



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
October 23 2018, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Rice called the meeting to order at 6:00 p.m. Council members Craig Overstreet, Donny Mason, Mike Hurst, Michael Hesse and Todd Rolan were all present. City staff members Ben White, Sandra Green, Daphne Hamlin, Michael Sullivan, Kim Morris, Rick Ranspot and City Attorney Alan Lathrom were also present.
- Prayer was led by Kim Morris, Farmersville Fire Chief, followed by the pledges to the United States and Texas flags.
- Mayor Rice stated early voting would take place through the week from 8:00 a.m. to 5:00 p.m. and Saturday from 7:00 a.m. to 7:00 p.m. He stated on Election Day no voting would be held at City Hall.
 - Calendars of upcoming holidays and meetings.
 - City Hall will be closed on Monday, November 12th in observance of Veteran's Day.
 - The Planning & Zoning Meeting in November will be held on Thursday the 29th to accommodate staff and Commission members for the Thanksgiving Holiday.
 - City Hall will be closed on November 22nd and the 23rd for the Thanksgiving Holiday.
 - The City Council Meeting scheduled for November 27th is tentative due to the holiday.
 - The City is about to start a registration program for animals. Please look for the information in a flier in your utility bill for more information.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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. Board of Adjustments Minutes 9-25-18
- B. City Council Minutes 9-11-18
- C. City Council Workshop Minutes 10-9-18
- D. Police Department Report
- E. Code Enforcement/Animal Control Report
- F. Fire Department Report
- G. Municipal Court Report
- H. Warrant Officer Report
- I. Public Works Report
- J. Library Report
- K. City Financial Report
- L. City Manager’s Report

- Mike Hurst pulled the City Council Workshop Minutes 10-9-18.
 - Motion to approve items A, B, D-L was made by Todd Rolan
 - 2nd made by Donny Mason
 - All members voted in favor
- Mike Hurst stated he also wanted the City Council Minutes from 9-11-18 pulled.
- Mayor Rice asked for a motion to re-consider.
 - Motion to reconsider item B made by Craig Overstreet
 - 2nd made by Todd Rolan
 - All members voted in favor
- Mike Hurst referred to the comment on page 8 of the City Council Minutes from 9-11-18 regarding the inspection of the retaining walls and detention pond. He wanted clarification from the City Manager on what DBI Engineering inspects for the City.

- Ben White stated the detention pond belonged to the Home Owner's Association and the drawings were reviewed by the engineer as a part of the developers overall plan submittal. He said the same was for the retaining wall and neither the retaining walls nor the detention pond were inspected because they were private improvements. He said it would be like inspecting AT&T improvements and the City does not inspect those because they belong to AT&T.
- Craig Overstreet stated those improvements do not belong to the Home Owner's Association until the City approves the subdivision and files the plat. He stated the engineer needed to look at the detention pond and retaining walls to ensure they are being built according to submitted plans.
- Mike Hurst stated the answers given also answered his questions from the City Council Minutes from 10-9-18.
 - Motion to approve item B and C made by Mike Hurst
 - 2nd made by Donny Mason
 - All 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 who serve as a liaison to a particular board or commission may report to the City Council regarding that body's most recent and/or upcoming meetings and activities. Council members may also 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. **Matters that require City Council action shall be considered and acted on only if an item related thereto is included in the Consent Agenda or the Regular Agenda.**

Consideration and discussion regarding the following matters, minutes and reports, which consideration and discussion may also include or pertain to individual items and projects set forth in such matters, minutes and reports, as well as related background information and plans for future completion, performance or resolution as may be necessary to understand such individual items and projects and the City's related operation:

A. City Amenities Board

- Todd Rolen stated he had no updates to provide.
- B. Farmersville Community Development Board (Type B)
 1. Financials
 2. Possible Council Liaison Report
 - Michael Hesse stated the board recognized Reagan Rothenberger's resignation and how they were going to handle his position.
 - C. FEDC Farmersville Economic Development Board (Type A)
 1. Minutes
 2. Financials
 3. Possible Council Liaison Report
 - Mike Hurst stated the minutes provided in the agenda packet correctly addressed what was discussed in the meeting.
 - D. Main Street Main Street Board
 1. Financials
 2. Possible Council Liaison Report
 - Donny Mason stated he missed the meeting.
 - E. Planning & Zoning Commission
 1. Minutes
 2. Possible Council Liaison Report
 - Craig Overstreet stated the Commission met and recommended the roadway be built to the same specifications and to use the same material for the approximately 70 foot width from the end of the street to the property line for the Rolling Hills Addition.
 - F. Building & Property Standards Commission
 1. Possible Council Liaison Report
 - Donny Mason stated there was no meeting held.
 - G. Texoma Housing Authority
 1. Agenda
 - Les Cooks stated he would reserve his comments until the next meeting.

V. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding a request for a replat of certain property consisting of approximately 5.655 acres of land that is situated in the extraterritorial jurisdiction of the City of Farmersville in an area that is located generally south and east of Shinn Circle, east of Far Hills Lane, along a portion of

Willow Bend Road and extending to the east and south from the terminus of Willow Bend Road, and which land is more particularly identified as being a part of Lot 57 of the Rolling Hills Addition Phase 1 (to be replatted as Lots 57A & 57D).

- Mayor Rice opened the public hearing at 6:18 p.m. and asked if anyone wanted to speak for or against the replat.
- Karen Adcox who resides on Farr Hill Lane stated she was just concerned because the road was not adequate for two cars to pass.
- Mayor Rice asked if anyone else wanted to speak for or against the item. No one came forward so he closed the public hearing at 6:19 p.m.
- Mayor Rice stated the Council would go into executive session under Section 551.071 of the Texas Government Code to consult with the City Attorney at 6:22 p.m.
- Mayor Rice stated the Council would reconvene from executive session at 6:43 p.m.
 - Motion to grant waiver and accept the Planning & Zoning Commission's recommendation for the road to be improved from the street end to the property line, approximately 70 feet, with the same material and same width as the present road made by Craig Overstreet
 - 2nd made by Mike Hurst
 - All members voted in favor

B. Public hearing to consider, discuss and act upon Ordinance #2018-1023-001 regarding the renewal of a curfew for children 17 years of age and under in the City.

- Mayor Rice read the Ordinance caption below
AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING SECTION 7.108 "JUVENILE CURFEW" OF THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, BY REPEALING SAID SECTION IN ITS ENTIRETY AND ADOPTING A NEW SECTION 7.108 ENTITLED "CURFEW HOURS FOR MINORS," TO PROHIBIT MINORS UNDER SEVENTEEN (17) YEARS OF AGE FROM BEING IN A PUBLIC PLACE BETWEEN THE HOURS OF 12:00 A.M. AND 6:00 A.M.; PROVIDING AFFIRMATIVE DEFENSES; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING A REPEALING CLAUSE AND A SEVERABILITY 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 Rice opened the public hearing at 6:47 p.m. and asked if anyone wanted to speak for or against the Ordinance.

- No one came forward so Mayor Rice closed the public hearing at 6:48 p.m.
- Mayor Rice asked if the Ordinance was for 17 years of age and under or just under 17 years of age.
- Alan Lathrom indicated was for 17 years of age and under.
 - Motion to approve made by Craig Overstreet
 - 2nd made by Michael Hesse
 - All members voted in favor

C. Public hearing to consider, discuss and act upon Ordinance #O-2018-1023-002 regarding a text amendment to the Comprehensive Zoning Ordinance that will amend: Section 77-41, "Establishment of Zoning Districts," and Section 77-53, "Non-Residential and Mixed-Use Zoning District Regulations," to establish a new "HII - High Impact Industrial" zoning classification; Section 77-46, "Schedule of Permitted Uses," regarding uses to be allowed in the new "HII - High Impact Industrial" zoning classification as well as certain uses currently allowed in the "HI - Heavy Industrial" zoning classification; and, Section 77-54(a), "Highway Commercial Overlay District," as it may apply to uses allowed in the new "HII - High Impact Industrial" zoning classification that may be situated in the Highway Commercial Overlay District area.

- Mayor Rice read the caption of the Ordinance.

AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERSVILLE, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 77, "ZONING," BY AMENDING SECTION 77-41, "ESTABLISHMENT OF ZONING DISTRICTS," AND SECTION 77-53, "NON-RESIDENTIAL AND MIXED-USE ZONING DISTRICT REGULATIONS," TO ESTABLISH A NEW "HII - HIGH IMPACT INDUSTRIAL" ZONING CLASSIFICATION INCLUDING THE IDENTIFICATION OF THE PURPOSE AND CERTAIN PERMITTED USES, PROHIBITED USES AND DEVELOPMENT STANDARDS; AMENDING SECTION 77-46, "SCHEDULE OF PERMITTED USES," TO IDENTIFY USES ALLOWED IN THE NEW "HII - HIGH IMPACT INDUSTRIAL" ZONING CLASSIFICATION; AND, AMENDING SECTION 77-54(A), "HIGHWAY COMMERCIAL OVERLAY DISTRICT," AS IT APPLIES TO USES ALLOWED IN THE NEW "HII - HIGH IMPACT INDUSTRIAL" ZONING DISTRICT; 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.

- Ben White provided some back ground information for the Ordinance concerning the concrete batch plants wanting to come into the City without a Specific Use Permit.
- Mayor Rice opened the public hearing at 6:57 p.m.
- Randy Smith who resides at 508 CR 610 stated he was not speaking against or for the Ordinance. He was concerned the Ordinance had been fast tracked. He stated last year the City hired a firm to complete a new Zoning Ordinance and paid them \$85,000. When they wrote the new Zoning Ordinance there was no consideration of the HII – High Impact District. He just wanted to make sure there had been adequate review of the Ordinance because it was first discussed approximately 45 days ago. He explained he felt it was specially written to bring in the batch plants. He was concerned about the square footage of the lot that is required and thinks it might be too small. He also does not see how all the uses were chosen and others were left out. He stated that most cities require a Specific Use Permit so they can regulate the businesses.
- Mayor Rice asked if there were any others that wanted to speak.
- Tommy Ellison stated he did not understand the confusion. He stated the Ordinance was in line for what Council asked them to do. If the Council required an SUP then the business would not come into the City. He stated he felt like the concrete batch plants would be great businesses for the City.
- Mayor Rice closed the public hearing at 7:06 p.m.
- Craig Overstreet asked what the genesis of the HII – High Impact Zone was. He wanted to know if the HI – High Impact Zone was being used in other cities in the state.
- Ben White stated they came up with the idea because there was a definition in the Zoning Ordinance for high impact uses.
- Alan Lathrom indicated most cities used Specific Use Permits.
- Ben White stated in this instance of the HII – High Impact Zone the City has limited it to batch plants only.
- Craig Overstreet asked if a Development Agreement would still be in play.
- Ben White stated Alan Lathrom was involved with drafting a Development Agreement.
- Craig Overstreet asked what typically would be seen in a Development Agreement.
- Alan Lathrom stated water and sewer lines, taxes, and other things but it could be a very broad list.
- Mike Hurst wanted to know if there was a way they could ensure the businesses would annex into the City and the City receive their taxes and money from water and sewer. He would like it to be a binding agreement. He stated the Council needed to have it in writing before the businesses were able to start any construction.

- Alan Lathrom stated when the time was appropriate they could look into those items.
 - Motion to approve as recommended by the Planning & Zoning Commission made by Craig Overstreet
 - 2nd made by Mike Hurst
 - All members voted in favor

VI. READING OF ORDINANCES

A. Consider, discuss and act upon the first and only reading of Ordinance # O-2018-1023-003 regarding a budget amendment for reimbursement of a NIBRS grant for the Police Department.

- Chief Michael Sullivan stated the Police Department received the NIBRS grant and it had to be reimbursed from the City. He indicated the grant was for their radio and communication system with Collin County.
- Mayor Rice read the caption of the Ordinance
AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2018 – 2019 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.

- Motion to approve made by Donny Mason
 - 2nd made by Todd Rolen
 - All members voted in favor
- Mayor Rice stated at 7:25 p.m. Council would take a 10 minute break.
 - Mayor Rice stated Council would reconvene from break at 7:35 p.m.

VII. REGULAR AGENDA

- A. Consider, discuss and act on Resolution # R-2018-1023-001 on all matters incident and related to approving and authorizing publication of notice of intention to issue certificates of obligation and declaring expectation to reimburse expenditures with proceeds of future debt, including the adoption of a resolution pertaining thereto.
- Ben White stated the bond would pay for Farmersville Parkway. He indicated the City would be supporting the bond for 20 years.

- Adam Lancarte from Hilltop Securities addressed Council and explained the bond and repayment.
 - Motion to approve made by Craig Overstreet
 - 2nd made by Donny Mason
 - All members voted in favor

- B. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the Minor Plat of The Lee Addition, Lot 1 an addition to the City of Farmersville being 0.206 acres in the W.B. Survey, Abstract No. 952.
 - Mayor Rice stated that Council approved the variance for the property at a previous meeting.
 - Motion to approve made by Craig Overstreet
 - 2nd made by Mike Hurst
 - All members voted in favor

- C. Consider, discuss and act upon the interlocal agreement with Collin County regarding Animal Shelter services.
 - Motion to approve made by Donny Mason
 - 2nd made by Todd Rolan
 - All members voted in favor

- D. Consider, discuss and act upon a lease agreement from Canon for a scanner/printer for the Planning and Building Permits departments.
 - Mayor Rice indicated the item was pulled from the agenda.

- E. Consider, discuss and act upon the bids for the TxCDBG grant #7217129 for Rike Street.
 - Ben White explained the Council received a letter from DBI Engineering regarding the bids. He pointed out they are wanting to reject all bids because the bids came in too high. He indicated the project would go out for rebid again.
 - Motion to reject all bids made by Michael Hesse
 - 2nd made by Mike Hurst
 - All members voted in favor

- F. Consider, discuss and act upon an interlocal agreement with Collin County regarding dispatch services.

- Chief Sullivan stated the dispatch services increased this year. He explained this was due to the new communication system is place.
 - Ben White stated he has heard it was a good system and the public safety guys really like it.
 - Michael Hesse asked if the amount was budgeted for.
 - Chief Sullivan stated it was.
 - Motion to approve made by Todd Rolen
 - 2nd made by Michael Hesse
 - All members voted in favor
- G. Consider, discuss and act regarding the proposed widening of U.S. Highway 380, the general locations of possible alignment(s) of a U.S. Highway 380 bypass and methods of working with entities responsible for such U.S. Highway 380 planning.
- Ben White gave some facts from the TxDOT Power Point. He showed and discussed the numbers he came up with for the affected areas. He then showed the two alignments that TxDOT has narrowed their choices to. He stated the next time he presented the information they would know where the widths of the roadways would be at certain locations. He has learned the normal distance between ramps was a mile. Ben White stated the Mayor received a letter from TxDOT asking the City to make a recommendation to them by the end of the year. He stated TxDOT suggested to not create a Resolution at this point. TxDOT and Burns MacDonald will be at the next City Council meeting to answer any questions Council might have.
 - Mayor Rice stated TxDOT will stop taking public comments on the 25th of October and suggested that everyone who wants to make comments should do so.
- H. Consider, discuss and act upon Resolution # R-2018-1023-002 regarding the sale of surplus weapons for the Police Department.
- Chief Sullivan said most of the weapons were old and have been used for years. They have an opportunity to purchase Glock 9 mm's that are better with ballistics.
 - Craig Overstreet asked if the amount to purchase the new guns was budgeted for.
 - Chief Sullivan stated it was budgeted for.
 - Motion to approve made by Donny Mason
 - 2nd made by Todd Rolen
 - All members voted in favor
- I. Consider, discuss and act upon Resolution # R-2018-1023-003 regarding the sale of surplus vehicles for the Police Department.
- Mike Hurst asked if the vehicles were purchased out of the capital funds.
 - Daphne Hamlin stated the money would come from the debt services fund.

- Ben White stated that generally the funds go back to the Police Department for the products they sell.
 - Motion to approve made by Todd Rolan
 - 2nd made by Donny Mason
 - All members voted in favor, but Craig Overstreet stated he reluctantly voted yes.

- J. Consider, discuss and act upon the first and only reading of Resolution # R-2018-1023-004 regarding the renewal of the tax abatement guidelines.
 - Ben White stated this was the standard renewal for this Resolution.
 - Mike Hurst asked if there were any changes to the document.
 - Alan Lathrom stated nothing changed.
 - Motion to approve made by Craig Overstreet
 - 2nd made by Todd Rolan
 - All members voted in favor

VIII. EXECUTIVE SESSION

- Mayor Rice read the statement below and explained the Council would convene into executive session at 8:15 p.m.
- A. Discussion of Matters Permitted by Texas Government Code Section 551.071, CONSULTATION WITH ATTORNEY:
 1. Consultation with City Attorney regarding pending or contemplated litigation and possible settlement offer:
 - a. United States Department of Justice.
- B. Discussion of Matters Permitted by Texas Government Code Section 551.072, DELIBERATION REGARDING REAL PROPERTY and 551.086, CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS:
 1. Consultation regarding purchase of land and equipment for electrical substation and professional services necessary for operation.

IX. RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY:

- Mayor Rice explained the City Council would reconvene from Executive Session at 9:36 p.m.
- A. Texas Government Code Section 551.071, CONSULTATION WITH ATTORNEY:
 1. Pending or contemplated litigation and possible settlement offer:

a. United States Department of Justice.

- o Motion to extend the tolling agreement until November 30th made by Craig Overstreet
- o 2nd made by Michael Hesse
- o All members voted in favor

B. Texas Government Code Section 551.072, DELIBERATION REGARDING REAL PROPERTY and 551.086, CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS:

1. Purchase of land and equipment for electrical substation and professional services necessary for operation.
 - Mayor Rice stated there was nothing to report and no action was taken.

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

- Craig Overstreet wanted to discuss the TIRZ Boundaries.
- Mike Hurst wanted DBI Engineering to come and discuss inspections of projects.
- Michael Hesse wanted to discuss the noise ordinance.
- Donny Mason wanted an update on Hamilton Street.

XI. **ADJOURNMENT**

Meeting was adjourned at 9:38 p.m.

APPROVE:



Jack Randall Rice, Mayor

ATTEST:



Sandra Green, City Secretary

