



**FARMERSVILLE CITY COUNCIL  
CHARTER COMMISSION MINUTES**

**For  
March 29, 2018, 6:30 P.M.**

**I. PRELIMINARY MATTERS**

- Chairman Mike Hurst called the meeting to order at 6:30 p.m. Commissioners Bobby Bishop, Jason Lane, Craig Overstreet, Kevin Adamson and Robbie Tedford were present. City staff present were Sandra Green, Ben White, and City Attorney Alan Lathrom. Mayor Piwko was also in attendance.

**II. CONSENT AGENDA**

- A. Consider, discuss, and act upon the Charter Commission Minutes from November 2, 2017
- Motion to approve minutes made by Robbie Tedford
  - 2<sup>nd</sup> made by Kevin Adamson
  - All members voted in favor

**III. REGULAR AGENDA**

- A. Consider, discuss and act on the first draft of the proposed City Charter.
- Discussions took place on how they are going to calculate inhabitants.
  - Mike Hurst stated they are using the number of water meters and the number of 3.5 to get to the 5,000 threshold. He stated the charter would give the power of the city over to the people.
  - Craig Overstreet stated that the annexation of property had changed due to the legislature.
  - Alan Lathrom stated that a Home Rule city has all the power and authority given to it by the legislature. He said a Home Rule city derives its powers from the Texas Constitution and the U.S. Constitution. State statute specifically spells out in Chapter 43 of the Local Government

Code how cities can expand their limits. He explained the Local Government Code rather than the Charter would spell out how the city could annex property.

- Mike Hurst asked if the House Bill took away the unilateral annexation from the city unless they petition to come in.
- Alan Lathrom said that it depended on how large the county was the city was located in. He explained that Collin County is a tier 2 county and that would require a petition from the property owner to annex in to the city.
- Craig Overstreet asked if anyone had any questions as they began to go through the document.
- Alan Lathrom pointed out a few changes he made. He stated he changed "Council Member" to "Councilmember". He said in Section 3.01 he changed the timing or the manner by which Councilmembers are elected to where we are electing 1/3 of the Councilmembers each year. The way it reads is that every third year there would not be an election.
- Craig Overstreet asked how much the election cost last year.
- Sandra Green stated she thought it was approximately \$13,000.00.
- Mayor Piwko explained that it is hard for the staff to run the election and that is why the city has an interlocal agreement with Collin County for election services.
- Alan Lathrom stated some items in Section 3 will still need to be worked on when the Commission decides on when the election for the Charter will take place.
- They had discussions of having elections for Councilmember in increments of 2-2-2 for three year terms.
- Robbie Tedford the only downfall to that would be the cost to the City for the elections.
- On Section 3.07 Alan Lathrom stated he changed subparagraph 4 to state that the City Manager will make a recommendation to the City Council for the appointment of the City Secretary. He indicated this would match up to what the city is currently doing. He explained that in Section 3.10 he modified it slightly too where if some of the Councilmembers had a conflict of interest and could not vote that the other members could vote on the item.
- Craig Overstreet wanted to clarify that in the Charter he would be allowed, as a Councilmember, to go to the City Manager with any concerns or does the Council body have to do it as a whole.
- Alan Lathrom explained that was understood because the City Manager serves at the will of the Council. He said that one Councilmember

cannot take action on a matter without a quorum of the body.

- Mike Hurst asked if a Councilmember had a conflict of interest did the Charter spell out that they had to leave the Council Chambers.
- Alan Lathrom stated it could be changed to say that. Alan stated he would always recommend the Councilmembers leave anyway so there is no way they are participating in the meeting. He stated he changed the section that stated the Council could not act without the City Manager present because there may be times when the City Manager is not at a meeting. He suggested adding language that states the City Manager has the right to attend City Council meetings. That way the City Council would not be able to exclude him or her from the meetings. He pointed out that in Section 5.02, in regards to filing for office he stated it was written in as having to live in the city for six months and having to be at least 21 years of age.
- The Commission decided the provisions for filing for office were good.
- Craig Overstreet had a questions in Section 5.04 pertaining to the majority vote of electing someone in to office.
- Alan Lathrom stated that will three year terms it is majority vote, but if they stay with two year terms then it would be plurality. He did indicated that he updated the section that discusses contracts to make sure that any amount that exceeds what the City Manager can sign off on goes before the City Council for approval.
- Craig Overstreet stated that the Planning & Zoning Commission shall meet once a month, but sometimes they have no business.
- Alan Lathrom stated he could change it to read that they will hold a meeting once a month unless there is no business to discuss. He said he also would put in there that the Commission members are appointed by City Council and can be removed by a majority vote. He indicated the City Council currently sits as the Board of Adjustments, but as soon as they become Home Rule the Council will have to appoint new members to the Board of Adjustments. This is required because a City Council is not allowed to serve on the Board of Adjustments under Home Rule.
- Alan Lathrom stated in Section 9.03 he reworded it to make it to where they do not lose their quorum if they have a conflict of interest. They must remain in the building though.
- Mike Hurst stated they should meet one more time look over the changes after they have been corrected.
- Robbie Tedford stated he did not feel the need.
- Alan Lathrom stated they could approve as amended.
  - Robbie Tedford stated he recommended approval of the document as amended.

- Jason Lane had a questions on Section 6.22. He stated it referenced that if they failed to call for an election then the District Judge of Collin County would handle the issue. He stated that in Section 7.20 it states the city has to have a tax office and he wanted to know if we contracted with Collin County.
- Alan Lathrom stated the city contracts with the county.
- Jason Lane also asked a question on Section 12.10 regarding the disaster clause. He wanted to make sure the County Judge would appoint someone in the city to sit on the Council.
- Alan Lathrom stated he would have to find the answer to Jason Lane's question.
  - Jason Lane seconded the motion
  - All members voted in favor
- Craig Overstreet wanted to talk about the timeline of the Charter going up for election. He stated that a copy of the document has to be in the hands of every registered voter in the City of Farmersville before the election could take place.
- Sandra Green pointed out that it would have to be translated in to Spanish as well.
- Mike Hurst stated that he believed only one Spanish version would only have to be available at City Hall for anyone who wanted to view it.
- Craig Overstreet stated they need to advertise so that people understand the Charter.
- Alan Lathrom stated the City Council would also have to call for the election on the Charter after it had been sent out to every registered voter. He said that he believes it would be at least three months before the election.
- Mike Hurst stated that he wants people to understand the Charter is designed to protect the city as it grows.
- Jason Lane stated the Commission and city would have to explain how they derived the number of inhabitants and how the city cannot just annex property anymore without a petition from the property owner.
- Mike Hurst asked Ben White when he thought the election should take place according into the number of inhabitants.
- Ben White stated that Camden Park Phase 1 & 2 will not be complete for 1 ½ or so and then the apartments will be like 2 years.
- Craig Overstreet stated they were looking at May 2019 for the election.
- Alan Lathrom suggested they meet again before then to discuss if anything else has come up or to go over the timeline again. He said they could have a final vote with all the changes incorporated. He did

want to point out that city resources could not be used to promote the election of the charter.

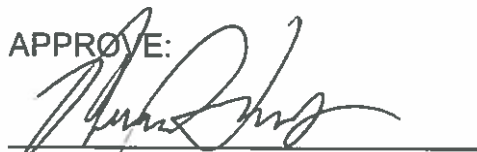
**IV. REQUESTS TO BE PLACED ON FUTURE AGENDAS**

- Nothing was requested

**V. ADJOURNMENT**


- Meeting was adjourned at 8:00 p.m.

APPROVE:



Mike Hurst, Chairman

ATTEST:

  
Sandra Green, City Secretary