



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES**

**For
March 28, 2017, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Pro Tem, Mike Hurst, called the meeting to order at 6:00 p.m. Council members John Klostermann, Donny Mason, Michael Hesse, and Leaca Caspari were all present. Mayor Piwko was not in attendance. City staff members Ben White, Sandra Green, Adah Leah Wolf, Mike Sullivan, Kim Morris, Rick Ranspot, Trisha Dowell, Daphne Hamlin, and City Attorney, Alan Lathrom, were also present.
- Prayer was led by Chandlar Craddock from the Farmersville High School Fellowship of Christian Athletes, followed by the pledges to the United States flag and Texas flag.
- City offices will be closed on Friday, April 14th in observance of Good Friday.
- Mike Hurst also stated that anyone who plays golf should remember the Farmersville Rotary Club Annual Bob Tedford Golf Tournament on April 18th
- Early Voting will begin at City Hall Monday, April 24th through May 2nd. No voting will take place on Sunday. The times for early voting are posted at City Hall and on the City website.
- Congratulations to Council member John Klostermann for receiving Best of Farmersville 2017 recognition award.
- Mike Hurst also stated that everyone wanted to extend congratulations to Stephen and Leaca Caspari for their award at the Chamber of Commerce Banquet.
- Proclamation for Eagle Scout Braiden Bolch was read and presented by Mike Hurst.
- Proclamation for LQ Laundry was read by Mike Hurst
- Proclamation declaring the month of April as Fair Housing Month was read by Mike Hurst.

II. PUBLIC COMMENT

- Rebecca Rohr, who resides at 308 Orange Street, addressed Council and requested leash laws be placed on a future agenda. She stated she sees animals on different properties all the time. She explained the Code Enforcement Officer told her citizens could have animals on their own property without a leash. She is concerned about dogs that bite running around and not being on a leash.

III. CONSENT AGENDA

- Council Minutes
 - Motion to approve Council Minutes made by Leaca Caspari
 - 2nd to approve was made by Michael Hesse
 - All council members voted in favor
- Ben White addressed Council and went over the City Manager's Verbal Report. He first updated Council on the Building and Property Standards Board. He explained the members of the board are doing very well and are moving items forward. He stated that 508 Neathery received permits and is bringing their property up to code. The property at 214 Woodard finally sold and the new owner plans to demolish the house and clean up the property. At 309 Murchison a new owner has updated the property and Bureau Veritas will be going out to inspect the property to ensure it meets code. Once we receive notification from Bureau Veritas stating the house is up to code, the project will be closed.
- Ben White discussed Jackson Street and he indicated the project was complete and the contractor would begin crack sealing soon.
- In regards to the wastewater system Ben White gave an update and stated the City is trying to complete the environmental report and engineering feasibility report. He explained an Archeologist has been hired and has been working on the project.
- Ben White gave an update on the physical fitness health program. He explained that Council had a list of staff members that have been attending Farmersville Physical Therapy on a regular basis. Of the names on the list, only two were not active. He expects the City would receive full credit for the staff members that have stopped going. The gym was only supposed to charge the City for active members. His name is not on the list because he attends Modern Fitness.
- Mike Hurst indicated the name of the gym had changed and that might need to be updated in the City's records.

- Ben White also gave an update on Camden Park. He explained the City is in the middle of creating a development agreement and will go over the document with the owner, Ted Zeta, soon. The agreement will eventually come before City Council for approval. Right now the developer is seeking financing and bids for the project. The City is currently dealing with the issue of trucks being parked on Bob Tedford. The road looks very unprofessional and the City will have to try and reach a compromise regarding safety and the overall look of the area. The City has had complaints in the past and no trucks should be parked up and down the road.
- Mike Hurst asked Ben White if he had talked to Mr. Zeta.
- Ben White indicated he had and they discussed several different items. Mr. Zeta is really wanting the developer's agreement. He also brought up the parking on the street and he felt like his development would run into issues with people seeing that. The City and Mr. Zeta will work with the owners of the trucks to get that situation handled.
- Michael Hesse went back to discuss Jackson Street and asked about the intersection that was torn up and wanted to make sure it was going to be patched up.
- Ben White indicated it would be fixed once the contractors get finished and everything else was complete.

IV. 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 may 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.

- A. FEDC (4B) Minutes
- B. Texas Housing Authority Agenda
 - Motion to approve reports made by Leaca Caspari
 - 2nd to approve was made by John Klostermann
 - All council members voted in favor

V. READING OF ORDINANCES

- A. Consider, discuss and act upon the reading of Ordinance #O-2017-0328-001 to amend the Code of Ordinances and Master Fee Schedule for Electric-Distributed Generation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 74, "UTILITIES," BY AMENDING SECTION 74-94, "ELECTRIC – DISTRIBUTED GENERATION," BY DELETING SUBPARAGRAPH (C), "PURCHASES FROM CUSTOMER," IN ITS ENTIRETY AND REPLACING SAID SUBPARAGRAPH WITH A NEW SUBPARAGRAPH (C) ALSO ENTITLED "PURCHASES FROM CUSTOMER" TO MODIFY CERTAIN TERMINOLOGY RELATED TO THE BUYING BACK OF ENERGY AND ADD A REFERENCE TO THE MASTER FEE SCHEDULE; BY AMENDING APPENDIX "A," "MASTER FEE SCHEDULE," OF THE FARMERSVILLE CODE THROUGH THE AMENDMENT OF SECTION 2-8, ENTITLED "ELECTRIC SERVICE RATES," TO INCLUDE A RATE FOR DISTRIBUTED GENERATION BUY BACK; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR NOTICE AND IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

This Ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

PASSED on first and final reading on the 28th day of March, 2017, at a properly scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor Pro Tem on the date set out below.

APPROVED THIS 28th day of March, 2017.

- Ben White addressed Council and explained the Ordinance was to change the Electric Distributed Generation and Master Fee Schedule to include a buy back rate for electricity.
 - Motion to approve made by John Klostermann
 - 2nd to approve was made by Donny Mason
 - All council members voted in favor

VI. REGULAR AGENDA

- A. Elect Deputy Mayor Pro Tem
 - Motion to elect Michael Hesse as the Deputy Mayor Pro Tem made by Donny Mason
 - 2nd to approve was made by Leaca Caspari
 - All council members voted in favor

- B. Consider, discuss, and act upon contract with Kimley-Horn as the City of Farmersville Planning Engineer and planning services.
 - Ben White addressed Council and explained the City was trying to bring on a planning consultant to re-write the Zoning Ordinance. That portion would be funded by the FEDC (4A) Board. The City also wanted a firm

for long term services who would do consulting for the City as the City Planner when there was a need for those services. Kimley-Horn has qualified individuals to handle these planning services for us.

- Motion to accept contract made by John Klostermann
- 2nd to approve was made by Leaca Caspari
- All council members voted in favor

C. Update on City Financials.

- Daphne Hamlin presented a few specific pages of the City financial report to the Council utilizing PowerPoint. She explained how to read the charts that she presented. She stated the City's general fund had a 90 day reserve. If the City never received another dime it could function three months on the reserve funds.
- Ben White added the 90 day reserve was the standard that was being set. What the City was trying to do was build up a reserve for electric at this point which would be approximately 1 million dollars.
- Daphne Hamlin explained the City currently has 5.3 million dollars and for a small City that was very good. She then went into the FEDC (4A), FCDC (4B), and the TIRZ accounts and how much money each one had.
- John Klostermann asked for Daphne to explain the TIRZ account.
- Daphne Hamlin stated it runs along State Highway 380. The County sets the tax rate for a certain amount and when the City starts growing a certain portion of the property value increase goes into the TIRZ account.
- Ben White explained the advantage of the TIRZ was the City receives the County's monetary portion that would usually go back to the County. The City can use this money for infrastructure related projects.
- Daphne Hamlin stated the TIRZ runs from the Hunt County line to Lake Lavon.
- Ben White stated the City of Farmersville had a great TIRZ rating for a small city.
- Daphne Hamlin indicated the City financial reports are posted on the website under Financial Transparency every month.
 - Motion to approve the City Financial Report made by Donny Mason
 - 2nd to approve was made by Michael Hesse
 - All council members voted in favor

D. Consider, discuss and act on a Revocable License Agreement for the Shea Property located at 305 Haughton.

- Ben White explained that during the early construction phase of a home it was realized that a portion of the concrete slab would be over the City's drainage easement. Alan Lathrom and Ben White agreed that it was a small amount, maybe a foot, and it would not affect the City's ability to maintain the easement. The agreement indicated the owners are building at their own risk. He explained the house is not directly over

the pipe and the City would have plenty of room to work on the pipe if necessary.

- Motion to approve made by John Klostermann
- 2nd to approve was made by Donny Mason
- All council members voted in favor

E. Yearly update from Community Waste Disposal.

- Robert Medigovich from Community Waste Disposal presented a PowerPoint to Council and explained the progress and data of the City's waste disposal. He also presented an award from recycled material to the Council. He explained City residents could utilize the 3rd Thursday of the every month to dispose of hazardous materials such as unused paint, electronics, and other items. Citizens would just need to call and schedule a pickup with Community Waste Disposal.
- John Klostermann asked if they would pick up old televisions on the 3rd Thursday of the month.
- Robert Medigovich indicated they would.
- Ben White recognized all the work of Judy Brandon, Nona Gooch, and Mary Joe Stroup who have been an important part of the recycling program in Farmersville.

F. Consider, discuss and act upon areas of common interest and boundary agreements with the Cities of Nevada, Lavon, and Josephine.

- Ben White explained that the exhibit presented in the Council agenda packet was the same that was attached with the boundary agreement signed with Princeton. He asked Council to review the boundary as it was shown to determine if the boundaries were satisfactory. If the boundaries were where Council wanted them, he would present the exhibit to other cities in order to negotiate boundaries.
- Mike Hurst wanted to know the square miles within the boundaries.
- Ben White indicated he was not sure of the exact square miles, but he would calculate the total. He stated that no formal action was required, but he just needed Council to grant him permission to move forward. He also explained the City could begin a new boundary agreement with the City of Blue Ridge since they have a new Mayor.
- Council instructed Ben White to use the boundaries that were shown in the attachment of the agenda packet and move forward with negotiations.

G. Consider, discuss and act on the use of the City's eminent domain authority to condemn property needed for a City sanitary sewer project out of a tract of land owned by Mr. Thomas O. Midkiff, IV.

- Ben White explained there had been a Resolution the City approved in December 2016 to try and allow the City to obtain an easement for wastewater to run through a portion of the property. Because the owner

would not cooperate, the City has moved forward to obtain the property by eminent domain. Brown & Hofmeister, L.L.P had hired a land surveyor to calculate the property value. Once completed, that amount was offered to the owner but it was refused. The City recommends approval to go forward with condemnation.

- Mike Hurst asked how the City obtained the easement through eminent domain.
 - Alan Lathrom indicated that once a motion had been made he would file a Petition of Condemnation to acquire the property. A Judge would appoint a special Commissioner's panel and they would hear the case and enter an award or dollar amount for the property. The City would pay that money into the registry of the courts so work could begin on the property. There is a possibility that the property owner would appeal the decision and it would end up at trial.
 - Michael Hesse inquired about what happened after the sewer was installed.
 - Ben White explained the City would complete a lift station by the first of next year. Ninety-five percent of the sewer line would be built by Camden Park. It line would then get connected and everything would start flowing.
 - Michael Hesse asked if the City would still maintain the easement and if more land would be required at a later time.
 - Ben White stated the City would maintain the easement. The property owner could not build anything over it, but landscaping would be allowed. The City would have a sewer easement and construction easement on the property so there would be no need to acquire more of the property owners land for this project in the future.
 - I move that the City of Farmersville, Texas, authorize the use of the power of eminent domain to acquire approximately .334 acres for a sanitary sewer easement, and approximately .348 acres for a temporary construction easement, for a City sanitary sewer project, which property interests are located within a 33.585 acre tract of land located along the south line of County Road 567, east of County Road 560, in Farmersville, Collin County, Texas, and owned by Mr. Thomas O. Midkiff, IV was made by Michael Hesse
 - 2nd to approve was made by Leaca Caspari
 - All council members voted in favor
- H. Discuss, consider and act upon Resolution #R-2017-0328-002 regarding CDBG Main Street start up.
- Mike Hurst left the room and did not vote on this item due to a conflict of interest.

- Ben White read the title block of the Resolution and stated the paperwork was required of the City in order to receive the grant. This particular Resolution involves Civil Rights, and staff recommends approval.
 - Motion to approve made by Leaca Caspari
 - 2nd to approve was made by Donny Mason
 - All council members voted in favor


VII. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Leaca Caspari requested the City Attorney present a brief update regarding the Legislative Session and anything he feels the Council should know.
- Leaca Caspari also requested the Council discuss leash laws.
- Michael Hesse requested that a discussion on the Collin County Bond Election be on the agenda.

VIII. ADJOURNMENT


- Meeting was adjourned at 7:22 p.m.

APPROVE:



Diane C. Piwko, Mayor

ATTEST:



Sandra Green, City Secretary

