



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
August 14, 2018, 6:00 P.M.**

**I. PRELIMINARY MATTERS**

- Mayor Rice called the meeting to order at 6:09 p.m. Council members Craig Overstreet, Donny Mason, Mike Hurst, and Todd Rolan were all present. Michael Hesse was absent. City staff members Ben White, Sandra Green, Rick Ranspot, Mike Sullivan, Kim Morris, Daphne Hamlin, Reagan Rothenberger and City Attorney Alan Lathrom were also present.
- Prayer was led by Kim Morris, Farmersville Fire Chief, followed by the pledges to the United States and Texas flags.
  - Calendar of upcoming holidays and meetings
  - The last day for the Rike Library Reading Club is Wednesday, August 15<sup>th</sup>.
  - The first day of school for Farmersville ISD will be Thursday, August 16<sup>th</sup>.
  - The Bug Tussle Car Trek will be held on Saturday, August 25<sup>th</sup>, starting at 9:00 a.m.
  - The North Texas Municipal Water District Melissa Landfill is not allowing any free drop offs until further notice due to State Highway 121 road construction. They will still let individuals drop off for a fee.
  - Ben White stated he wanted to commend his staff for working hard because of the work load they all have.
  - Mayor Rice also asked citizens to offer a bottle of water to the public works guys working in the heat if they see them. He also announced that Collin County is taking applications for the Citizen Prosecutor Academy.

**II. PUBLIC COMMENT**

- Diane Piwko who resides at 200 McKinney Street addressed Council and explained that she wanted to comment on issues that arose from the 4B meeting on July 30<sup>th</sup> where a special meeting was called and it was not advertised in the

City Council Agenda calendar nor on the City's website calendar. She indicated the only way to know there was a meeting was to look through the agendas on the website, and that is only if someone knew the correct location to look. She stated people only knew about the meeting because of word of mouth and the agenda did not have any backup information attached to it and that did not promote the City trying to be transparent. She explained since it was not advertised there were only a few people who attended, and those were friends of the Mayor trying to get their project funded. A second incident occurred at the 4B meeting on August 13, 2018. The item in executive session was to discuss the contract of the Main Street Manager. She explained that during the meeting she asked why the item was being discussed in executive session since it did not meet any of the criteria. She indicated it was to discuss a contract that had been open to the public for several years. She asked Council for a factual answer as to why the item was held in executive session. She stated that Ben White was negligent in his position as City Manager because she had asked him about the item in executive session prior to the meeting and the meeting was still held without consulting an attorney.

- Medford Sumrow who resides at 983 Highway 78 South addressed Council regarding the U.S. Highway 380 routes. He stated the TXDOT blue line would devastate his property. He suggested the route should go back to original plan they had on North 78. He also suggested they take U.S. Highway 380 and widen it.
- Johnny Feagin who resides at 930 Highway 78 South addressed Council and spoke regarding the U.S. Highway 380 routes. He explained he did not want to lose his home and business to the expansion of U.S. Highway 380. He stated his sister was hospitalized due to stress and worrying about where the road would go. He stated they have a petition signed by several people who do not want the alternate route. He wanted the Council to do the right thing and leave U.S. Highway in its present location.
- John Hart who lives at 18601 CR 646 addressed Council and stated there was a minor issue out in his area and he called the Farmersville Police Department but was told they did not cover that area. He also explained to Ben White the potholes in the road going toward South Lake were back and he would like them fixed. He also wanted the status on the cemetery plat.
- Robert Clark who resides at 2500 CR 658 gave Ben White a petition that people had signed concerning the proposed alternate route of U.S. Highway 380. He explained Cindy Dickens was not in attendance to speak because she was having medical issues due to the stress of the roadway. He claimed one person in the City created the alternate route and it did not come from TxDOT. He believes the City could get rid of the alternate route just as easy.

### 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 Minutes
- B. Police Department Report
- C. Code Enforcement/Animal Control Report
- D. Fire Department Report
- E. Municipal Court Report
- F. Warrant Officer Report
- G. Public Works Report
- H. Library Report
- I. City Manager’s Report

- Motion to approve all reports made by Todd Rolan
- 2<sup>nd</sup> to approve was Craig Overstreet
- 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. Minutes
  - 2. Possible Council Liaison Report
- B. Farmersville Community Development Board (Type A)
  - 1. Financial Report
  - 2. Possible Council Liaison Report
- C. Farmersville Economic Development Board (Type B)
  - 1. Minutes
  - 2. Financial Report
  - 3. Possible Council Liaison Report
- D. Main Street Board
  - 1. Minutes
  - 2. Monthly Report
  - 3. Possible Council Liaison Report
- E. Planning & Zoning Commission
  - 1. Possible Council Liaison Report
- F. Building & Property Standards Commission
  - 1. Possible Council Liaison Report

- Mike Hurst wanted to pull Items B and C.
  - Motion to approve A, D, E & F made by Todd Rolen
  - 2<sup>nd</sup> to approve was Donny Mason
  - All council members voted in favor
- Mike Hurst stated on the heading for Items B and C needed to be switched because of Type A and Type B.
- Sandra Green explained she would look in to it.
  - Motion to approve B and C made by Mike Hurst
  - 2<sup>nd</sup> to approve was Todd Rolen
  - All council members voted in favor

## V. READING OF ORDINANCES

- A. Consider, discuss and act upon the first reading of Ordinance #O-2018-0724-002 amending the Sign Ordinance to allow Quilt Barn Square Signs.

- Mayor Rice read the caption of the Ordinance.  
**AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 56, "SIGNS AND ADVERTISING," BY THE AMENDMENT OF SECTION 56-31, ENTITLED "DEFINITIONS; SIGN REGULATIONS AND REQUIREMENTS," BY ADDING A NEW DEFINITION, REGULATIONS AND REQUIREMENTS FOR A "QUILT BARN SQUARE SIGN"; 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.

- Sandra Green stated she had sent several emails to Council members regarding information on quilt barn trails. She indicated that Alan Lathrom had changed the wording in the Ordinance to reflect the requests from Council at the previous meeting.
- Mike Hurst asked if the Ordinance indicated there could only be one sign per structure.
- Sandra Green indicated it was for one structure, but it could be worded in the Ordinance to better address that if needed.
- Craig Overstreet stated he believed the Ordinance addressed all the concerns of Council regarding size and what material the sign was made of. He also explained the sign would count toward the signage on the building and would limit it to one square per building.
- Sandra Green stated it changed the material from wood to metal as the Council had requested.
  - Motion to approve 1<sup>st</sup> reading made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Donny Mason
  - All council members voted in favor

B. Consider, discuss and act upon the first reading of Ordinance #O-2018-0814-001 adopting state traffic regulations.

- Mayor Rice read the caption 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 71, "TRAFFIC AND VEHICLES," THROUGH THE AMENDMENT OF SECTIONS 71-1, "ADOPTION OF STATE TRAFFIC REGULATIONS," AND 71-2, "PENALTY," BY DELETING SAID SECTIONS IN THEIR ENTIRETY AND REPLACING THEM WITH A NEW SECTION 71-1, ALSO ENTITLED**

**“ADOPTION OF STATE TRAFFIC REGULATIONS,” AND A NEW SECTION 71-2, ALSO ENTITLED “PENALTY,” AND BY ADOPTING NEW SECTIONS 71-3 THROUGH 71-7 AS PROVIDED HEREIN BELOW; THROUGH THE DELETION OF SECTIONS 71-201, 71-219, 71-248 AND 71-279 REGARDING THE POSTING AND MAINTENANCE OF TRAFFIC CONTROL DEVICES AND SIGNS WHICH DUTIES ARE NOW ADDRESSED THROUGH NEW SECTION 71-3, “SIGNS, MARKINGS AND OTHER TRAFFIC CONTROL DEVICES”; RESPONSIBILITY FOR TRAFFIC REGULATION”; AND THROUGH THE ADOPTION OF A NEW SECTION 71-279, ENTITLED “SYCAMORE STREET”; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

- Alan Lathrom stated the Ordinance came about because of concerns and the lack of speed limit signs on Sycamore Street. He explained the previous Ordinance had holes in it and there were items that needed to be addressed. He said the new proposed Ordinance would adopt the state laws and it would allow Ben White to post signs on streets. It would adopt a 30 mile an hour speed limit for all residential streets in the City. This Ordinance would make it so where the City Council would not have to approve a speed limit on each street by separate Ordinance. It would allow police officers to issue citations if a driver is being unsafe and unreasonable. It would also adjust the speed limits in alleys accordingly. Sycamore Street would become a 30 mile an hour street.
  - Chief Michael Sullivan explained the proposed Ordinance puts all the Ordinance’s for traffic into one Ordinance and would allow the City to post signs where needed.
    - Motion to approve 1<sup>st</sup> reading made by Donny Mason
    - 2<sup>nd</sup> to approve was Craig Overstreet
    - All council members voted in favor
- C. Consider, discuss and act upon the first and only reading of Ordinance #O-2018-0814-002 establishing a payment sinking fund for the funding of the Public Property Finance Act Contract No. 8321 for a police vehicle.

- Craig Overstreet clarified this was the funding option for the police vehicle Council had already approved at a previous meeting.
- Ben White stated it was.
  - Motion to approve made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Mike Hurst
  - All council members voted in favor

## VI. REGULAR AGENDA

- A. Consider, discuss and act upon Resolution #R-2018-0814-001 regarding the execution of financing documents with Government Capital Corporation for the purchase of one police vehicle.
- Motion to approve made by Mike Hurst
  - 2<sup>nd</sup> to approve was Todd Rolan
  - All council members voted in favor
- B. Consider, discuss and act upon accepting the resignation of Bobby Bishop from the Planning & Zoning Commission, and appointing a replacement to fill the unexpired term of Bobby Bishop.
- Mayor Rice stated the City received a letter of resignation from Bobby Bishop and asked if anyone wanted to make a nomination.
  - Mike Hurst stated he wanted to nominate Wyatt McGuire to fill the position.
    - Motion to accept Bobby Bishop's resignation and appoint Wyatt McGuire made by Mike Hurst
    - 2<sup>nd</sup> to approve was Donny Mason
    - All council members voted in favor
- C. Consider, discuss and act regarding the proposed widening of U.S. Highway 380, the general locations of possible alignment(s) of a U.S. Highway 380 bypass and methods of working with entities responsible for such U.S. Highway 380 planning.
- Mayor Rice told the audience this was the first time the proposed routes on U.S. Highway 380 had been in front of Council and discussed.
  - Ben White addressed Council with Matt Boley showing an interactive map on the projector. He stated he wanted to show how wide the roadway would be. He said the alignments being shown were only the TxDOT routes. Ben explained he wanted to show the TxDOT routes and follow the routes to see the land, homes, and business that could be affected by the roadway.
  - Eddy Daniel with DBI Engineering addressed Council and stated he could put together a list for Council that would show all the properties, homes,

buildings, business, churches and other things along each route that would be affected.

- Direction was given by Council to set up workshops to determine the best route the City would propose to TxDOT for the roadway.
- Mayor Rice stated Council would take a break at 7:32 p.m.
- Mayor Rice stated the Council meeting reconvened at 7:42 p.m. from break.

D. Update and timeline regarding Comprehensive Plan.

- Ben White presented the timeline in the packet to Council and stated that 4A was wanting Employment Centers and possibly wanting to re-do the Future Land Use Map. He stated Tommy Ellison was here to help with the discussion and he had been a big help to him. FEDC, over the last several months, has mapped out industrial areas and all the residential and commercial areas would build around those industrial areas. In the beginning they went to Mr. Satterwhite in Wylie and spoke regarding what they have done in Wylie. He explained they used Mr. Satterwhite's ideas to lay out a blueprint of the Employment District areas.
- Donny Mason asked if some of the area proposed went into Hunt County as well.
- Ben White stated it did. He explained 4A has generously voted to give the City \$36,000.00 to complete the Future Land Use Map and Thoroughfare Plan. He showed Council the eventual boundary lines the City has been trying to achieve with border cities. He stated the Future Land Use Map would encompass all of the areas within those boundaries.
- Craig Overstreet stated we need housing and retail in the City as well and those items have to be planned.
- Ben White stated the Employment Centers would be the nucleus and everything else would be built up around them.
- Craig Overstreet asked if the City would be able to handle the wastewater for these areas.
- Ben White stated we would be able to in the future. He explained the plans would help with the planning of all facilities in the future. The Land Use Map and the Thoroughfare Map would allow people to see how the future would look. He explained if the City filled in all the land with residential then people would commute to work. The Employment Centers would be aligned next to the City's biggest driving factor which is the railroad. We could also build airports if needed. We have an intermodal with the Kansas City Southern Railroad just south of the City. The Thoroughfare Plan would include the U.S. Highway 380 and State Highway 78 expansion as well.



- Craig Overstreet asked if Ben White was considering having an intermodal facility in Farmersville.
- Ben White explained he would love to have one and said the City has been the suggested place for one, but during those talks the Kansas City Southern Railroad built one in Wylie. He stated an intermodal facility would provide a lot of economic impact for the City.
- Mike Hurst stated it all looked good on paper, but how did Ben White plan to sell the plan to the homeowner's that live on those properties.
- Ben White stated it is a long range plan and we have no rights to zone those areas at this time. He explained if the City was going to promote an industrial area then we would need to tell people sooner than later. Once those properties were sold, then the properties would stay with the land use plan that had been decided on and suggested for that area. The FEDC believes the City needs to set aside 6,000 acres, but if the Council did not want that much land dedicated and wanted more residential then the map could be changed to reflect that.
- Mike Hurst wanted to know how Ben White would come up with a plan. He stated he did not believe the City needed a vision that would be 100 years down the road.
- Ben White stated the best way to drive the people's behavior is to show them where to go. If the City had too much residential then businesses would not want to come because they would not have land to develop. If we do not show a plan then it would develop however things came in.
- Mayor Randy Rice asked Tommy Ellison if he had anything he would like to add to the discussion.
- Tommy Ellison stated Council has a job to make policies so the City Manager can follow these policies. He shared examples of industrial areas located between Grand Prairie and Arlington. He stated cities are driven by their school system because people move to cities for a good education and then retail comes to cities because of rooftops. He explained he is a retired banker and has been helping the City Manager with some of the plans.
- Donny Mason made a motion to allow the City Manager to go forward with the plan implementation.
- Alan Lathrom explained that under Chapter 213 of the Local Government Code before a change could be made to the Comprehensive Plan, Future Land Use Map, and other plans you have to have properly noticed public hearings and it has to be reviewed by the Planning & Zoning Commission. The Planning & Zoning Commission would have to make a recommendation to the City Council regarding those changes.

- Ben White stated he did not believe anything would be done that would go against that rule.
  - Mayor Rice clarified with Donny Mason that his motion was not to approve it, but for Ben White to start the overall process.
  - No motion was necessary because City Manager was just looking for direction from Council.
- E. Discussion regarding batch plants and other businesses possibly developing east of Farmersville in the City's Extra Territorial Jurisdiction (ETJ).
- Ben White stated Council has known the City was trying to get the Reliable Concrete plant on board to annex into the City. He indicated the company wanted to move forward with the original strategy with a Development Agreement. The Anani property's remaining acres are being sold to another company who also would like a batch plant. He explained the City's strategy has always been to try and get these businesses into the City. He stated there is a complicating factor regarding a Specific Use Permit, but eventually the properties would be annexed in the City and zoned as industrial. The zoning would include a Specific Use Permit. The SUP would go with the land and Council could put stipulations on the SUP such as time frames for which the SUP would be valid. The businesses are realizing the City could put a timeframe on the SUP to where they could not stay at that location forever and he explained if they thought the City would put limitations on them they would stay in the county and never petition to annex. He indicated he was told by Alan Lathrom that the process related to zoning has to stay separate from the Development Agreement. He explained the businesses would either receive water from Caddo Basin or dig their own well and would put in an on-site sewer system. If they do not annex into the City they would develop the property as they please with county requirements and the City would have no say in what they do.
  - Tommy Ellison addressed Council and told them it would make sense to go ahead and zone the property for a batch plant and for the company to set up their Real Estate Service Contract with a feasibility study so they could not close until they were annexed into the City. Then, after they close on their property, the City could run the water line to them.
  - Alan Lathrom explained the City could not zone anything in its Extraterritorial Jurisdiction (ETJ).
  - Mike Hurst stated the City did not want to get caught with businesses coming into the industrial park that do not want to come into the City. He explained that area was designed to bring businesses into the City.

- Craig Overstreet stated the cities he talked to stated the SUP was paramount. He explained those type of businesses would tear up the roads.
- Ben White stated they could stay in the county and they would still tear up the roads.
- Mike Hurst indicated the concrete plants are being forced out of Prosper because their land became more valuable as something else. He questioned how the City got in to this situation. At one point they had indicated they were annexing in to the City and now they may not. We need to take into consideration where people are going to live. He believes when people start moving to Farmersville then that would lead the way to business development. If we do not get the roads planned correctly where people come through the City it will never grow.
- Ben White stated in Prosper the batch plants were never in the county and were always in the City. He explained if they stay in the county they could do what they wanted. He said if the property owner's know the City would grant several years with the SUP they might annex in to the City.
- Donny Mason asked if they annex can the City make sure they bring the sales taxes to the City.
- Ben White explained the Development Agreement would state the sales tax would come to Farmersville. He said the Development Agreement would cover annexation, landscaping improvements along the road frontage, water and road improvements.
- Craig Overstreet asked if it would cover noise and dust.
- Alan Lathrom stated there was nothing in the Development Agreement in regards to that because they are nuisance items.

F. Set public hearings for tax rate.

- Daphne Hamlin said the City's proposed tax rate is \$0.75 and she has set the first public hearing on September 4, 2018 and the second public hearing on September 11, 2018. The date the Council will adopt the tax rate will be on September 18, 2018. The effective tax rate is \$0.73 and we are proposing \$0.75. She referenced the PowerPoint for the Budget Workshop and she explained how the tax rate was set.

G. Consider, discuss and receive direction from City Council regarding the possibility of amending the Comprehensive Zoning Ordinance to include Banquet/Meeting Hall as an allowed use in the CA – Central Area District.

- Sandra Green explained to Council that a few businesses downtown had asked about using their facility as a banquet/meeting hall. She stated it was

currently not allowed in the CA – Central Area District and the item was being brought to Council to get direction on whether they wanted staff to take a possible amendment before the Planning & Zoning Commission. She explained the proposed amendment would allow the use in the CA – Central Area District with approval of a Specific Use Permit.

- Craig Overstreet indicated items that would need to be looked at would be adequate parking and if they have a kitchen.
- Mike Hurst asked if the Fire Marshal had looked at the space to see if it would be adequate.
- Ben White stated they are planning on installing a fire suppression system in the building.
- Council agreed to direct staff to take the proposed Ordinance change to the Planning & Zoning Commission for recommendation.

H. Consider, discuss and receive direction from City Council regarding the possibility of amending the Comprehensive Zoning Ordinance to correct the use chart information related to Utility Distribution/transmission lines.

- Sandra Green explained in the Comprehensive Zoning Ordinance it showed that a Specific Use Permit (SUP) would be required for every utility or transmission line that was installed in the City. She stated that would mean Camden Park, other developer's, and citizens would have to apply for an SUP in order to put in water, sewer, electric, and gas lines. The suggestion would be to have Council allow staff to take this item before the Planning & Zoning Commission to see about amending the Ordinance and limiting it to franchise lines.
- Alan Lathrom indicated that it appeared the line items for the Distribution/transmission lines and Transportation and utility structures/facilities were mixed up in the use chart.
- Council agreed to allow staff to take the item to the Planning & Zoning Commission for recommendations.

## VIII. **BUDGET WORKSHOP**

- Daphne Hamlin addressed Council and explained the sales tax was the main reason for the budget deficit. She explained she is trying to retrieve the money, but she does not know if we can. We have a deficit in the water fund and have had for years. This is because we used to have the water and wastewater in the same fund. Now, by having them separated, we are seeing we have issues with the water fund.

- Ben White is recommending a rate change to help the water fund. He explained he has not really completed any water improvements this year. He cannot refurbish the elevated water tanks at this point or replace the galvanized lines. He stated he and Daphne Hamlin could not find the money in the General Fund in order to balance the budget. He explained in the proposed budget she has stayed constant with her numbers. He believes the Fire Department and Police Department funds will help balance the budget for this year.
- Mike Hurst asked about the reason for not receiving the amount of sales tax as in the previous years.
- Ben White stated he could not elaborate as to why, but it was not an error on City staff.
- Craig Overstreet suggested the City look in to conducting building inspections in-house instead of paying Bureau Veritas. He stated he wanted to look in to that because of the amount we are paying out for those services.
- Mike Hurst asked about who would conduct the inspections on the new houses being built in the City.
- Ben White stated it would be Bureau Veritas.
- Craig Overstreet brought up the dispatch fees and how the cost of that will continue to go up every year.
- Chief Sullivan indicated it would increase by 10% to 15% each year.
- Craig Overstreet brought up the streets needing repair and stated the City owes a balanced budget to the citizens.
- Ben White explained the City needed revenues to bring the budget up.
- Daphne stated she was working on the budget and she would bring it back to Council during the last meeting in August. She gave them a new packet of information to review for the next meeting. She stated Ben White had her place the mowing contract back in to the budget because the public works personal do not have the time to mow. She showed Council how OpenGov looked on the computer and showed them a few functions.


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

- No items were requested.


**X. ADJOURNMENT**

Meeting was adjourned at 9:00 p.m.

APPROVE:

  
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Jack Randall Rice, Mayor

ATTEST:

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

