



**FARMERSVILLE CITY COUNCIL
WORK SESSION MINUTES
For
April 11, 2017, 5:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Piwko called the meeting to order at 5:00 pm. Council Members John Klostermann, Donny Mason, Michael Hesse, Mike Hurst, and Leaca Caspari were in attendance. City staff members Ben White, Sandra Green, Adah Leah Wolf, Trisha Dowell, Paula Jackson, and City Attorney, Alan Lathrom were also present.
- Mayor Piwko indicated the Prayer and Pledge of Allegiance will move to the Regular City Council Meeting.

II. PUBLIC COMMENT

- No one came forward to speak.

III. REGULAR AGENDA

- A. Discussion regarding the possibility of future annexations and plans or concepts to encourage annexation.
- Alan Lathrom addressed Council and went over the requirements of a General Law City to annex property. He presented a Power Point and went through each slide showing what was required to become a Home Rule City.
 - Ben White asked if the railroad would stop the annexation if the railroad kept the land from being contiguous to the City.
 - Alan Lathrom stated he would have to look up the laws and cases that deal with that, but he did not know right off hand.
 - Mike Hurst asked if it was feasible to have those water and sewer services to an annexed property at a later date than when they were annexed.

- Alan Lathrom stated the property owner has a right to disannex from the City if the City is unable to extend City services to the property within a specific time frame.
- Mayor Piwko asked if there was a typical time period that annexation would follow.
- Alan Lathrom indicated that a proposed annexation has to be heard by Council after the 5th day, but no later than the 30th day the written request was received. The City would provide notice to the residents in the area of the property, submit a notice in the paper, and hold two public hearings. The hearing could be held on the same day. But, you cannot have the reading of the Ordinance on the same day as the public hearing. After all that has been completed there is a 90 day period the City will have to have the property annexed.
- Mike Hurst asked if the City goes from General Law to a Home Rule City would it be required to immediately start annexing properties.
- Alan Lathrom indicated that immediate annexation is not required. He explained there are several reasons to become a Home Rule City. He stated there were bills in the legislature now that are trying to limit annexation laws. The State of Texas is one of the states that does not provide funds for infrastructure for its Cities. These funds are collected by Cities through impact fees, water tap fees, and other various fees. There is also annexation by election, which inhabitants of an area may petition the City to hold an election in the area at which the qualified voters of the area may vote on the question of whether the area should become part of the City. The City can annex land it owns if the land is not contiguous to the current city limits and that makes the land around it eligible to become annexed.
- Mayor Piwko asked if there was a current bill in the Legislature that incorporated a law where the whole City could vote on whether they want specific areas in the City.
- Alan Lathrom indicated there were several other steps to annexation and he was just giving an overview. Chapter 43 of the Texas statutes is very difficult to analyze and interpret.
- Mayor Piwko asked what would happen if someone had land that was land locked, but the City wanted to annex it.
- Alan Lathrom explained a Home Rule City could annex the land. If services were located on a property that was in the ETJ, a General Law City could annex that property. But, the property owners would be able to disannex within a three year period if they chose to.
- Mike Hurst inquired as to whether septic was regulated by Collin County.
- Alan Lathrom indicated that it was.

- Ben White indicated there were a couple of properties that have come to the City and inquired about being annexed. A concrete plant on the east side of U.S Highway 380 and Home Grown Plants on the west side of U.S Highway 380.
- Mayor Piwko stated her, Mike Hurst, and a representative from 4A went out and spoke to the owner of Home Grown Plants and he wanted to have a contract worked out because he will need sewer services. The other property for possible annexation came up unexpectedly. Mayor Piwko explained the developer, Big D Concrete, Inc., invited Ben White and her to visit other sites the company owns. He plans on building the cement company in the August 2017 time frame.
- Ben White indicated the owner wanted sewer services to his facility.
- Donny Mason asked if at one time there was going to be a lift station at Home Grown Plants.
- Ben White indicated they were looking in to it.
- Mayor Piwko explained the cement plant would be good tax revenue for the City.

B. Discussion regarding the possible conversion from a Type A General Law City to a Home Rule City.

- Alan Lathrom addressed Council and stated that a General Law City could change to a Home Rule City by having a reasonable basis of having 5,000 inhabitants and by having a charter Home Rule election. He continued by going through the Power Point presentation.
- Ben White asked for a definition of inhabitants.
- Alan Lathrom indicated that statute does not spell out the definition of what an inhabitant is. There is nothing that spells out about how a City goes through a charter election. He explained that Home Rule Cities have the ability to adopt regulations of where sex offenders could reside, safe areas and protection zones. General Law Cities cannot. There are two ways to get to Home Rule. The City Council, through two-thirds majority vote, may order an election to create a charter commission who would write the charter. The City Council must order such an election if asked to do so by at least ten percent of the City's qualified voters. The Charter Commission would consist of fifteen members to write the charter. Once the charter has been completed, the residents must vote on the proposed charter. The City Secretary would be required to send a copy of the charter to every resident who is eligible to vote by regular mail.

- Mayor Piwko wanted Alan Lathrom to discuss the makeup of the Charter Commission.
- Alan Lathrom explained that it would be okay for appointed members of boards to be on the commission, but City Council member would probably be a conflict of interest since the Council would have to approve it at a Council meeting.
- Leaca Caspari asked if it should be a wide array of members on the commission.
- Alan Lathrom stated it would work better if the commission was made up of a wide array of people and it was best if they go out and ask other members of the community for ideas and thoughts.
- Mike Hurst spoke and stated that he had researched inhabitants and sometimes the number of water meters that are issued is how it could be calculated. You have inhabitants of nursing homes and apartments to consider as well. It appears the City may be right at the threshold of moving into Home Rule. He asked Alan Lathrom if the City pursued Home Rule, what would be the time frame. He inquired as to whether it could be on the November ballot.
- Alan Lathrom indicated with amendments and cleanup work it would be a three or four month process. It would depend on how often the Charter Commission met.

IV. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- None

V. ADJOURNMENT


- Meeting was adjourned at 6:07 p.m.

APPROVE:



 Diane C. Piwko, Mayor

ATTEST:



 Sandra Green, City Secretary

