



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
February 27, 2018, 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, Todd Rolan and Michael Hesse were all present. City staff Ben White, Sandra Green, Kim Morris, Daphne Hamlin, Rick Ranspot, Mike Sullivan, Reagan Rothenberger, and City Attorney Alan Lathrom were also present.
- Prayer was led by Mr. Jim Fleming, Chaplain with the Crisis Response Ministry, followed by the pledges to the United States flag and the Texas flag.
  - Calendar of upcoming holidays and meetings was presented in the agenda packet.

**II. PUBLIC COMMENT**

- Randy Smith who resides at 501 CR 610 addressed Council regarding the tax abatement and how it would not help the City with jobs because they are apartments. He went through items he found to be inconsistent on the application that was received by Ted Zadeh. He stated he does not assume the 19,000 jobs that were shown in the spreadsheets would affect Farmersville. He believes that all the jobs will be throughout Collin County.

**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 Council members may request prior to a motion and vote on the Consent Agenda that one or more Items be withdrawn from the Consent Agenda and considered individually.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the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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 Manager's Verbal Report

- Update on Senior Citizens Center parking and lighting
  - Ben White addressed Council and explained the City has started the project. They will cut the concrete and place conduit in so that light poles can be installed.
  - Mayor Piwko asked about the estimated completion date.
  - Ben White indicated the lighting has been ordered but it will probably take several weeks to complete the project, depending on the weather.
  - Mayor Piwko asked if that was for the paving as well and asked if she received bids for that.
  - Ben White stated he did not, the City would do the job.
- Update on Big D Concrete.
  - Ben White stated he spoke to Big D Concrete and they explained the Development Agreement is signed, but the City has not received it yet. They indicated they are still on schedule to start business in June. He said he will not start the water line until the City received the signed Development Agreement with accompanying documents.
  - Mayor Piwko asked if the project was scheduled.
  - Ben White indicated it has not been scheduled for TIRZ.
- Update on the sewer system in relation to Camden Park.
  - Ben White explained the FONSI has been sent out and they are just waiting for the time period to subside. Once that time has passed the escrow will be released. The pre-construction meeting for this project will be March 1<sup>st</sup> and the completion date is still set for June 2018.
- Update on Main Street grant
  - Ben White stated this project is still underway and there has already been a pre-development meeting held. The start date is set for late April. The contract came in high and what is being proposed either cut the scope or we can use \$20,000 out of this year's budget, \$20,000 out of next year's budget, and \$20,000 from 4B's budget if they would like to participate.
  - Alan Lathrom explained if the Council wanted to comment, Mr. Hurst and the Mayor would have to recuse themselves due to a conflict of interest.

#### **IV. PUBLIC HEARING**

- A. Public hearing to consider, discuss and act upon recommendation of Ordinance #O-2018-0227-001 from the Planning & Zoning Commission regarding an application requesting a change in zoning on approximately 0.3444 acres of land, more or less, from Single-Family 1 (SF-1) District Uses to C-Commercial District uses. The property is generally situated at 311 Sycamore Street and is known as Lot OL 1 of the Gaddy Addition, and located in the W.B. Williams Survey, Abstract A952, of Farmersville, Collin County, Texas.
- Mayor Piwko stated this public hearing item was tabled at the Planning & Zoning meeting so it will not be heard until a decision is made by that Commission.

#### **V. READING OF ORDINANCES**

- A. Consider, discuss and act upon the first and only reading of Ordinance #O-2018-0227-002 regarding all matters incident and related to the issuance and sale of "City of Farmersville, Texas, Tax Notes, Series 2018", including the adoption of an ordinance authorizing the issuance of such tax notes.

**AN ORDINANCE authorizing the issuance of "CITY OF FARMERSVILLE, TEXAS, TAX NOTES, SERIES 2018"; specifying the terms and features of said notes; levying a continuing direct annual ad valorem tax for the payment of said notes; and resolving other matters incident and related to the issuance, sale, payment and delivery of said notes, including the approval and execution of a Paying Agent/Registrar Agreement and a Note Purchase Agreement; and providing an effective date.**

- Adam LanCarte passed out a booklet from Hilltop Securities and spoke to Council in regards to its contents. He explained they received four bids from different banks. The lowest interest rate was from Amegy Bank. Hilltop Securities recommends the approval of Amegy Bank.
- Craig Overstreet stated it would be about \$14,000.00 in interest over the 5 year period at a 3.70% rate.
  - Motion to approve was made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Donny Mason
  - All council members voted in favor

#### **VI. REGULAR AGENDA**

- A. Consider, discuss and act upon acceptance of donations for park statue.
- Mayor Piwko indicated the donations of approximately \$4,000.00 were given to provide the statue in the park.

- Craig Overstreet wanted to thank the Farmersville Times for printing the pictures of the statue in the newspaper.
  - Ben White stated the Public Works department will set the statue and there will be an inscription on it.
    - Motion to approve was made by Donny Mason
    - 2<sup>nd</sup> to approve was Michael Hesse
    - All council members voted in favor
- B. Consider, discuss and act upon the possibility of the property owner's on the Summit Street property to pay for materials and pay City staff to install sewer line.
- Ben White stated he receive a call from the contractor, Stacey Deleon with Texas Vineyard Homes. She had indicated they had received bids that were very high and the cycle time for the project would be long. She asked that the City allow the owner's to pay for the materials and pay for the City employees to install the line. He explained the City is not a general contractor and this has the City competing with general contractors in the area. He indicated the City would need to have a hold-harmless agreement in place and then the City would install the line once documents are signed and the escrow is deposited. He suggested the Council make a not to exceed clause for an amount of \$16,100.
  - Mayor Piwko asked how long it would take for the City to install the line.
  - Ben White stated once we order the precast manholes and install them then we will put the sewer line in between them.
  - Mayor Piwko wanted to know if this would put any of the other projects, like Camden Park, in jeopardy.
  - Ben White stated it could interfere depending on the timing. It might come in to play with the Big D waterline. It also might conflict with the Main Street grant project, but they will not need sewer service in the home until it is ready for them to use. It will probably take two to three months before they would need it.
  - Mike Hurst asked if the contractor and/or homeowner's would be responsible for the cost.
  - Ben White indicated they would be.
  - Craig Overstreet asked if the \$16,100.00 was for materials and labor or just materials.
  - Ben White stated it was for materials and labor.
  - Craig Overstreet wanted to state that the Council is not the leader of last resort. He explained that so many things were blown through when the property was purchased. He stated the attorney, surveyor, bank, or Title Company should have realized the property did not have a sewer connection available.
  - Stacey Deleon from Texas Vineyard Homes stated there was blame to go around. She believed the City should have caught that there was no sewer connection. She stated she appreciates the Council working with the homeowner's now, but it was hard for them to come up with the

escrow money. She explained it would not seem unreasonable to believe sewer was already on the property because of its location in the City.

- Craig Overstreet indicated the City Council is not there to improve private citizen's property.
  - Stacey Deleon indicated the City was there to provide services to its citizens.
  - Craig Overstreet confirmed with Alan Lathrom that he would create an escrow and hold harmless agreement.
  - Alan Lathrom indicated he would.
    - Motion to approve with the stipulations discussed made by Craig Overstreet
    - 2<sup>nd</sup> to approve was Mike Hurst
    - All council members voted in favor
- C. Consider, Discussion regarding the timeline of review and approval of the Comprehensive Zoning Ordinance, Subdivision Ordinance, and Comprehensive Plan.
- Ben White explained to Council the dates had been shifted to accommodate a public hearing notice.
  - Sandra Green stated she had made an error and forgot to notice the public hearing so the dates had to be pushed back.
- D. Consider, discuss, and act upon Resolution #R-2018-0227-001 regarding a grant for Mobile Data Terminal Upgrades for the police department.
- Chief Mike Sullivan stated this was a grant they apply for every year. He indicated it is always 100% funded. They chose to upgrade the mobile data terminals this year because the current ones are four years old.
  - Mayor Piwko inquired if the grant would fund the upgrades 100% and what the cost would be.
  - Chief Mike Sullivan explained if the police department received the grant it would be for the full amount of the upgrades, but he did not have the cost in front of him.
    - Motion to approve was made by Donny Mason
    - 2<sup>nd</sup> to approve was Todd Rolen
    - All council members voted in favor
- E. Consider, discuss and act upon the JW Spain Little League Contract.
- Mayor Piwko stated that Ben White had requested that Council pull the item from the agenda because the Little League still has not provided the City with all the necessary insurance requirements.
- F. Consider, discuss and act upon the Riding Arena Contract.
- Mike Hurst stated it appeared to be drafted just like the Little League Contract.

- Ben White stated it was a draft, but all the information was similar to the Little League Contract. He explained if Council had any comments the document could be updated and brought to the Council at a later date.
- Craig Overstreet brought up contract terms and how the contract stated it was for a two year contract with a one year renewal.
- Mayor Piwko explained this would make the City more consistent if it was a three year contract with an automatic renewal. She indicated she met with the lady in charge of the Riding Club and she was very agreeable to a contract. The question of whether the City wanted to charge for the facility came up as well. The lady who is over the Riding Club indicated there is a woman who gives riding lessons at the arena and it is difficult to get her to leave when the Riding Club has the area.
- Sandra Green indicated the fees would have to be placed in the Master Fee Schedule by adoption of an Ordinance.
- Mike Hurst asked if the insurance information would be applicable to the Riding Club.
- Ben White indicated they would have to produce the same insurance as the Little League has been asked to comply with.
- Sandra Green explained there was an email in the packet that was from the Texas Municipal League that indicated what the City is asking for on insurance coverage was very standard.
- Mayor Piwko stated she was told the Riding Club already has insurance in effect that was required in their current contract with the City.
- Craig Overstreet indicated there were no financial statement requirements in the contract so the City could view that every year. He would like to see the financials, the insurance, and any issues with the police department submitted every year.
- Mayor Piwko stated they charge the riders some fees per ride date and there are usually 12 riding days per year. They do have a concession stand the Riding Club built and they are trying to make it all look nicer. There is a lot of work that needs to be done at the arena.
- Ben White said the Riding Arena could be an asset to the City, but work does need to be done on the facility.
- Mike Hurst wanted City staff to verify insurance and financials and to maybe have the Riding Club create bylaws for the use and upkeep of the arena.
- Craig Overstreet asked about whether Non-Riding Club members would be able to use the facility.
- Ben White explained the Riding Club has first right of use, but others can use it when the Riding Club is not occupying it. The Riding Club has indicated they do not like it when cattle are used at the arena because it tears it up.
- Direction from Council was for staff to move forward and get necessary documents from the Riding Club.

- G. Update on boundary agreements with surrounding cities.
- Sandra Green explained she had emailed Edie Sims, the City Secretary of Blue Ridge, who indicated the Mayor would present the agreement to their City Council on April 3<sup>rd</sup>. She stated an email was received from Nevada City Secretary, Judy Hill stating she forwarded an email to their Mayor regarding scheduling a meeting with Nevada and Farmersville to discuss the boundary agreement. No response has been received from the Mayor regarding the meeting. The City of Josephine responded to the email and a meeting is scheduled for March 6<sup>th</sup> to discuss the boundary agreement with their Mayor. The City Administrator of the City of Lavon, Ben White, Sandra Green, and City Attorney Alan Lathrom discussed the future boundaries of Lavon. According to maps that were reviewed, Lavon appears to never border Farmersville. After the review and discussion everyone came to the conclusion that a boundary agreement would not be needed between Farmersville and Lavon. She emailed Caddo Mills to request a meeting between their Mayor and/or City Manger and the City Manager of Farmersville. No response has been received. Since some of the cities have not responded, she indicated she would mail letters to those cities.
- H. Consider, discuss and act upon removing Lynette Fulkerson-Grady and appointing new member to the City Amenities Board.
- Mayor Piwko stated since the board was created Lynette Fulkerson-Grady has never showed up for any of the meetings. She explained an application was received from Helaine Holbrook. She suggested the Council remove Lynette Fulkerson-Grady and appoint Helaine Holbrook to the City Amenities Board.
    - Motion to remove Lynette Fulkerson-Grady and appoint Helaine Holbrook to the City Amenities Board made by Donny Mason
    - 2<sup>nd</sup> to approve was Mike Hurst
    - All council members voted in favor

## **VII. EXECUTIVE SESSION**

- Mayor Pikwo read the below state and indicated the Council would recess into Executive Session at 6:46 p.m.

Discussion of matters permitted by the following sections of Texas Government Code Chapter 551:

### **A. Section 551.071, Consultation with Attorney**

1. Consultation with City Attorney regarding laws and issues applicable to cemeteries and plats and the plat of the cemetery proposed by the Islamic Association of Collin County in the City's ETJ

B. Section 551.072, Deliberation Regarding Real Property

1. Acquisition of 0.346 acres of land containing an electrical substation
2. Discussion regarding right-of-way on Hamilton Street

C. Section 551.086, Deliberation Regarding Public Power Utility Competitive Matters

1. Acquisition of electrical substation

**VIII. RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY SECTIONS 551.071, 551.072 AND 551.086 OF THE TEXAS GOVERNMENT CODE.**

- Mayor Piwko stated the Council would reconvene from Executive Session at 7:48 p.m. and no action would be taken.


**IX. REQUESTS TO BE PLACED ON FUTURE AGENDAS**

- Michael Hesse requested a discussion regarding crossing guard stations.
- Mike Hurst wanted to receive an update on the bullet proof glass for the reception area of City Hall.
- Craig Overstreet wanted to receive an update on the Comprehensive Plan.


**X. ADJOURNMENT**

Meeting was adjourned at 7:50 p.m.

APPROVE:

  
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Diane C. Piwko, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra Green, City Secretary

