



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES**

**For
April 11, 2017, 6:07 P.M.**

I. PRELIMINARY MATTERS

- Mayor Piwko called the meeting to order at 6:07 p.m. Council members John Klostermann, Donny Mason, Michael Hesse, Mike Hurst and Leaca Caspari were all present. City staff members Ben White, Sandra Green, Adah Leah Wolf, Marsha Phillips, Kim Morris, Rick Ranspot, Trisha Dowell, and City Attorney, Alan Lathrom, were also present.
- Prayer was led by the City of Farmersville Planning & Zoning Commissioner Craig Overstreet, followed by the pledges to the United States flag and Texas flag.
- City offices will be closed on Friday, April 14th in observance of Good Friday.
- Early Voting will begin at City Hall Monday, April 24th through May 2nd. Election Day is Saturday, May 6th. No voting will take place on Sundays. The times for early voting are posted at City Hall and on the City website.
- The City of Farmersville Commercial Historic District was recently listed in the National Register of Historic Places.
- Adah Leah Wolf has announced that she will be retiring in November.
- Congratulations to Adah Leah Wolf who is nominated for the "Excellence in Historical Education" Award of the Collin County Historical Commission.
- Congratulations to Chief Mike Sullivan and Lt. Brian Alford who will be accepting an award for the City of Farmersville Police Department for the "Texas Police Chief's Best Practices" Recognition Program.
- The North Central Texas Council of Governments will hold a Transportation Public Meeting on Wednesday, April 12, 2017 at 2:30 p.m., in Arlington, Texas at 616 Six Flags Drive.
- Ben White stated Police Chief Mike Sullivan and Lt. Brian Alford were accepting an award that very few cities our size receive and wanted to point

out the great work the Police department is doing. He also thanked Adah Leah Wolf for her dedication and hard work. He stated she will be missed when she retires.

II. PUBLIC COMMENT

- Donna Williams, who resides at 1985 State Highway 78 N, is deeply saddened and concerned about the items she is seeing posted on social media by city officials. She wanted to know if a city official posted items on social media are they subject to open records. She indicated that public records are being destroyed if those messages are removed from the social media site. She stated she worried about residents who do not attend Council meetings to see how they are conducted and then believe what they hear. She explained because of her position on City boards she has been hesitate to discuss some issues that she felt needed to be addressed. So, she stated she would be tendering her resignation to the Community Development Board. She explained she has served on the board for the past four (4) years. She requested that her resignation be placed on the next Council agenda for it to become official.

III. CONSENT AGENDA

- A. City Council Minutes
 - B. Zoning Board of Adjustment Minutes
 - C. Police Department Report
 - D. Code Enforcement/Animal Control Report
 - E. Fire Department Report
 - F. Municipal Court Report
 - G. Warrant Officer Report
 - H. Public Works Report
 - I. Library Report
 - J. City Manager's Report
- Mayor Piwko asked to pull the Code Enforcement/Animal Control Report, Public Works Report, and the City Manager's Report.
 - Motion to approve Reports A, B, B, E, F, G, and I made by Leaca Caspari
 - 2nd to approve was made by John Klostermann
 - All council members voted in favor
 - Mayor Piwko first discussed the Code Enforcement/Animal Control Report. She stated the Council had put effort into making sure three

major areas were being addressed. Those areas included brush, debris, fences, and appliances left outdoors. She inquired if the Council felt like these issues were being addressed. She indicated she believed the City was having success with the program since some properties have removed items discussed. She commended Code Enforcement about following through with Council's request and addressing these issues.

- Motion to approve Code Enforcement/Animal Control Report made by Michael Hesse
- 2nd to approve was made by Leaca Caspari
- All council members voted in favor

- Mayor Piwko addressed the Public Works Report and stated she had questions regarding the report. She asked about the Sharyland rates at the substation.
- Ben White indicated the City challenged the rates of Sharyland and was told to send a Motion to Intervene to the Public Utility Commission. The City noticed the rates were not reasonable and it looked like they were double compared to other substations. The City has signed off on paperwork contesting the Sharyland rates for the City's retail providers in the surrounding area. Our substation was included in that consideration. The City has asked the attorney to intervene on the rates at the substation. After completing the paperwork, it was found that the City could handle the complaint one-on-one with Sharyland to try and lower the rate to an amount that was more reasonable.
- Mayor Piwko asked what amount of savings the City was looking at.
- Ben White indicated it would be a significant amount.
- Michael Hesse asked if it was possible to go back and receive a refund for the rates the City was overcharged originally.
- Ben White indicated the City could not. Right now the City was going forward and asking for a reduction in rates. The thought of having the Lower Colorado River Authority come in and build a new substation was something that has been discussed. Then, the City would close the other substation. The most effective thing would be to stay with Sharyland and receive a lower rate.
- Mayor Piwko stated that Ben White spends a lot of time working on the electric portion of the City.
- Leaca Caspari asked about the status of the Main Street grant.
- Ben White explained the City signed the contract with the State on February 14, 2017. The grant has been awarded to the City, but we cannot start on the project until a final letter has been received that

states the project can commence.

- Mayor Piwko stated that she wanted to go back to the electric discussion. She wanted Ben White to give an explanation of the fusing and segmentation of the electric system.
- Ben White indicated the City was in a holding period and the idea was that staff segment the City so that we can isolate issues. By doing that, it does not damage all the lines.
- Mayor Piwko asked if the reason the City was having power outages was because of this.
- Ben White explained the issues the City has been having was from the main transmission lines coming from Texas New Mexico. He stated that after the tornado the Christmas before last the lines were rebuilt. Unfortunately, the City has had a lot of transmission lines that have gone down this year compared to other years. If the lines go down, they have to be disconnected and the City's feeder lines are redirected into the Sharyland feed.
 - Motion to approve Public Works Report made by Michael Hesse
 - 2nd to approve was made by Mike Hurst
 - All council members voted in favor
- In regards to the City Manager's Report Mayor Piwko wanted an update regarding the easement switch the Council condemned at a previous meeting.
- Ben White stated the original lift station in the west that would be built to service U.S. Highway 380, Camden Park, and the surrounding area was going to be placed on the Medlock property. Mr. Stevenson, another land owner, told Ben White he would entertain the idea of giving the City an easement on his property. If we do not go to the Medlock property, which was just sold to someone else, it may be possible to put a lift station on Home Grown Plants property which will suite the owner if he decided to be annexed into the City. The new proposed location would allow the City to camouflage the lift station better.
- Mayor Piwko asked if the City would still go through the condemnation of the Midkiff property.
- Ben White indicated the City still had to go through with the condemnation because of a needed easement on the Midkiff property. He explained that Eddy Daniel was in the middle of updating documents for the condemnation.
- Mayor Piwko asked if the new location would be cheaper.
- Ben White indicated that it would be easier because it would go downhill more, but it will be a little more expensive because the City

would have to bore under U.S. Highway 380.

- Leaca Caspari asked about special events/projects. She commented on House Bill 387 and Senate Bill 2 and stated she agreed with the actions of communicating in support or opposition of the bills. But, she stated to her recollection the Council did not give direction to proceed forward with those items.
- Ben White stated he had received direction from Council in an Executive Session from a previous meeting. He thought it was best to put that communication in the report.
- Leaca Caspari brought up other bills being proposed that she felt were important to discuss and wondered why they were not addressed as well.
- Ben White indicated if there were other bills that needed to be addressed then they could be discussed.
- Mike Hurst asked if Ben White has had any more discussion with the Camden Park owner.
- Ben White indicated the development agreement was in progress and there had been discussions about what would go into the agreement. The owner was looking for reassurances the City's lift station would be in place for his development.
- Mayor Piwko asked if he had submitted preliminary plans yet.
- Ben White indicated the owner has not. The owner is asking questions about the City's parking ordinances because he was wanting to place a three story apartment complex on the property. Ben White explained he would not be surprised if the owner comes in the future and asks for a variance on parking. He indicated he would be meeting with the owners of the trucks on Bob Tedford Drive the following week to discuss moving the trailers and cleaning the area up to be more appealing.
- Mike Hurst asked if Ben White knew the time frame of the project.
- Ben White explained the lift station will determine a lot. The construction loan was due to come in soon.
 - Motion to approve City Manager's Report made by John Klostermann
 - 2nd to approve was made by Mike Hurst
 - All council members voted in favor

IV. 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 may 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.

- A. FEDC (4A) Meeting Minutes
- B. FEDC (4A) Financial Report
- C. FCDC (4B) Meeting Minutes
- D. FCDC (4B) Financial Report
- E. Main Street Board Minutes
- F. Main Street Report
- G. Building & Property Standards Minutes
- H. Texoma Housing Board Agenda Packet
 - o Motion to approve all reports made by Leaca Caspari
 - o 2nd to approve was made by Mike Hurst
 - o All council members voted in favor

V. READING OF ORDINANCES

- A. Consider, discuss and act upon the 1st reading of Ordinance #2017-0411-001 updating the City Building Codes to the 2015 Editions.
 - Mayor Pikwo read the title block of the Ordinance.
 - Ben White requested the Council table the item until the next meeting because he did not like the NCTCOG amendments that were included in the Ordinance.
 - Mayor Pikwo asked if adopting the news codes would change any of the fire codes the Council previously approved.
 - Ben White stated they would not undo them.
 - o Motion to table until the next City Council meeting made by John Klostermann
 - o 2nd to approve was made by Leaca Caspari
 - o All council members voted in favor

VI. REGULAR AGENDA

- A. Consider, discuss and act upon a budget amendment request from FEDC (4A) in order to fund the cost of drone videos as marketing tools.
 - Kevin Meguire, Chairman of the FEDC (4A) Board explained he wanted to request a budget amendment in the amount of \$22,110.00. That amount would be an increase of \$7,410.00 from last year's budget. It would be used for marketing, specifically drone videos to help marketing. The videos would be on the City's website and would work to increase interest in properties in the Farmersville area.

- Leaca Caspari stated she appreciated Kevin Meguire's leadership he has shown to the FEDC (4A) Board.
 - Motion to approve budget amendment made by Leaca Caspari
 - 2nd to approve was made by John Klostermann
 - All council members voted in favor
- Mayor Piwko adjourned the meeting for a five (5) minute break at 7:02 p.m.
- Mayor Piwko announced the continuing of the meeting at 7:05 p.m.
- A video was played that showed an example of what the proposed drone video might look like.

B. Presentation from City Attorney regarding legislative updates

- Alan Lathrom addressed Council and explained he had over 300 copies of paper with seven to ten bills per page that were submitted. Some of the bills were duplicates and no one knows which ones will go forward. Right now the Legislature is attacking cities. They are trying to take away local control of the government from the people. Senate Bill 1 is looking to reduce the funding from the Legislature to public schools. They want the funding to be the responsibility of the school districts through ad valorem taxes. Senate Bill 2 is looking to reduce the amount of revenue that can be generated by cities for infrastructure. They want the rollback taxes to go from 8% to 4%. There are bills trying to get a rollback election every time. Some bills are wanting to place a cap on ad valorem taxes. There are numerous bills that are trying to change the exemptions that are available to support veterans and their families. Tax codes are in a state of upheaval right now. They are trying to further reduce the ability of cities to annex properties into the City from the ETJ. They are wanting elections every time something is going to be annexed. If annexation goes away, Texas would be the only state that would not allow cities to annex. They are continuously trying to chip away at the Home Rule authorities. TML has been asking people to come out and testify.
- Ben White stated the City tried to send someone to Austin in opposition.
- Leaca Caspari stated economics is a big portion of annexation. The school districts will find it necessary to raise the taxes to help fund education and she hoped the Council would share their views with the State Representatives. She asked Alan about eminent domain.
- Alan Lathrom stated if a change of use takes place then the State is

wanting the cities to pay the rollback taxes and all interest that was assessed. But, it does not define what a change of use is.

Alan Lathrom indicated that impact fees cannot be used to redevelop older portions of towns. The impact fees can only be used for new development. All the money for the redevelopment comes from ad valorem taxes.

- Mayor Piwko asked when the new laws would go in to effect if they were accepted.
- Alan Lathrom indicated they would take effect September 1st, except changes to the constitution will take longer.

C. Consider, discuss and provide direction regarding leash laws within the City.

- Leaca Caspari spoke to Council and explained the item was on the agenda because a citizen came and spoke at the last meeting and asked for it to be placed on the agenda. The Code Enforcement Officer had expressed some gray areas with the Ordinance.
- Rebecca Rohr, citizen of Farmersville, stated she asked the Code Enforcement Officer for the Ordinance regarding leash laws. She explained that she received a ticket and attended court for excessive barking and the code was listed on the ticket, but the Ordinance she received was not the same as the one that was written on the ticket. She was informed by the Code Enforcement Officer that if a dog stays on the owner's property it was not required to be on a leash. When the Police Officer came out to give me the ticket he asked that I call the police every time the dog was out without a leash. Her concern is that the dog has bitten before.
- Ben White asked Alan Lathrom if Section 11-45 addressed the issue.
- Leaca Caspari went even further and read from Section 11-45 stating "to leave the animal unrestrained by leash and unattended in any manner that allows the animal to enter the private property of another" should cover the dog from going on to another property and biting someone.
- Alan Lathrom read from Section 11-115(a) and (b).
- Leaca Caspari stated that maybe the Ordinance needed to spell it out clearly.
- Police Officer Marsha Phillips stated Chief Sullivan gave her three copies of ordinances from other cities to show how they worded the leash requirement. She indicated the police department did not have a preference on the wording.
- Ben White stated the Ordinance seemed pretty clear, but he would have to speak to the Code Enforcement Officer about enforcing it.

- Leaca Caspari said it needs to be clearly written in the Ordinance like the other cities have done.
- Ben White asked Alan Lathrom if we have the authority to enforce it by ticketing the owner of the pet.
- Leaca Caspari stated the Code Enforcement Officer expressed concern that it was not very clear and the City should address it. While we address that issue, maybe we include more information about staking down an animal.
- Alan Lathrom indicated the Ordinance states that an animal cannot be tethered down.
- Mayor Piwko stated she did not see an issue with the Ordinance the City already had in place. She explained the only gray area she saw was whether or not electric fences were allowed.
- Leaca Caspari indicated she did not see an issue with Council amending the Ordinance to make it clearer.
- Rebecca Rohr indicated she did not want the Code Enforcement Officer to get in trouble because she felt like she was very professional and helpful.
- Alan Lathrom stated we could clarify Section 11-45 and add a provision that states all animals have to be confined at all times, whether on a leash or tethered, and could bring it to Council in the future.
- Mike Hurst stated that staff should just clarify the Ordinance to read "Farmersville City Ordinance requires that all pets be restrained by a leash, chain, or fenced yard and it is unlawful for an owner to fail to prevent their pet from running at large within the city limits of Farmersville, or allow them to run free in the City anywhere".
- Alan Lathrom indicated it would be simple to create an amendment to the Ordinance that would allow the leash law to be clear.
 - Motion to direct staff to amend the Ordinance made by Mike Hurst
 - 2nd to approve was made by John Klostermann
 - All council members voted in favor

D. Update regarding the Collin County Strategic Roadway Plan

- Ben White addressed Council and went over several slides regarding the Roadway Plan. He indicated State Highway 78 would be a thoroughfare like the one through Wylie and Sachse. Collin County was looking for support from cities and stakeholders about possible alignment. He stated talks continued regarding State Highway 121 extension out of McKinney. He indicated he would continue to ask for an option over the lake. He tried to call the District Engineer and was not successful, but will continue to keep trying.

- Mike Hurst indicated TxDOT had most of the funding for the roadways.
 - Ben White stated Collin County would also have a bond to help fund construction.
- E. Consider, discuss and act upon resignation of Building & Property Standards Board Member.
- Motion to accept resignation made by Donny Mason
 - 2nd to approve was made by Michael Hesse
 - All council members voted in favor
- F. Consider, discuss and act upon funding for Fire Department training.
- Chief Kim Morris explained that training first responders/firefighters for emergency situations is critical. A volunteer does not just simply put out fires. They also respond to wrecks and emergency situations. Most schools for responder's to attend would cost anywhere from \$1,000 to \$1,500. This would be difficult for some to pay. Chief Morris explained the answer is to form their own school. Our department is lucky enough to have a certified instructor, Joseph Brigandi, who serves as our Emergency Services Director. Mr. Brigandi has reached out and acquired contracts with AMR, Dr. Pearlman out of McKinney, and the State's Accreditation Department. Having our own school would allow us to incorporate a 200 hour, self-paced, on line course where we would meet periodically to go over training. They would complete hands on training in emergency rooms, ambulances, and working as a first responder. The course would be open to all applicants, but would be focused on the City of Farmersville Fire Department. Mr. Brigandi told Chief Morris the cost could be cut down to approximately \$830 a person and would include books, required uniform shirts, and basic course cost. The first class would begin in May. Chief Morris asked Council to approve a budget amendment of \$5,000 for the school. This amount would cover a least six to seven members of the fire department this year.
 - Ben White explained he was behind this amendment and supported it. The Fire Department was going to try and fund it themselves, but he suggested the department bring it to Council. They may put limits on requirements to take the course. For example, if the person left the City they might have to repay the City for the training. This would be an ongoing budget item to aide in the training of the fire personnel. The City currently has funds in surplus to allow the amendment, but in the future the City would have to find a way to move money around to cover it.
 - Michael Hesse explained that he would like to allow police officer's to take part in the additional training.

- Ben White stated it seemed like Chief Sullivan would be on board with the idea. Each year the City could raise the amount of money in the budget for the training, but start with \$5,000 now.
 - Motion to amend budget for \$5,000 made by John Klostermann
 - 2nd to approve was made by Michael Hesse
 - All council members voted in favor
- G. Discussion regarding Electioneering by the City and/or the City's Elected and Appointed Officials
- Alan Lathrom addressed Council and stated that electioneering was a violation of the Texas Election Code regarding City funds, City time, City employee time, or City materials or resources being used in order to support or oppose any type of election. That applies to bond projects, individual elections, or for propositions. City funds can only be used for factual information. When the City has its own bond package they cannot promote their own bond on their website, send a flyer in water bills, or use any other means of gaining support or opposition. Any elected officials that engage in electioneering may be guilty of a Class A Misdemeanor and that would require jail time and/or a fine. He read from the Code of Ethics and stated that city officials can support a bond proposal, candidate, or propositions as long as there is no mention of their title or position in the city. A violation of the ethics provisions is a Class C Misdemeanor that could be a fine up to \$500.
 - Leaca Caspari asked if it would be inappropriate of her on the Council to make threats to someone in person, by phone, or on social media regarding current bond issues. Would it be appropriate of her to make threats using her position of appointment to City boards regarding bond issues. Would it be inappropriate of her to make misleading statements about other city officials or candidates of city office boards regarding their positions on bond issues.
 - Alan Lathrom stated he was here to address those items as they are set out in the Code of Ordinances. It would be a question as to whether someone would be utilizing something for personal gain or personal benefit. He explained he was not at the meeting to be a judge or jury as whether certain conduct may or may not be appropriate.
 - Leaca Caspari asked if she, as a sitting City Council member, used the threat of her appointment power on a board against a city organization or individual was not an issue, or is was something that could not be addressed.
 - Alan Lathrom indicated the discussion would not be within the scope of what was on the agenda to discuss. He indicated if Council wanted to

go into Executive Session they could do that.

- Mayor Piwko asked if it was possible to send support of a bond to Collin County for the roadway projects that will be on the November election. They are asking for councils in the area to support their possible funding options in the form on a Resolution. She stated she would find it hard to believe they would send out the request if it was not allowed.
- Alan Lathrom indicated the City might want to discuss that with their bond counsel.

Meeting was dismissed into Executive Session at 8:25 p.m.

EXECUTIVE SESSION- Discussion of Matters Permitted by Texas Government Code Chapter 551:

A. Section 551.074, DELIBERATION REGARDING PERSONNEL MATTERS

1. Discussion regarding electioneering and conduct of City Official's

RECONVENE FROM EXECUTIVE SESSION AND CONSIDER/DISCUSS/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY SECTIONS 551-074 OF THE TEXAS GOVERNMENT CODE at 9:11 p.m.

- A. There was no action to be taken after Executive Session


VII. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Mayor Piwko requested an update from the Main Street Board regarding the National Historic Registry celebration.
- Mayor Piwko also wanted an item on the next agenda concerning the endorsement request from Collin County on a bond election for roadways in November.

VIII. ADJOURNMENT


- Meeting was adjourned at 9:12 p.m.

APPROVE:



Diane C. Piwko, Mayor

ATTEST:



Sandra Green, City Secretary

