



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
March 13, 2018, 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 members Ben White, Sandra Green, Paula Jackson, Kim Morris, Daphne Hamlin, Rick Ranspot, Mike Sullivan, Reagan Rothenberger, Trisha Dowell and City Attorney Alan Lathrom were also present.
- Prayer was led by Kim Morris, Fire Chief of the City of Farmersville, followed by the pledges to the United States flag and the Texas flag.
  - Calendar of upcoming holidays and meetings was presented in the agenda packet.
  - City offices will be closed on Friday, March 30<sup>th</sup> in observance of Good Friday.
  - Due to staff being out of town for training, there will only be one City Council meeting in April. The date of the meeting will April 10<sup>th</sup>.
  - The Chamber of Commerce Annual Banquet will be held at the Party Venue in Greenville on Friday, March 23<sup>rd</sup> at 7:00 p.m.
  - There is a Regional Transportation Online Input Opportunity at [www.nctcog.org/input](http://www.nctcog.org/input) from March 12 - April 10, 2018.
  - Mayor Piwko stated the Council received an invitation from the City of Josephine for the unveiling of their new City Hall on Saturday, March 24<sup>th</sup> at 1:00 p.m.
  - Mayor Piwko read the Proclamation for the Rails-to-Trails Opening Day.

## II. PUBLIC COMMENT

- Mayor Piwko stated John Hart asked for an update on the Islamic Cemetery. She explained at the last meeting the Council had received a request from the attorneys for the IACC to justify the engineering for the water table area. The City has responded to that request. There were some comments sent back to the IACC concerning their engineer's drawings. The most recent rainfall that has occurred was approximately only half of what the 100 year floodplain would have been. Additionally, the IACC has asked that since they are working on negotiations if the City would extend the approval of the concept plan and the preliminary plat that are set to expire in March and April. Council granted them an extension until August 2018, as long as negotiations continue. She indicated the latest correspondence sent to them from the City Attorney was regarding the issues they did not address prior to Christmas.
- Nadine Winterrowd who resides on CR 656 addressed Council and asked the City Council to place an item on a future agenda. She stated the property next to her was bought by the Sugar Hill, LLC and the owners are wanting to put in an RV park and bed & breakfast on the location. She stated her property has deed restrictions to where mobile homes and RV parks would not be allowed. She indicated her property was originally carved out of the property that Sugar Hill, LLC purchased. She stated the owner's also want to have a direct access to the Chaparral Trail. She spoke to the County Fire Marshall and she stated he was concerned about them being connected to the trail. So, she met with Ben White and spoke to Mayor Piwko. After all the discussions, she was told they were thinking of having some full time campers, temporary campers, and some bungalows. If the owners of the property do not annex she was told a wall would be built along the trail. She emphasized they live in a residential area and it is not commercialized and they do not want this built around their home. She pleaded that the Council just take all of those issues into consideration if the property owner's come before the City at a later time.
- Dennis Winterrowd who also lives on CR 656 addressed Council about his concerns regarding the possible RV Park. He explained he wanted to expand on what his wife spoke about. He stated he is a private person and bought his property because of its location and because of the Chaparral Trail. He believes his property is being threatened by the proposed RV Park. He was told by the owners of Sugar Hill, LLC that they have already wandered around on his property and he does not want an RV park were short term renters may venture on to his property as well.

- Mayor Piwko stated Ben White met with Sugar Hill, LLC for a pre-development meeting. She asked Ben White to address fencing around the property with the owners of the RV Park.
- Ben White indicated the topic of them having a fence was already brought up.
- John Politz who resides at 211 Hill Street addressed Council and stated he was in attendance to inform the members about the bullying of the Mayor at the last FCDC (4B) meeting. He explained he volunteers at several Main Street events and is the current 4B President. He wanted the Council to know the Mayor has told the Main Street Manager he could not attend a subcommittee of the Chamber of Commerce which is the Merchant's Initiative (MI) meetings. Mr. Politz explained the Main Street Manager, Reagan Rothenberger, works for the FCDC (4B). In the Main Street Manager's job description it states he can attend any meetings and it should be his decision which of those he feels is beneficial. He inquired as to when the item of the Mayor giving directions to the Main Street Manager was spoken about in an open meeting. He pointed out that rumors have been heard that these discussions are being held in the donut shop across from the High School or in Mr. George Crump's house and they would be in violation of the Open Meetings Act.
- Mary Berry who lives at 350 CR 699 and owns a business at 406 McKinney Street addressed Council and stated that at the last 4B meeting Mr. Politz argued that Mayor Piwko had overstepped her authority by telling the Main Street Manager not to attend the MI meetings. She indicated Mr. Politz went on to threaten to revoke the funding for the Main Street Manager position. She continued by saying that Mr. Politz's comments seem to state that he believes the Main Street Manager works for 4B, the Community Development Corporation. She believes that assumption is an error. The Main Street Program requires the City have a Main Street Manager. The Community Development Corporation does fund the position, but it is the Main Street Board that provides the broader vision for Farmersville's programs. The job description for the Main Street Manager is a document created by the Main Street Board. The City Manager is the one who gives the day-to-day directions to the Main Street Manager. She indicated that Mr. Politz is the ex-officio member to the Main Street Board. Randy Rice, who is the Main Street Board President, made sure the work was processed in the absence of a Main Street Manager. He was heard to say he spent more than 60 hours a week doing the job. Adah Leah Wolf, the previous Main Street Manager, used to work at least 40 hours a week making sure the job was done. She explained she did not feel like the Mayor

overstepped her authority at all. She indicated it is no longer an issue because only committee members are allowed to attend MI meetings in the future.

- Mayor Piwko pointed out to people in the audience that Mary Berry is the Vice-President of the Main Street Board.

### 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.

- Mayor Piwko pulled the Police Report. Michael Hesse wanted the Code Enforcement/Animal Control Report pulled. Mike Hurst wanted to pull the City Council Minutes from 2-13-18 to clarify something, and Craig Overstreet pulled the Public Works Report.
  - Motion to approve reports B, E, F, G, I, J and K made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Michael Hurst
  - All council members voted in favor
- Mike Hurst addressed the City Council Minutes for 2-13-18. He wanted to clarify a misunderstanding going around town. He explained the tax abatement for Ted Zadeh would be performance based. He stated he wanted to point out the minutes accurately reflected how the Council would require certain performance standards if the tax abatement was approved. The Ordinance would have to be changed and nothing is set in concrete. He explained it would not matter if it was a Walmart, Kmart, or other major store or business, the Council would still want it performance based. He stated the Council just wants what is best for Farmersville.
- Mayor Piwko inquired about the 400 impound parking stickers indicated on the Police Department Report. She wanted to know if the police department was doing something different with the stickers and why there were so many.
- Chief Mike Sullivan stated they just ran out of the stickers.
- Mayor Piwko asked how many they go through a year.
- Chief Sullivan stated he was not sure of the exact number, but that amount of stickers will be enough for a while. He explained there was also some legislative changes that needed to be shown on the stickers.

- Michael Hesse referenced the Code Enforcement Report and asked about the door hangers. He wanted to know if those violations were shown on the report. He explained that in another report he had seen previously it stated if a door hanger was left or a warning issued. He pointed out he would like the reports to reflect that information.
- Chief Mike Sullivan stated the police officers stepped up their efforts on code enforcement last month, but he would have it included in the reports. He explained that it was generated, but must have been let out of the reports.
- Craig Overstreet wanted to point out information on the Public Works Report. He wanted to state how staff has worked hard to lessen the outstanding work orders to 14 days out. He also stated there were no public works accidents and wanted everyone to realize the outstanding job being done.
- Mayor Piwko also explained the Library staff did a great job re-opening the library without any issues. She stated they had put in a lot of time and hard work.
  - Motion to approve reports A, C, D and H made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Donny Mason
  - 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) Meeting Minutes
- B. FEDC (4A) Financial Report
- C. FCDC (4B) Meeting Minutes
- D. FCDC (4B) Financial Report
- E. Main Street Board Minutes
- F. Main Street Report
- G. Planning & Zoning Commission Minutes
  - Motion to approve all 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 first and only reading of Ordinance #O-2018-0313-001 granting Texas-New Mexico Power Company the non-exclusive right to use and occupy rights-of-ways within the City of Farmersville for the construction and operation of an electric transmission and distribution system within Texas-New Mexico Power Company's Certificate of Convenience and Necessity.
- Ben White stated the City resurrected this item because of old Ordinance wording and because it is an old document that needs to be renewed. He explained he and Alan Lathrom have gone over several points and they would like to make some recommendations for changes. In Section 4 they want a change so Texas-New Mexico Power Company could not expand into our customer area. A paragraph would be added to indicate this change and it would certify that no expansion would occur without a permit by the City.
  - Mayor Piwko indicated the contract would be valid until 2023.
  - Ben White stated there is also a blank in the document for the rate to be entered on page 8. He stated Texas-New Mexico Power Company suggested the rate of \$0.0014013 per kWh, but the City believes that is low. There are other cases where they have gone as high as \$0.0036796 in other cities. He wants the opportunity to negotiate the rate with Texas-New Mexico. He has spoken to Attorney Jeffrey Gay and he wants to work with him to see about the rates others are paying.
  - Mayor Piwko asked what the amount of rental income was each year.
  - Ben White stated he did not have the number available, but he explained he would not go below the rate suggested.
    - Motion to approve with the addition of paragraph as stated and negotiated rate made by Donny Mason
    - 2<sup>nd</sup> to approve was Mike Hurst
    - All council members voted in favor
- B. Consider, discuss and act upon the first reading of Ordinance #O-2018-0313-002 approving a tariff authorizing an annual rate review mechanism as a substitution for the annual interim rate adjustment process defined by Section 104.301 of the Texas Utilities Code, and as negotiated between Atmos Energy Corp., Mid-Tex Division and the Steering Committee of Cities served by Atmos; requiring the company to reimburse cities' reasonable ratemaking expenses.
- Ben White stated there is a Steering Committee that negotiates the best rates possible. We typically do not get involved with that and we rely on the Steering Committee. If City Council wants someone from the City to join the Steering Committee we could do that, but they would have to attend several meetings.

- Mayor Piwko asked about Section 2 and if the RRM Tariff document was supposed to be added.
- Ben White stated it should have been added to the document, but it would be added.
- Sandra Green stated she would add it for the second reading.
  - Motion to approve the first reading of the Ordinance made by Mike Hurst
  - 2<sup>nd</sup> to approve was Todd Rolen
  - All council members voted in favor

## **VI. REGULAR AGENDA**

- A. Consider, discuss, and act upon the J.W. Spain Little League Contract with the City of Farmersville.
- Mayor Piwko indicated that Marvin Smith was not in the audience, but he had sent a text to Todd Rolen that indicated he would be late because of work. She stated they would move the item to the end of the agenda.
- B. Consider, discuss, and act upon boundary agreement with the City of Nevada.
- Ben White stated the items in blue on the document were the comments that came from the City of Nevada. He explained that Alan Lathrom did not feel like we needed to accept the changes in Section 2.02 regarding the first marked area because they were not necessary. Also in Sections 3.02 through 3.04 we thought it was important to indicate there was a map that had been included with the agreement. He explained if the City of Nevada just referred to the map instead of using directions in the document that might be helpful and clearer.
  - Michael Hesse asked if Section 3.01 did that.
  - Ben White stated they do refer to the Exhibit in that section. He explained the wording in the other sections regarding the directions is the concern. He suggested that Alan Lathrom visit with the City of Nevada's attorney to work out the agreement.
  - Mayor Piwko asked if there was any reason the boundaries were not referenced using the county roads.
  - Ben White indicated the map refers to them, but that is why Sections 3.02 through Section 3.04 should refer to the map.
  - Mike Hurst asked if the map shows the boundary lines as they exist now and have for years.
  - Ben White explained the map included with the agreement has been the one the City has used for the past several years.

- Sandra Green stated she pulled the map from the signed City of Princeton agreement to use for the bordering cities.
- Mike Hurst asked if Blue Ridge was still wanting their boundaries to come down further south.
- Ben White stated the City is still in negotiations with the City of Blue Ridge.
- Sandra Green stated the City of Blue Ridge had indicated the agreement would go before their City Council in April.
- Michael Hesse asked if the roadways were included then what would happen if they change or move the roads.
- Ben White stated the only other way he knew that it could be done would be by metes and bounds. He explained Michael Hesse was correct and the county roads could change.
- Mike Hurst asked if the boundaries shown on the map were certified through the county.
- Ben White stated the county does not recognize them.
- Mayor Piwko indicated that if the map was done by metes and bounds it would be more difficult because one of the boundaries is over the lake.
- Ben White explained the original plan was to follow Sister Grove Creek were it used to run. He was unsure as to whether there was a metes and bounds done for that.
- Alan Lathrom indicated the map is just an idea of where the ETJ would generally be located. It would not extend the city limits. The annexation later down the road would go by metes and bounds of the property.
- Ben White asked if the document would hold up in a court of law.
- Alan Lathrom explained it probably would because it gives the City a general location.
- Ben White stated the boundary locations are just going to depend on how detailed the Council would like the map to be.
- Mike Hurst asked if the map was basically Farmersville's school district area.
- Ben White stated it follows Farmersville's school district, the fire department area and the zip codes.
- Mike Hurst asked if the boundaries shown were what the City was going to stick to.
- Ben White stated just north of Nevada is what we are generally worried about with this agreement. He explained if the Council wanted to make everything line up in the end then the City could come back with an amendment to the agreement at that time.
- Ben White explained the Mayor of Josephine seemed to like the idea of the document because they are expanding and it gives them a guide.



- Alan Lathrom indicated he would like the wording changed to reflect mediation would be done in 90 days compared to 30 days. He stated he feels that 30 days is not enough time to find a mediator and hold the mediation.
- Mayor Piwko instructed staff to move forward with negotiations.

C. Update regarding the crossing guard stations.

- Chief Sullivan stated he looked into this after some comments were made on Facebook regarding one of their guards who was always out in bad weather. The crossing guard that was discussed in the comments does not own a car and she rides her bike to and from her station every day. He wanted to look at different options that were available for a shelter. He stated he found a British phone booth and the funds to purchase it were donated by Jeff and Stephanie Hurst. Bodywerks in Farmersville has volunteered to replace the glass. The plan is to place the booth on the side of Gaddy Street where you could see both ways.
- Mayor Piwko asked what the color of the booth was going to be.
- Chief Mike Sullivan stated it was going to be red.
- Mayor Piwko asked if the City could have a plaque inside to acknowledge the people who donated money and time for the booth.
- Chief Sullivan stated he could do that.

D. Update on the bullet proof glass in reception area of City Hall.

- Ben White stated we received the glass but it was incorrect. We sent it back and the company went into immediate production at their loss. They are now using a different vendor to temper the glass and drill the holes and they have indicated the new glass will be received later in the week.
- Mayor Piwko asked again if Marvin Smith had made it to the meeting to discuss the Little League contract.
- He was not in attendance.

**VII. EXECUTIVE SESSION**

- Mayor Piwko read the below statement and indicated the Council would recess into Executive Session at 6:57 p.m.

Discussion of matters permitted by the following sections of Texas Government Code Chapter 551:

A. Section 551.071, Consultation with Attorney

1. Consultation with City Attorney regarding laws and issues applicable to cemeteries and plats and the plat of the cemetery proposed by the Islamic Association of Collin County in the City's ETJ

B. Section 551.072, Deliberation Regarding Real Property

1. Acquisition of 0.346 acres of land containing an electrical substation
2. Discussion regarding right-of-way on Hamilton Street

C. Section 551.086, Deliberation Regarding Public Power Utility Competitive Matters

1. Acquisition of electrical substation

**VIII. RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY SECTIONS 551.071, 551.072 AND 551.086 OF THE TEXAS GOVERNMENT CODE.**

- Mayor Piwko stated the Council would reconvene from Executive Session at 7.19 p.m. and no action would be taken.
- Mayor Piwko checked again to see if Marvin Smith had arrived at the meeting.
- Todd Rolen stated he had received a text message from him that indicated he had just left work, but he would not receive the insurance information until the next day.
- Mayor Piwko indicated the item would need to be delayed until the next agenda.

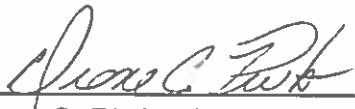
**IX. REQUESTS TO BE PLACED ON FUTURE AGENDAS**

- Craig Overstreet asked for an update on the Historic Preservation Ordinance.
- Mike Hurst wanted an update on Camden and the wastewater system.
- Mayor Piwko wanted a chart showing staffing times regarding placing the systems in for Camden Park, Big D Concrete, Summit Street, Caddo Park, and other projects.
- Craig Overstreet also wanted an update on the development meeting with the RV park in the ETJ next to the Chaparral Trail,


**X. ADJOURNMENT**

Meeting was adjourned at 7:21 p.m.

APPROVE:

  
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Diane C. Piwko, Mayor

ATTEST:

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

