name of College Avenue in Camden Park Phase 3.
- Ben White explained he was wanting to see if Council wanted to change the name of College Avenue because the city already has a College Street.
 - Mike Henry stated he would like the city to change it because it would be confusing for first responders, residents, and others that make deliveries.
 - The Council wanted to keep the name similar to the theme of the streets that are already out there. They liked changing it to University.
- Motion to move forward with the ordinance to change the name of the street to University made by Mike Henry
 - 2nd to approve was Terry Williams
 - All Council members voted in favor
- H. Update regarding acquiring of right-of-way and construction of Collin/Farmersville Parkway.
- Ben White stated all the right-of-way has been acquired. He said one of the major concerns is to work with the college on driveways and the street prior to March 15th. He indicated that is when they will start classes. He said they are having weekly meetings regarding the street and working on utilities. He said a big irritant is the traffic signal issue. He explained on the south side of the intersection TxDOT is requiring a longer arm. He asked RPM to supply cost information for the traffic light arm. He is thinking about cutting scope to stay within the budget.
 - Craig Overstreet asked if he would provide more clarity regarding the scope or a possible bond at the next meeting.
 - Ben White stated he would present the options to Council and get direction.
 - Craig Overstreet stated we need to deliver to the college what we promised, and we need to abide by the safety standards per TxDOT.
 - Dwain Mathers asked what would be eliminated on the scope.

- Ben White stated it would be looked at to see if we have to asphalt some sections.
- I. Update regarding the installation of smart meters throughout the city.
- Ben White passed around a smart water meter and electrical meter for Council to look at. He said there are times the meters fail and the face panel goes black. But, he indicated that it still transmits good data.
 - Mayor Wiebold asked about the warranty on the meters.
 - Ben White stated they had a ten year warranty. He explained we would like to provide the usage of the meters to the customers, but it would be expensive. The water system is starting to generate revenue now, because we are getting closer to our take or pay. We can now call customers when we see they may have a leak. We could not do that before we went to the smart meters.
 - Craig Overstreet said he brought up this agenda item because citizens asked him about it. He said the brains of some of the electrical meters have been going out and that is over a \$150.00 to repair. He wants to know what the fail rate is on the electrical and water smart meters.
 - Ben White stated it is definitely paying for itself compared to staff walking to get the numbers off of all the meters like we were before. He stated he could bring the failure numbers back to the Council at the next meeting.
 - Mayor Wiebold asked if the electrical meters we are using are an off brand.
 - Ben White stated we use mainstream meters, not off brand.
- J. Update regarding the Comprehensive Plan maps and changes.
- Ben White stated the Planning & Zoning Commission approved all the maps and recommended those to Council.
 - Craig Overstreet asked about the virtual meeting TxDOT is holding regarding work on U.S. Highway 380 and wanted Ben White to give a summary of that at the next meeting.
- K. Update regarding the CARES Act fund distribution.
- Ben White discussed the expenditures that were used on city related items and given to local businesses. He said the money from the first grant was already spent, but the second grant has not been used yet.
 - Craig Overstreet asked if the small business grants were given to businesses that experienced a loss in revenue.
 - Ben White stated that was correct.

- Dwain Mathers asked about two business that were left out and whether or not they were taken care of.
 - Ben White explained that information was left on the business doors and phone calls were made, but there was still a disconnect. He stated that neither business indicated they would qualify for the money.
- L. Overview of the Farmersville Lights program and cost.
- Ben White gave a presentation of what activities were done on Farmersville Parkway over the holidays.
 - Mike Henry asked how much of the decorations the city bought could be reused.
 - Ben White stated almost all of it could be reused.
 - Craig Overstreet asked about the economic impact Farmersville Lights had on the city.
 - Ben White stated it is hard to determine the impact it made compared to normal traffic. He said businesses told him they received more patrons, and the carriage rides were a big hit.
 - Craig Overstreet asked if Chief Sullivan had an estimate of the number of people that were in attendance for the parade.
 - Chief Sullivan stated he would guess approximately 2,000.
 - Ben White stated the social media impact surrounding Farmersville Lights was really high.
 - Mayor Wiebold stated one post hit over 62,000 views and he thanked Lauren Oliver for the social media work she did. He also stated the city utilities crew were great to work with.
 - Craig Overstreet thanked all the sponsors and volunteers for the event.
 - Dwain Mathers said it was a great idea and he believes we need to do it every year, but he believes a committee should oversee it and not the City Council. He wanted to make sure the money was just for lights and that everything was done legally. He asked if we bid out items that cost more than \$3,000.00.
 - Ben White stated that staff learned a lot and we are going to tighten everything up this year for the event.
 - Dwain Mathers asked if we gave anything money to the nonprofit programs.
 - Ben White stated they were allowed to be on the Parkway to receive donations, but the city did not directly give them money.
 - Dwain Mathers stated we need to be able to show where all the money is going this year and start planning in advance.

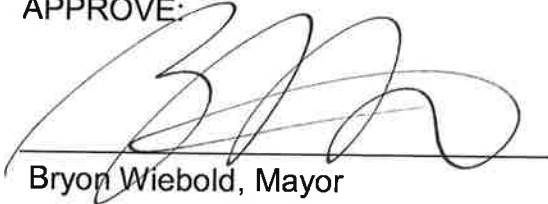
IX. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Craig Overstreet wanted the following items on the agenda:
 - Food truck locations and temporary permitting process
 - Update on boundary agreements with other cities
 - Farmersville Parkway cost of project and scope changes
 - Trickling arm on sewer plant 1
- Mike Henry wanted an update on Patriot Concrete and CR 699.
- Terry Williams wanted a report on Code Enforcement and an update on the Volunteer Fire Department.
- Dwain Mathers wanted an update on the Chaparral Trail.

X. ADJOURNMENT


Meeting was adjourned at 8:16 p.m.

APPROVE:



Bryon Wiebold, Mayor

ATTEST:



Sandra Green, TRMC, City Secretary

