



**FARMERSVILLE CITY COUNCIL  
SPECIAL SESSION MINUTES  
For  
April 3, 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, Daphne Hamlin, Rick Ranspot, 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.
  - Calendar of upcoming holidays and meetings was presented in the agenda packet.
  - The Texas Department of Transportation will hold public hearings for the Proposed Improvements to U.S. 380 from Denton County Line to Hunt County Line on Thursday, April 26, 2018; Tuesday, May 1, 2018; and Thursday, May 3, 2018. For specific times and locations please see the notice posted in this agenda or on the City Hall window.
  - Ben White read the nomination and award that Chief Mike Sullivan received from the Texas Police Chief's Association and compliments his accomplishments.
  - Mayor Piwko also asked for a moment of silence for Bill Nerwich who passed away and was a prominent member of the community. She indicated the Council's extended condolences to his family.

**II. PUBLIC COMMENT**

- John Hart who resides at 18601 CR 646 asked about the status of the cemetery plat.
- Mayor Piwko stated there has been no response from the IACC since the last update given.
- John Hart also stated that on Old Josephine Road just north of the horse paddock there are pot holes in the road that are very big.
  
- Randy Smith who resides at 508 CR 610 addressed Council and brought up the floodplain areas on the Comprehensive Plan Workbook that had been approved by Council at a previous meeting. He read the definition of the open space in the Zoning Ordinance and explained he does not feel there should be a restriction placed on the use in the floodplain. He stated he understood not having a home built in the floodplain, but there is also concerns of wild animals becoming a problem. He also explained temporary uses were excluded for agriculture uses and he felt concerned about the issue.
  
- Mayor Piwko wanted to discuss Regular Agenda items A. regarding the J.W. Spain contract up in the agenda due to the Marvin Smith having another commitment.
- Marvin Smith who represents the Little League stated the insurance had been hard to obtain, but since he has all the requirements now it will be easier to get every year.
- Ben White indicated all insurance and documents had been reviewed and they meet the City's requirements in the contract.
  - Motion to approve contract made by Todd Rolen
  - 2<sup>nd</sup> to approve was Donny Mason
  - All council members voted in favor

### 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
- B. City Financial Report
  - Mayor Piwko pulled the City Financial Report for discussion.

- Motion to approve City Council Minutes made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Mike Hurst
  - All council members voted in favor
- Mayor Piwko addressed the City Financial Report. She asked Daphne Hamlin if the budget was where it needed to be in order to fund the vehicle right now. She also asked if the electric enterprise fund will outperform last year's amount.
  - Ben White stated the year is predicted to be a hotter summer, and we usually play catch up during summer.
  - Mayor Piwko stated on the front page of the memo she asked for a correction to show that we are in the 5/12 of budget year.
    - Motion to approve City Financial Report made by Mike Hurst
    - 2<sup>nd</sup> to approve was Todd Rolen
    - All council members voted in favor

#### C. City Manager's Verbal Report

- Update on Historic Preservation Ordinance
  - Ben White stated Reagan Rothenberger is going to be presenting the preliminary review to the Planning & Zoning Commission on April 16<sup>th</sup>.
  - Mayor Piwko wanted to request that Planning & Zoning have at least a month to review it. Then, a public hearing can be held to allow citizens to express their views.
- Update on Camden Park wastewater
  - Ben White stated they are in the middle of the paving the streets. Almost all of the public improvements and the FONZI is complete. He also brought up the property at the entrance of Camden Park. Barry Bonds indicated it is tied up in a bond package. They have to separate it out and hope it can be available in May all inclusive right-of-way easement to the City. It would be very expensive for Camden Park to get that pulled out without it going through the bond process. Their fallback position is that they will make an all-inclusive right-of-way easement to the City and then they will come back in May to finalize everything regarding the property. Camden Park will have to submit a Final Plat to the City for review and filing with the county. The problem is Texas-New Mexico cannot process everything as quickly as it is needed. He wanted to bring up Regular Agenda Item 6, D regarding the right-of-way and asked

if he could receive direction from Council. He wanted to see if they would allow the Final Plat to go through with the easement shown, with all the wording being legal, and then allow Texas-New Mexico to come back in a month or so to give the City the final form. He indicated it may not be an issue if rain slows down the construction.

- Donny Mason asked how long the Final Plat process would take.
- Ben White stated all the public improvements have to be completed and approved before the Final Plat could be filed.
- Sandra Green explained once the Final Plat was submitted to the City it would need to go before the Planning & Zoning Commission and the City Council for approval.
- Ben White indicated they might be a little behind the schedule they wanted.
- Mayor Pike stated she would remove Regular Agenda item D. from the agenda.
- Update regarding the RV Park along the Chaparral Trail
  - Ben White explained there was a request to develop a piece of land for an RV park, bed and breakfast, store, vending machines, bicycle rentals, and an equestrian center. They held a pre-development meeting a few weeks ago and they have expressed a desire to have access to the trail. They have also discussed annexing into the City. He stated he has received concerns from home owners in the area about the development because of all the activity that it would generate.
  - Mike Hurst asked about the layout of the facility.
  - Ben White explained the largest areas are the RV Park and a tent area.
  - Mayor Piwko stated they have also discussed two or three bungalows and a permanent house for the onsite manager.
  - Ben White indicated the property is in the county and the City does not have to grant access to the trail. The City Amenities Board has brought this topic up and are discussing if it is good for the City to allow access to the trail.

#### **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. Texoma Housing Authority Documents

## V. READING OF ORDINANCES

A. Consider, discuss and act upon the second 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 Atoms; requiring the company to reimburse cities' reasonable ratemaking expenses.

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

B. Consider, discuss and act upon the first and only reading of Ordinance #O-2018-0403-001 regarding a proposed amendment to the Budget to allocate funds for the grant match for contract #7217129 for certain drainage issues around and about the location occupied by the Candy Kitchen and to transfer certain monies from the general fund reserves to the general fund operating account to facilitate the grant match.

### **AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2017 – 2018 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS, APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR 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 and Mike Hurst recused themselves due to a conflict of interest and they left the Council Chambers.
- Ben White explained this item is for the Candy Kitchen drainage problem. He explained they are going to try and start the project in May.
  - Motion to approve made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Todd Rolen
  - All council members voted in favor
- Mayor Piwko and Mike Hurst returned to the room.

## VI. REGULAR AGENDA

- A. Consider, discuss and act upon the J.W. Spain Complex Little League contract.
- This item was addressed earlier on the agenda.
- B. Update from the City Amenities Board.
- Miranda Martin addressed Council and gave an update on the City parks. She stated the Library and Civic Center's floors have been fixed and they are open again. The Senior Citizen's Center's parking lot is being worked on to meet ADA requirements and the parking lot will be lighted. The City Park large slide will be replaced with other equipment. The Southlake damaged playground is being removed and they are working with the 4B Board to fund something else for that area. She indicated the LDS Church is helping with little project around town, and those are appreciated. Opening day for Rails-to-Trails is coming soon and the Summer Music in the Park series will be on June 1<sup>st</sup>, July 6<sup>th</sup>, and August 3<sup>rd</sup>. In regards to J.W. Spain, they are still working with Halff & Associates on the parking lot.
- C. Consider, discuss and act upon Gantt chart of staff time for working on Camden Park, Big D Concrete, and other projects.
- Ben White stated he was not sure what the Council was looking for.
  - Mayor Piwko stated the Council was concerned staff would be overloaded with projects and they just wanted to see priorities and how they are overlapping.
  - Ben White asked how detailed she wanted it.
  - Mayor Piwko explained the beginning and the end of the project and if City staff is working on the project or a contractor.
  - Donny Mason asked how the City was doing on the waterline to Big D Concrete.
  - Ben White stated the boring permit is complete and the next step is to get a crew to complete the boring. He explained the waterline will come after the City completes the work at the Candy Kitchen. The Library parking lot is underway then we will do the wastewater line on Summit Street. After that is complete we will go back to the Candy Kitchen, in between every other interruption.
  - Mayor Piwko explained the Council was okay seeing the chart once a quarter on the report.
- D. Consider, discuss and act upon Texas-New Mexico property at the entrance of Camden Park.

- This item was addressed earlier in the agenda.
- E. Consider, discuss and act upon Resolution #R-2018-0403-001 regarding the renewal of the City Investment Policy.
- Daphne Hamlin stated it is an annual review and the City is staying very conservative.
    - Motion to approve made by Mike Hurst
    - 2<sup>nd</sup> to approve was Donny Mason
    - All council members voted in favor
- F. Consider, discuss and act upon proposal for new police vehicle.
- Chief Sullivan explained the police department has a Tahoe that has high miles on it that is costing money for repairs. He explained the Tahoe's have a better resale value and there is a \$3,000 difference in the Tahoe and the Explorer. He also stated another vehicle will need to be replaced soon because of the mileage. He explained the City can defer the first payment of the vehicle until the next budget year if necessary.
  - Daphne Hamlin explained the money for a vehicle this year was in the debt service fund.
  - Chief Sullivan indicated the money would have to be reallocated. He stated they would prefer the Tahoe because of resale value and because they are bigger.
  - Ben White explained that once you get behind in replacing vehicles you stay behind.
  - Michael Hesse asked about the cost difference between a car and an SUV. Chief Sullivan shared the costs and it was realized that there was not much cost savings. Also, when comparing the Explorer and Tahoe on safety Chief Sullivan stated the Tahoe has always had a good safety rating because it is lower to the ground.
  - Mike Hurst asked if there would be a leasing agent they could go through to allow them to turn it back in after three or so years.
  - Chief Sullivan stated he is not aware of a program that leases police vehicles like that because the vehicles are used heavily.
  - Ben White explained the vehicles should rotate every three years.
    - Motion to approve vehicle purchase of either vehicle (Tahoe or Explorer) and to rotate vehicles based on a three year payment program made by Craig Overstreet
    - 2<sup>nd</sup> to approve was Mike Hurst
    - All council members voted in favor
- G. Consider, discuss and act upon Resolution #R-2018-0403-002 regarding the sale of surplus items for the Police Department.

- Chief Sullivan explained they are allowing the Police Officer's to purchase the cameras, according to the Resolution, to use for off duty jobs. They will be purchased at market value.
  - Mayor Piwko asked if the SRO's at the school district could purchase the camera's
  - Alan Lathrom indicated they could not based on how the Resolution was written.
  - Craig Overstreet asked if there were any data or recordings on the cameras that could cause privacy issues.
  - Chief Sullivan explained that all the cameras memories have been wiped clean.
    - Motion to approve made by Donny Mason
    - 2<sup>nd</sup> to approve was Todd Rolen
    - All council members voted in favor
- H. Consider, discuss and act upon Resolution #R-2018-0403-003 regarding the National Incident-Based Reporting System Grant for the Police Department.
- Chief Mike Sullivan explained if the grant was received it would be for \$78,523.00. They are required by law to have reports for the state. They are tired of all the paperwork and this would lessen the paper being used. Notification of approval should be received in June if awarded to the police department.
    - Motion to approve made by Mike Hurst
    - 2<sup>nd</sup> to approve was Michael Hesse
    - All council members voted in favor
- I. Consider, discuss and act upon an easement that grants the City of Farmersville the non-exclusive easement and right to construct, reconstruct and perpetually maintain sanitary sewer facilities and all necessary appurtenances on property along U.S. Highway 380 belonging to Jesus Tapia Villalba and Alejandro Tapia Villalba.
- Ben White asked to combine Item I and J on the agenda.
- J. Consider, discuss and act upon two agreements between the City of Farmersville and Jesus Tapia Villalba and Alejandro Tapia Villalba allowing sewer taps on the owner's property in exchange for a sanitary sewer easement.
- Ben White stated the City needed the easements on their properties for a sewer line. In exchange for the easement the City is going to grant sewer taps to the property owners to use at any time in the future.



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

- K. Consider, discuss and act upon an interlocal agreement with Collin County regarding Road and Bridge improvements within the City of Farmersville.
- Ben White explained he did not recommend the City enter into the agreement with the County. The City does not have the funds to have the County charge them when they fix roadways.
  - Mayor Piwko asked if the City did not approve the agreement would the County choose not to fix some of the roadways in the area.
  - Alan Lathrom indicated the City needs a list of the projects they have in mind because the City cannot enter into a non-funded debt agreement.
  - Mayor Piwko stated the Council would direct Ben White to negotiate another contract with Collin County.

#### Workshop

- Mayor Piwko indicated City Council would move into the workshop for the proposed Zoning Ordinance and Subdivision Ordinance that was posted as a separate agenda for the same meeting date and time. She indicated there was one item she wanted changed. In regards to infill, she does not feel that lots need to be restricted to 5 acres for PD – Planned Developments.
- Phyllis Jarrell with Kimley-Horn stated it was not unusual to have an acreage requirement for PD's to avoid spot zoning. But, we could add a provisions to the Ordinance that states as long as the property is fulfilling the goal of the City's Comprehensive Ordinance that it would be allowed under 5 acres. It would allow the infill areas in the City to be developed.
- Alan Lathrom explained the proposed Ordinance already has the language in it that states a special finding would be necessary from the City Council to allow for a less than 5 acre lot to rezone.
- Michael Hesse asked about the Office zoning designation that was removed from the proposed Ordinance.
- Drew Brawner explained that it was discussed with staff early on and it was decided to incorporate the Office district in the Neighborhood Services District and the Commercial District. Which category it fit in would depend on the intensity of the business.
- Mayor Piwko expressed concern of the Neighborhood Services definition not being clear to include other things other than offering of services helping the

neighborhood. She wanted the definition to show it would not be limited to only people who service the adjacent neighborhood.

- Drew Brawner stated they will re-word Neighborhood Services to limit the uses available in that zoning district.
- Alan Lathrom suggested adding language in the Ordinance that would reflect the need for flexibility in the infill development when discussing Planned Developments and acreage size.
- Craig Overstreet wanted to strike the Bradford Pear tree from the approved list of trees.
- On the Subdivision Ordinance Craig Overstreet stated in regards to the variances it listed several items he just wanted clarification that all items had to be met before a variance would be granted.
- Phyllis Jarrell stated all items had to be addressed.
- Ben White asked if someone does not plat property is there any repercussion the City could take.
- Alan Lathrom explained that state law allows the City to issue citations and they could withhold utilities from the property owners.

## VII. EXECUTIVE SESSION

- Mayor Piwko read the statement below and stated the City Council would enter into Executive Session at 7:43 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

## 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.

- Mayor Piwko stated City Council would reconvene from Executive Session at 8:29 p.m. and not action would be taken.


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

- Todd Rolen wanted to review the e-cigs guidelines set out by the City.
- Craig Overstreet wanted an update on the Riding Club Area contract.
- Mayor Piwko wanted to see the Intro through the Housing sections of the Comprehensive Plan on the agenda for them to review.
- Mayor Piwko also asked Ben White when the Capital Improvements Plan would come before Council.

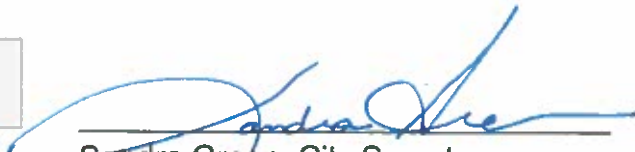
**IX. ADJOURNMENT**

Meeting was adjourned at 8:31 p.m.

APPROVE:

  
\_\_\_\_\_  
Diane C. Piwko, Mayor

ATTEST:

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

