



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
November 13, 2018, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Rice called the meeting to order at 6:00 p.m. Council members Craig Overstreet, Donny Mason, Mike Hurst, Michael Hesse and Todd Rolan were all present. City staff members Ben White, Sandra Green, Rick Ranspot, Mike Sullivan, Kim Morris, Daphne Hamlin, and City Attorney Alan Lathrom were also present.
- Prayer was led by Rick Ranspot, Farmersville Warrant Officer, followed by the pledges to the United States and Texas flags.
 - Calendar of upcoming holidays and meetings.
 - City Hall will be closed on Thursday, November 22, and Friday, November 23 for the Thanksgiving Holiday.
 - The Planning & Zoning Commission meeting has been moved to Thursday, November 29 due to the holiday.
 - On November 29, 2018 from 10:30-11:30 the City will show a webinar of "How to Advocate for Your City" in the Council Chambers.
 - Mayor Rice stated there would only be one meeting this month and December.

II. PUBLIC COMMENT

- John Hart who resides at 18601 CR 646 stated the road at the turn of the horse trail has become a dangerous problem and it needs to be fixed.

III. 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Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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. City Council Special Meeting Minutes 9-20-18
- B. City Council Meeting Minutes 9-25-18
- 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

- Mike Hurst pulled the Public Works Report
 - Motion to approve Reports A-G, I & J made by Donny Mason
 - 2nd to approve was Todd Rolen
 - All council members voted in favor
- Mike Hurst asked about the Caddo Park water line.
- Ben White stated the water line extension is being paid for by the government and it is to take City water to the park.
- Craig Overstreet asked about the wastewater systems and why item f. was not the first on the list if it was any emergency situation. He asked if the sewer was currently backing up.
- Ben White stated yes it has been but the engineering is being fast tracked in order to fix the problem.
 - 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

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
 - Todd Rolen indicated there was nothing new to update.

- B. Farmersville Community Development Board (Type B)
 - 1. Possible Council Liaison Report

- C. FEDC Farmersville Economic Development Board (Type A)
 - 1. Financials
 - 2. Possible Council Liaison Report
 - Mike Hurst stated the financial statements were in order as presented in the agenda packet.

- D. Main Street Main Street Board
 - 1. Possible Council Liaison Report

- E. Planning & Zoning Commission
 - 1. Minutes
 - 2. Possible Council Liaison Report
 - Craig Overstreet indicated the Planning & Zoning Commission heard and made a recommendation on the HII – High Impact Zoning District.

- F. Building & Property Standards Commission
 - 1. Possible Council Liaison Report
 - Donny Mason stated there was not a meeting.

G. Texoma Housing Authority

1. Agenda and documents

- Les Cooks, City representative for Texoma Housing Partners, addressed Council and gave an update. He stated Farmersville had 49 available housing structures. Currently there are no unit's offline and all are occupied with 45 on waiting lists. He indicated Revise will administer the new website for the THP and there will also be a sweep account that will maximize their investments going forward.

V. READING OF ORDINANCES

A. Consider, discuss and act upon the second reading of Ordinance #O-2018-1023-001 regarding a curfew for minors under seventeen (17) years of age.

- Mayor Rice read the caption of the Ordinance

AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING SECTION 7.108 "JUVENILE CURFEW" OF THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, BY REPEALING SAID SECTION IN ITS ENTIRETY AND ADOPTING A NEW SECTION 7.108 ENTITLED "CURFEW HOURS FOR MINORS," TO PROHIBIT MINORS UNDER SEVENTEEN (17) YEARS OF AGE FROM BEING IN A PUBLIC PLACE BETWEEN THE HOURS OF 12:00 A.M. AND 6:00 A.M.; PROVIDING AFFIRMATIVE DEFENSES; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING A REPEALING CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage and publication as required by Texas law, and it is so ordained.

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

VI. REGULAR AGENDA

A. Presentation by TxDOT and discussion regarding the U.S. Highway 380 project.

- Stephen Andrus from TxDOT presented to Council the Power Point they have been showing at their public hearings and discussed the two different options that TxDOT is looking at for U.S. Highway 380.

- Craig Overstreet asked about the Outer Loop and if they do not think that would lessen the traffic on U.S. Highway 380.
 - Stephen Andrus stated he did not think the Outer Loop would affect it at all.
 - Ben White asked as far as the North Central Texas Council of Government's (NCTCOG) was concerned are they waiting on TxDOT before they make a decision on the north and south routes.
 - Stephen Andrus said he had heard they will start discussions again in the new year.
 - Mayor Rice asked if U.S. Highway 380 would go through to I-30.
 - Stephen Andrus stated that was not a part of this study because that area was in the Paris district of TxDOT.
 - Mike Hurst asked at what point in time they would need cities to give TxDOT their opinions.
 - Stephen Andrus stated TxDOT would take Council's thoughts at any time. They just do not want a Resolution at this point.
 - Craig Overstreet stated he would not be in favor of the red line (by-pass) because of the economic effect to the town.
 - Mike Hurst stated he would echo what Craig Overstreet stated. He stated that he understood that it would displace some businesses but he felt that going down the current U.S. Highway 380 would be best for the City. He would not be in favor of the road going to the south.
 - Donny Mason explained he felt that if TxDOT went around the City then the City would die.
 - Mike Hurst asked if TxDOT could narrow the street down.
 - Stephen Andrus stated they could if there was not an exit or on ramp.
 - Ben White stated TxDOT was recommending the City produce a recommendation letter to show which route the Council would prefer.
- B. Consider, discuss and act upon Development Agreement between the City of Farmersville and III TO I FARMERSVILLE MP, LP, a Texas limited partnership, acting by and through III to I Property Management-Farmersville MP, LLC, a Texas limited liability company, its General Partner, acting by and through III:I Property Management, L.L.C., a Texas limited liability company.
- Alan Lathrom stated this was an existing development agreement that discussed the second point of egress and ingress for the property. He said Palladium will be going before Planning & Zoning and City Council regarding their plans and at some point this agreement may need to be looked at to see if the City wants to terminate the agreement.
- C. Consider, discuss and act upon Development Agreement between the City of Farmersville and Listocon for a Concrete Batch Plant.
- Ben White stated Listocon was in the middle of trying to get the agreement signed and notarized, but were unable to get it back to the City before the

meeting. He wanted to see if Council would review the document and give the Mayor permission to sign the agreement when it is received. He went over the agreement with Council and explained some of the highlights such as annexation, the waterline, roadway, performance bond, screening requirements and sales taxes that would be collected by Farmersville.

- Alan Lathrom explained that Reliable is the assumed named that Listocon works under.
- Craig Overstreet asked about number 11 on the agreement under terms in regards to two years.
- Alan Lathrom explained the purpose of the two year basis was because they have 180 days to file for annexation and they needed it to extend beyond that time to process everything.
- Ben White stated some of the performance agreement requirements go up to one or more years. He stated the City would go ahead and construct the waterline during this time period to support them. The plan is for them to build a permanent structure in 270 days.
- Craig Overstreet asked how Ben White was planning on measuring that.
- Ben White stated Reliable would have to give the City plans and if he had to go to the manufacturing plant to see what it would be he would. He would like for Council to approve it contingently until Listocon signs the agreement as is.
 - Motion to approve and allow Mayor to sign agreement when it comes in made by Craig Overstreet
 - 2nd to approve was Donny Mason
 - All council members voted in favor
- Mayor Rice stated the Council would take a break at 7:03 p.m.
- Mayor Rice reconvened the meeting from break at 7:08 p.m.

- D. Consider, discuss and act upon purchasing a CID vehicle for the police department.
- Chief Sullivan stated he was wanting to use the remainder balance of his money in the capital fund after paying off one vehicle to purchase a CID vehicle.
 - Craig Overstreet asked Chief Sullivan if he had a vehicle in mind.
 - Chief Sullivan stated he had a used vehicle in mind, but he might purchase a new one instead.
 - Craig Overstreet asked if there would be an amendment to the budget.

- Chief Sullivan stated there would not be because it was covered in money they already had.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

- E. Consider, discuss and act upon the resignation and replacement of Sarah Jackson-Butler from the Planning & Zoning Commission.
 - Motion to approve the resignation made by Donny Mason
 - 2nd to approve was Todd Rolen
 - All council members voted in favor, and Craig Overstreet voted to accept with gratitude for her serving.
 - Craig Overstreet nominated Jim Hemby for the open position on the Commission.
 - Motion to approve the appointment of Jim Hemby made by Craig Overstreet
 - 2nd to approve was Todd Rolen
 - All council members voted in favor

- F. Consider, discuss and act upon the resignation and replacement of Mary Berry from the Main Street Board.
 - Motion to approve the resignation made by Donny Mason
 - 2nd to approve was Todd Rolen
 - All council members voted in favor
 - Donny Mason nominated Jennifer Jiles to fill the vacancy on the board.
 - Motion to approve the appointment made by Donny Mason
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

- G. Consider, discuss and act upon an interlocal agreement with Collin County for jail services.
 - Ben White stated the rate was \$94.47 a day and the last contract was approximately \$64.00 a day, so the price did increase.
 - Daphne said approximately \$5,000.00 for the Police Department and \$15,000.00 Warrant Officer was spent every year.

- Council stated they had no option but to approve the interlocal agreement.
 - Motion to approve made by Todd Rolen
 - 2nd to approve was Donny Mason
 - All council members voted in favor

- H. Consider, discuss and act upon an interlocal agreement with Collin County for ambulance services.
 - Ben White stated the cost went down for the ambulance services for this budget year.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

- I. Consider, discuss and act upon Resolution #R-2018-1113-001 regarding the designation of the newspaper for City notices.
 - Questions came up as to whether the City could use a Greenville paper for notices as well.
 - Alan Lathrom indicated that state law says the newspaper had to be in the same county as the City.
 - Motion to approve made by Mike Hurst
 - 2nd to approve was Michael Hesse
 - All council members voted in favor

- J. Consider, discuss and act upon information concerning the TIRZ boundaries.
 - Ben White stated the Council has the ability to dismantle, add to or change the boundaries of the TIRZ area. He stated the TIRZ has been building over the years. The goal was to establish the zone along U.S. Highway 380.
 - Alan Lathrom said the Board is set up by the Council but is subject to state law requirements.

- K. Discussion regarding development review processes and city infrastructure inspection processes.
 - Mike Hurst told Eddy Daniel that he wanted to make sure all the areas that are necessary are being inspected and addressed the way they were supposed to be.

- Craig Overstreet explained they wanted items inspected like retaining walls and detention ponds and other items that are not going to be dedicated to the City until after the project was completed.
- Eddy Daniel from DBI Engineers stated they would typically review the preliminary plats, concept plans, site plans, water plans, sewer plans, street plans, drainage plans and other plans. He stated during the process they have guys in the field looking at tests and other reports. In the past they have not inspected items that are not going to be dedicated to the City. They do review the calculations for the detention pond. Typically, the City does not look at those items because of the liability that is associated with them.
- Mike Hurst stated the City has a problem with a subdivision's homeowner's association currently and Council wanted to make sure items are addressed. He stated he does not want the City held financially responsible, but we do have a responsibility to the City.
- Alan Lathrom stated the City has limited liability except in situations where you are dealing with City owned property and the City knows there is a defect and fails to warn the builder/homeowner of the issue.
- Eddy Daniel stated the City has a way of holding a builder at bay by withholding the certificate of occupancy.
- Alan Lathrom indicated if the City goes in and maintains or upgrades the detention pond, then the City would be responsible for the upkeep from then on.
- Craig Overstreet stated he felt that the inspection of those items was something that Council would like them to start inspecting. He also asked at what point building inspectors start working in house instead of paying for a third party.
- Eddy Daniel stated that as cities get bigger they do typically bring in a person or share a person with another city to review plans and do inspections.
- Alan Lathrom stated the City would have to find a person or persons who are qualified to inspect all the different areas and trades. He also explained the City receives as-built or record drawings that are stamped and sealed by the engineer of the project. These state the project was built to those specifications.
- Eddy Daniel stated it appeared the Council wanted their inspections of the detention ponds and retaining walls and they would start doing that.

- L. Consider, discuss and act upon the recommendation and bid tabulations for Rike Street Construction Project TxCDBF Contract No. 7217129.
- Eddy Daniel stated Rogers Construction was the low bidder. He indicated the project was still a little over budget by \$16,000.00, but the contract was extended to Rogers Construction anyway.
 - Michael Hesse asked about the different material being used, like the lime.
 - Eddy Daniel stated the street would be the width that is required by City standards. But, because of the grant the City was limited by the length of the street. They looked at alternatives to the stabilizations, but stayed with what they have used in the past.
 - Ben White stated he does not want to use new products because the results are not known.
 - Michael Hesse suggested the City watch the materials if they are being used in other cities to see how the material was working.
 - Ben White stated he would work within the confines of the budget, but he might need help at the end of the year to get the extra \$16,000.00.
 - Motion to approve made by Michael Hesse
 - 2nd to approve was Donny Mason
 - All council members voted in favor
- M. Consider, discuss and act upon the review and possible changing of the noise ordinance.
- Michael Hesse asked about trucks that are getting louder and louder and he is wanting to see what can be done.
 - Chief Sullivan stated they get complaints about it all the time. The problem is to catch them in the area as they are making the noise. Once caught, they would have to go to court. A second way to do it is if we know who the perpetrator is the neighbor or whomever can file a complaint. In the two instances that have gone to court they were dismissed.
 - Craig Overstreet stated he had a problem with a 10 page noise ordinance.
 - Chief Sullivan stated sometimes it helps just to pull them over and let them know they have been receiving complaints.
- N. Update on Hamilton Street.
- Ben White stated the City has the surveyor working on this because a homeowner did not like the way it was drawn. We have been getting fence quotes to move the fence and we did issue the checks for the right-of-way acquisitions.

- O. Consider, discuss and act upon repairs to Murchison Street.
 - Michael Hesse stated this was brought up by boy scouts at a previous meeting. He wanted the City to look at it and see what it would take to get the road repaired.
 - Ben White stated it could be moved up on the list to be fixed or repaired. He stated it is a question of money. The budget this year actually decreased for roads, but if we can look at doing one street per year it would be good.

VII. EXECUTIVE SESSION

- Mayor Rice read the statement below and said the Council would enter executive session at 8:27 p.m.
- A. Discussion of Matters Permitted by Texas Government Code Section 551.071, **CONSULTATION WITH ATTORNEY:**
 - 1. Consultation with City Attorney regarding pending or contemplated litigation and possible settlement offer:
 - a. United States Department of Justice.

VIII. RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY:

- A. Texas Government Code Section 551.071, **CONSULTATION WITH ATTORNEY:**
 - 1. Pending or contemplated litigation and possible settlement offer:
 - a. United States Department of Justice.
- Mayor Rice stated the Council would reconvene from executive session at 9:18 p.m.
 - Motion for the City Attorney to be authorized by the City Council to extend tolling agreement between the Department of Justice and the City of Farmersville from November 30, 2018 to January 11, 2019 and in conjunction with the tolling agreement to take action as discussed in executive session made by Craig Overstreet
 - 2nd to approve was Todd Rolen
 - All council members voted in favor

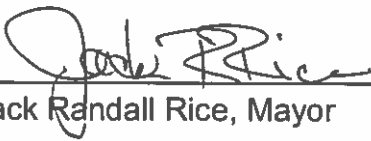
IX. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- No items requested

X. ADJOURNMENT

Meeting was adjourned at 9:19 pm.

APPROVE:



Jack Randall Rice, Mayor

ATTEST:



Sandra Green, City Secretary

