



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
September 12, 2017, 6:00 P.M.**

**I. PRELIMINARY MATTERS**

- Mayor Piwko called the meeting to order at 6:00 p.m. Council members Craig Overstreet, Donny Mason, Mike Hurst, Michael Hesse, and Todd Rolen were all present. City staff Ben White, Sandra Green, Rick Ranspot, Daphne Hamlin, Paula Jackson, Kim Morris, Brian Alford, Trisha Dowell and City Attorney Alan Lathrom were also present.
- Prayer was led by Fire Chief Kim Morris followed by the pledges to the United States flag and the Texas flag.
- The calendar of upcoming holidays and meetings were provided in the agenda packet.
  - Calendar of upcoming holidays and meetings
  - NCTCOG Transportation Public Meetings brochure is posted in the window of City Hall for more details.
  - There will be a City Wide Clean-up Day on Saturday, November 4<sup>th</sup>.
  - Mayor Piwko commented on how she really enjoyed the 9/11 service that was at the United Methodist Church.
  - National Night Out will be October 3<sup>rd</sup>.

**II. PUBLIC COMMENT**

- John Hart who resides at 18601 CR 646 addressed Council and asked for a status report on the Islamic Association Cemetery. He asked if at any time the County signed off on the plat.
- Mayor Piwko explained the City has the platting authority and not the County since the property is within our ETJ. Through the attorney, we have a proposed compromise agreement with the IACC that was delivered to them. It has went through several Attorney-Client privileged email cycles to get the questions so we can try and protect the City as much as possible. We have not received a response from them yet. We do not know the response we are going to get, but we are trying to reach a compromise.

- Former Councilmember, John Klostermann, who lives at 302 Maple Street wanted to thank everyone from the City. Since he was defeated in May's election, he has not been to City Hall and given his thanks for all the help he received from staff.
- Leaca Caspari who resides at 405 Summit Street addressed Council and stated that at the last City Council meeting she had requested that she receive a written letter explaining her banishment from City Hall and wanted an apology. She stated on July 19<sup>th</sup> Ben White gave her a verbal reason that had no valid legal reason. She then asked Ben White on July 21<sup>st</sup> to give her a written explanation. She asked for a written response so she could appropriately respond, or for him to resend the order and issue an apology to herself and her family. She explained she has waited 55 days for a letter of explanation that still has not been provided. She stated she feels the Council's actions have not been transparent. She requested a letter of apology to be issued to her before the next City Council meeting on September 26<sup>th</sup>. If a letter is not provided she requests for an item to be placed on the agenda at that meeting to discuss the issue and resolution.
- Randy Smith who resides at 508 CR 610 addressed Council and stated he lives immediately north of Camden Park. He indicated Camden Park started moving dirt. Since they have brought in dozers some issues have developed. He stated one of the problems was that the contractors took out a fence that was on his brother's property. He explained that Camden Park had previously stated they were not going to take out the tree line along the fence. He brought a fence post and showed it to Council explaining how the fence was destroyed. He continued by saying the contractor brought in rock and dumped it on Camden Park's property and some of it was too close to the road. Where they dumped the rock they covered a culvert by the south entrance which could cause drainage problems. He stated another problem was huge rocks in the street and they could be a potential danger. Another issue was a yield traffic sign that had been knocked down. He explained how that is a danger in regards to traffic. He was a little surprised to see dozers when the developer has not paid the escrow money yet. He questioned the Developer's Agreement and wanted to know if it was still valid or if the City needed to create another one to replace it.
- Ben White stated the City will not start construction on the sewer project until engineering and environmental is complete.
- Randy Smith continued by saying the City indicated in the agreement they would provide pumping services until Camden Park could get the sewer in place. He believed that provision could cause a liability for the City.
- Mayor Piwko asked if he has noticed what time workers begin and stop work on the job site.

- Randy Smith stated they start fairly early, maybe 7:00 a.m. to 7:30 a.m. and probably leave around 4:30 p.m. or 5:00 p.m.

### III. 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. Police Department Report
- B. Code Enforcement/Animal Control Report
- C. Fire Department Report
- D. Municipal Court Report
- E. Warrant Officer Report
- F. Public Works Report
- G. Library Report
- H. City Manager's Report

- Mayor Piwko wanted to pull the Police Report and the Public Work's Report.
- Mike Hurst wanted to pull the City Manger's Report.
  - Motion to approve reports B, C, D, E, and G made by Michael Hesse
  - 2<sup>nd</sup> to approve was Todd Rolen
  - All council members voted in favor
- Mayor Piwko asked what the police trading cards were on the Police Department Report.
- Lt. Brian Alford explained they were like baseball cards they can hand out to kids in the neighborhood. They are also trying to get the Fire Department involved as well.
- Mayor Piwko asked Ben White to have an officer go by Camden Park to make sure they are not leaving debris in the road.
- Mike Hurst had questions on the City Manager's report. He asked Ben White about the status of the boundary agreements with other cities.
- Ben White stated he had discussed the agreement with the City of Lavon, and Sandra Green sent the boundary agreement to Blue Ridge for review.

- Mike Hurst asked about the school district information pertaining to the portable building and sidewalk. He wanted to know what the holdup was.
- Ben White stated there was a review of the plans and we asked them to move the building further back away from the main building. It needed to be moved back because of a fire code issue. When they moved it back it did not show the electrical line. The electric line was covered up and it would need to be relocated. He stated he would agree to provide the labor for the sidewalk and the school would provide the material.
- Mike Hurst stated the building was not there at the beginning of the school year and he heard the hold up was with Bureau Veritas and not the City. The school district understood that it was not the City and he just wanted to make sure citizens understood that.
- Ben White stated the building was delivered after the school year had begun, but he was not sure when they had turned in plans for review. Generally, plans take approximately a week or two to review.
- Mayor Piwko stated Ben White responded quickly and without the City's help it would have taken longer.
- Ben White explained he provided more sidewalks to the school district than they would have done.
  
- Mayor Piwko had questions on the Public Works Report. In the Electrical System section she pointed out 8.b. under Capital Projects. She explained the listed Capital Project was already funded and completed, but she wondered if there were other projects that should be on the list. She indicated 8.b. was not on the report last month. She wanted to know if the report contained a complete list of Capital Projects and if there was a backlog.
- Ben White stated anything could be considered Capital Projects such as reconductoring lines or installing new poles. The item on 8.b. was a project that had an unsafe situation in the middle of an apartment complex. Jeremy has been thinking about this project for over two years to correct this condition. He probably does have a list of projects. We are trying to improve our financial book and incorporate all the projects. The list should be improved to make sure the City Council knows what project are listed.
- Mayor Piwko stated she would have liked to know about the project in case citizens asked her about it. She also wanted to talk about the spike in electricity disconnects last occurred last month. She wanted to know if there was a reason why the number was so high.
- Paula Jackson stated it was because people did not pay their bill.
- Mayor Piwko stated the electrical chart that was highlighted yellow was too small to read. She also wanted to know if the apartments were notified about the power being off before it was shut off for construction.
- Ben White stated that was the City's normal process.
  - Motion to approve reports made by Mike Hurst
  - 2<sup>nd</sup> to approve was Michael Hesse
  - All council members voted in favor

#### 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 (4A) Financials
- B. FCDC (4B) Financials
- C. Main Street Report
- D. TIRZ Minutes
- E. City Amenities Board Minutes
  - Motion to approve reports made by Donny Mason
  - 2<sup>nd</sup> to approve was Todd Rolen
  - All council members voted in favor

#### V. READING OF ORDINANCES

- A. Consider, discuss, and act upon Ordinance #2017-0912-001 adopting and approving the budget for FY 2017-2018.
  - Craig Overstreet began the discussion by requesting an amendment to budget in the amount of \$6,000 for Christmas lights. He stated the budget in front of Council had been changed since the workshop. He explained in the workshop Council discussed covering the employee's insurance increase. In order to do that there were eight items that were removed from the budget. One of those was Christmas lights and \$7,500.00 came from the Parks Budget since multiple boards merged into one board. Another removal was a \$5,000.00 entry that just said other. He was not sure what that amount was for. As he understands it, there is another \$6,000.00 in the budget for Christmas lights.
  - Daphne Hamlin stated that was correct.
  - Craig Overstreet said that amount had been used for the past several years. Last year the City spend around \$24,000.00 on expenses in relation to Christmas lights. Out of that, \$18,000.00 was labor and the rest was replacement bulbs and other items. He continued by stating the money to pay for this comes from a joint effort by the City, Chamber of Commerce, and 4B. He would strongly suggest in the future that the Christmas lights budget be in one location and not spread out in three different places. It also needs to clearly state: Christmas lights. He believes \$12,000.00 this year and \$10,000.00

going forward would be sufficient. There also may need to be some fund raising activities from the downtown merchants or other boards. If it would cut down on the expenses if we do not have lights across the tops of the buildings then that is what we need to do. He does not want to take away Christmas from anyone, but there does need to be some sense of reason. He explained that in the budget workshop Council identified four different priorities. The first item on the list was to stair step staff's salaries to be in line with other surrounding cities over the next four to five years. The second item was a measured plan for the City's road improvements. The plan would be for non-bonded projects. That budget item right now is around \$60,000.00. Also, the City has to set aside money to recondition the electrical and water department grids. The City is running a deficit budget this year. It is less than it has been in previous years, but we still have to take money from the electrical and water funds. He suggested the City increase the budget for \$6,000.00 for 2018. Thereafter, the City's portion should not exceed \$10,000.00 for Christmas lights. He understands that a local company is used to install the lights, but if we need to go out for bids to make it less expense then that is what needs to be done. He feels like there needs to be a ceiling on the amount and that is his reasoning for the amendment.

- Mayor Piwko stated that Ben White asked the 4B at their last meeting for \$18,000 for Christmas lights. They did not like that amount, but they stated they would match the funds the City would pay. There was no maximum amount given. The 4B funded \$6,700.00 of the fee last year. She asked Craig Overstreet if he was wanting a \$6,000.00 budget amendment and then ask 4B for the other \$6,000.00. At that point, Ben White could scale the lights down to the amount in the budget.
- Craig Overstreet indicated he thought the budget amendment needed to be for \$6,000.00.
- Mayor Piwko stated there could be a possibility of \$18,000.00 with the 4B money.
- Craig Overstreet stated that was correct. He indicated he was not sure how the Chamber of Commerce plays a part in funding some of the lights.
- Mayor Piwko explained the Chamber of Commerce funded some of the lights a few years ago, but she did not believe they did this past year.
- Ben White stated they have given \$1,500.00 a year for the last two or three years.

- Mayor Piwko said the City has increased its budget to \$12,000.00 for 2018. Then, in the next years Ben White will adjust the amount of lights, labor, and repairs to fit within the amount he has in the budget. She asked John Politz, Chairman of the 4B, if he felt comfortable saying 4B would give \$6,000.00.
- John Politz stated they had decided they would go up to 50% of what the City would cover. He indicated they could do a maximum amount of what the Council was wanting to do.
- Mayor Piwko stated she did not believe 4B wanted to give \$12,000.00
- Ben White indicated the City was increasing the amount by \$6,000.00 to add to the \$6,000.00 that was already in the budget. The amount in the future years is \$10,000.00.
- John Politz said that 4B could put up another \$8,000.00 which would be equal to the \$20,000.00 the City had already asked for.
- Mayor Piwko stated she would feel comfortable with 4B giving \$9,000.00 to cover the \$18,000.00 for the labor.
- Mike Hurst asked if Ben White needed to put this out for bid early so the City could see the cost.
- Ben White stated he could put it out for bid, but in the past it has been a Farmersville company because the City tries to support local businesses.
- Mike Hurst stated he wanted to make sure there was not a shortfall in funds when it came time to put them up.
- Ben White suggested to fund for \$20,000 and that would take care of any overage, if there is any. The cost last year was around \$18,500.00.
- Mayor Piwko stated if we fund for \$20,000.00 the budget should be for an additional \$4,000.00 to go with the other \$6,000.00. She also apologized to John Politz and the 4B Board for not knowing where all the funds were coming from at their last meeting.
  - Motion to approve the budget with the amendment to add the additional \$4,000.00 for 2017 made by Craig Overstreet
- Alan Lathrom asked Craig Overstreet for clarification of the motion and it was to approve the budget as submitted with an amendment that increases the amount to be funded for Christmas lights from \$6,000.00 to \$10,000.00 and a reduction in the amount of laptops from \$6,000.00 to \$2,000.00.
- Craig Overstreet agreed with Alan Lathrom.
  - 2<sup>nd</sup> to approve was Todd Rolen
  - All council members voted in favor

- B. Consider, discuss, and act upon Ordinance #2017-0912-002 adopting the FY 2017-2018 tax appraisal roll.
  - Motion to approve made by Mike Hurst
  - 2<sup>nd</sup> to approve was Donny Mason
  - All council members voted in favor
  
- C. Consider, discuss, and act upon Ordinance #2017-0912-003 adopting the tax rate for FY 2017-2018.
  - Motion to approve the property tax rate be increased by the adoption of a tax rate of \$0.780000, which is a 5.65% increase in the tax rate was made was by Craig Overstreet
  - 2<sup>nd</sup> to approve was Mike Hurst
  - All council members voted in favor
  
- D. Consider, discuss, and act upon Ordinance #2017-0912-004 adopting the General Obligation Bond Series 2012 annual budget for FY 2017-2018.
  - Ben White stated this was a carryover from our general obligation bonds from this year to next year.
  - Mayor Piwko asked if this would be the funding for the Hamilton Street project.
  - Ben White indicated it would be for Hamilton Street and street signs.
    - Motion to approve made by Michael Hesse
    - 2<sup>nd</sup> to approve was Donny Mason
    - All council members voted in favor

## VI. REGULAR AGENDA

- Mayor Piwko indicated she was moving item D to the front of the Regular Agenda because the representatives in the audience may want to leave.
  
- D. Consider, discuss, and act upon accepting a \$3,000.00 donation from Lexington Medical Lodge for Fire Department clothing.
  - Mayor Piwko stated Heidi Patrenos was in the audience to give the donation.
  - Heidi Patrenos stated Lexington Medical Lodge was donating \$2,000.00 and Farmersville Health and Rehabilitation was donating the other \$1,000.00.
    - Motion to approve made by Craig Overstreet
    - 2<sup>nd</sup> to approve was Todd Rolen
    - All council members voted in favor
  
- A. Consider, discuss, and act upon information technology contract renewal with TLC NetCon Inc.
  - Mayor Piwko stated this was a one year contract with a monthly rate of \$4,450.00. The contract we needs to be approved as a yearly term,



and when a motion is made it needs to include the wording of “not to exceed \$53,400.00 for the year”.

- Ben White stated Tony Linton has kept his rates the same, but we have added a few more systems so the multiplying factor went up a little bit because there has been an increase in the quantity of equipment.
- Mayor stated we could not hire an in house person for the rate in the contract.
  - Motion to approve contract made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Donny Mason
  - All council members voted in favor

B. Consider, discuss, and act upon an Interlocal Agreement with the City of Lavon and the City of Farmersville regarding sharing Public Works personnel.

- Ben White stated Alan Lathrom, City Attorney, had a few changes that he had requested be made. On the last whereas clause on the first page it should be changed to read “WHEREAS, each Party agrees to compensate the other Party for the services and inventory furnished under this Agreement from current available revenue”. On page 2, in Section 1.1 it should read “Farmersville agrees, subject to the availability of personnel for such purpose, to furnish one or more licensed personnel to assist or supplement Lavon personnel to maintain and operate Lavon’s wastewater collection system”. The same change was requested to be made in Section 1.2. It should read “Lavon agrees, subject to availability of personnel for such purposes, to furnish one or more licensed personnel to assist or supplement Farmersville personnel to maintain and operate Farmersville’s wastewater collection system”. In Article II, Section 2.1, the dates need to be realigned. The first date should reflect October 1, 2017, and the second date should be September 30, 2018.
- Alan Lathrom indicated by changing the dates to those specific dates it would align with the City’s budget year.
- Ben White also indicated the date to renew should be changed to October 1<sup>st</sup> as well. In Section 2.3 it should read, “...Party may terminate this Agreement by providing written notice...” The word after was replaced with by. On page 3, Section 3.4, the second sentence should state “All monthly bills are due within ten (10) business days after receipt”. In Section 3.5, it should read, “...Party with services that may be requested in accordance with this Agreement following the effect date of termination. Final payment shall be made within ten (10) days of the last date of service”. On page 5 we will fill in Brown & Hofmeister to receive a copy of the document.

- Mike Hurst asked about insurance and requested that a clause be added to show proof of insurance to protect the City.
  - Alan Lathrom indicated that all employees would be covered by the Worker's Compensation for their own City. In the event that a Lavon worker is in Farmersville and gets hurt on the job the Lavon Worker's Compensation will pick up the cost, but it may come back to Farmersville for reimbursement. He explained there could be a provision added that it would be the responsibility of each individual cities to provide insurance coverage for their employees and be solely responsible for any injuries they might sustain in the course and scale of their employment.
  - Ben White indicated we could add an insurance provision. He explained Lavon wanted an agreement with the City so they could use our employees in an emergency situation, but the City of Farmersville has the first right of refusal. It is a one year term and renews automatically for five years.
    - Motion to approve with the changes and additional insurance clause to be added made by Donny Mason
    - 2<sup>nd</sup> to approve was Craig Overstreet
    - All council members voted in favor
- C. Consider, discuss, and act upon Interlocal Agreement with Collin County and the City of Farmersville for Animal Shelter Use.
- Ben White indicated the amount of the agreement last year for the same services was \$6,857.00 and it has gone up by \$1,923.00 for this year. Daphne Hamlin has already placed this in this year's budget.
    - Motion to approve made by Michael Hesse
    - 2<sup>nd</sup> to approve was Mike Hurst
    - All council members voted in favor
- E. Consider, discuss, and act upon the Thoroughfare Design Manual.
- Ben White indicated that Matt Boley from Daniel & Brown was in the audience to answer any questions they may have.
  - Mayor Piwko stated Daniel & Brown made the changes as requested by Council at a previous meeting.
    - Motion to approve made by Donny Mason
    - 2<sup>nd</sup> to approve was Todd Rolen
    - All council members voted in favor
- F. Update regarding Farmersville Independent School District.
- Mayor Piwko indicated the item would be tabled until they could receive more information from the school district.
- G. Consider, discuss, and act upon appointing a citizen to the Board of Directors for the Central Appraisal District of Collin County.

- Mayor Piwko stated the City approached Chris Nickell to see if he would accept the nomination for the Board, and he accepted. She stated he would not automatically be on the Board because there will be a vote to see if he is placed on the Board.
  - Motion to approve made by Mike Hurst
  - 2<sup>nd</sup> to approve was Donny Mason
  - All council members voted in favor

- H. Review and compare tax rate to other cities within the area.
- Mayor Piwko went over the charts she created to show our tax rate compared to other cities in the area. She went over the amenities we offer compared to other cities. She went over the school taxes and stated they are lower in Farmersville than any other cities. She also discussed how she chose three houses values in Farmersville and compared the data of those houses. The data showed how the values have gone up over the years and how affordable it is to live in Farmersville.

**I. REQUESTS TO BE PLACED ON FUTURE AGENDAS**

- None

**J. ADJOURNMENT**

Meeting was adjourned at 7:22 p.m.

- Motion to adjourn made by Mike Hurst
- 2<sup>nd</sup> to approve was Todd Rolan
- All members voted in favor

APPROVE:

  
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 Diane C. Piwko, Mayor

ATTEST:

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

