



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
April 25, 2023, 6:00 P.M.  
Council Chambers, City Hall  
205 S. Main Street**

**I. PRELIMINARY MATTERS**

- Mayor Bryon Wiebold called the meeting to order at 6:00 p.m. Council members Craig Overstreet, Terry Williams, Ted Wagner, Mike Henry and Lance Hudson were in attendance. 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 Councilmember Overstreet and the pledges to the United States and Texas flags were led by Mayor Wiebold.
- Mayor Wiebold announced to check the City Calendar for any upcoming closings for holidays and meetings.
- Mayor Wiebold 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 or they can be picked up at City Hall from the ladies up front.
- Special appreciation presentation by Chief Massey to Atmos Energy for a donation to the Fire Department.

**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**

- Richard Hill spoke against the Farmersville ETJ and asked the City of Farmersville to de-annex the Chaparral Trail.
- Sue Williams spoke in favor of the MDD and to give out true and information regarding the ETJ and clear up rumors.

- Jamie NeSmith spoke against the ETJ and wanted to know why no one came and spoke with the residents in Merit area explaining what was going on regarding the ETJ and MDD election. She would like something in writing explaining everything so they can feel comfortable with what is really happening and not rumors and hearsay.
- David White spoke against the MDD and ETJ (trail).
- Chris Russmann spoke against the ETJ and asking the City to reverse the trail annexation. He also asked if the MDD passes he wants to make sure people in the ETJ are put on the MDD Board to make sure the monies are spent in the “right way.”
- Karen Sourber spoke against the ETJ and asked that she would like the City to reverse the ETJ.
- Aaron DeStefano spoke about his disappointment over the response to the ETJ and MDD and personal attacks of the Council and Mayor on social media. He advised ways in which would be positives to make positive changes in the community.

#### 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.

**Councilmember Overstreet** made a motion to pull the minutes for discussion and approve the Investment and Budget Report.

**Councilmember Henry** seconded the motion.

The motion was carried unanimously (5-0).

##### A. City Council Minutes (04-11-2023).

On the April 11, 2023, City Council meeting “Item G Consider, discuss and action authorizing the City Manager to negotiate an agreement with Thrive Broadband and Broadband Telecom Services for the development of a Broadband Fiber Network in Farmersville in accordance with the Request for Proposal issued by the City with any resulting final agreement being considered by the City Council at a regular public meeting” **Councilmember Overstreet** stated he does not feel the minutes accurately reflect the discussion regarding Councilmember Overstreet’s requested analysis from

an independent third party to review the requested proposal between the City and the Fiber Provider.

**Councilmember Overstreet** made a motion to have this statement reflected in the April 11, 2023, City Council meeting minutes then brought back at the next meeting for approval.

**Councilmember Henry** seconded the motion.

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 no meeting.)
- C. FEDC Farmersville Economic Development Board (Type A)
  - 1. Possible Council Liaison Report: (**Councilmember Williams** advised the group met and have posted an attempt to get more applications for Economic Development Director position.)
- D. Parks & Recreation Board
  - 1. Possible Council Liaison Report: (**Councilmember Wagner** advised no meeting.)
- E. Planning & Zoning Commission

1. Possible Council Liaison Report: (**Councilmember Hudson** advised he was unable to attend.)
- F. TIRZ Board
1. Possible Council Liaison Report: (**Councilmember Overstreet** advised no meeting.)

## VI. PUBLIC HEARINGS AND ORDINANCES

A. "Public Hearing to consider, discuss and act upon a request to change the zoning on three lots containing approximately 0.77 acres of land, more or less, from SF-2 – Single-Family Dwelling-2 District uses on certain of said lots and HC - Highway Commercial District Uses on certain of said lots to C - Commercial District uses subject to the HC - Highway Commercial Overlay District on the entirety of said property to allow for the platting and development of a commercial project. The property is generally situated on the north side of Audie Murphy Parkway (U.S. Highway 380) and the west side of Orange Street, and located in the W.B Williams Survey, Abstract No. 952, of Farmersville, Collin County, Texas."

- Mayor Wiebold opened the public hearing at 6:32 p.m.
- Brent Ahrend spoke against this zoning to commercial. He shared his opinions regarding this request.
- Stephanie Roberts spoke against this zoning to commercial. She thanked the Mayor and Council for keeping the City safe. She shared her opinions and experiences with commercial property near her home (Dairy Queen).
- Chris Roberts spoke against zoning to commercial. He stated this is a residential area where people are raising families and his biggest concern is the traffic flow in the residential area.
- Scott Douglas spoke against zoning to commercial. He's really wanting to keep the integrity of the town. He also worries about increased traffic near the residential home for the elderly.
- Amy Saffell spoke against zoning to commercial. She does not feel it would be in the neighborhood's best interests to allow more commercial to encroach on the residential space.
- Miller McClure spoke against zoning to commercial. He states the neighborhood is very lovely and hopes to keep more traffic out of the neighborhood. He stated his other concerns turning more lots to commercial.
- Tony Gray, listing agent for the property spoke for the commercial zoning. He states this lot has been vacant for 35 years. He states his other opinions regarding this zoning variance request.

- Chris Russmann spoke neither for or against this item he was just wanting to set the record straight that the owner of this property has lived in this community for 49 years. He thought that should be noted.
- Dan Day, property owner, spoke for the zoning of the commercial. He stated his reasons for wanting this zoning variance.
  - Mayor Wiebold closed the public hearing at 6:50 p.m.
- Mr. White and Alan Lathrom answered questions from the City Council regarding this item.
- **Councilmember Henry** stated he would like an answer from the City Attorney to **Councilmember Overstreet's** question, that is if this use were to change, would there have to be a buffer being some type of wall, and of course they would have to abide by all lighting standards. Is there a wall or some type of buffer between the 2 zones?
- **Mayor Wiebold** asked the citizens if they were against all commercial, certain types of commercial or only wished to have residential.
- The Citizens that spoke during the PH, as well as Sarah Ahrend, voiced their various thoughts.
- **Sue Williams**, Planning and Zoning Commissioner, addressed the City Council regarding the thoughts of the Planning and Zoning Board regarding this item. She advised they were having the same concerns that Councilmember Henry is voicing regarding the residents. She then explained the P&Z Chairman, Joe Helmberger, pointed out was this lot has been vacant for many years and the City is losing out on the ability to make any money if this land just sits empty. She did advise they voted to recommend approval of the commercial zoning unanimously.
- Alan Lathrom advised there is a requirement in 77-69 of the zoning ordinance that does require a solid screening wall or fence of not less than 6ft or more than 8ft. in height erected along the entire property line between the 2 zoning districts. The required materials for the wall are brick masonry, stone masonry, or other architectural masonry finish. Tubular steel or wrought iron fence with masonry columns spaced a maximum 20 feet on center with structural support every 10 feet and with sufficient evergreen landscaping to create a screening effect or alternate equivalent approved by the Planning and Zoning Commission and/or City Council depending upon who has final approval authority over the Site Plan. Anything else would require an alternate approval process.
- **Mayor Wiebold** asked the City Attorney what are the lighting requirements down the wall.

- **Mr. Lathrom** advised there were no lighting requirements that the wall be lit, there are no requirements that the property be lit. If the property does have lighting, there will be requirements.
- **Councilmember Overstreet** gave his thoughts on this item.
- **Councilmember Henry** made a motion to continue this item to the next City Council meeting, (May 9<sup>th</sup>), for discussion and resolution.
- **Councilmember Williams** seconded the motion.
- The motion was carried unanimously (5-0).
- **Mayor Wiebold** and the City Council expressed their appreciation to everyone that came out and expressed their thoughts and opinions to them and to each other. The Mayor stated that is very commendable.

## VII., REGULAR AGENDA

- A. "Certificate of Appreciation presented by Fire Chief, Greg Massey, to Atmos Energy for a \$2,500.00 donation of the Farmersville Fire Department to purchase 2 RKI Multi Gas Detectors and Calibration Kit."
- This item was addressed earlier in the meeting.
  - No action was needed.
- B. "Consider, discuss and act upon Resolution, R- 2023-0425-001 regarding denial of Texas New Mexico Power Company's application for approval to amend its distribution cost recovery factor to increase distribution rates."
- Mr. White updated the City Council on this item.
  - **Councilmember Henry** made a motion to approve Resolution, R-2023-0425-001.
  - **Councilmember Hudson** seconded the motion.
  - The motion was carried unanimously (5-0).
- C. "Consider, discuss and act upon appointments to various City of Farmersville Boards and Commissions."
- Mr. White updated the Council on this item.
  - City Council gave direction to keep this item on each agenda until after they have made appointments to the various Boards and Commissions.
- D. "Consider, discuss and act upon appointments of 2 Board members to the Community Development Corporation Board (Type B)."
- Mr. White updated the Council on this item.
  - City Council gave direction to keep this item on each agenda until after they have made the appointments to the 4B board.
- E. "Consider, discuss and act upon Farmersville Community Development Corporations (Type B), First Amended Project List and Budget for Fiscal Year 2022-2023. "

- **Councilmember Henry** updated the Council on this item. He advised that this was discussed when he gave the report for 4B at the beginning of the month. 4B had several grant requests come in and they are trying to get them wrapped up and in their amended budget.
  - Southlake Fish Project                   \$4320
  - City Park Walls Completion           \$200,000
  - Bain Honaker Repairs                   \$42,000
  - Spain Complex Netting                 \$60,000
  - Miscellaneous Expenses               \$20,000

(The miscellaneous expenses are to cover any additional engineering, architectural, legal or cost overages that may come in all those projects.)
- **Councilmember Overstreet** ask the City Attorney as these are budgeted items that may or may not be complete in this City fiscal year, will those be allocated specifically for this purpose if the 4B corporation should dissolve after the election, will these budget items be honored?
- City Attorney advised yes, and **Councilmember Henry** went on to explain that how this process works is they have their commitments, and they will continue forward until they have finished those commitments if their dissolution happens. It will move into next year in all likelihood and those monies will be set aside for that purpose.
- Mr. Lathrom advised there will be Performance Agreements with each of those projects.
- Mike Sullivan advised the netting expense is direct through the Little League and not through the City Parks and Recreation.
- **Councilmember Williams** advised on the City Park Walls Completion project, that he has seen a lot of cracks in the mortar and patches on the wall so is there something wrong or what is the issue with this?
- **Councilmember Henry** advised they can have that looked at by the Engineer and figure out how to correct it.
- **Councilmember Williams** also advised on the east side of the wall walking towards the street, there is a good-sized hole.
- **Councilmember Henry** advised they would have it looked at.
- **Steve Caspari, President of the Community Development Corporation (4B)**, addressed the Council that they did notice that and have talked to Mr. Alvarez about coming back out to take a look at this and that Mr. Alvarez would come back and address any other issues they see.
- **Councilmember Overstreet** made a motion to approve the budget amendments (listed above) between the CDC President and the City.
- **Councilmember Hudson** seconded the motion.
- The motion was carried unanimously (5-0).

**VIII. EXECUTIVE SESSION –WENT INTO EXECUTIVE SESSION AT 7:26 PM  
RECONVIENED FROM EXEUTIVE SESSION AT 8:06 PM**

Discussion of matters permitted by the following sections of Texas Government Code Chapter 551:

- A. Section 551.071, **CONSULTATION WITH ATTORNEY**,
1. Section 551.071(1) Deliberation regarding pending or contemplated litigation:
    - i. Cit of Farmersville v. Charles Louis Hopkins,
  2. Section 551.071(2) Consultation with Attorney regarding any item requiring confidential attorney/client advice:
    - i. Establishing an uncertain boundary line on a tract of City-owned real property.
- B. Section 551.072, **DELIBERATION REGARDING REAL PROPERTY**,
1. Purchase of certain real property for the improvement and/or expansion of Hamilton Street in an area south of Audie Murphy Parkway (U.S. Highway 380).
  2. Termination of lease agreement with AMR; and
  3. Lease of certain City-owned real property.

• **ACTION REGARDING ITEMS DISCUSSED IN EXECUTIVE SESSION**

- A. Consider, discuss and act upon matters discussed in Executive Session.
- **Councilmember Henry** made a motion to direct staff and the Attorney to move forward in the termination of the lease agreement with AMR.
  - **Councilmember Overstreet** seconded the motion.
  - The motion was carried unanimously (5-0).

• **REQUESTS TO BE PLACED ON FUTURE AGENDAS**

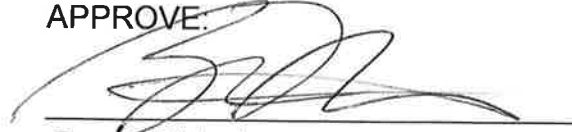
- **Councilmember Overstreet:** Update on the filtration arm for the wastewater treatment plant and ask that this Council continue consideration on the 380 Bypass Project and Hwy. 78 Project.
- **Councilmember Wagner:** Update on the Grass Carp and update on the overflow grate.
- **Councilmember Henry:** Update from the Economic Development Director for 4A.



ADJOURNMENT

**Mayor Wiebold** adjourned the meeting at 8:08 p.m.

APPROVE:



Bryon Wiebold, Mayor

ATTEST:

  
Tabatha Monk, City Secretary