



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
November 28, 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, Todd Rolan and Michael Hesse were all present. City staff Ben White, Sandra Green, Rick Ranspot, Kim Morris, Mike Sullivan and City Attorney Alan Lathrom were also present.
- Prayer was led by Rick Ranspot, Warrant Officer for the City of Farmersville, 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.
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  - The Annual Christmas Parade will be on Saturday, December 9, 2017 at 7:00 pm.
  - Mayor Piwko added that at 6:30 p.m. on December 9<sup>th</sup> there will be a dedication for the Historic Designation.
  - City offices will be closed on Monday, December 25, 2017 and Tuesday, December 26, 2017 in observance of the Christmas Holiday.
  - The Library will be closed from November 11, 2017 through February 3, 2018 due to renovations.
  - The Civic Center will be tentatively closed from January 1, 2018 through January 13, 2018 for renovations.
  - Mike Sullivan announced the Police Department started a program where citizens could have packages delivered to the Police Department instead of their homes since people are stealing from porches. Citizens have to register with the Police Department and then the Police Department will call the citizens when the packages get delivered.
  - Mayor Piwko stated Chief Sullivan received a lot of news coverage for this effort.

## II. PUBLIC COMMENT

- No one came forward.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more Items be withdrawn from the Consent Agenda and considered individually.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Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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

- Motion to approve report was made by Donny Mason
- 2<sup>nd</sup> to approve was Mike Hurst
- All council members voted in favor

### B. City Manager’s Verbal Report

- Update on Big D Concrete
  - Ben White addressed Council and explained Daniel and Brown was working on the TxDOT and Kansas City Southern Railroad contracts for boring under the railroad. They also have to receive a TCEQ permit for the terminal facility. The City has heard that Big D is working on an environmental permit for their property. That would be for the batch plant facility and not the terminal facility. Caddo Basin has agreed to let the City service the water on the property. Alan Lathrom is currently creating an agreement between the City and Caddo Basin.
  - Donny Mason asked when Big D intended to start the project.
  - Ben White stated they have indicated starting the construction for the batch plant in June.
  - Mayor Piwko asked about the agreement. She wanted to know if the City was getting a check to hold for payment as the funds are distributed for the water line in case they decide not to build as planned.
  - Ben White indicated no so far, but they have not worked that side of the agreement yet. He stated he was aware that needed to be in place before the water line was constructed.
  - Mayor Piwko asked if the engineering costs covered the bore and if was shown in the estimate that Ben White had stated of \$200,000 plus.

- Ben White stated he and Eddy Daniel, Daniel & Brown, estimated the cost for the entire water line including the bore.
- Update on the sewer system in relation to Camden Park.
  - Ben White stated the City has received the environmental clearance from the U.S. Army Corps. of Engineers. This allows the City to move forward with the data package to the Texas Water Development Board in order to receive final approval. That will enable the City to retrieve the money from escrow. Daniel & Brown is going to hand deliver the package to ensure everything runs smoothly, but we do not foresee any issues. Daniel & Brown and Kimley-Horn are working on the engineering bid packages and will have those completed by the end of December so the project can go out for bid in January. There will be a west side lift station, force main and manholes just west of Tedford Chevrolet. Upgrades to plants 1 and 2 will also go out for bid.
  - Mayor Piwko inquired about the easements and asked if they have all been acquired.
  - Ben White explained most of them had been obtained, but they are in the process of getting a few more. He indicated the City was still on schedule.
- Hamilton Street Update
  - Ben White stated we have been in negotiations with the Hendricks family for the easement. All of the items the Hendricks are requesting are reasonable and he will have Alan Lathrom create an agreement once the negotiations have been settled. We also have some issues with realigning the church. The City does not have the money for that right now. But, he needs to discuss with the church and get them to enter into agreement showing that an easement would be meaningful for the church. When the land gets developed, he believes that will be the trigger point.
  - Donny Mason asked where the improvements were going to be.
  - Ben White stated the City could only construct from McKinney Street all the way to Church St. We will improve with asphalt surface up to the bridge, but we will not be able to complete the bridge or the alignment of the church.
  - Donny Mason explained that at one time the church wanted to build on the bigger lot.

- Ben White indicated that was their desire and that would combine that land together. The City would exchange our right-of-way for the land the church is on. It comes down to when they are ready to go forward with that.

#### **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. City Amenities Board Minutes**

- Mike Hurst asked Ben White if all the entities, Parks & Recreations, Library, and Senior Citizens, are being represented in the meetings.
- Ben White indicated they were.
  - Motion to approve made by Mike Hurst
  - 2<sup>nd</sup> to approve was Donny Mason
  - All council members voted in favor

#### **V. REGULAR AGENDA**

- ##### **A. Consider, discuss, and act upon a Resolution #R-2017-1128-001 for designating the *Farmersville Times* as the City's Official Newspaper and the *Dallas Morning News* as the City's Alternate Official Newspaper for the Fiscal Year 2017-2018.**
- Motion to approve was made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Todd Rolen
  - All council members voted in favor
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- ##### **B. Consider, discuss, and act upon the recommendation of the J.W. Spain Farmersville Little League Baseball Contract from the City Amenities Board.**
- Sandra Green explained that she invited Marvin Smith to the meeting but he was unable to attend. She also discussed what the City Amenities Board wanted changed on the contract. On page 1, they wanted to add the fall season begins in September and ends in November. Under Field 6 on the fee schedule they wanted that specifically labeled for football. Also, they wanted the fee for Field's 1, 2, & 3 for residents to be \$100, and use of Field 4 & 5 for residents be \$50.

- Ben White recommended changes as well that would match up to how the City is currently doing things. He indicated he wanted changes on page 4 where it talks about concessions and restroom maintenance. He suggested when it came down to any repairs of the restrooms or concessions he would like to change that wording to make it the City's responsibility. The City has always maintained the facility and sometimes asks for the Little League to help pay for the maintenance. He struck the last part of the paragraph after that because it no longer was valid. Under Section 7, City Utilities, he suggested the sentence "However, discovery that field lights have been left on after Little League use will result in an immediate \$200 charge for each incident" be taken out. He also wanted to strike the next sentence. He stated they have been pretty good with the lights and have only left them on a few times. He explained if he charged them a fee every time they would go broke. He indicated he wanted the next sentence to read if the City finds that utilities are being wasted the City may at its discretion, terminate the Agreement and not allow the Little League to use all or part of the facilities at the Complex.
- Mayor Piwko indicated that she could understand how the City can be responsible for the major wear or tear of the concessions and restrooms. She explained they should be responsible for the breaking of equipment or vandalism.
- Ben White explained there were certain items will that will work, but catastrophic incidents would not.
- Todd Rolen explained the Little League does not own the facility, but they can use it.
- Ben White indicated that was correct, the City owns the facility. His objective has been to keep it up and useable. If we leave all the repairs up to the Little League they would not have the money if something big occurred.
- Todd Rolen stated the Little League has no fundraising. They only make money off of the concession stands and entry fees.
- Ben White explained he just wanted the City to take care of the facility. He does not want to place it in charge of a volunteer organization.
- Donny Mason asked if they are still required to maintain the insurance.
- Ben White stated the requirement of insurance has not change.
- Mike Hurst asked what coverage the City has on the Little League's insurance.
- Alan Lathrom stated they are supposed to have Commercial General Liability Insurance and the City should be listed as an additional insured. As

the owner of the property, the City requires the Little League to report defects or issues with items on the premises.

- Ben White stated he would be afraid the issues or problems would fall back on the City anyway even if we left it in the Agreement as the responsibility of the Little League. The City has asked for help on fertilization of the fields from the Little League.
- Mayor Piwko stated there would be a turnover of major appliances over the years.
- Ben White explained we own the countertops and the sink, and they actually own all the equipment. He stated the City owns the ice maker and will conduct maintenance on that.
- Todd Rolen asked if the new vent-a-hood with the sprinklers have been installed yet.
- Ben White stated that has not been completed yet because the Fire Marshall had a few issues with it.
- Mayor Piwko stated she saw a bill for installing heaters in the restrooms.
- Ben White indicated the City was doing that.
- Mike Hurst asked if the City owns the property why the Little League should have to have insurance.
- Alan Lathrom indicated the Little League insurance would cover the replacement of the equipment and the cost of the buildings if it was destroyed because of their use.
- Mike Hurst asked if someone got hurt at the Complex would it be beneficial for the City to spend a few extra dollars for more insurance.
- Alan Lathrom stated the facility would generally be covered under the City's TML Risk Pool coverage and that would cover any injuries, but the City requiring the Little League to have insurance helps. If the Little League has their own policy then any claims for equipment would go to their insurance first. That way the City is not paying the deductible on our insurance. The Little League insurance would supply a defense for the City.
- Ben White stated his assumption TML would assume the Little League would carry its own insurance, but the City could look into obtaining more.
- Alan Lathrom stated TML would not cover their accidents or neglect and we could not ask them to.
- Ben White stated he could talk to TML and request that they cover those items.
- Alan Lathrom stated then it becomes a Constitutional issue.
- Craig Overstreet asked if the contract is for two years could the City Manager as the City's representative to address the Council annually and

discuss their insurance, financial statements, and any police action that has occurred.

- Ben White explained there would be an item on the January agenda that would have those items.
- Craig Overstreet asked if it could be rewritten to show who is responsible for what and then bring it back at the December meeting.
  - Motion to table was made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Donny Mason
  - All council members voted in favor

C. Research the possibility of installing a street next to the Blevins property on Merit Street.

- Ben White addressed Council and explained that Houston Street dead ends in between lots 2 and 3. Merritt Avenue on the drawing is unimproved. We have conducted research to see if improvements were ever made and none had been. He stated he told Mr. Blevins he would not support the City improving Merritt Avenue. He explained he also told Mr. Blevins that in order for the property to be built on a street would have to be improved all the way alongside lots 2 & 3. Mr. Blevins has asked that a drive go from Houston St. to Lot 2. He indicated the road would have to be extended for parking or emergency access. Merritt Avenue is grown up with weeds and cannot be used right now. Mr. Blevins was told that he would have to improve the street at his expense.
- Mayor Piwko asked what is on the west side of the property.
- Ben White stated the west property faces Woodard Street.
- Mr. Blevins stated his lots do not face a street. He claimed Merritt Avenue was cleared at one point and they could use that access to get to his lots when he first bought the property. An old City Manager, Alan Hein, closed off the access way because he was tired of people dumping trash at the end of the access way. In order for people to stop dumping, Alan Hein put a berm to keep people from going any further down the access way. If it was not for the berm he explained you could drive down the access way. If he had another access he would be fine with it. He stated when he bought the property it was a gravel road. He explained Ben White indicated the access way is not improved at this time according to City standards. He is not asking the City to build a road all the way down. He should be able to build on lot 3 or lot 2. If he combined them into one lot he could provide parking for people who visit and he could provide a way for City services to be able to use the access. He explained it would be a private drive.
- Mayor Piwko asked if the property dead ended into the railroad and if the City had any intention to extend Merritt Avenue in the Thoroughfare Plan.
- Mr. Blevins indicated it did.

- Ben White stated that he did not think they would have a plan to extend the road, but it might be there.
- Mayor Piwko explained the road would not need to go all the way down to the railroad.
- Mr. Blevins stated he wanted to plat the three lots into one lot so he could build a home and have animals.
- Mayor Piwko explained the City could offer to pay for the replatting process and fees.
- Ben White would not recommend that.
- Alan Lathrom indicated if he combined the lots he would have access. If he already has water and sewer access on the property there should not be any issue. He stated as long as the drive approach met the conditions for emergency vehicles then it would be fine.
- Ben White stated the only access would be off of College or Merritt Avenue, but the City would not extend Merritt Avenue.
- Mayor Piwko stated she would like the City to pay for the platting expenses since we abandoned the roadway.
- Ben White stated the City would get Boundary Solutions to conduct a survey and get the plat in for review.

#### **VI. EXECUTIVE SESSION**

- Mayor Piwko stated there would be no executive session because the IACC stated they wanted to hold off responding to the City until after the holidays.

#### **VII. RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY SECTION 551.071 OF THE TEXAS GOVERNMENT CODE**

- No executive session held.

#### **VIII. REQUESTS TO BE PLACED ON FUTURE AGENDAS**

- Mayor Piwko wanted Council to review the priority list for street repairs and maybe reprioritize due to use and road patterns.

#### **IX. ADJOURNMENT**

Meeting was adjourned at 7:05 p.m.

- Motion to adjourn made by Craig Overstreet
- 2<sup>nd</sup> to approve was Michael Hesse
- All members voted in favor

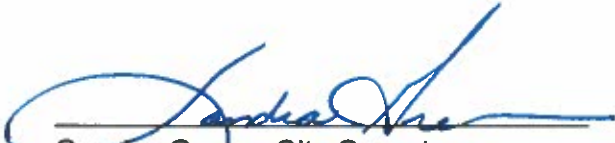


APPROVE:



Diane C. Piwko, Mayor

ATTEST:



Sandra Green, City Secretary

