



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
October 8, 2019, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Rice called the meeting to order at 6:00 p.m. Council members Jim Hemby, Mike Hurst, Craig Overstreet, Dwain Mathers and Donny Mason were all present. City staff members Ben White, Sandra Green, Rick Ranspot, Michael Sullivan, Dana Mingo 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 and Texas flags.
 - Calendar of upcoming holidays and meetings.
 - Trick it Up Bike Ride will be on Saturday, October 26th.
 - Scare on the Square will be on Saturday, October 26th.
 - Mayor Rice stated that City Hall would be closed on November 11th in observance of Veteran's Day.
 - Craig Overstreet stated this week was National Firefighters week and the Council wanted to thank the Firefighters for keeping the city safe.

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

- Elise Bobitt who resides at 207 Summit Street addressed Council and stated she is required to have fire sprinklers in her new building at 107 and 109 Main Street. She stated since it is a shared infrastructure with the other buildings she is asking Council to consider installing the waterline to help the businesses. She feels it is an issue that needs to be addressed even if it is in phases to help with the revitalization of the downtown area.

III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

- No one came forward.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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. City Council Minutes
 - B. Police Department Report (OpenGov)
 - C. Code Enforcement/Animal Control Report (OpenGov)
 - D. Fire Department Report (OpenGov)
 - E. Municipal Court Report (OpenGov)
 - F. Warrant Officer Report (OpenGov)
 - G. Public Works Report
 - H. Library Report (OpenGov)
 - I. City Manager’s Report
 - o Motion to approve items A-H made by Jim Hemby
 - o 2nd to approve was Donny Mason
 - o All council members voted in favor
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- Mike Hurst wanted to pull the City Manager’s Report. He wanted to know if anyone had applied for the building inspector position yet.
 - Ben White stated there are a few people interested in the position.
 - Mike Hurst also asked about Martin Marietta and if the city had received the signed Development Agreement with them.
 - Ben White stated the agreement was in Martin Marietta’s legal department, but we have not received the agreement signed.
 - o Motion to approve the City Manager’s Report made by Mike Hurst
 - o 2nd to approve was Craig Overstreet
 - o 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. Possible Council Liaison Report
 - Jim Hemby stated Glenn Bagwell had resigned and Council would need to fill his seat.
- B. Farmersville Community Development Board (Type B)
 - 1. Possible Council Liaison Report
- C. Farmersville Economic Development Board (Type A)
 - 1. Possible Council Liaison Report
- D. Main Street Board
 - 1. 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 recommendation from the Planning & Zoning Commission regarding requested variances from the City's Subdivision Ordinance that require the proposed Chaparral Trail Estates subdivision to construct certain off-site public improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient for both domestic and fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway

improvements; and, consider, discuss, and act upon a recommendation from the Planning & Zoning Commission regarding the preliminary plat for the Chaparral Trail Estates subdivision as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Chaparral Trail Estates subdivision.

- Mayor Rice opened the public hearing at 6:14 p.m. and asked if anyone wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 6:14 p.m.
- Craig Overstreet asked that since the property was in the ETJ and there was not sufficient water for fire flows was there a minimum lot count to where the county would require fire flows.
- Alan Lathrom stated he did not know of any county regulations that prohibit the number of lots that a developer could have. He stated the city's Subdivision Ordinance requires fire flows, but the Caddo Basin infrastructure cannot accommodate that. Under the Texas Administrative Code it allows a city to adopt an ordinance that could require provisions in the ETJ. But, that runs through the Texas Commission for Environmental Quality and would have to be approved by the Executive Director of TCEQ. Then, there would be a reasonable time frame that was established by TCEQ for a district to have those fire flows in place. He stated that could be done to apply to future developments in the ETJ if that was the direction in which the city wanted to go. Under the development agreement proposed, if the uses on the lots or the lots became smaller they would have to come back in to the city and they would have to fulfill the city's current requirements for fire flow.
- Craig Overstreet stated the Planning & Zoning Commission did recommend approval of the plat if the developer signed the ETJ Facilities Agreement.
- Alan Lathrom stated the ETJ Facilities Agreement and the plat are both to be considered by the Council.
- Mike Hurst asked if there was a deadline on the Facilities Agreement.
- Alan Lathrom stated there was no requirement under the Facilities Agreement for the Developer to upgrade Caddo Basin's waterline for fire flows. If they were going to put in a church or a movie theater then at that point the city would want to revisit the agreement and probably want to make them add fire flows with something that could produce water for over two hours.
 - Motion to approve the plat pending the developer signing the development agreement made by Craig Overstreet
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

B. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding certain requested variances from the City's Subdivision Ordinance that require the proposed Trevino Addition subdivision to construct such off-site improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient for both domestic and

fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway improvements; and, consider, discuss, and act upon a recommendation from the Planning & Zoning Commission regarding the preliminary plat for the Trevino Addition subdivision as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Trevino Addition subdivision.

- Mayor Rice opened the public hearing at 6:24 and asked if anyone wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 6:24 p.m.
- Craig Overstreet asked Sandra Green what was being developed on the property.
- Sandra Green explained that a family owned the property and she assumed they were building houses on them.
- Craig Overstreet explained that it did come with a recommendation from the Planning & Zoning Commission that the plat be approved pending the signing of the development agreement. He also stated that it came with a recommendation letter from DBI Engineering as well.
 - Motion to approve the plat pending the owners signing the development agreement made by Craig Overstreet
 - 2nd to approve was Jim Hemby
 - All council members voted in favor

C. Public hearing to consider a request for a variance, pursuant to Section 65-9 of the Farmersville Code, seeking relief from the requirements of Section 65-44(a), "Streets and Alleys," of the Farmersville Code as well as the City of Farmersville's Thoroughfare Design Standards and Master Thoroughfare Plan (collectively "Regulations"), to allow the right-of-way, pavement and parkway width for that portion of existing South Main Street in front of and adjacent to the property addressed as 107 and 109 Main Street to remain in its current configuration and condition rather than be increased in size and area as required by the Regulations to a minimum right-of-way of 70 feet with a minimum pavement width of 44 feet and a minimum parkway width of 12.5 feet so as to allow an existing building on an existing tract of land to be replatted from two lots to one lot, and to consider the Planning & Zoning Commission's recommendation regarding both the requested variance and the replat. The property is generally located at 107 and 109 Main Street, Farmersville, Texas 75442.

- Mayor Rice opened the public hearing at 6:28 and asked if anyone wanted to speak for the item.
- Elise Bobitt who resides at 207 Summit Street stated the variance was for a 70' right-of-way, four-lane road that is shown on the Master Thoroughfare Plan. She stated it would wipe out all the historic buildings on the street if the roadway was not fixed on the Thoroughfare Plan. She is wanting to put in a

bakery and a craft mall.

- 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 6:29 p.m.
- Ben White stated the Thoroughfare Plan showed the right-of-way to be a four-lane, divided road that would go up through Main Street and he believed that was an error. He explained the update to the Comprehensive Plan would hopefully show the change if the public wanted it to be changed. He said in order to update the Comprehensive Plan it would require public hearings.
- Craig Overstreet stated the replat and the variance needed to be considered and it did come with a recommendation to approve both from DBI Engineering and a recommendation from the Planning & Zoning Commission.
- Dwain Mathers asked if it was just shown on the Thoroughfare Map for Main Street or if it is also included McKinney Street.
- Alan Lathrom stated McKinney Street is not labeled as 4-lane arterial.
- Ben White explained the city was due for an updated Thoroughfare Plan.
 - Motion to approve the variance and the replat made by Donny Mason
 - 2nd to approve was Dwain Mathers
 - All council members voted in favor

VII. Reading of Ordinances

- A. Consider, discuss and act upon the first reading of Ordinance #O-2019-1022-001 regarding changing the name of a portion of County Road 611 to Collin Parkway.
- Mayor Rice read the caption of the ordinance.
 - Ben White stated that in 2012, prior leadership wanted to change the street name to Collin Parkway when the College started developing the site.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Jim Hemby
 - All council members voted in favor

VIII. REGULAR AGENDA

- A. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the Collin College Farmerville preliminary plat.
- Craig Overstreet stated the Planning & Zoning Commission reviewed the preliminary plat and they recommended approval. He also stated an approval letter from DBI Engineer was received recommending approval.
 - Motion to approve made by Jim Hemby
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

- B. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the Collin College Farmersville site plan.
- Mayor stated there was originally questions about the number of parking spaces the college was providing when their zoning cases was being reviewed.
 - Craig Overstreet stated he believed the Planning & Zoning Commission did approve 200 spaces without looking back at the minutes for verification. He said that at the Planning & Zoning meeting they pointed out the application stated is was zoned Agriculture, but in fact it was a Planned Development.
 - Alan Lathrom explained they were zoned as a Planned Development and parking was addressed through the PD Ordinance. He stated it was his understanding that the parking on the site plan met the requirements set out in the Ordinance.
 - Craig Overstreet asked if they would have to come back to the Planning & Zoning Commission and City Council for any future buildings.
 - Alan Lathrom stated they were doing the project in phases and they would have to resubmit to the city for any future phases. Those submittals would address parking for those particular structures at that time.
 - Dwain Mathers asked if they presented an overall concept plan of what they were wanting to build.
 - Ben White explained they had submitted a concept plan to the city and it was approved. He indicated the concept plan accommodated their long range plan.
 - Alan Lathrom stated they would have to come back and submit a site plan for any future buildings they want to build.
 - Craig Overstreet stated the site plan did come with a positive recommendation from the Planning & Zoning Commission and from DBI Engineering.
 - Motion to approve made by Donny Mason
 - 2nd to approve was Mike Hurst
 - All council members voted in favor
- C. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the preliminary replat of Aston Estates Phase 2.
- Mayor Rice and Donny Mason recused themselves due to living within 200' of the property.
 - Ben White stated it was approved at the Planning & Zoning Commission conditionally until they granted utility easements for underground electrical lines. The city has marked-up the plat and forwarded it to the engineer for review.
 - Craig Overstreet asked if there was a walkway through the drainage easement to the southwest of the property.

- Bryan Weisgerber with Cross Engineering addressed Council and explained it was just a drainage easement and not a sidewalk or walkway. He indicated the other neighborhoods in the area do not have sidewalks, but they are required to place them at the front of the lots per the city ordinances.
- Mike Hurst asked if there was only one way in to the subdivision.
- Bryan Weisgerber stated the only entrance was off Jouette Street.
- Ben White asked Bryan Weisgerber if the developer would consider a walkway where the drainage easement was on the southwest corner of the property in between the two lots.
- Bryan Weisgerber stated he could take the request back to his client to see, but he did not know how feasible that would be.
- Ben White explained that even though it was not a requirement in the ordinances the City Council would like to see that.

- Motion to approve the preliminary replat made by Jim Hemby

- Ben White asked if the Council could make it a conditional approval in order to obtain the utility easements for the underground electric lines.
- Jim Hemby stated yes.
- Mike Hurst asked if it would be conditionally approved to require the walkway as well.
- Alan Lathrom explained the city could not require that area to be a walkway because our subdivision does not allow that to be mandated.

- 2nd to approve was Craig Overstreet
- All council members voted in favor

- Mayor Rice and Donny Mason came back into the room.
- Mike Hurst stated the Council would take a break for a few minutes at 6:53 p.m.
- Mayor Rice reconvened the meeting at 6:54 p.m.

D. Consider, discuss and act regarding a contract with Revize to update city's website.

- Ben White stated the contract was for updating the website. He indicated it was a four year contract in the amount of \$3,900.00 per year.

- Sandra Green stated it would make the website current and would handle ADA issues and other items for the website.
- Craig Overstreet asked if the City Attorney had reviewed the contract and if the contract had an opt out clause if the city did not like the service.
- Alan Lathrom stated the document did not contain an opt out clause.
- Sandra Green asked if it would have been in the original contract with Revize.
- Alan Lathrom stated he would have to go back and look at the original contract.
- Craig Overstreet asked how long the city has had the contract with Revize for the current website.
- Ben White stated the website was in place before he started as the City Manager. He recommended putting the item on the next agenda to make sure the contract met Councils approval.
- Craig Overstreet and Jim Hemby agreed.
- Mayor Rice indicated the item would be postponed until the next agenda.

E. Consider, discuss and act upon water line for CA – Central Area district buildings.

- Ben White presented a diagram and stated the city has a 6" waterline along Onion Alley. He indicated his proposition was to tie in to that line and bring it to the back of the buildings. The addition of the waterline would provide fire flows to three buildings. He stated he was looking at the addition of the waterline as a public service to the downtown area. He explained it would be a public waterline and it would replace the galvanized lines that ran to the buildings currently. He stated it would not be just for Pieville.
- Craig Overstreet asked about the costs of the project.
- Ben stated he would hope to have the waterline completed by January and city crews would complete the project. He believed it would not be a huge material cost. He explained it would cost more money to saw out the concrete and replace it than installing the waterline.
- Craig Overstreet asked if adding the waterline would set a precedent for other downtown buildings.
- Ben White stated it could be setting a precedent.
- Dwain Mathers asked if Pieville were required to put in a fire sprinkler system.
- Ben White stated that a fire sprinkler system would be required because the way the building is being developed.
- Dwain Mathers said if the city is going to require people to have fire sprinklers then the city should run the waterline up to the meter.

- Ben White explained that since the waterline would be serving several properties he believed it was a public need. He said that if the waterline was needed for just one business that would be different.
- Dwain Mathers stated one could argue that all the buildings need to have sprinklers since they were downtown.
- Ben White stated the old recording studio has to install fire sprinklers as well as RSVP Farmersville and Wood and Time.
- Sandra Green stated it was the use of the building that triggered the requirement to have a fire sprinkler as well.
- Ben White stated the city staff and Elise Bobitt met with the Fire Marshal a few times to discuss whether a fire sprinkler system would be required for her use and building.
- Mayor Rice stated the fire sprinklers would be protecting the other buildings so he looked at the waterline as being for the public good.
- Dwain Mathers stated if the city is going to make the requirement of the fire sprinklers then the city needed to have the water assessable.
- Alan Lathrom stated the city is required to adopt the International Fire Code, International Residential Code and International Building Code which addresses the requirements for fire sprinklers. He explained the requirement to have fire sprinklers is not driven by the city. He also stated that it is the use of an existing building that determines or triggers the requirements and whether items have to be brought up to code. He stated it also depended on whether the business had fire rated walls and what the occupancy load would be.
- Craig Overstreet made a motion to table the item because of the way the way the agenda item was written.
- No one 2nd the motion.
- Mayor Rice said the motion to table failed.
- Dwain Mathers motioned to approve as Ben White presented.
- Donny Mason 2nd the motion.
- Craig Overstreet ask if they would amend the motion to include more specific details as to where the waterline would serve.
 - Motion amended to approve waterline to service 103, 107, 109, and 111 S. Main Street for fire flows made by Dwain Mathers
 - 2nd to approve amended motion was Donny Mason
 - All council members voted in favor

- F. Discussion regarding steps to obtaining a building permit for a new business.
- Craig Overstreet stated he asked for this to be on the agenda because they have had complaints about occupancy permits.
 - Ben White presented a document that showed the permitting process. He also explained that his presentation did not include the platting process if

one was required. He said the platting process is a much more complicated process. He stated the process becomes more complicated when you do not have a developer that understands the permitting processes. He explained that he is going to issue a temporary Certificate of Occupancy to Elise Bobitt for one side of the property until she can finish the other side of the project.

- Craig Overstreet asked how many inspections Elise Bobitt would have to have in order to obtain a Certificate of Occupancy.
- Elise Bobitt stated she was not sure yet. She stated that as a small business owner she did not realize all the requirements needed to develop a business. She explained she felt like none of the steps are transparent to owners. She said she had to go through several steps like asbestos remediation, fire marshal requirements, and eventually will have to go through health inspections. She said you have to look at the architectural requirements, engineering studies, and ADA requirements. She explained all those take time. She feels the city needs a guide for people to follow to help them get through the process.
- Craig Overstreet asked when she had applied for the permit.
- Elise Bobitt stated sometime in March of 2019, but the project had changed in character over the months.
- Craig Overstreet stated it was disheartening that it is taking her so long to get through the process.
- Ben White stated they are looking at least 10 or more inspections and they are all different.
- Elise Bobitt stated that the hardest part of the process was trying to find out what the requirements were for the building.
- Dwain Mathers stated there seems like there are too many middle men in this process. He thinks having our on building inspector in-house would be better for the city. He would like to have an outline for people to be able to follow when going through the process. He thinks the city can simplify the process to make it easier for development.
- Sandra Green stated there is no one fits all for development. She indicated that all instances are different. She explained it depended on whether they would have to go through planning and zoning first, and then the type of use they were trying to open.

G. Discussion regarding TIRZ approved FY 2019-2020 budget.

- Craig Overstreet stated he asked for this to be on the agenda. He wanted to reiterate that the TIRZ expenditures for the broadband study will have to be spent in the TIRZ approved area only. He said it would also be subject to the Tax Code.
- Alan Lathrom stated Ben White and he had already talked about it. The TIRZ limitations will apply to the amount spent. The TIRZ will have to amend the budget and then bring it back to Council for approval.

- Ben White stated he was working on getting the survey out. He indicated they have categorized the survey's that could go to the TIRZ district and those that will be mailed out to other parts of the city. They are making sure they separate the costs and items as set out in law. He stated he is working with a company to get the survey on the TIRZ project plan.
- Alan Lathrom stated the project plan would have to come back to Council for approval once it is complete.

H. Consider, discuss and act upon an interlocal agreement with Collin County and the City of Farmersville regarding the Charles J. Rike Memorial Library.

- Ben White stated the county is providing funding to the library in the amount of \$31,378.83, and that amount was up from last year. He explained that when one library drops out all the participating cities receive more money. He indicated the other reason we received a little more money was because of a slight increase in the city population.
 - Motion to approve made by Jim Hemby
 - 2nd to approve was Donny Mason
 - All council members voted in favor

I. Consider, discuss and act upon an interlocal agreement with Collin County for Environmental Services.

- Ben White stated the state really does not give us health services any longer. He indicated the contract was included in the budget and it is a one year contract that is renewal for five more years. He stated it could be terminated with a 90 day written notice. He said the charges were calculated at \$.80 per inhabitant for our area, so the cost will be \$2,672.00.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

IX. EXECUTIVE SESSION

- Mayor Rice read the statement below and stated the Council would go into Executive Session at 8:04 p.m.

Discussion of Matters Permitted by Texas Government Code Section 551.071,
CONSULTATION WITH ATTORNEY:

- Discussion of matters protected by the attorney-client privilege:
 - Discussion regarding Resolutions including: various uses of Resolutions including the weight, power and authority attributable to Resolutions; and, possible results, impressions, consequences, public perceptions and ramifications regarding Resolutions; the life span of Resolutions; and, the various actions and processes regarding or related to the adoption, amendment, extension, modification and termination of Resolutions.

X. RECONVENE FROM EXECUTIVE SESSION

- Mayor Rice stated the Council would reconvene from Executive Session at 8:59 p.m. No action was taken.

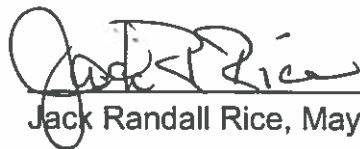
XI. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Ben White wanted to look at appointing members to the Texoma Housing Board and the North East Texas Trails Coalition Board.
- Mayor Rice stated the replacement of Glenn Bagwell on the City Amenities Board needed to be on the next agenda.

XII. ADJOURNMENT


Meeting was adjourned at 9:01 p.m.

APPROVE:



Jack Randall Rice, Mayor

ATTEST:



Sandra Green, City Secretary



PROPOSED ONION ALLEY WATERLINE



Typical Simplified Process for Commercial Building

- Complete application for permit and turn into City Hall staff
 - Three sets of drawings to scale
 - Drawing review fee (typically \$1000)
 - Copy of filed plat
- Permit application with associated drawings are logged into the system and assigned a permit number
- Drawings are sent out for review
 - Two sets of drawings are sent to Bureau Veritas, city copy and customer copy)
 - One drawing set is sent to the Fire Marshal
- Wait for drawing review comments, usually about one weeks for a non-complex set
- Receive redline drawings
- Customer corrects drawings
- Corrected drawings are sent out for review
 - Two sets of drawings are sent to Bureau Veritas
 - One drawing set is sent to the Fire Marshal
- Receive approved drawings
- Customer contacted
- Customer receives one approved drawing set and pays permit fee
- Permit issued (Green Card)