



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
May 22, 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, Rick Ranspot, Mike Sullivan, Kim Morris, Trisha Dowell, Reagan Rothenberger and City Attorney Alan Lathrom were also present.
- Prayer was led by Dr. Tom Waitschies with the Farmersville First United Methodist Church followed by the pledges to the United States and Texas flags.
 - Calendar of upcoming holidays and meetings was presented in the agenda packet.
 - Music in the Park flyer was presented in the packet.
 - Summer Reading Program flyer was presented in the packet.
 - Mayor Piwko announced City Offices would be closed Monday, May 28th in observance of Memorial Day.
 - Proclamation for Lupus Awareness
 - Mayor Piwko read the proclamation to the audience.
 - Ben White stated the City computer systems would be down for several days because of a virus that hit the system.

II. PUBLIC COMMENT

- John Hart who resides at 18601 CR 646 wanted to know what the status of the IACC plat was.
- Mayor Piwko indicated there was no news regarding the plat.
- Nicole Manning, attorney for Mayor Diane Piwko, made a statement to the audience and the City Council for Diane. She explained that even though the temporary restraining order for the election results was dismissed, Diane wanted to thank everyone for their professionalism. She stated

Diane has withdrawn the temporary restraining order and acknowledges Randy Rice as Mayor and offers her assistance during the transition.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested be removed, the city Council will consider and act on each item so withdrawn individually.

A. City Council Minutes 4-17-18

B. City Council Minutes 5-5-18

C. City Council Minutes 5-15-18

D. City Financial Report

- Craig Overstreet pulled the City Financial Report
 - Motion to approve reports A - C made by Mike Hurst
 - 2nd to approve was Todd Rolan
 - All council members voted in favor
- Craig Overstreet asked about a transfer that was made to the TIRZ account.
- Ben White explained it was probably related to the Big D Concrete waterline.
- Mayor Piwko indicated that it was a transfer from the City to the TIRZ account so it was probably taxes due to the TIRZ.
- Sandra Green confirmed the money was transferred because of taxes owed to TIRZ by the City.
 - Motion to approve the City Financial Report made by Craig Overstreet
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

E. City Manager’s Verbal Report

- Wastewater System
 - Ben White indicated there is a lot of work going on along U.S. Hwy. 380. The force main is being installed and the gravity main is approximately 75% complete. The contractors are trying to make a creek crossing. They are also working on the lift station electrical and it should be able to handle septic from

Camden Park in June. He also wanted to thank the City of Greenville for allowing him to come view their wastewater facility.

- Camden Park
 - Ben White explained the water and wastewater were complete. He stated the contractors are working on some of the interfaces of the storm water within the roads. The City is waiting on electrical and other utilities to be put in place before a final plat would be filed. He stated Sandra Green is waiting on the final plat submittal. He explained the estimated time of completion was around weeks and not months. He indicated the contractors were also working on retaining walls.

- Big D Concrete
 - Ben White explained that Mr. Anani has health issues and cannot complete the project. Mr. Anani has made moves to sell their interest in the batch plant to Reliable Concrete. Ben White told Council that Reliable had stated they plan on petitioning to come into the City and widen the County Road. He indicated they plan on creating a state of the art facility. He stated he would be working with Alan Lathrom to get all the documents transferred to Reliable Concrete because Reliable was planning on being finished with the project in August.
 - Mike Hurst asked if the City had ever received a construction agreement since the project had changed hands. He wanted to know if they have ever petitioned to be in the City since they are starting construction on the site. He is concerned about them not coming into the City if the City does not have any agreements. He explained he realizes if they do not annex into the City they will not receive the waterline. He stated he did not want them to work on the project until there was something in writing to show what their intentions were.
 - Craig Overstreet explained that Big D was researched by several City boards to check on their financials and ability to work in the City. He is concerned the same has not taken place with Reliable.
 - Ben White stated Big D Concrete has a Development Agreement with the City, but he has to work with the City Attorney to get the documents transferred to Reliable. They will still be required to sign a Letter of Credit for the amount of the waterline and it will be based on performance criteria. All the things Big D were going to do, Reliable will do. He told Craig Overstreet that he would ask them for financials. He explained their permits would come from Collin County because they are

in the City's ETJ. Currently, they are working on hydraulic studies.

- Mayor Piwko asked if August was a sufficient amount of time in order to get the waterline in place. She also questioned if the documents were not in place would that be a problem.
- Ben White stated the City was putting in the waterline, but would hire a contractor to complete the bore.

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) Financial Report
- B. FCDC (4B) Financial Report
- C. Texoma Housing Partners Agenda
 - Motion to approve made by Todd Rolen
 - 2nd to approve was Craig Overstreet
 - All council members voted in favor

V. REGULAR AGENDA

- A. Swear in newly elected Councilmembers and presentation of award for departing Councilmember.
 - Mike Hurst and Donny Mason were sworn in by Sandra Green.
 - Sandra Green awarded Mayor Piwko a plaque for her service.
 - Randy Rice was sworn in as Mayor by Sandra Green and he took his seat on the dais.
- B. Consider, discuss and act upon a presentation of OpenGov for budgeting and other services.
 - Ben White explained there would not be a presentation because of the computer system malfunction that occurred with the City's system. He stated that since the OpenGov software was budgeting software, time sensitive, and had to do with transparency he was asking the Council to allow him to work with Craig Overstreet and Daphne Hamlin to make a decision as to whether it would be a good program to purchase. The cost of the software would not be impactful this year, but it would effect it a little more next year. He explained he asked for ways to cancel the contract for

the software if after using it for a while it was realized that it would not suit the City's needs.

- Mike Hurst asked if other cities used the software.
- Ben White stated the City of Anna and the City of Greenville use the product and it would raise the professionalism of budgeting. He explained the software would download information from INCODE and our databases. He said the company has several customers.
- Donny Mason asked if the City tried the software and Daphne Hamlin does not like it can we get out of the contract later.
- Ben White stated he told them that he wanted it on a trial basis first.
- Mayor Rice and other Council members agreed to allow Ben White to work with Craig Overstreet and Daphne Hamlin on the software and to consider purchase.

C. Consider, discuss and act upon a possible tax abatement for Kingston Apartments located in Camden Park.

- Ben White wanted to find out if Council wanted to grant a tax abatement for Kingston Apartments located in Camden Park. He explained he did not want to spend any more time or money on it if Council did not want the tax abatement. He said if Council decided to grant the tax abatement, then he would stipulate that performance criteria be put in place. Ted Zedah has asked several times if the City is going to give tax abatements.
- Donny Mason asked if he was going to build all the apartment units at once.
- Ben White stated yes.
- Mayor Rice explained he had issues with a tax abatement for the apartments. He indicated it would be like the City was giving Ted Zedah \$40,000.00 a year and they would only have one employee at the apartments.
- Ben White explained the apartments would add people to spend money in Farmersville and ad valorem taxes.
- Mayor Rice stated the renters would be working somewhere else. He believes they would spend their money where they work and eat dinner where they work. He said that Mr. Zedah had previously stated he would build the apartments whether he received a tax abatement or not.
- Craig Overstreet stated the tax abatement would not be good for the City. He indicated the only direct benefit would be sales tax and the City may not even benefit from that. He reiterated that he did not like tax abatements for residential developments.
- Mike Hurst explained he would be hesitant to give a tax abatement on a housing or residential complex. If the demographics were true that Council had received, then he did not know that Farmersville could support a tax abatement. He stated he did not support the tax abatement for this project at this time. He said Farmersville was going to be hindered by the events that have happened in the last 10 years or so. He indicated

if the City started cutting its throat with a tax abatement right now he did not feel it would be in the best interest of the City.

- Motion to disapprove tax abatement made by Craig Overstreet
 - 2nd to disapprove was Mike Hurst
 - All council members voted in favor
- D. Discussion regarding the appointment of members to City boards.
- Ben White told the Council they would be receiving applications for board positions at the next meeting. He wanted their help recruiting people to volunteer and file an application with the City.
- E. Consider, discuss and act upon appointment of new member to the North Texas Municipal Water Board.
- Motion to table until next meeting made by Mike Hurst
 - 2nd to approve was Donny Mason
 - All council members voted in favor
- F. Consider, discuss and act upon police department step program for salaries.
- Mayor Rice recused himself due to a conflict of interest because he has a relative on the Fire Department.
 - Chief Mike Sullivan quickly summed up the program again for Council to refresh their memories from the last meeting.
 - Craig Overstreet asked about impact it would have on the budget.
 - Chief Sullivan stated it would not impact the budget this next year. It would take effective on the 2019-2020 budget.
- Motion to approve made by Craig Overstreet
 - 2nd to approve was Todd Rolan
 - All council members voted in favor
- Mayor Rice entered the room.
- G. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission for the Final Plat for TNT Place.
- Ben White stated DBI had recommended approval of the plat. He indicated the property touched the Chaparral Trail and it was in the ETJ.
 - Craig Overstreet asked Ben White to explain what the property owners were wanting to do.
 - Ben White deferred to Sandra Green.
 - Sandra Green explained the owners were separating the lots to build a house on one and they plan on selling the other lot.

- Motion to approve made by Craig Overstreet
- 2nd to approve was Todd Rolan
- All council members voted in favor

VI. EXECUTIVE SESSION

- Mayor Rice read the below statement and explained the City Council would enter into Executive Session at 7:05 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 551.086, Deliberation Regarding Public Power Utility Competitive Matters

1. Market Participant Agency Agreement with ERCOT.

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

- Mayor Rice stated City Council would reconvene from Executive Session at 8:05 p.m. and no action would be taken.

VIII. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Todd Rolan ask to place the Riding Arena Agreement back on the agenda when it is ready.
- Craig Overstreet asked for the Comprehensive Plan Workbook, Sections 1 – 3 be on the agenda so Council could start reviewing.
- Donny Mason asked for 607 Waterford to be placed on the agenda regarding the property owner's building and fence.

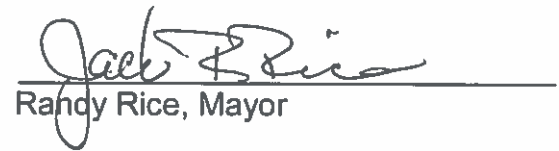
IX. ADJOURNMENT

Meeting was adjourned at 8:08 p.m.

ATTEST:

APPROVE:


Sandra Green, City Secretary


Randy Rice, Mayor

