



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
August 28, 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, Kevin Lisman, Daphne Hamlin, Reagan Rothenberger 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
 - Mayor Rice stated City Offices would be closed Monday, September 3, 2018 for Labor Day.
 - Mayor Rice read the Proclamation for September 11th Memorial.

II. PUBLIC COMMENT

- Kathy Wingo who lives at 2921 Andrew Dr. spoke for the Quilt Guild and the proposed sign ordinance. She stated many more people would visit the City because of the quilt barn square signs and quilt trails. She asked Council to consider allowing a 4' x 4' sign on private property. She explained Council could hear special requests for bigger signs later in the future if necessary.
- Elizabeth Andrus who resides at 313 Rock Court in Princeton spoke to Council regarding the quilt barn signs. She asked Council to reconsider the size and allow them to be bigger, like a 4' x 4' on private property. She also wanted material options available for the squares on the website to guide people in the construction.
- Patti Wolf who lives at 738 E. FM 1396, Ivanhoe, Texas stated she is an ambassador for the Fannin County Quilt Barn Trail. She explained how there were four quilt barn trails in the state and she explained some of what she has

learned over the years. She stated they are county wide and allow any size signs because they are mainly in the country. People stay in the hotels and eat in the restaurants when they come and view the trails. The metal signs they have were well kept and no vandalism had occurred. She also stated she has only had to replace two signs over the span of their program due to deterioration.

- John Hart who resides at 18601 CR 646 spoke about the closed door session that Council would go into regarding the cemetery. He asked if the Council would give the audience updates. Also he stated some agenda items needed to be worded so it would be clearer.
- Donna Williams who lives at 1985 State Highway 78 N spoke in favor of the quilt squares and asked Council to allow the signs to be larger. She also wanted to speak about the proposed event center. She asked for Council to extend the renewal time period of the Specific Use Permit for the banquet/meeting hall to three to five years instead of one year.
- Richard Smith who lives at 617 CR 610 addressed Council in regards to Camden Park. He stated the subdivision was 98% complete according to the DBI Engineering Inspector. He said the inspection reports appeared to be a work of fiction and it appeared they were put together rapidly after an open records request was made and they were not even signed. He wanted Council to stand up to the developer and tell him it was time to do the project correct.

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. Board of Adjustment Minutes from 8-14-18
- B. City Council Special Session Minutes 8-20-18
- C. City Financial Report
 - Motion to approve made by Michael Hesse
 - 2nd to approve was Todd Rolen
 - 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 explained he did not receive the agenda so he missed the meeting. He stated he did speak with some of the members of the board and they had a presentation from an Eagle Scout about playground equipment at City Park. They also talked about Summer Music in the Park and planting bluebonnets in the City.

B. Farmersville Community Development Board (Type A)

1. Possible Council Liaison Report

- Mike Hurst stated he was waiting on the minutes to compare his notes first.

C. Farmersville Economic Development Board (Type B)

1. Minutes

2. Possible Council Liaison Report

D. Main Street Board

1. Possible Council Liaison Report

E. Planning & Zoning Commission

1. Minutes

2. Possible Council Liaison Report

- Craig Overstreet stated they elected a new chairman, vice-chairman, secretary, and treasurer. He stated the items they approved were on the City Council agenda.

F. Building & Property Standards Commission

1. Possible Council Liaison Report

- Donny Mason stated no meeting was held.

G. City Manager Verbal Report

1. Camden Park Update

- Ben White stated there were a lot of documents that were pending in order for the plat to be filed.
- Mike Hurst asked how far out the developer was for being totally complete.
- Ben White stated the project was on a week by week timeframe. One of the City's lift stations is in the middle of the road and we are trying to get electricity to the new lift station so that one can be moved.
- Mike Hurst asked if Ben White had met with the developer to see if any of the issues raised by Richard Smith had been addressed.
- Ben White stated the contractors were working on correcting the retention pond.

2. Concrete Plant(s) Update

- Ben White stated negotiations were underway with Reliable and Nelson Brothers Ready Mix. The main person over Reliable has been on an extended vacation, but the main hold up is the concerns surrounding the Specific Use Permit. Ben White suggested the companies come before Council so that Council can see them eye to eye.
- Donny Mason said it would be good to negotiate with them.
- Mike Hurst stated there needed to be a definite agreement between the City and the companies.
- Craig Overstreet explained there were only three to four items on the agreement and it is not burdensome.

3. Palladium Apartments Update

- Ben White stated there would be a pre-construction meeting in a few days and they were moving forward with the project.

V. PUBLIC HEARING

- #### A. Public hearing to consider, discuss and act upon Ordinance #O-2018-0828-001 regarding a text amendment to the Comprehensive Zoning Ordinance that will allow a "Banquet/Meeting Hall" use as an allowable use in the CA - Central Area District zoning classification subject to the approval of a Specific Use Permit.

- Mayor Rice read the caption of the Ordinance.
AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERSVILLE, ORDINANCE #O-2018-0508-001 AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF SECTION 3.6, "SCHEDULE OF PERMITTED USES," BY AMENDING SECTION 3.6.8, "EDUCATIONAL, INSTITUTIONAL, AND PUBLIC USES," BY IDENTIFYING "BANQUET/MEETING HALL" ON SUCH USE CHART AS A USE THAT IS ALSO PERMITTED IN THE CA - CENTRAL AREA DISTRICT SUBJECT TO THE APPROVAL OF A SPECIFIC USE PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

- Mayor Rice opened the public hearing at 6:37 p.m. and asked if anyone wanted to speak for or against the item.
- No one came forward so Mayor Rice closed the public hearing at 6:38 p.m.
- Craig Overstreet pointed out the error on the fourth whereas. He said it included information about another zoning case.
- Alan Lathrom explained the error would be corrected.
- Mike Hurst explained the Planning & Zoning Commission recommended approval and forwarded to the City Council.

- Motion to approve the ordinance with changes made by Craig Overstreet
- 2nd to approve was Mike Hurst
- All council members voted in favor

B. Public hearing to consider, discuss and act upon Ordinance #O-2018-0828-002 regarding a request to change the zoning on a lease space located on Block B, Lot 13a and 13b in the Farmersville Original Donation, which lease space is more commonly known as 101 Candy Street, Suite B, from CA – Central Area District uses to CA – Central Area District uses subject to a Specific Use Permit for operation of a banquet/meeting hall.

- Mayor Rice read the caption of the Ordinance.
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE #O-2018-0508-001, AS AMENDED, BY CHANGING THE ZONING ON A LEASE SPACE LOCATED ON BLOCK B, LOTS 13A AND 13B IN THE FARMERSVILLE ORIGINAL DONATION, AND WHICH LEASE SPACE IS MORE COMMONLY KNOWN AS 101 CANDY STREET, SUITE B, FARMERSVILLE, TEXAS 75442, FROM CA – CENTRAL AREA DISTRICT USES TO CA – CENTRAL AREA DISTRICT

USES SUBJECT TO A SPECIFIC USE PERMIT (SUP) FOR THE OPERATION OF A BANQUET/MEETING HALL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

- Mayor Rice opened the public hearing at 6:45 p.m.
- Jennifer Jiles who helps her mother at the Main Street Antiques store downtown stated her mother owns the building at 101 Candy Street. She explained they were in favor of RSVP Farmersville leasing from them. They have signed a five year lease and they are installing a sprinkler system in the building. She wanted the Council to consider not placing the one year restriction on the Specific Use Permit.
- Jodye Svoboda addressed Council and stated she was the tenant and owner of RSVP Farmersville. She explained she did not believe noise would be an issue because of the way the building was designed. She had spoken to Police Chief Sullivan about hiring off-duty officers for security. She stated she would not always be on-site, but she was big on having a safe environment that would not be loud.
- Mayor Rice asked Ms. Svoboda what she would feel was a reasonable time limit on the Specific Use Permit.
- Jodye Svoboda stated she did not know, but her lease would be for five years.
- Mike Hurst asked Alan Lathrom if she would have to come back in every year to renew the SUP.
- Alan Lathrom explained the recommendation from the Planning & Zoning Commission was for her to come back after one year. The Commission's concerns were parking and noise and they wanted to make sure it would not be an issue. He stated the Council did have an option to not require the one year stipulation, or they could place other stipulations. He said the SUP would be to Jodye Svoboda and would not transfer to another lease.
- Craig Overstreet asked if the Fire Department had completed a walkthrough of the property. He also inquired about the number of exits the building had and if there was a cooking area.
- Jodye Svoboda stated they have not yet completed a walkthrough, but she stated there were multiple exits. She also explained she only had a prep-kitchen, but no oven.
- Alan Lathrom stated that after the first year the Planning & Zoning Commission and Council could extend the renewal time frame to more years.
- Mayor Rice closed the public hearing at 6:57 p.m.
- Craig Overstreet stated he would like to keep the one year renewal on the SUP because of Planning & Zoning Commission concerns.

- Motion to approve SUP with a one year renewal to evaluate parking and noise and to not be transferable to another tenant made by Craig Overstreet
 - 2nd to approve was Mike Hurst.
 - All council members voted in favor
- C. Public hearing to consider, discuss and act upon the Final Plat of the Briar Autoshop Addition, Lot 1, Block 1 or possibly being a Replat of the Neathery & Marble Addition, Lot 20B, Block 6.
- Mayor Rice opened the public hearing at 7:00 p.m. and asked if anyone wanted to speak for or against.
 - No one came forward so Mayor Rice closed the public hearing at 7:00 p.m.
- Motion to approve made by Donny Mason
 - 2nd to approve was Craig Overstreet
 - All council members voted in favor

VI. READING OF ORDINANCES

- A. Consider, discuss and act upon the second reading of Ordinance #O-2018-0724-002 amending the Sign Ordinance to allow Quilt Barn Square Signs.
- Mayor Rice read the title block 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.
 - Mike Hurst asked if they placed signs on U.S. Highway 380 or State Highway 78 would they have to pull a permit from TxDOT.
 - Craig Overstreet stated the material and the size seemed to be concerns. He wanted to know if there was a substitute material available and he would not mind seeing a 4' x 4' on private property only, but not in the downtown. He said the Ordinance was where it needed to be and then maybe revisit it at a later date.
 - Elizabeth Andrus stated plywood would need to be replaced over a few years. She indicated she found a gentleman in Leonard that could get metal.

She stated she could look into polymer as well. She explained they would not be freestanding signs, but they would be affixed to a house or barn.

- Mayor Rice asked if the Ordinance could be drafted to allow 4' x 4' outside of the Central Area.
- Alan Lathrom indicated it could.
- Mike Hurst stated for the time being he would have to agree with Craig Overstreet that 2' x 2' quilt square would be sufficient.
- Craig Overstreet explained he did not feel the signs would be an issue with 4' x 4' outside of the Central Area.
- Direction was given to staff by Council to adjust the Ordinance as per their recommendations and continue with the second reading at the next meeting.

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

- Mayor Rice read the title to 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

- Chief Sullivan stated the Ordinance came about because someone inquired about enforcement of speeding on Sycamore. The Ordinance will allow them to enforce the speed limits on every road in the City without creating a new Ordinance for each street.
 - Motion to approve made by Donny Mason
 - 2nd to approve was Todd Rolen
 - All council members voted in favor
- Mayor Rice stated Council would take a break at 7:26 p.m.
- Mayor Rice called the meeting back to order at 7:35 p.m.

VII. REGULAR AGENDA

- A. Consider, discuss an act upon "No Parking Signs" to be placed on Candy Street from Main Street to Washington Street.
- Ben White explained he thought of adding "no parking" signs to Candy Street because of the concerns regarding the banquet/meeting hall. He just wanted to receive Council's direction as to whether they would want signs posted.
 - Chief Sullivan stated parking on Candy Street had not been a problem.
 - Council did not feel signs were necessary at this time.
 - No action was taken.
- B. Consider, discuss and act upon an agreement with Collin County Community Supervision and Corrections Department concerning becoming a Community Service Restitution Program Participating Agency.
- Ben White stated the program would allow people who needed community service to work with the City.
 - Chief Sullivan stated the only issue was if one of the people got hurt on City property, then the City could have liability.
 - Ben White stated Paula Jackson usually was in charge of these programs.
 - Paula Jackson stated she spoke to the people completing community service first and tried to determine the risks. She has had people pick up trash on the trail, sports complexes, and other areas.
 - Ben White stated the City has not had any incidents in the past and have had good results under Paula Jackson.
 - Chief Sullivan stated he has allowed some people to do work through the police department to complete some of their hours.
 - Craig Overstreet stated he did not feel the City could sign the agreement if staff would not be able to supervise the person at all times. He recommended no action be taken.
 - Mike Hurst stated he agreed.

- Alan Lathrom stated the other option would be to create a release that would protect the City from liability.
- Mike Hurst asked if the City accepted the agreement would the people completing the community service become an employee of the City.
- Alan Lathrom stated they would not be considered an employee, but if they were injured on City property they could file a claim for their injuries.
- Paula Jackson stated at the Maintenance Center Judy Brandon has several probationers every week help with recycling and would that be affected.
- Michael Hesse stated it would be a way for people to rehabilitate and he recommended the City come up with a release.
 - Motion to table made by Craig Overstreet
 - 2nd to approve was Michael Hesse
 - All council members voted in favor

C. Consider, discuss and act upon Change Order No. 1 for the Gravity Main Project – U.S. Highway 380 West TWDB Project #73761.

- Ben White stated he already signed the document because he thought he could sign once the contract was complete. But, he later realized that the change order needed Council approval and signature to make the document legal.
- Mike Hurst asked if the change order was over budget.
- Ben White stated it was not.
 - Motion to approve made by Donny Mason
 - 2nd to approve was Craig Overstreet
 - All council members voted in favor

D. Consider, discuss and act upon the possibility of raising the water base rate.

- Ben White explained the water consumption. He went over the reports he passed out to Council. He stated if a customer did not use any water in a month, a citizen would receive a bill for \$13.60. He explained Farmersville uses a three bracket system instead of a four or five bracket system. He suggested raising the water base rate to \$25.25. This would allow the City to gain approximately \$202,440.16 per year. He is not asking the Council to make a decision at this meeting, but wanted them to look for the Ordinance making the changes in a few months.
- Craig Overstreet asked if the City was receiving any take back from the water that is not used from the North Texas Municipal Water District.

- Ben White stated Daphne Hamlin accounted for that in next year's budget, but the City's responsibility would go up because of our take or pay contract. He stated he had no problem with rate reductions in the future. He said the larger cities could charge less because they were denser. He indicated the City currently had a loss in the water fund.
- Craig Overstreet explained the water system was in need of capital improvements.
- Ben White explained that the City could build money in every year's budget when we look at the North Texas Municipal Water District rates in October every year.
- No action was taken.

VIII. BUDGET WORKSHOP

- Daphne Hamlin stated she was trying to make the revised budget balance.
- Craig Overstreet asked if she was still working on the reason for the sales tax reduction from this past year.
- Daphne Hamlin stated she did speak to the business and they claimed to just not have a good year.
- Ben White stated the company claimed some of the items they sell would not allow the City to receive taxes on those products because the items go out of state.
- Craig Overstreet stated he appreciated her work in trying to pinch the numbers to make the budget balance. He stated capital improvements and other items still needed to be addressed.

IX. EXECUTIVE SESSION

- Mayor Rice read the statement below and said the city council would go into executive session at 8:27 p.m.

A. Section 551.071, Consultation with Attorney

1. Consultation with City Attorney regarding laws and potential litigation 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.

X. RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.

- Mayor Rice stated the Council would reconvene from executive session at 9:05 p.m.
- Craig Overstreet made a motion to reconsider item VII.C regarding the change order No. 1 for the gravity main.
- 2nd to approve the motion to reconsider was Donny Mason.
- All members voted in favor.
- Todd Rolen motioned that the County lower the amount of the change order from \$84,162.50 to \$81,700.00.
- 2nd to approve the change was made by Donny Mason.
- All members voted in favor.

X. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Donny Mason wanted to request an update on Hamilton Street.
- Craig Overstreet wanted to discuss the alignment of U.S. Highway 380 and wanted a workshop scheduled.

XI. ADJOURNMENT

Meeting was adjourned at 9:07 p.m.

APPROVE:



 Jack Randall Rice, Mayor

ATTEST:



 Sandra Green, City Secretary

