



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
June 13, 2017, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Piwko called the meeting to order at 6:06 p.m. Council members Craig Overstreet, Donny Mason, Michael Hesse, Mike Hurst and Todd Rolan were all present. City staff members Ben White, Sandra Green, Mike Sullivan, Rick Ranspot, Daphne Hamlin, Paula Jackson, Trisha Dowell, Kim Morris, and City Attorney, Alan Lathrom, were also present.
- Prayer was led by Kim Morris of the City of Farmersville Fire Department, followed by the pledges to the United States flag and Texas flag.
- Calendar of upcoming holidays and meetings was provided in the agenda packet.
- City offices will be closed on July 4th in observance of Independence Day.
- 2017 Budget Calendar
- North Central Texas Council of Governments will hold Transportation Public Meetings on June 13th in Dallas, June 14th in Arlington, and June 20th in Hurst. See City Hall Window and Agenda Packet for more information.
- Sparks of Freedom Flier was provided in the agenda packet.
- Summer Reading Program Flier was provided in the agenda packet
- Audie Murphy Day Fliers were provided in the agenda packet
- Proclamation for Audie Murphy Day was read by Mayor Piwko.

II. PUBLIC COMMENT

- No one came forward to speak.

III. CONSENT AGENDA

- A. City Council Minutes
- B. City Council Special Meeting Minutes for May 11th
- C. City Council Special Meeting Minutes for May 19th
- D. Police Department Report
- E. Code Enforcement/Animal Control Report
- F. Fire Department Report
- G. Municipal Court Report
- H. Warrant Officer Report
- I. Public Works Report
- J. Library Report
- K. City Manager's Report
 - Mayor Piwko pulled the Public Works Report and Mike Hurst wanted to pull the City Council Minutes.
 - Motion to approve reports B through H made by Donny Mason
 - 2nd to approve was Michael Hesse
 - All council members voted in favor
 - Mike Hurst asked a question concerning clarification on the City Council Minutes. He wanted to know if the City ever received the utility payment from Oak Grove Apartments.
 - Ben White indicated that payment was received and the account was paid in full.
 - Motion to approve City Council Minutes made by Mike Hurst
 - 2nd to approve was Michael Hesse
 - All council members voted in favor
 - Mayor Piwko asked a question on the Public Works Report. She asked if the City is about done with the smart meter installations
 - Ben White stated the City is complete at this point.
 - Mayor Piwko also asked a question on #11 regarding the Electrical System - Capital Projects. After Jeramy worked with the contractor they came back with higher needs. She wanted to know how that would affect the City financially.
 - Ben White stated the City has asked them for an engineer's report to see what was really needed. The City will now have to negotiate the costs.

- Mayor Piwko asked if the City ordered one already and if it has to be returned.
- Ben White stated one had not be purchased yet.
- Mayor Piwko asked a few more questions regarding new special bi-directional meters. A handful of commercial meters were ordered and she wondered if we could pass the costs over to the customers who wanted to use the meters.
- Ben White stated as of yet the City did not add anything in the fee schedule, but the City could charge them.
- Ben White indicated he could bring back information at the next meeting or build it into the next City Manager's report
- Mayor Piwko indicated it would be fine to include it in the next City Manager's report.
 - Motion to approve Public Works Report made by Craig Overstreet
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

IV. INFORMATIONAL ITEMS

- 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
 - Motion to approve reports made by Mike Hurst
 - 2nd to approve was Todd Rolen
 - All council members voted in favor

V. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon recommendation from Planning & Zoning Commission regarding a request for a Special Use Permit for commercial, amusement (indoor) uses to allow Winners Sweepstakes to be located at 676 Hwy. 380, which address may also be known and referred to as 676 W. Audie Murphy Parkway.
 - Mayor Piwko indicated that Craig Overstreet removed himself from

the meeting because he had voted on the item while he was on the Planning & Zoning Chairman. Mayor Piwko opened the public hearing.

- Mr. Steve Bell, President of Strategic Fundraising, addressed the City Council and asked to be a part of the community in Farmersville. He stated they have opened new stores in Sherman and Princeton will open next week. The program was set up to help give money to charities and it is like buying a lottery ticket. He has spoken to Ms. Judy Brandon who runs the Community Outreach Program, and apologized for the misunderstanding with the Police Department. He stated his business would work with the Community Outreach Program and donate money for their cause. He has rules that he enforces in his business. For example, people cannot wear baggy pants, swear, or wear hoodies. They have a variety of people that come in to the facility.
- Mayor Piwko asked for Steve Bell to clarify how the machines work.
- Steve Bell explained that everyone that enters gets 100 free entries. When the screen comes up on the machine the people have to select an option of what organization they would like to donate. He explained that it was a penny per entry and if they did not want to use the machines they could even walk up to a terminal and login to determine if they won anything.
- Mayor Piwko stated that if someone donated \$10.00 then they receive 1,000 entries.
- Steve Bell explained how the machines looked and stated it was up to each person as to how many entries they want to play at a time.
- Mike Hurst asked if the people could choose not to donate.
- Steve Bell stated yes, but if they do not agree they would then have to go to the counter, get their money back, and leave.
- Mayor Piwko closed the public hearing at 6:31 p.m.
- Mayor Piwko gave a brief history of what had been discussed in the Planning & Zoning public hearing previously. She explained Steve Bell would have a limited lease on the building and they would improve the parking lot.
- Donny Mason asked if they would have to bring the building up to current codes before the permit would be issued.
- Ben White stated they would have to comply with ADA requirements and codes in order to receive a certificate of occupancy.
- Mayor Piwko asked Chief Mike Sullivan if he anticipated any trouble with a facility like this such as possible drug exchanges or other issues.

- Chief Sullivan stated he could not speak toward how crime would be in regards to the business because he has not had any experience with them.
- Mayor Piwko asked about what their occupancy numbers would be and what they believed their busy hours would be.
- Steve Bell indicated there would be signs that stated their occupancy levels that would be required by law.
- Ben White stated safety issues would have to be in conformance with code but they would not have to change the facade unless they change or add to the building because they are an existing non-conforming use.
- Steve Bell explained what he was going to offer to the Outreach Program, such as a refrigeration area.
- Mike Hurst asked if Steve Bell would come to the City before he would be allowed to go forward to insure the building would meet all the codes and then if they did not would he then try to ask for a variance.
- Ben White explained Steve Bell would come and apply for a permit and then the plans would go to Bureau Veritas and the City Engineer to review. Then, Steve Bell would receive redlined plans and they could decide if they wanted to go forward.
- Mayor Piwko explained the location does not have any other businesses nearby, so there would not be a lot of children going by.
- Mike Hurst asked what requirements would have to be met since the building is located in the highway commercial zoning district.
- Ben White stated they would not have to meet the masonry requirement, but they could have signs and use an existing pole. There are things related to federal and safety issues that the business would have to do. ADA requirements and electrical would have to be changed if Bureau Veritas stated they were not current with our adopted codes. The parking is currently gravel and the City may have them pave it to meet current code.
- Steve Bell indicated he read the codes and there were things they would have to do because they need dedicated circuits for their computers. They would also have to redo the bathroom in order to be ADA compliant. He explained they would be doing some interior work, but nothing on the outside of the building. He indicated they would come to the City for sign permits as well. He stated he did not see any issues with what they were going to do.
- Mike Hurst asked if Mr. Bell would be the person to oversee the work.
- Steve Bell stated he has employees who oversee the facility and employees.

- Mayor Piwko asked if the best location for the business was to be located in highway commercial.
- Mike Hurst stated he did not like it in the highway commercial district. He asked Mr. Bell about his finances and how they worked with the business.
- Steve Bell stated he gets reports. He pays 10% of gross revenue to the charity. He brought his bank books to the meeting and explained they are welcome to look at it if they would like. He showed how much they payout to some charities. All employees are on payroll and he pays all of his expenses and then hopefully there is left over at the end of the month.
- Mike Hurst stated he would lean more to a planned development rather than allowing it in highway commercial. He stated he would vote no as it was presented.
 - Motion to deny the request for a specific use permit at 676 W. Audie Murphy Parkway made by Mike Hurst
 - 2nd to approve was Donny Mason
 - All council members voted in favor

VI. READING OF ORDINANCES

A. Consider, discuss and act upon the 2nd reading of Ordinance #2017-0523-002 regarding placing liens on unpaid utility bills.

- Mayor Piwko read the title block of the Ordinance:
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING CHAPTER 74, "UTILITIES," THROUGH THE AMENDMENT OF ARTICLE II, "WATER, SEWER AND ELECTRICAL CHARGES," THROUGH THE AMENDMENT OF DIVISION 3, "SERVICE CHARGES," BY ADDING NEW SECTIONS 7496 THROUGH 74-99 AUTHORIZING LIENS FOR CERTAIN DELINQUENT UTILITY BILLS, BY PROVIDING AN EXEMPTION FROM SUCH LIENS FOR HOMESTEAD AND RENTAL PROPERTY, AND BY PROVIDING FOR THE APPEAL OR RELEASE OF SUCH LIENS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This Ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

- Mayor stated that they needed to decide if the Council still wanted to go through with approving the Ordinance since Oak Grove Apartments paid their past bill. She did indicate it would allow the City to put liens on property in the future that met the criteria.
 - Motion to approve 2nd reading made by Donny Mason
 - 2nd to approve was Todd Rolen
 - All council members voted in favor

B. Consider, discuss and act upon 1st and only reading of Ordinance #2017-0613-001 regarding water rates for outside city limits.

- Mayor Piwko read the tile block of the ordinance.
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 74, "UTILITIES," BY AMENDING SECTION 74-76, "WATER SERVICE CHARGES," BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 74-76, ALSO ENTITLED "WATER SERVICE CHARGES," AS PROVIDED HEREIN BELOW; THROUGH THE AMENDMENT OF APPENDIX "A," "MASTER FEE SCHEDULE," OF THE FARMERSVILLE CODE THROUGH THE AMENDMENT OF ARTICLE II, "ELECTRICITY, WATER, SEWER, AND REFUSE," BY AMENDING SECTION 2-2, ENTITLED "WATER SERVICE FEES," TO MODIFY THE RATES FOR CITY CUSTOMERS; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR NOTICE AND IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

This Ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

- Ben White explained the new rate sheet that he gave to Council before the meeting showed the accurate rates for the three year span. He indicated that he spoke to Tracey Homfeld and they agreed that it would be broken down over a three year period. He explained the multiplier that would be used as it was shown on the new form. The City always goes through a rate change every October with the NTMWD. The chart is only showing one year at a time since the prices will not be known until then. Ben White stated that he would like Council to include in the rates on the chart and the multipliers for the future rates to prevent the item from having to come before Council every year.
- Mayor Piwko asked about the outside old water meters.
- Ben White stated the City would maintain the outside City rates prior to 1985, but they would use the multiplier of 1.5 in the year 2019.
 - Motion to adopt rates at the top of the form, adopt the multipliers at the bottom of the form, and keep the customers

outside the City who had service prior to 1985 at the same rate until 2019 approve made by Donny Mason

- Craig Overstreet wanted to clarify that it was a three year process.
 - 2nd to approve was Michael Hesse
 - All council members voted in favor

VII. REGULAR AGENDA

A. Presentation of City audit report.

- Louis Breedlove, Audit Manager with Brooks Cardiel, PLLC, addressed Council and stated he gave them an audit report and presentation that he would discuss. He explained their audit process and went over the presentation of items in the City audit.
- Mayor Piwko stated she saw that the TMRS was underfunded and half of the debt went up this year.
- Louis Breedlove stated it is based on the TMRS actuary and all cities have seen this over the past year.
- Mayor Piwko asked if the City was in a good position.
- Louis Breedlove stated he would have a discussion with TMRS and just watch it over the next year. The balance is not very concerning at this point, but he just stated to keep an eye on it.
- Mayor Piwko most of the deficit was on the interest rate changes.
- Louis Breedlove stated there were two other letters that were given to Council and one letter stated some of the issues they saw have already been addressed the by Ben White and Daphne Hamlin or they are in place to be taking care of them.
- Ben White stated he takes the audit serious every ear and he and Daphne work on the items to make sure they do not see the same problems next year.
- Louis Breedlove stated staff works well to fix the issues.
- Craig Overstreet asked about the reaction and response and if that should be Management or Council.
- Ben White stated he would be open to presenting the issues to the Council that the auditor has mentioned needs to be addressed since it is a city financial statement.
- Craig Overstreet explained that since it was a financial document he felt that would be wise.

B. Consider, discuss and act upon the election of Mayor Pro Tern and

Treasurer

- Mayor Piwko indicated that Mike Hurst is the current Mayor Pro Tem and Michael Hesse is the Deputy Mayor Pro Tem and Treasurer.
 - Motion to keep current places the same made by Craig Overstreet
 - 2nd to approve was Donny Mason
 - All council members voted in favor

- C. Consider, discuss, and act upon combining Parks & Recreation Board, Library/Civic Center Board, and Senior Citizens Board.
 - Mayor Piwko stated the combining of the boards was brought about in order to make things more consistent, especially with attendance of board members.
 - Donny Mason stated he believed it would be easier if the City combine the boards and it would make it easier overall.
 - Motion to instruct staff to craft an Ordinance to combine the boards made by Donny Mason
 - 2nd to approve was Todd Rolen
 - All council members voted in favor

- D. Consider, discuss and act upon appointing new members to City boards.
 - Mayor Piwko came up with recommendations of people who should be placed on the boards. She suggested for 4B, renewing Mike Goldstein and Cynthia Craddock-Clark and adding Jesse Nelsen and Tobey Ferguson; Building & Property Standards, add Tracy Foltz to replace Anne Hall; Planning & Zoning, Lance Hudson and Wade Smith; Main Street, Doris Cooks and Mary Berry.
 - Motion to approve recommendations of appointments made by Michael Hesse
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

- E. Consider, discuss and act upon the assignment of Council liaisons to City boards and commissions.
 - Mayor Piwko asked if everyone was okay with their present boards and commissions.
 - City Council liaisons were decided as follows:
 - Michael Hesse, School Board
 - Donny Mason, Building & Property Standards
 - Todd Rolen, 4B
 - Mike Hurst, 4A
 - Craig Overstreet, Planning & Zoning
 - Mayor Piwko, Main Street and City Amenities.
 - Motion to approve made by Michael Hesse

- 2nd to approve was Mike Hurst
- ○ All council members voted in favor

F. Update on Home Rule status.

- Mayor Piwko stated that during executive session held at a work session before the regular meeting they discussed going to home rule. She explained the City Council is going to start a Home Rule Charter Commission. Mayor Piwko indicated that she and Mike Hurst will conduct the work to invite people to be on the Charter Commission. They will invite approximately 18-20 people to make up the Charter Commission and hopefully at least 12 people will accept the invitation.
- Ben White asked if the Council had a start date in mind for the charter.
- Mayor Piwko stated they are hoping to start in early July because the Commission would have a lot of work to do in order to complete the charter by the end of February. She indicated the Council members who would serve on the Commission would be Craig Overstreet, Mike Hurst, and Mayor Piwko. As long as one of the Council members is the Mayor then the City would not have to post the meetings as a possible quorum.

G. Consider, discuss, and act upon moving toward automated phone attendant instead of answering service.

- Ben White explained that the City has the option of using the existing phone system to where if someone calls in after-hours the call would be sent directly to the person on call. The City has not used this yet so there may be a learning curve. Right now if someone calls in the answering service calls the on call person. The automated system would allow someone call in and then it would ring directly to the person on call. The draw back would be if the system was bombarded with calls some would not get answered until the larger problem was handled.
- Mike Hurst asked how many calls the City get after hours now.
- Ben White stated that if an outage occurred it could be several calls coming in at once. On a regular weekend he was not sure how calls came in, maybe one or two.
- Mike Hurst stated the best way might be to split up the electrical and water calls. They stay on call several days and then they go on to someone else.
- Ben White stated the system would route someone to the person who directs water or electricity depending on what was needed.
- Mayor Piwko stated her concern was that the answering service has been a buffer between the citizens and the workers. She is also

concerned about the workers answering the phones and dealing directly with the customers because they are not trained in customer service.

- Ben White stated he wanted to come back and address the issue at a future meeting when he has more information.
 - Motion to table until the next City Council meeting made by Craig Overstreet
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

H. Consider, discuss and act upon DBI contract for the Main Street Revitalization Grant.

- Ben White stated the contract was a standard form from the Texas Department of Agriculture and the city attorney has seen it and approved it.
- Mayor Piwko inquired about the project time schedule.
- Ben White asked Alan Lathrom if Mayor Piwko and Mike Hurst had to abstain from this item on the agenda due to a conflict of interest.
- Alan Lathrom indicated the approval that was received from the TDA stated that Mayor Piwko and Mike Hurst had to abstain from any matters dealing with the Main Street Grant.
- Mayor Piwko and Mike Hurst recused themselves from discussion due to a conflict of interest because they both own businesses on Main Street.
- Michael Hesse took over the meeting as Deputy Mayor Pro Tern and read the item on the agenda again.
- Ben White restated that the contract was a standard form from the Texas Department of Agriculture and the city attorney has seen it and approved it.
- Craig Overstreet asked about the time frame of the project and if two years was sufficient.
- Ben White stated the time line was typical, but he and Eddy Daniel are trying to move things forward.
- Sandra Green stated that Grantworks has indicated we are on schedule.
 - Motion to accept staff's recommendation to approve the contract with dates specified and payment schedule made by Craig Overstreet
 - 2nd to approve was Todd Rolen
 - All council members voted in favor
- Mayor Piwko and Mike Hurst re-entered the Council chambers.

1. Consider, discuss and act upon contracts for professional services regarding the Wastewater Treatment Plant Project funded by the Clean Water State Revolving Fund (CWSRF) Loan.
 - Ben White stated the two contracts have been reviewed and approved by the city attorney.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Todd Rolen
 - All council members voted in favor

- J. Consider, discuss and act upon offer from Jaime Alberto Castillo to purchase Block 2, Lot 4C in the Neathery Marble Addition.
 - Ben White explained about six to eight months ago the County stopped a piece of property from being sold on the county steps because it is not buildable and it is a small piece of property. The homeowner next door decided they wanted to purchase the land.
 - Motion to approve made by Donny Mason
 - 2nd to approve was Michael Hesse

 - Craig Overstreet wanted to clarify that the discussion was over a deed with no warranty and the property was sold as-is.
 - Mayor Piwko indicated that was correct.
 - Ben White stated he would suggest to the owner that it would be beneficial to replat and said the Council would have the option of weighing those fees.
 - All council members voted in favor

- K. Consider, discuss and act upon Memorandum of Understanding between the City of Farmersville and SHG Land Investments of Farmersville concerning Camden Park.
 - Ben White addressed Council and stated the City has been working with Ted Zedah for a long time. The Memorandum of Understanding lays everything in place to obtain the Developer's Agreement and to be able to present it to Council at the next meeting.
 - Mayor Piwko wanted the best estimate of cost for the lift station.
 - Ben White stated it would be approximately \$140,000 for the force main. The lift station will have \$375,000 place toward it and he believes there would be \$150,000 for additional costs. The biggest problem is timing in order to have it built before December this year. Ben White indicated he will go to the TIRZ and/or 4A Boards for funding and then wait for the City's loan to come through to pay them back.
 - Craig Overstreet asked for Ben to go into the roadways.

- Ben White stated there are plans to T-off the road and at the bend it would go into school development. The bend would be taken out by heavy machinery while they are building the first phase of Camden Park.
- Mike Hurst asked how that was going to effect the flow of traffic.
- Ben White stated it would be natural because it would no longer bend and people would be required to stop.
- Michael Hesse asked if the road would contain marked lanes.
- Ben White stated it would eventually, but not right now. It would be made into a four lane road with the school development.
- Michael Hesse stated it needs to be done before the school comes.
- Craig Overstreet stated that according to the contract he would have to put up money by July 31st.
- Ben White stated he has to put up cash in an escrow before July 31st.
 - Motion to approve made by Michael Hesse
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

L. Consider, discuss and act upon Interlocal Agreement (ILA) with Collin County for Ambulance Services.

- Motion to approve made by Donny Mason
- 2nd to approve was Craig Overstreet
- All council members voted in favor

M. Consider, discuss and act upon bank contract for First National Bank of Trenton.

- Motion to approve made by Todd Rolan
- 2nd to approve was Donny Mason
- All council members voted in favor


VIII. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Todd Rolan wanted to review the JW Spain baseball contract.
- Mayor Piwko wanted to discuss a Citywide Cleaning Day.

IX. ADJOURNMENT

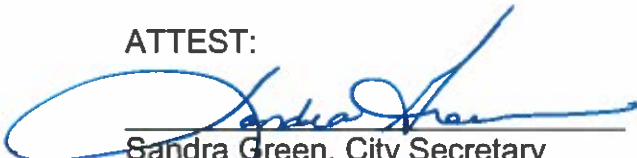
- Meeting was adjourned at 8:04 p.m.

APPROVE:



Diane C. Piwko, Mayor

ATTEST:



Sandra Green, City Secretary

