



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES**

**For  
July 25, 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. Also City Staff Sandra Green, Rick Ranspot, Daphne Hamlin, Kim Morris, Paula Jackson, Brian Alford 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

**II. PUBLIC COMMENT**

- No one came forward to speak.

**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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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 Council Minutes for July 6, 2017
- B. City Council Minutes for Work Session July 11, 2017

- C. City Council Minutes for July 11, 2017
- D. City Financial Report
- E. Public Works Report
- F. City Manager's Report
  - o Motion to approve reports made by Craig Overstreet
  - o 2<sup>nd</sup> to approve was Donny Mason
  - o All council members voted in favor

**IV. PUBLIC HEARING**

- A. Public hearing to consider, discuss and act upon recommendation of Ordinance #O-2017-0627-001 from the Planning & Zoning Commission regarding an amendment to the Comprehensive Zoning Ordinance that would define and allow the use of pet grooming.

- Mayor Piwko opened the public hearing at 6:02 p.m. and read the title block of the Ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING CHAPTER 77, "ZONING," THROUGH THE AMENDMENT OF ARTICLE I, "IN GENERAL," THROUGH THE AMENDMENT OF SECTION 77-1, "DEFINITIONS," BY ADDING A NEW DEFINITION FOR "PET GROOMING," AND THROUGH THE AMENDMENT OF ARTICLE II, "ZONING DISTRICTS," THROUGH THE AMENDMENT OF DIVISION 3, "USE OF LAND AND BUILDINGS," BY AMENDING SECTION 77-100, "RETAIL AND RELATED SERVICE USES," TO ALLOW "PET GROOMING" AS A PERMITTED USE IN THE GENERAL RETAIL (GR), COMMERCIAL (C), HIGHWAY COMMERCIAL (HC), CENTRAL AREA (CA), LIGHT INDUSTRIAL (I-1), HEAVY INDUSTRIAL (I-2), AND PLANNED DEVELOPMENT (PD) ZONING CLASSIFICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

- Mayor Piwko closed the public hearing at 6:05 p.m.
- Alan Lathrom indicated there was an asterisk placed in the Neighborhood Services (NS) box on the use chart. Since Neighborhood Services (NS) was not listed in the title block, the asterisk would need to be removed.

- Motion to approve Ordinance with a modification of removing Neighborhood Services (NS) on the use chart made by Mike Hurst
- 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 first and only reading of O-2017-0725-001 regarding provisions establishing the City Amenities Board.

- Mayor Piwko read the title block of the Ordinance.

**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 2, "ADMINISTRATION," BY AMENDING ARTICLE 3 ENTITLED "BOARDS, AUTHORITIES, COMMISSIONS AND COMMITTEES" BY DELETING DIVISION 2, "LIBRARY/CIVIC CENTER BOARD," DIVISION 4, "SENIOR CITIZENS ADVISORY COMMITTEE," AND DIVISION 7, "PARKS AND RECREATION BOARD," IN THEIR ENTIRETY AND ADOPTING A NEW DIVISION 2 ENTITLED "CITY AMENITIES BOARD" THAT VESTS THE DUTIES AND RESPONSIBILITIES OF LIBRARY/CIVIC CENTER BOARD, SENIOR CITIZENS ADVISORY COMMITTEE AND PARKS AND RECREATION BOARD IN THE CITY AMENITIES BOARD; 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.

- Mayor Piwko stated Council set up the board at the last meeting and tried to get all the existing members of the Parks and Recreation Board, Senior Citizens Board, and Library Board assigned to the new board. At the time, we thought we were only putting two people that live outside the city limits onto the board, but it was discovered there was a third person on the board that lives outside the city limits. The Ordinance that was passed only allowed two people to live outside of the city limits. We could amend the Ordinance to allow three people to live outside the city limits or we could remove one of the three people that were assigned to this board and assign someone else.
- Craig Overstreet stated it was called the City Amenities Board and he would like to see someone inside the city limits instead of someone living outside the city limits be on the board.
- Mike Hurst stated he agreed with Craig Overstreet and reiterated that it should be two people who live outside the city limits and the rest should live inside the city limits.
- Sandra Green stated that the people who were chosen that live outside of the city limits were Suzie Grusendorf, Sarah Odom, and Miranda Martin.
- Mayor Piwko stated she would hate to lose any of those three because they are all wonderful on the boards they currently serve and

their attendance was great. She stated she would suggest Sarah Odom be removed if any of them had to be removed.

- Sandra Green stated there was a new application she placed in front of Council before the meeting from John Hollis Young.
- Mayor Piwko asked Sandra Green if she thought he would be a good choice for the City Amenities board.
- Sandra Green indicated she knew nothing about Mr. Young other than he submitted an application and what the application stated.
- Mayor Piwko read different information from his application in order to give Council more facts about him. She recommended the Council choose between Mr. Young and former Councilman John Klostermann. Mayor Piwko suggested going with John Hollis Young in order to bring someone new on the board.
- Michael Hesse asked if the board could meet and determine who they wanted to remove before Council made the decision.
- Sandra Green stated the board had not met at this point because three people had been named to the board that lived outside the city limits and that was against the Ordinance. If the board had made any motions they may have not been valid.
- Alan Lathrom indicated as long as you only have two of the members outside the city limits that would show up to the meeting to make decisions and not the third.
- Mayor Piwko indicated that would not meet Councilman Hesse's goal of the people who lived outside the city limits determining who wanted to step off the board.
- Alan Lathrom indicated that was correct.
  - Motion to remove Sarah Odom from the City Amenities Board and replace with John Hollis Young in order to meet the Ordinance requirement of having only two people who live outside the city limits on the board made by Michael Hesse
  - 2<sup>nd</sup> to approve was Mike Hurst
  - All council members voted in favor

## **VI. REGULAR AGENDA**

- A. Consider, discuss and act upon appointing members to the City Amenities Board.
  - Mayor Piwko skipped this item since it had been addressed during the Reading of the Ordinance.
- B. Consider, discuss and act upon a Development Agreement between the City of Farmersville and Camden Park.
  - Mayor Piwko asked Randy Smith if he wanted to come forward and speak on this topic since he came in late for citizen comments.
  - Randy Smith, who lives at 508 County Road 610, wanted to bring up his concerns related to Camden Park. He stated he found some errors that have been brought to the city staff's attention and the errors are related to the description of the land and he believes that it needs to be addressed before any work is started on the property. He also indicated that he had

- some questions about the development agreement in relation to Exhibit B and the impact fees that are applicable to Camden Park. He wanted to know if the fees were specific to Camden Park.
- Mayor Piwko stated the fees are charged for anyone building within the City of Farmersville. She stated there was a waiver in the contract for \$68,000.00 and the developer pays the money upfront in escrow.
  - Randy Smith asked if the developer would receive the rebate at the completion of the first 30 residential units.
  - Alan Lathrom indicated the developer pays the full amount of impact for wastewater and water on all of the first 30 houses. After the first 30, the developer is allowed to draw down the amount of impact fees owed for wastewater and water for each subsequent lot after the first 30 until the \$68,000.00 has been depleted. At that time, the developer would go back to paying the full amount of impact fees that are applicable to the development within the City of Farmersville.
  - Randy Smith stated another item of concern was on page 3, Section E, item 2 of the agreement. He explained the agreement stated the City would provide the developer with a sewer pump.
  - Mayor Piwko indicated the City is basically promising the developer that even without the lift station the City will be able to service whatever houses he has developed within that 210 days. She indicated the City is working on obtaining bids and the City is talking about adding an additional \$110,000 on top of what the developer is putting up for the relocation and to upgrade.
  - Randy Smith stated because this project has been around for a while and has been stagnant, he just wanted Council to check over everything carefully to make sure nothing is missed.
  - Mayor Piwko indicated the City Manager had stated the developer may become the general contractor instead of DR Horton. So, a few people are wanting to set up a tour with the developer to see the quality of homes he will be building. Mayor Piwko invited Randy Smith on the tour.
  - Randy Smith stated he would like to go on the tour. He also stated he needed to explain that Exhibit A on the development agreement is consistently wrong. On the preliminary plat, the concept plan, and some of the other documents the property is shown as 100.81 acres instead of 101.80. He believes that is something that will cause complications down the road.
  - Alan Lathrom stated the plat was signed, sealed and certified by a Texas licensed surveyor regarding the property description and that is what the City goes by.
  - Mayor Piwko asked if it could be a discrepancy.
  - Alan Lathrom said it could be any number of things.
  - Randy Smith did have one other question. He wanted to know if the developer actually purchased the Texas New Mexico piece of land.
  - Mayor Piwko asked if Eddy Daniel, City Engineer, had any information on the purchase.
  - Eddy Daniel indicated he was not sure if the purchase had taken place.

- Mayor Piwko indicated that she believed they had an agreement, but she did not know whether they have executed the contract. She stated the Council has been okay with the fact the developer has a contract.
  - Randy Smith asked if that piece of property would need to be annexed into the City.
  - Mayor Piwko explained that it probably would and indicated that Paula Jackson, Assistant to the City Manager, was shaking her head in agreement.
  - Mike Hurst asked if Alan Lathrom was okay with the way the land was shown on the survey and if it could become a problem in the future.
  - Alan Latham indicated there would not be a problem because it states that it is approximately 100.81 acres as generally described in Exhibit A. If there is some kind of discrepancy in the property description it would not impact the operation of the contract itself. The City has no obligation under this contract unless, and until, the developer pays the money to the City and the City holds the money in escrow.
  - Mike Hurst asked if that clause was included in the contract.
  - Alan Lathrom indicated that clause was added.
    - Motion to accept the contract was made by Mike Hurst
    - 2<sup>nd</sup> to approve was Michael Hesse
    - All council members voted in favor
- C. Consider, discuss and act upon citizen request regarding issues of cost and deregulation of electricity within the city limits.
- Alice Brantley who resides at 209 Windom Street addressed Council and explained she just moved to town. She stated she loves this town but she is having issues with the electric bills being super high. She came from Dallas and it was a shock to go from \$25.00 to \$259.00 a month. She just wanted to know what the reasoning was behind why there is no choice for electricity within the city limits.
  - Mayor Piwko addressed the issue and stated that we are a municipally owned electric company and we are one out of 72 in the state. The City Manager is currently attending an energy symposium with the other 71 municipalities and they are working on regulations and other important information. The advantage of having a city-owned municipality is that the profit which any electric company would receive does not leave our community and go to some other company. The City uses the electric fund to help with services such as police, fire, the library, public works, and roadways to the tune of about \$1,389,000.00 a year. If the City does not own this revenue source, and this money was leaving our community, we would have to recover a significant amount through higher taxes.
  - Alice Brantley stated that answered her question and she understood but she just did not understand that information from anything she read online.
  - Mayor Piwko continued by explaining that it is a revenue stream for the City and it helps to balance the budget. Council is very conscious of the rates and we try to place the City in the middle of what other people would pay in other cities.

- Alice Brantley asked if the electricity would be like this forever or if there was a plan to shift things in the future.
  - Mayor Piwko indicated the City would always own the electric company.
  - Michael Hesse stated the City tries to make the electricity comparable to what others would pay from other places. He insisted that if someone were to check other rates the City would be pretty comparable. Some are higher and others are lower.
  - Mayor Piwko explained she did some rough figures in regards to residential, industrial, and commercial customers and she stated that the profit the City makes off Alice's bill each month would have to be made up in taxes if the City did not have the money coming in for residential customers. Some homeowners are more energy efficient and she suggested all residents become more energy efficient to help save their money.
  - Michael Hesse stated he lives in an older house and since he has done some modifications by adding insulation and utilizing other cost-saving methods he has saved money on his electric bills.
  - Alice Brantley stated she believes the electric is still on the higher side, but is okay with the money going to the departments and entities that were stated by the Mayor. She really just wanted to inquire as to why it was so high and to see if there was a way to make it cheaper.
  - Michael Hesse stated before the City was contracted with Sharyland we would pay them for electricity and then would only get service when lines were down. By being a municipally owned electric company, it allows the City to maintain our own systems and it has worked so far.
  - Mayor Piwko stated having the City run things has increased reliability and we have a crew that is able to react to problems faster. They also conduct upgrades on the systems. She indicated that since the City has taken over the electricity, we have lessened the amount of outages that occur.
  - Alice Brantley wanted to know if there was an additional cost if she decided to update her house to solar power.
  - Mayor Piwko indicated the City just approved an Ordinance to buy back some of the electricity from the homeowners if they upgrade to solar energy. She also explained the City has received a reduced rate from Garland Power and Light that went into effective on June 1<sup>st</sup>, but it would take several months to work into the billing cycle.
    - No action taken by Council.
- D. Consider, discuss and act upon the matter related to the disapproval of the preliminary plat for the Islamic Association of Collin County.
- Mr. Mohammad Qasim came up to address Council. He stated he came before Council as a resident of Collin County. He resides in Plano and he has been fortunate to call Collin County his home for several years. He explained he works for one of the largest employers in the county and helps by working with businesses in the community, with legislators, helps with the quality of water, transportation, education, and other services. He stated he was at the meeting representing his two year old

daughter. He knows that someday his daughter will assist in his demise and will be bringing him to Farmersville. He indicated the decisions that were made at previous City Council meetings have implications outside the city limits of Farmersville. He understands the sensitivities of the citizens of Collin County and the citizens of Farmersville, but he wanted to encourage the City Council to really work with the property owners who is trying to provide a service to several residents of Collin County. He continued by stating he understood the issues of why the plat proposal was disapproved, but the property owner brought their engineer to the council meeting to have discussions regarding the drainage. But, he is hoping the City will continue to look at the property to find a way to fix the issues or to improve the land so the property owners can work toward the completion of the intended services.

- Mayor Piwko explained the property owners are looking for a meeting to discuss possible solutions.
- Alan Lathrom stated he received a request from the attorney representing the IACC inquiring if the City would be willing to sit down and discuss what could be done in order to reconsider the preliminary plat. Also, what might need to be done to address the issues the City Council addressed in regards to the drainage on and across the property. They wanted to see if the issues could be identified in more detail so they could try and move forward with the preliminary plat.
- Mayor Piwko asked if Council was comfortable talking in open session or if they wanted to go in to executive session and consult with the City Attorney.
- Craig Overstreet said that he was comfortable with discussions in open session.
- Mayor Piwko said she would always listen to anyone who wanted to come forward. Otherwise, she would recommend the Council appoint two people and the Mayor to attend a session with the IACC representatives.
- Craig Overstreet stated he was okay with the meeting taking place and that he would like to be considered for attendance at the meeting.
- Mike Hurst stated it would be fine with him.
  - Motion to allow Craig Overstreet, Mike Hurst and Mayor Piwko attend a meeting with the IACC representatives to discuss drainage issues and denial of preliminary plat made by Michael Hesse
  - 2<sup>nd</sup> to approve was Todd Rolan
- Mayor Piwko indicated accepting the meeting invitation was not a promise that City Council would change their previous decision, but it would allow the City to listen to other viewpoints.
- Craig Overstreet stated the City Council just appreciated the opportunity of having discussions. He also asked if the City Attorney would be attending the meeting as well.
- Mayor Piwko stated the City Attorney would be at the meeting and also she would assume the City Manager and the City Engineer would attend.



- She asked if there could be an even number of representatives from each side so that the meeting would be balanced.
- Alan Lathrom stated he did not see that would be an issue.
  - All council members voted in favor
- Mayor Piwko instructed Alan Lathrom to schedule the meeting at his convenience.

## VII. BUDGET WORKSHOP

- Daphne Hamlin, Director of Finance, addressed Council. She explained she received the 2017 certified tax roll value. The number is a lot larger than what was anticipated. We were thinking it would go up to 3%, but it is up to 12%. She indicated she had talked to the county office and they were going to re-run the numbers to verify everything.
- Mayor Piwko asked if the City would have the rollback like last year.
- Daphne Hamlin indicated we would not and the county could not explain why it was that way last year. She explained the next time Council met the budget should be aligned with the tax rate and that allows the City Council a month to review everything in order to adopt the tax rate by September.
- Mayor Piwko asked how close the rates are compared to other cities.
- Daphne Hamlin stated she did not compare to other cities.
- There were discussion about how much taxes have gone up everywhere.
- Daphne Hamlin explained she believed there would be a balanced budget, except for the water department.

## VIII. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- JW Spain Contract with the Farmersville Little League

## IX. ADJOURNMENT

Meeting was adjourned at 6:51 p.m.

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

APPROVE:

  
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 Diane C. Piwko, Mayor

ATTEST:

  
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Sandra Green, City Secretary

