



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
March 28, 2023, 6:00 P.M.
Council Chambers, City Hall
205 S. Main Street**

I. PRELIMINARY MATTERS

- Mayor Pro-Tempore Overstreet called the meeting to order at 6:00 p.m. Council members Terry Williams, Ted Wagner, Mike Henry and Lance Hudson were in attendance. Mayor Bryon Wiebold was absent. City staff members in attendance were City Manager, Ben White, Assistant City Manager, Mike Sullivan; City Secretary, Tabatha Monk, Police Chief Marsha Phillips, Fire Chief Gregg Massey, Warrant Officer Rick Ranspot and City Attorney, Alan Lathrom.
- Prayer was led by Warrant Officer Rick Ranspot and the pledges to the United States and Texas flags were led by Mayor Pro-Tempore Overstreet.
- Mayor Pro-Tempore Overstreet announced to check the City Calendar for any upcoming closings for holidays and meetings and advised this Saturday, April 1st is Farmers Market and that Friday, April 7th City Offices will be closed in honor of Good Friday. He also brought to everyone's attention starting April 24th will be the first day of early voting and will continue throughout that week at Collin College.
- Mayor Pro-Tempore Overstreet brought to everyone's attention we are accepting applications to serve on various boards and commissions and there are applications on the table by the entrance to the Council Chamber. These applications are also available at City Hall.

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

- No one spoke under this item.

III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

Judy Brandon came forward and gave her heartfelt thanks to Danny Ruff, Ben White and Public Works for all of their help with the drop off recycling center.

Mayor Pro-Tempore gave his thanks to Mrs. Brandon for all her hard work with the recycling center as well as the Public Works employees.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually. Councilmember Overstreet asked to withdraw for discussion the Financial Budget Report, Public Works Report and City Manager Report.

- A. City Council Minutes (03-14-2023).
Councilmember Henry made a motion to approve the City Council minutes.
Councilmember Williams seconded the motion to approve the minutes.
The motion was carried unanimously (5-0).

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: (**Councilmember Wagner** advised no meeting.)
- B. Farmersville Community Development Board (Type B)
1. Possible Council Liaison Report: (**Councilmember Henry** advised they had a Special meeting last Tuesday, the purpose was to discuss the resolution regarding purchasing a piece of property in town. The

resolution was approved and will come back to the City Council when the City Attorney has prepared the document. They also discussed moving forward with their board liaison, City Engineer and their contractor on Rambler Park and Onion Shed.

- C. FEDC Farmersville Economic Development Board (Type A)
 - 1. Possible Council Liaison Report: (**Councilmember Williams** advised they met last week and discussed the possibility of improving their grant beyond the current façade grant to include site improvements, inside of buildings downtown. They are visiting with legal (attorney) and hope to confirm that they can do that.
- D. Main Street Board
 - 1. Possible Council Liaison Report: (**Councilmember Overstreet** advised no meeting.)
- E. Parks & Recreation Board
 - 1. Possible Council Liaison Report: (**Councilmember Wagner** advised no meeting.
- F. Planning & Zoning Commission
 - 1. Possible Council Liaison Report: (**Councilmember Hudson** advised they made recommendations for approval The Loop Farmersville, City Place Home Addition, LakeHaven Phase 1 Final Plat and LakeHaven Blvd. Final Plat.).
- G. TIRZ Board
 - 1. Possible Council Liaison Report: (**Councilmember Overstreet** advised due to some work conflicts **Councilmember Williams** and **Councilmember Henry** attended the meeting in his place and those items will be discussed at tonight's City Council meeting.)

VI. PUBLIC HEARINGS AND ORDINANCES

A. "Public hearing regarding a petition for annexation requested by the City of Farmersville as the owner of approximately 4,466,684.21 square feet or 102.54 acres of land that is commonly referred to as the Chaparral Rails to Trails or the Chaparral Trail being a variable width strip of land ranging from fifty feet (50') wide to one hundred feet (100') wide on either side of the railroad right-of-way situated between the northern boundary line of the City of Farmersville, Texas, and the southern boundary line of the City of Celeste, Texas, which portion of the Chaparral Trail is more particularly described as follows: Being a variable width strip of land along either side of the centerline of the railroad right-of-way, situated in Hunt County, Texas and being the same tract of land conveyed to the City of Farmersville."

- Mayor Pro-Tempore Overstreet opened the public hearing at 6:15 p.m.
- Mayor Pro-Tempore Overstreet opened the public hearing at 6:16 p.m.

B. “Consider, discuss and act upon Ordinance, O-2023-0328-001, regarding formalizing the Annexation of areas commonly referred to as the Chaparral Rails to Trails or the Chaparral Trail.”

- Mr. White updated the City Council to table this item until the next meeting.

C. “Consider, discuss and act upon Ordinance, O-2023-0328-002, regarding Tax Increment Reinvestment Zone Number One, City of Farmersville, Texas Amended and Restated Final Project and Finance Plan.”

- Mr. White and City Council had discussions regarding this item.
- **Councilmember Henry** made a recommendation to pull this item and have a workshop with the TIRZ Board and they discuss this item before they make a vote on it.
- Mr. Jim Foy, a member of the TIRZ Board, spoke before the City Council
- **Councilmember Henry** made a request to remove TIRZ priority items PJ294 and PJ210 from the TIRZ priority list until the City Council has time to discuss these projects before any decisions have been made.
- **Mayor Pro-Tempore** agreed with **Councilmember Henry** that there needs to be more information and discussion is brought before City Council.
- **Councilmember Henry** asked that at another meeting for Mr. White to bring forward more information on the 2 items that were asked to be removed.
- Mr. Foy stated the TIRZ Board did vote to forward this priority list to the City Council but he himself recommends removing the Hwy. 78 and Town Center (which he feels is more of a 4A project) be removed from the priority list.
- **Councilmember Henry** make a motion to approve the Farmersville Capital Improvement Plan, (Ordinance O-2023-0328-002), removing PJ294 and PJ210
- **Councilmember Hudson** seconded the motion.
- The motion was carried unanimously (5-0).
- **Councilmember Henry** also requested that the City Manager plan on a future Council meeting not too far in the future to bring back an explanation of these 2 items so the Council can understand and get answers to their questions.

D. “Consider, discuss and act upon Ordinance, O-2023-0328-003, amending Ordinance #2011-1219-002 regarding the Term of Office for members of the Board of Directors of the Farmersville Tax Increment Financing Reinvestment Zone No. 1 providing for staggered terms and providing that the Board of Directors should meet at least one time each quarter as determined by the Board unless there is no business to address, and approving the First Amended and Restated Bylaws of the Farmersville Tax Increment Financing Reinvestment Zone No. 1 consistent with this Ordinance.”

- Mr. Lathrom updated the Council on this item and answered the City Council's questions.
- Mr. Foy addressed the City Council on this item. He also pointed out an item in the bylaws that will need to be changed by the City Attorney (expiration date of the Chairman of the board will expire June 30th of each year and the new Chairman will take over each year on July 1st).
- **Councilmember Henry** made a motion to approve ordinance, O-2023-0328-003, with the change of the Chairman on the Ordinance and in the bylaws.
- **Councilmember Williams** seconded the motion to approve.
- The motion was carried unanimously (5-0).

VII., REGULAR AGENDA

A. “Consider, discuss and act upon a upon a preliminary plat for The Loop Farmersville located at S State Hwy. 78 Farmersville, Texas.

- Mr. White updated the Council on this item.
- **Councilmember Williams** made a motion to approve the Preliminary Plat contingent upon the recommendations being completed.
- **Councilmember Henry** seconded the motion.
- The motion was carried unanimously (5-0).

B. “Consider, discuss, and act upon a replat for City Place Home Addition located at, 314 S. Washington St., Lots 1-4, Block A, Farmersville, Texas.

- Mr. White updated the Council and answered the Councils questions.
- **Councilmember Henry** made a motion to approve this item.
- **Councilmember Williams** seconded the motion.
- The motion was carried unanimously (5-0).

C. “Consider, discuss and act upon a Final Plat for Lakehaven Phase 1 Farmersville, Texas.”

- Mr. White and Mr. Lathrom updated the City Council on this item.
- **Councilmember Henry** made a motion that Lakehaven Phase 1 Final Plat be approved contingent upon the recommendation of street signs and ADA compliance being added.
- **Councilmember Hudson** seconded the motion.
- The motion was carried unanimously (5-0).

D. “Consider, discuss and act upon a Final Plat for Lakehaven Boulevard Farmersville, Texas.”

- Mr. White and Mr. Lathrom updated the City Council on this item.

- **Councilmember Williams** made a motion to approve contingent upon the completion of the street interfaces, the driveway interfaces and the street signs.
- **Councilmember Wagner** seconded the motion.
- The motion was carried unanimously (5-0).

E. "Discussion and possible direction regarding budget workshop timeline for FY 2023-2024."

- Mr. White updated the City Council on this item and answered their questions.
- No action was needed.

F. "Consider, discuss and act upon the appointment of 3 Board members to the Community Development Corporation Board (4B)."

- **Councilmember Henry** updated the City Council on the importance of getting these positions filled as soon as possible.
- The City Council discussed different avenues to get information out to the public regarding these open positions and the City Council urged citizens to get involved and turn in a board application.
- No action was needed.

G. "Discussion and possible direction regarding the schedule for upcoming City Board and Commission Appointments."

- City Secretary, Mrs. Monk, updated the City Council regarding this item.
- The City Council clarified and gave approval that the appointments would be made at one of the City Council meetings held in May 2023.
- No action was needed.

H. "Consider and discuss regarding future parks and related parks funds for the City of Farmersville."

- **Mayor Pro-Tempore Overstreet** advised this was an item he asked for some time back and he was wanting information on what public parks we have at this point; he feels we need more park space and where do we go from here.
- **Councilmember Henry** stated, on future development projects have a requirement for parks instead of accepting funds they must put forth property. The question is, currently it's 5% and is that too little to require from a developer for parks? He would like an answer at a future meeting.
- **Mayor Pro-Tempore Overstreet** wants to know is the 5% required from the State or where does that number come from?
- Mr. Foy spoke before the City Council and he recollects many years ago (approximately 50 years ago), when they were drafting a subdivision

ordinance, they put the 5% in then based on a study of other cities and what they used as their requirement.

- **Mayor Pro-Tempore Overstreet** gave direction for staff to look at other nearby cities of similar size or a little larger and see what their requirements are for some input and then review this item again in the near future.
- No action was needed.

I. Discussion regarding Community Development Corporation and possible budget changes if the MDD is approved in the May 6, 2023, election.

- Mr. Lathrom just updated the City Council on this item and answered their questions.
- CDC (4B) Director, Steve Caspari, spoke before the City Council regarding this item.
- Mr. Lathom will get back with information from the Comptrollers office regarding the cut-off date for sales tax and the dissolution date of the CDC (4B) Board.
- No action was needed.

J. "Discussion regarding the trail grants and the processes for approval, payment and reimbursement."

- Mr. White updated the City Council on this item.
- Mr. White and Mr. Lathrom answered questions from the City Council.
- The council asked for this item to brought back at a future meeting for discussion.
- No action was needed.

K. "Discussion and possible direction regarding temporary certificate of occupancy (CO's) and when they become permanent CO's.

- Mr. White updated the City Council on the city process.
- No action was needed.

L. "Discussion and possible direction regarding short term rentals in the City of Farmersville." (**Councilmember Williams** recused himself and stepped off the bench for this item.)

- **Mayor Pro-Tempore Overstreet** advised this was an item he has requested.
- Assistant City Manager, Mike Sullivan, updated the Council and answered questions on this item.
- Mr. Lathom had information he shared with the City Council on other cities' approach to short term rental.
- Mr. Lathrom is looking more into this item and will bring additional information back in a future meeting.

- **Councilmember Henry** asked to hold off on any decisions they make until after the State Legislature has finished their session this year which should be in June 2023, than bring this back to Council in June 2023.
- No action was needed.
- **Mayor Pro-Tempore Overstreet** is now asking **Councilmember Williams** to rejoin the meeting.

M. “Consider, discuss and act on Resolution, R-2023-0328-001, authorizing the City of Farmersville to participate in the proposed opioids settlements obtained by the State of Texas and other jurisdictions through lawsuits against three major opioid distributors, McKesson, Cardinal Health and Amerisource Bergen, along with an opioid manufacturer, Johnson & Johnson, for their role in the national opioid crisis, by adopting the “Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet,” and authorizing the City Manager to execute settlement documents related to participation in these four settlements.”

- Mr. Lathrom updated the Council on this item.
- Mr. Lathrom answered the Councils questions.
- **Mayor Pro-Tempore** asked that notation be made in the minutes of which of the City entities could use these funds.
- Mr. Lathrom advised that the City could utilize these funds to help with the cost and expenses that qualify under the criteria that spell out what these funds can be used for. They can be used for the purchase of Narcan that can be utilized by Police and Fire responding to an overdose victim. They can help to be used for a rehab facility, provide funding to help work with people who are dealing with an addiction to opioids. There are specific criteria for which those funds can be utilized that are spelled out in the class action settlement. (A copy of Exhibit E List of Opioid Remediation Uses is attached to the minutes.)
- **Councilmember Henry** moved approval of resolution R-2023-0328-001 and authorizing the City Manager to execute settlement documents.
- **Councilmember Williams** seconded the motion.
- The motion was carried unanimously (5-0).

N. “Consider, discuss and act on Resolution, R-2023-0328-002 authorizing the City of Farmersville to participate in the proposed opioids settlements obtained by the State of Texas and other jurisdictions through lawsuits against: one more opioid manufacturer and distributor, Mallinckrodt; three (3) more pharmaceutical manufacturers, Endo, Teva and Allergan; and three (3) pharmacies, CVS, Walgreens, and Walmart, for their role in the national opioid crisis, by authorizing the City Manager to execute settlement documents related to participation in these settlements.”

- Mr. Lathrom updated the Council regarding this item. Mr. Lathrom once again, advised these funds can be used for Narcan and educational tools both to help Officers deal with overdose victims and victims themselves.
- **Councilmember Henry** moved approval of resolution R-2023-0328-002 and authorizing the City Manager to execute settlement documents.
- **Councilmember Wagner** seconded the motion.
- The motion was carried unanimously (5-0).

VIII. REQUESTS TO BE PLACED ON FUTURE AGENDAS

Councilmember Hudson:

- Requested to start receiving reports again from Code Enforcement.

Councilmember Henry:

- Wants an update of where we are on the bid packages for internet.
- Update on where we are with the water quality resolution at the wastewater plant;
- Would like the Economic Director Report to the CC.

Councilmember Overstreet:

- Would like to see continued dialogue regarding the 380-bypass project, with attention to the interchange of the existing hwy. 78 and the proposed 380 bypass.

ADJOURNMENT

Mayor Pro-Tempore Overstreet adjourned the meeting at 7:43 p.m.

APPROVE:

Craig Overstreet

Craig Overstreet, Mayor Pro-Tempore

ATTEST:

Tabatha Monk

Tabatha Monk, City Secretary

