



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
June 11, 2019, 6:00 P.M.**

**I. PRELIMINARY MATTERS**

- Mayor Rice called the meeting to order at 6:00 p.m. Council members Craig Overstreet, Jim Hemby, Dwain Mathers, Mike Hurst and Donny Mason were all present. City staff members Ben White, Sandra Green, Daphne Hamlin, Rick Ranspot, Paula Jackson, Marsha Philips and City Attorney Alan Lathrom were also present.
- Prayer was led by Rick Ranspot, Farmersville's Warrant Office, followed by the pledges to the United States and Texas flags.
  - Calendar of upcoming holidays and meetings.
  - Animal Registration is taking place at the Police Department. Remember to get your pet registered.
  - The Civic Center will be closed June 5<sup>th</sup> through June 20<sup>th</sup> for renovations
  - The Cops and Rodders Car Show will be held on Saturday, June 15<sup>th</sup>.
  - Audie Murphy Day will be on Saturday, June 22<sup>nd</sup>.
  - Proclamation for Audie Murphy Day.
    - Mayor Rice read the Proclamation

**II. PUBLIC COMMENT**

- No one came forward.

**III. OPENGOV WORKSHOP**

- Ben White and Daphne Hamlin logged into OpenGov and navigated through several pages to show the Council how to find information. Daphne Hamlin showed them how the check register was all done in OpenGov and that stories for the new budget were coming along.

#### IV. 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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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 Adjustment Minutes
- B. City Council Minutes
- C. Police Department Report
- D. Code Enforcement/Animal Control Report
- E. Fire Department Report (OpenGov)
- F. Municipal Court Report (OpenGov)
- G. Warrant Officer Report (OpenGov)
- H. Public Works Report
- I. Library Report (OpenGov)
- J. City Manager’s Report
  - Mayor Rice pulled the Public Work’s Report and the City Manager’s Report.
    - Motion to approve reports A-G and I made by Donny Mason
    - 2<sup>nd</sup> to approve was Mike Hurst
    - All council members voted in favor
  - Craig Overstreet asked about the status of the Reliable Concrete plant’s water line from the Public Works Report.
  - Ben White stated the city was waiting on the Caddo Basin SUD agreement from the City Attorney. He explained the city has obtained the boring contract and would start with that first.
  - Craig Overstreet asked about the cost of the overall project.
  - Ben White stated he did not know the numbers, but he would send an email to Council on the next business day.
    - Motion to approve the Public Work’s Report made by Craig Overstreet
    - 2<sup>nd</sup> to approve was Jim Hemby
    - All council members voted in favor
  - Mike Hurst asked questions on the City Manager’s Report. He asked about the status of the Caddo Basin SUD Agreement.

- Ben White stated the City Attorney was adding the last few items and that the approach was to take over Shinn Circle and to serve Reliable Concrete and Nelson Brothers Ready Mix.
- Mike Hurst asked about the status of the boundary agreements with neighboring cities.
- Sandra Green explained the city of Josephine was going to schedule a meeting with their Mayor and Ben White, but she has not heard back from them since.
  - Motion to approve the City Manager's Report made by Donny Mason
  - 2<sup>nd</sup> to approve was Jim Hemby
  - All council members voted in favor

## V. 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
  - 1. Minutes
  - 2. Possible Council Liaison Report
- B. Farmersville Community Development Board (Type B)
  - 1. Financials
  - 2. Possible Council Liaison Report

- C. FEDC Farmersville Economic Development Board (Type A)
  - 1. Possible Council Liaison Report
- D. Main Street Board
  - 1. Monthly Report
  - 2. Possible Council Liaison Report
- E. Planning & Zoning Commission
  - 1. Possible Council Liaison Report

**VI. PUBLIC HEARING**

- A. Public hearing to consider, discuss and act upon a petition for annexation of approximately 5.050 acres of land located on the northwest corner of U.S. Highway 380 and County Road 699 in Collin County, Texas.
  - Mayor Rice opened the public hearing at 6:27 p.m. and asked if anyone was in attendance that wanted to speak for or against the item.
  - Randy Smith who resides at 508 County Road 610 explained he was concerned about County Road 699 and when it would be built due to heavy traffic on the road once Reliable Concrete was constructed. He indicated that when revenues start coming in he was afraid the money would go to other projects and not the roadway. He would like to see the roadway built as part of the beginning of the project.
  - Mayor Rice asked if anyone else wanted to speak for or against the item.
  - No one came forward so Mayor Rice closed the public hearing at 6:31 p.m.

**VII. READING OF ORDINANCES**

- A. Consider, discuss and act upon Ordinance #O-2019-0611-001 regarding the annexation of approximately 5.050 acres of land located on the northwest corner of U.S. Highway 380 and County road 699 in Collin County, Texas.
  - Sandra Green stated this was the first reading of the Ordinance.
  - Mayor Rice read the title block of the Ordinance.  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, ANNEXING ADJACENT AND CONTIGUOUS TERRITORY, AS HEREINAFTER DESCRIBED AND COMPRISING 5.050 ACRES, MORE OR LESS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; ADOPTING A SERVICE PLAN; FURTHER PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED; PROVIDING THAT THE CITY MANAGER UNDERTAKE CERTAIN**

**ACTIONS RELATIVE TO SAID ANNEXATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.**

- Craig Overstreet asked whether or not the property was in compliance with the Comprehensive Plan.
- Alan Lathrom stated that at this time the property would not conform to the Comprehensive Plan. It would require them to apply for a Comprehensive Plan change as well as a zoning change.
- Dwain Mathers asked for a more detailed explanation of the order of annexation and zoning. He also asked if the zoning had to be approved before the annexation.
- Alan Lathrom stated the property could be annexed into the city and temporarily be zoned Agriculture (AG). He said in order to make a change to the Master Plan it would have to be noticed and published appropriately and go before the Planning & Zoning Commission with a recommendation to the City Council. He said then the city could consider the zoning change to the High Impact (HII) zoning district.
- Dwain Mathers asked about the paving of the road and when that would be completed.
- Ben White stated the city has an agreement between Reliable Concrete and Nelson Brothers regarding the paving of the road, but there are no target dates. He wanted the flexibility when to use his staff for the project.
- Mike Hurst pointed out there was a provision in the Ordinance to accommodate the roads.
- Ben White stated the road would be expanded to a three lane road instead of a two lane road, and it would be concrete.
  - Motion to approve 1<sup>st</sup> reading made by Mike Hurst
  - 2<sup>nd</sup> to approve was Donny Mason
  - All council members voted in favor

**VIII. REGULAR AGENDA**

- A. Consider, discuss and act on Resolution #R-2019-0611-001 regarding an updated city financial policy.
- Daphne Hamlin stated that last year the Fire Department received a FEMA grant and during their audit they stated we needed to amend our financial policy for procurement.
    - Motion to approve made by Craig Overstreet
    - 2<sup>nd</sup> to approve was Mike Hurst
    - All council members voted in favor

- B. Discussion on limiting portable storage buildings.
- Ben White stated that he had complaints about portable storage buildings or Pods that are being set on properties for longer periods of time. He suggested an ordinance that would create a time limit of how long someone could have one on their property. He stated if they go over one time limit then maybe they could ask for an additional term and then no more could be asked for.
  - Craig Overstreet asked if it would require a permitting process.
  - Ben White stated it could be a part of a permitting process.
  - Sandra Green stated she researched other cities and none had anything built in their ordinances for temporary storage buildings. She indicated they are not allowed according to the City's Subdivision Ordinance because they do not fit within the guidelines of a storage building. She explained that code enforcement could make the owners of the land or home remove it from the property.
  - Dwain Mathers stated that not allowing them at all would be strict. He is not sure permitting them is the right answer because that would create more work for staff.
  - Council asked for more research to be conducted.
- C. Consider, discuss and act upon the resignation of Michael Hesse from the FCDC (4B).
- Dwain Mathers asked why he wanted to resign from the board.
  - Donny Mason explained he had stated he would rather be on the Planning & Zoning Commission.
    - Motion to approve made by Donny Mason
    - 2<sup>nd</sup> to approve was Jim Hemby
    - All council members voted in favor
- D. Consider, discuss and act upon appointments to boards and commissions.
- Mike Hurst recused himself from this item on the agenda.
  - Mayor Rice asked for nominations for the FCDC (4A) Board to replace Michael Hesse.
  - Donny Mason nominated Blake Mounger.
  - Dwain Mathers nominated Tonya Mercer.
  - Mayor Rice called for a vote.
  - Voting went as follows:
    - Dwain Mathers voted for Tonya Mercer
    - Donny Mason voted for Blake Mounger

- Jim Hemby voted for Blake Mounger
    - Craig Overstreet voted for Blake Mounger
  - Mayor Rice stated Blake Mounger would be the new member on the board.
  - Mike Hurst returned to the meeting room.
  - Mayor Rice asked for nominations for the Planning & Zoning Commission to fill Paul Kelly's seat.
  - Mike Hurst nominated Michael Hesse.
    - Motion to appoint Michael Hesse to the Planning & Zoning Commission made by Mike Hurst.
    - 2<sup>nd</sup> to approve was Jim Hemby
    - All council members voted in favor
- E. Update regarding the Reliable Concrete water line.
- Ben White stated he covered most of the items earlier in the meeting.
  - Donny Mason asked when they were going to start the water line.
  - Ben White stated they would start with the bore first.
  - Craig Overstreet asked about a revised bid.
  - Ben White stated the TIRZ board was paying for the water line.
  - Craig Overstreet asked about the cost and thought it was approximately \$200,000.
  - Ben White stated he believed the cost had gone up since that figure. He asked Paula Jackson to go pull the numbers and report those later in the meeting.
  - Alan Lathrom pointed out that on the Comprehensive Plan or Master Plan it called out for the Reliable Concrete area as Estate Residential.
- F. Discussion on inviting TxDOT to city regarding U.S. Highway 380 alignment.
- Mayor Rice stated he believed it would be a good idea.
  - Craig Overstreet stated he agreed and thought it would be good to have a workshop.
  - Ben White said it would be wise to invite the County Engineer as well.
  - Mike Hurst stated Commissioner Hale would probably want to come to the meeting.
  - Ben White explained he would invite Stephen Andres from TxDOT and the others stated.

- G. Consider, discuss and act upon Resolution #R-2019-0611-002 regarding possible alignment of U.S. Highway 380.
- Mike Hurst stated there were some concerns about things being impacted and the resolution stated that they want the Green Route or Green Alignment to follow the current alignment of US 380 provided that said Green Route is reduced in size from a proposed eight-lane divided roadway with two access lanes to a roadway section that fits within the currently existing right-of-way area of US 380 in its current alignment between Lake Lavon and the Hunt County line. He explained that he believed the growth was going to stop at Princeton. He indicated he felt like Farmersville would experience growth from the south. He stated the reason for the resolution was so the City Council could get into discussions with TxDOT. He said the outer loop may be here before U.S. Highway 380. He explained that TxDOT had indicated that once the routes were established it would probably be five years before the environmental studies were done and then five more years for the right-of-way acquisition.
  - Mayor Rice asked if we needed to speak to TxDOT before the resolution was adopted.
  - Mike Hurst said no.
  - Craig Overstreet stated Section 3 of the resolution was just as important as what Mike Hurst said. He explained there was nothing in the plans for the Paris TxDOT region to construct anything in Hunt County on U.S. Highway 380. He indicated the southern route would not be in the city limits so the city would not receive taxes from those properties that become developed. He made a motion that the resolution be accepted.
  - Dwain Mathers asked why the Council would approve a resolution if the goal was trying to speak with TxDOT. He does not see the point in sending the resolution. He stated the resolution is not changing anything now.
  - Craig Overstreet stated that the Town of Prosper, City of McKinney, other cities, and the Commissioner's Court have adopted resolutions against TxDOT's alignment.
  - Mayor Rice stated he is opposed to the resolution.
    - Motion to approve made by Craig Overstreet
    - 2<sup>nd</sup> to approve was Mike Hurst
    - All council members voted in favor, except Dwain Mathers voted against.



- Mayor Rice stated the Council would go back to item E because Paula Jackson found the costs of the water line.
  - Ben White stated \$321,861.00 was the original estimate. He indicated the TIRZ to date has paid \$29,000.00 and the amount left is \$292,861.00.
  - Craig Overstreet stated the TIRZ has only approved \$212,000.00. He asked for the minutes of the TIRZ meeting approving the cost to the next meeting.
- H. Future of Internet presentation by City Manager and consider, discuss and act on possible survey.
- Ben White presented the Power Point presentation and went over some of the usage of the internet. He indicated what was driving this huge increase was the number of connection devices. He explained that about 77% of the people in North America are using devices. He stated Geus, Greenville Electric Utility System, was seeing huge growth and peak usages. He said GEUS was run as a separate entity and Greenville is a home rule city.
  - Craig Overstreet asked how the city was being impacted by being a general law city.
  - Ben White stated the city would not be allowed to have our own system right now. He indicated he does not care how the city receives it, whether we run it or Spectrum runs it. He stated the city may have to accomplish home rule before we can do it ourselves. He said the City of Shenandoah is a general law city that is doing fiber a different way. He stated he would like to continue with the survey and determine how the city could deploy it later.
  - Mayor Rice stated we need to be prepared and forward thinking. He said he believed that in the next two years the city would become a home-rule city. He indicated the important thing was the need to get fiber speeds to our citizens.
  - Council agreed for Ben White to go forward with the survey.
  - Mayor Rice called for a break at 7:45 p.m.
  - Mayor Rice reconvened the meeting at 7:50 p.m.
- I. Discussion regarding the Farmersville electric system.
- Ben White stated the city was in competition with Texas-New Mexico for Collin College. He explained there were two things that were enticing Collin College to use the city over Texas-New Mexico though. He indicated the city would own the equipment on the land for the substation, but not the land itself. Ben White went over the strategy to win Collin College's electrical service business. He also indicated he was trying to reduce the industrial rates, and maybe the residential rates later on. He asked Steve Moffitt to go out for bids regarding energy contracts and he is anticipating some pretty good rates. He explained the city has to reduce the transfers out of the electrical fund, and hopes that would happen as growth comes.

He would also like to reduce dependence on the surcharge fund. He stated he wanted to supply excellent, reliable service and be ready for growth.

- J. Consider, discuss and act upon a contract amendment from Bureau Veritas related to HB 852.
- Ben White stated HB 852 stated we cannot charge based on the valuation of a project anymore.
  - Alan Lathrom stated a city can no longer base their fees on the valuation of construction for residential properties. He explained you could still charge based on valuation for commercial projects. He stated Bureau Veritas was trying to get their charges in line with the new law.
  - Ben White stated this was going to change the cost charged to the city for those services. He explained he has been conducting an analysis of hiring an inspector and possibly combine that with code enforcement.
  - Alan Lathrom stated we may have to come back at a later date with an ordinance to modify the city's fee schedule to be more in line with what Bureau Veritas was now going to charge.
    - Motion to approve made by Craig Overstreet
    - 2<sup>nd</sup> to approve was Jim Hemby
    - All council members voted in favor
- K. Consider, discuss and act upon Resolution #R-2019-0611-003 regarding legal and consulting services to negotiate with Texas-New Mexico regarding its energy efficiency cost recovery factor.
- Ben White stated this was a recommendation from Lloyd, Gosselink, Rochelle & Townsend, P.C. that is a law firm that supports our city regarding energy matters. He explained it would not affect the city's electrical system, but people in the surrounding areas. He recommended approval.
  - Alan Lathrom explained they are trying to reduce the impact of the increase that was requested. He stated the fee would be paid for by Texas New-Mexico Power.
    - Motion to approve made by Donny Mason
    - 2<sup>nd</sup> to approve was Craig Overstreet
    - All council members voted in favor

## **VI. REQUESTS TO BE PLACED ON FUTURE AGENDAS**

- Craig Overstreet asked for boundary agreements, the capital improvement plan and the thoroughfare plan updates to be on the next agenda.
- Craig Overstreet requested an update of the accessory structure ordinance change.
- Craig Overstreet requested the contract with 4B and the City be revisited.
- Craig Overstreet wanted an update on the wastewater treatment facility and he wanted to discuss code enforcement and building inspections.


**VII. ADJOURNMENT**

Meeting was adjourned at 8:07 p.m.

APPROVE:

  
\_\_\_\_\_  
Jack Randall Rice, Mayor

ATTEST:

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

