



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES**

**For
October 10, 2017, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Piwko called the meeting to order at 6:00 p.m. Council members Craig Overstreet, Donny Mason, Mike Hurst, and Michael Hesse were all present. Todd Rolen was not in attendance. City staff Ben White, Sandra Green, Rick Ranspot, Brian Alford, Trisha Dowell and City Attorney Alan Lathrom were also present.
- Prayer was led by Warrant Officer Rick Ranspot followed by the pledges to the United States flag and the Texas flag.
- The calendar of upcoming holidays and meetings were provided in the agenda packet.
 - Calendar of upcoming holidays and meetings
 - There will be a Chaparral Trail run October 21st called the Ultra Expedition Oktoberfest Trail Run. More information can be found at the following website: <http://www.ultraexpeditions.com/oktoberfesttrailrun>
 - The Trick-It-Up bike ride will be held on October 28th, from 9:00 am to 3:00 pm. For more information please call the Farmersville Chamber of Commerce or go to their website: <http://www.farmersvillechamber.com>
 - Scare on the Square will be on October 28th, from 5:00 pm to 8:00 pm. For more information please call the Farmersville Chamber of Commerce or go to their website: <http://www.farmersvillechamber.com>
 - The Holiday season is quickly approaching. Angel Tree sign-ups will be held at the First United Methodist Church Saturday, November 4th, 5th, and 6th. Please see the flyer in the agenda packet, on the website, or in the window of City Hall for more information.
 - The North Central Texas Council of Government will hold transportation public hearings on October 10th, 11th, and 16th. Please see flyer in the agenda packet or the flyer posted in the City Hall window for more information.

- Home Rule Charter meeting is held on the first Thursday of every month.
- Citywide Clean-Up Day will be Saturday, November 4th.
- Mayor Piwko stated there will be a dedication of the Earl Erickson Bridge on the Northeast Texas Trail Thursday at 5:30 in Paris, Texas.
- Ben White stated that City Police Officer Marsha Phillips' husband died and services will be on Saturday in Leonard, Texas.

I. PUBLIC COMMENT

Anyone wanting to speak is asked to speak at this time, with an individual time limit of three (3) minute. This forum is limited to a total of thirty (30) minutes. If a speaker inquiries about an item, the City Council or City Staff may only respond with: (1) a statement of specific factual information; (2) a recitation of existing policy; or (3) a proposal that the item be placed on the agenda of a future meeting.

- John Hart who resides at 18601 CR 646 addressed Council and stated the Council had discussed the cemetery plat several times in executive session already and he feels the Council is stalling so they do not have to approve the plat. He explained that stalling does not make the City look good. He ask for a statement of fact from Council regarding the matter.
- Mayor Piwko indicated they would not comment on the topic.
- John Richard Smith who resides at 617 CR 610 lives next to Camden Park. He explained he talked to a gentleman that was putting up stakes for Camden Park in regards to his property line. He stated they have taken down his fence and bulldozed out another fence. He is very unhappy with them.
- Randy Smith who lives at 508 CR 610 that is just north of Camden Park addressed Council. He wanted to correct something he stated before. Upon reflection, he realized the dozer was going forward and the bucket must have sheared off the fence. They were told the trees would be left and they have not been. He was asking about the maintenance on the road and that the City is responsible for the maintenance of the road from Camden to U.S. Highway 380. He wants the City to show interest in the roadway and repair it when necessary. He also expressed that trash is getting left at the entrance of the site.
- Mayor Piwko asked if the city picks up trash on any of the roads in the City.
- Ben White indicated the City does not conduct a sweep of the roads, but staff could if Council requested it.
- Randy Smith also added the Storck property the City owns has not been mowed all year.

- Mayor Piwko asked Ben White if that piece of land was in the City's mowing contract.
- Ben White indicated it was not, but Eddie Brock in Public Works mows it with the tractor when he gets a chance.
- Mayor Piwko told Randy Smith that we will get the property mowed.

II. 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.

- A. Police Department Report
 - B. Code Enforcement/Animal Control Report
 - C. Fire Department Report
 - D. Municipal Court Report
 - E. Warrant Officer Report
 - F. Public Works Report
 - G. Library Report
 - H. City Manager's Report
- Mayor Piwko indicated the Public Works Report and the City Manager's Report would be pulled from the agenda and moved to the next City Council meeting. She also wanted the Police Department Report pulled for discussion.
 - Motion to approve reports B, C, D, E, and G made by Craig Overstreet
 - 2nd to approve was Donny Mason
 - All members voted in favor
 - Mayor Piwko wanted to commend the Police Department for National Night Out. There was a great turnout of approximately 600 people and she wanted to also commend the police officers for the chase they dealt with on Monday. They did a great job getting information out to the citizens about what was happening. She also asked about the clean-up day and wanted to know if they were going to tow old cars.
 - Brian Alford said he was not sure, but he could find out.

III. 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) Financial Report
- B. FCDC (4B) Meeting Minutes
- C. FCDC (4B) Financial Report
- D. Main Street Board Minutes
- E. Main Street Report
- F. Texoma Housing Partners Information
 - o Motion to approve made by Michael Hesse
 - o 2nd to approve was Mike Hurst
 - o All members voted in favor

IV. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a recommendation to City Council from the Planning & Zoning Commission regarding Ordinance #O-2017-1010-001 for changes to the Comprehensive Zoning Ordinance by establishing a Temporary Use Permit to allow a recreational vehicle or travel trailer to be used as a temporary residence within the city limits.
 - Mayor Piwko opened the public hearing at 6:20 p.m. She asked if there was anyone who wanted to speak for or against the Ordinance.
 - None came forward and Mayor Piwko closed the public hearing at 6:21p.m.
 - Mayor Piwko stated she wanted a correction on page 7.H.1 (b). She wanted the phrase "improved surface" added to the sentence. That would allow someone to park the recreational vehicle or travel trailer in their backyard if they already had an improved surface.
 - Craig Overstreet wanted to clarify the permit would be for a period of 90 days and it could only be the owner of the home that could live in the temporary residence. Any extensions would have to go before the City Manager.
 - Alan Lathrom stated the City Manager has the ability to approve a temporary permit for 90 days, and any extension would be required to run through the Planning & Zoning Commission and City Council. He also wanted to make sure the improved surface was defined as it was in City Code of Ordinances.

- Motion to approve as amended made by Donny Mason
 - 2nd to approve was Michael Hesse
 - All members voted in favor
- B. Public hearing to consider, discuss and act upon a recommendation to City Council from the Planning & Zoning Commission regarding Ordinance #O-2017-1010-002 for an addition to the Comprehensive Zoning Ordinance by establishing a new use that will allow the operation of motor vehicle towing, motor vehicle recovery, and motor vehicle storage.
- Mayor Piwko opened the public hearing at 6:26 p.m. She asked if there was anyone who wanted to speak for or against the Ordinance.
 - None came forward and Mayor Piwko closed the public hearing at 6:26 p.m.
 - Craig Overstreet explained the Ordinance was allowing for the use in heavy industrial by right and light industrial with a specific use permit.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Mike Hurst
 - All members voted in favor

V. READING OF ORDINANCES

- A. Consider, discuss and act upon the first and only reading of Ordinance #O-2017-1010-003 regarding an update to the Master Fee Schedule for a water rate increase to reflect the increases from the North Texas Municipal Water District (NTMWD) for the wholesale rate.
- Mayor Piwko indicated this item would be deferred until another item was discussed on the agenda.
- B. Consider, discuss and act upon the first reading of Ordinance #O-2017-1010-004 regarding the adoption of the Thoroughfare Standards Design Manual.
- Ben White asked Alan Lathrom if he had time to look over the Ordinance in reference to the manuals, future use plans, and other items in the Ordinance.
 - Alan Lathrom indicated there were some provisions that could be made to clean up the Ordinance in regards to the dates.
 - Ben White suggested Council accept the 1st reading with changes as requested and then it would come before Council with those changes incorporated at the next meeting.
 - Motion to approve with changes and direct staff to update information made by Donny Mason
 - 2nd to approve was Craig Overstreet
 - All members voted in favor

VI. REGULAR AGENDA

- A. Consider, discuss and act upon Resolution #R-2017-1010-001 regarding the sale of surplus items for the Public Works Department.
- Ben White explained the mower has been a constant problem and it needs fixed all the time. The five backhoe buckets are associated with an old caterpillar and the City has not had a Case for a very long time.
 - Motion to approve made by Mike Hurst
 - 2nd to approve was Michael Hesse
 - All members voted in favor
- B. Consider, discuss and act upon Resolution #R-2017-1010-002 regarding the sale of surplus items for the Police Department.
- Brian Alford stated since the Police Department received a grant for new radios they would no longer use the ones listed as surplus.
 - Michael Hesse asked if the Public Works Department could use the radios.
 - Ben White indicated they would not work for Public Works and the City would not have any channels for them use.
 - Mayor Piwko asked if the radios would benefit a police department that was affected by Hurricane Harvey.
 - Brian Alford stated they had thought about that, but the town they heard about could not use those types of radios.
 - Motion to approve made by Donny Mason
 - 2nd to approve was Mike Hurst
 - All members voted in favor
- C. Consider, discuss and act upon the desire of the Northeast Texas Trail Association to set up a meeting to discuss creation of a State Park.
- Ben White stated Earl Erickson from the Northeast Texas Trail (NETT) Coalition wanted to set up a meeting with some of the Council to talk about making the Northeast Texas Trail a State Park. They would like to meet with the Mayor and one or two Councilmembers.
 - Michael Hesse asked if the City would lose control of the trail in Farmersville if it became a State Park.
 - Ben White indicated the City would. It would go over to the State of Texas and it would become their property.
 - Mayor Piwko suggested the City not do a turnover to them but she would feel more comfortable leasing the park to the State.
 - Mayor Piwko and Michael Hesse stated they would meet with them.
- D. Consider, discuss and act upon the North Central Texas Council of Governments (NCTCOG) and TxDOT activity concerning new the Collin County Transportation Plan.
- Ben White went over a few pages of the PowerPoint that was in the agenda packet. He started with slide 5 and discussed the proposed roadways and thoroughfare routes. He then went to slide 8 and

explained the important items to point out were bullet points #3, #4, #5, #6 and #7. He showed Slide 20 and stated there were two serious options being considered that would create a choke point and they are thinking about another crossing over the lake. He stated he has told the North Central Texas Council of Governments the City would need more than one crossing over the lake.

- Donny Mason asked about 399.
- Mayor Piwko indicated that road was a TxDOT project. She also indicated that page 5 of the PowerPoint indicates their 2040 plan.

E. Consider, discuss, and act upon contract from GrantWorks for the 2017 – TxCDBG Street Improvements Project for a section of Rike Street.

- Ben White indicated this contract was for administration of the grant.
- Mayor asked if staff could handle some of the work for this grant.
- Ben White stated there was a lot of paperwork involved and he does not have enough staff.
- Craig Overstreet asked what period of time the contract covered.
- Ben White explained the project would probably not get started until next October. The construction would take approximately six months.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Mike Hurst
 - All members voted in favor

F. Consider, discuss, and act upon the approval of bids for possible water, wastewater and electrical rate studies.

- Ben White stated Chris Ekrut, from NewGen Strategies & Solutions, was in the audience if Council had any questions. He explained he is requesting rate studies for water, wastewater and electric services. Chris Ekrut has stated he would not exceed the amount in the contract of \$22,500.00. Schneider Engineering, Ltd., stated they would conduct the electrical rate study for \$13,500. The professionals have the knowledge and he recommends the City use someone with expertise to conduct the studies. Right now, we are losing money in the water fund. People are using less water and conserving. Structuring the rates is what is going to be important, plus we had a major expense this year for the jetting truck. On the electric side, we have had a mild summer and mild winter. He recommends that every five years the City should go through a rate study. We want to be competitive and keep up with our system.
- Mayor Piwko stated that part of the study would include giving the City advice about which capital and maintenance projects are substantial issues and what could be in the future.
- Chris Ekrut explained they will be looking at the City for the projects, but they will go over the funding options. They will be talking about cash debt and how the City will ultimately recover that funding through rates.
- Ben White stated the City was fine in regards to wastewater, but the water system needs improvements.

- Mayor Piwko said it appears there would not be a technical review of the City's services to see what needs to be updated from NewGen Strategies & Solutions.
- Craig Overstreet asked about the ongoing litigation with the NTMWD and when the last rate increase was for our services.
- Ben White stated there are ongoing actions that are creating costs for the City. There is hope that we might reach a settlement through a coalition of other cities joining together. If the settlement goes through then the City will save approximately \$1,000.00 a month in attorney fees.
- Mayor Piwko indicated the rate study that was conducted six years ago phased in the rate increases. The City did implement that over time.
- Ben White stated that over a 2 ½ to 3 year period rates for water and wastewater were increased. The City has not had a rate increase for the electrical system for almost 20 years. When we transferred the electric to the City of Farmersville we simplified the rates. Competitively, we do not have the highest electric rates in the area.
- Mayor Piwko asked if the electrical rate study was premature since we do not know about Oncor taking over Sharyland.
- Ben White stated he believed Schneider would know about the Oncor issue.
- Chris Ekrut stated the Oncor issue is before the Public Utilities Company (PUC) right now and we should know something before the study would be complete.
- Ben White stated he would have Chris Ekrut look at the way Camden Park will affect us also.
- Mike Hurst asked how much water is used from the minimum water we have to purchase vs. the amount we actually use.
- Ben White stated we have a long way to go before we hit the minimum amount we have to purchase. We are only using 1/3 of the amount the City has to purchase.
- Craig Overstreet explained the City was looking at a total of \$35,000 for the studies.
- Ben White asked if the Council had any more options they wanted to consider. He explained NTMWD increases their rates by 10% every year and we have not increased our water rates for four years. We only raise the rates to compensate for the increase that the NTMWD passes down.
- Mike Hurst asked why we have not increased our rates to keep up with our expenses.
- Ben White stated it becomes a political issue, but it may come down to the City raising the rates over several years.
- Craig Overstreet stated we do not need to conduct the studies at this time. He feels it would be more useful when the City grows a little bit more.
- Michael Hesse stated the rate study will show us what other cities around us are doing and how much they are charging.

- Mayor Piwko stated she felt that Ben White has not given the Council a full overall look at how much needs to be put into our systems. She wants to know how the City can finance these improvements. She explained she felt like that is how the rate study could help. She stated it was her opinion that the electrical system could wait. The weather and under usage has caused the electric funds to be low. The water will need help in the near future. She is concerned about the capital part of the water system.
- Chris Ekrut stated that when the City goes up on the water rates, the citizens will use less water. He suggested Council take in to account the elasticity of demand. Be sure to include that element in the calculations.
- Craig Overstreet wanted more information and wanted to see if spending the money would be worth it at this time.
- Mike Hurst stated development will be coming to Farmersville that may help and we do not know all of the information at this time.
 - Motion to table made by Craig Overstreet
 - 2nd to approve was Mike Hurst
 - All members voted in favor

- Mayor Piwko went back to the water rate Ordinance that was skipped earlier.
- Ben White stated the Ordinance was to help with the increase that NTMWD has passed on to the city.
- Mayor Piwko looked at how much it would impact the citizens per month. She explained that most households would see an increase of approximately \$2.00 per month. She said the rates for houses that use our water services who live outside the City limits will increase a lot more. She indicated if we do not pass off the cost to the citizens the City would lose around \$25,000 more a year.
 - Motion to approve made by Michael Hesse
 - 2nd to approve was Mike Hurst
 - All members voted in favor

- G. Update regarding Main Street Manager hiring status and transition plan.
 - Ben White stated that Daphne Hamlin and Adah Leah Wolf met with Debra Drescher who is the Texas Historical Main Street Coordinator. She looked over the job description and liked what we have. She stated it could take approximately six months to get a qualified candidate. He is determined to hire an experienced person, but he does not want to just place a warm body in the position. The Main Street Board and 4B agreed they wanted a qualified person.

 - Mayor Piwko was concerned because she did not like that a business owner or person within the downtown area was not on the interview committee. She suggested Janice May, Doris Williams, or Jennifer Giles be placed on that committee. Her other concern was the

Farmers & Fleas. She wanted to make sure a city staff member was in charge of the coordination of the Farmers & Fleas. She is not comfortable having volunteers running the event.

- Ben White stated staff is already thin.
- Mike Hurst said he had a concern about putting a staff member in charge of the Farmers & Fleas because staff is stretched thin.
- Ben White stated he could suggest a staff member overseeing it, but the Main Street Board could find a qualified volunteer to do that.
- Mayor Piwko asked if there was a compromise they could make to not have the Farmers & Fleas until January since it is the slow season and then have a staff member pick it up in February.
- Ben White asked if he could speak with the Main Street Board first.
- Mayor Piwko stated at the least the coordination and oversight should be placed in the hands of a Board member.
- Ben White stated he would come back to Council with more information.

H. Update on property and building located at 607 Waterford.

- Mayor Piwko stated the permit was issued almost a year ago.
- Ben White stated a permit is good, he believes, for one year and it would start over for six months if they called in an inspection. We could have the inspector or the Police Chief go out and make sure the homeowner finishes the work.
- Donny Mason asked if the owner was aware of the rules and what the City could do to enforce the permit.
- Ben White explained we could make him re-apply for the permit and pay the fee again.
- Mayor Piwko stated she did not want to do that, she just wanted the project finished.
- Mike Hurst stated he realized that most of the covenants in the Planned Development (PD) are not being followed and that was probably a police issue.
- Alan Lathrom explained the police officers cannot enforce covenants.
- Mayor Piwko asked how permits that have expired been handled in the past.
- Ben White indicated he would have to check with Paula Jackson to see how that has been handled. He believes they have been really lenient.
- Sandra Green stated if the Council want the project completed they may have to enforce the rules. If the permit was expired the homeowner's would have to re-apply and pay the fees again.
- Mayor Piwko asked if that was what the Council wanted to do.
- Craig Overstreet stated if Council does not enforce the rules what kind of message does that send our citizens.
- Mayor Piwko stated she thinks the homeowner could come in and re-apply and pay the fees, or maybe the City could waive the fees if he gave us a time frame of when it will be completed.

- Craig Overstreet said we should send the Chief of Police, a staff member, or the Building Inspector out to see when he will be done. If that does not work, then we enforce the rules and make him re-apply.
- Mayor Piwko asked if he was invited to the meeting.
- Sandra Green stated no he was not.
- Ben White stated he thinks if we talk to the owner he would probably get it fixed.
- Council felt the site was a danger because the fence is not up.
- Donny Mason asked if the homeowner understood that he could not have a drive approach off of Sycamore Street.
- Ben White stated that the homeowner had been told that he could not connect to Sycamore Street. He stated he would talk to the homeowner about finishing the building and putting up the fence.

- I. Update regarding the status of the Little League contract.
 - Ben White explained the Little League contract had to be seen by the City Amenities Board before it could be brought to the City Council.

VII. EXECUTIVE SESSION

Mayor Piwko read the below statement and indicated the Council would go into executive session at 7:55 p.m.

Discussion of Matters Permitted by Texas Government Code Section 551.071, CONSULTATION WITH ATTORNEY:

1. Discussion of matters protected by the attorney-client privilege:
 - a) Discussion of laws applicable to platting and cemeteries.

Discussion of Matters Permitted by Texas Government Code Section 551.074, PERSONNEL MATTERS:

1. Discussion Regarding Personnel Matters:
 - a) Discussion regarding an employee's request for a reduced work schedule and benefits and transition to retirement.

VIII. RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY SECTIONS 551.071 & 551.074 OF THE TEXAS GOVERNMENT CODE

- Mayor Piwko announced the City Council meeting was back in regular session at 9:23 p.m.

IX. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Craig Overstreet wanted an update from Wayne May, the City's representative from the North Texas Municipal Water District.
- Mayor Piwko wanted a dollar value regarding water.
- Mayor Piwko wanted Farmersville ISD update.

X. **ADJOURNMENT**


Meeting was adjourned at 9:27 p.m.

APPROVE:



Diane C. Piwko, Mayor

ATTEST:



Sandra Green, City Secretary

