



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
September 11, 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, Paula Jackson, Rick Ranspot, Mike Sullivan, Kim Morris, Daphne Hamlin, Trisha Dowell, Reagan Rothenberger and City Attorney Alan Lathrom were also present.
- Prayer was led by Kevin Lisman, Farmersville Fireman, followed by the pledges to the United States and Texas flags.
 - Calendar of upcoming holidays and meetings
 - Mayor Rice asked Chief Sullivan to speak about the police lip sync video that was going to be shown to Council.
 - North Central Texas Council of Governments will hold Transportation public meetings on September 19th in North Richland Hills. See City Hall window and agenda packet for more information.
 - TxDOT will hold public meetings concerning the proposed improvements to US 380 from Denton County Line to Hunt County Line on Thursday, October 4, 2018 at Independence High School in Frisco, Tuesday, October 9, 2018 at Collin College in McKinney and Thursday, October 11, 2018 at Princeton High School. See City Hall window and agenda packet for more information.
 - Proclamation for Constitution Week
 - Mayor Rice read the Proclamation.

II. PUBLIC COMMENT

- John Hart who resides at 18601 CR 646 asked Council about the status of the Islamic cemetery. He also explained there was a dip in the roadway near the

Riding Club and asked Ben White to fix it.

- Randy Smith who resides at 508 CR 610 inquired about street lights on Princeton St. in Camden Park because they were not working and those at the intersection of 610 and Cambridge were not installed. There were also no grates on the street drainage by the east side of the detention pond and the other was on New Haven. He stated it could be a safety issue.
- John Richard Smith who lives at 617 CR 610 explained the east side of the detention pond in Camden Park was not at the correct elevation. He stated it was approximately 3-4 feet lower than what the as-builts dated 8-13-18 showed. He explained a few more issues he had regarding the subdivision.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more Items be withdrawn from the Consent Agenda and considered individually.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 8-14-18
 - B. City Council Special Meeting Minutes 9-4-18
 - 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 City Council Minutes from 8-14-18 and the Public Works Report.
 - Motion to approve items B – G, I and J made by Donny Mason
 - 2nd to approve was Todd Rolon
 - All council members voted in favor
 - Mike Hurst wanted a clarification on the City Council Minutes from 8-14-18 regarding the Council having data from the DBI concerning the U.S. Highway 380 widening.

- Ben White stated the data collected would be presented at a later meeting.
- Mike Hurst asked about the status of the west side lift station off of the Public Works Report.
- Ben White stated the lift station was going to be looked at the next day. They had one pump that was not working correctly and they are fixing it.
- Mike Hurst also asked about an item that has showed up on the report for months. He wanted to know why the bullet proof glass for the reception area was still on the report.
- Ben White stated there are a few small things that need fixed. The glass does not meet the ceiling so it needs a fur down. He stated there are no funds to fix it right now.
 - Motion to approve City Council Minutes from 8-14-18 and 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 stated the handicap swing for the park was discussed.
- B. Farmersville Community Development Board (Type B)
1. Possible Council Liaison Report
 - Michael Hesse stated the board had added a few names to the checking account and they were asking for the Main Street Board to add more members to their board in order to represent downtown more. He explained they approved the Professional Services Agreement for the Main Street Manager.
- C. Farmersville Economic Development Board (Type A)
1. Possible Council Liaison Report
 - Mike Hurst said he would hold off on his comments until he read the minutes.
- D. Main Street Board
1. Monthly Report
 2. Possible Council Liaison Report
 - Donny Mason explained the board changed their meeting time and they discussed the Main Street Report and the City Manager's Report.
- E. Planning & Zoning Commission
1. Possible Council Liaison Report
 - Craig Overstreet stated he gave the report at the last City Council meeting.
- F. Building & Property Standards Commission
1. Possible Council Liaison Report
 - Donny Mason said there was no meeting.

V. READING OF ORDINANCES

- A. Consider, discuss and act upon the second reading of Ordinance #O-2018-0911-001 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 stated that item 7 may need some clarification regarding other places rather than just downtown.
- Alan Lathrom indicated the language could state "where otherwise permitted".
 - Motion to approve made by Mike Hurst
 - 2nd to approve was Donny Mason
 - All council members voted in favor

VI. REGULAR AGENDA

- A. Consider, discuss and act upon Resolution #R-2018-0911-001 regarding a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corporation.
- Ben White stated the City is a part of the Steering Committee. He explained the Steering Committee is recommending this to the City and the rates would go into effect in October.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Todd Rolen
 - All council members voted in favor
- B. Receive information from, and discussion with, owners of property located in the extraterritorial jurisdiction considering annexation into the City's corporate limits regarding the various property owner's issues and concerns with annexation related to the establishment of concrete batch plants and related facilities on such properties and the terms of proposed development agreements with the City and possible direction to City Staff.
- Ben White explained that no zoning issues could be discussed by City staff or City Council members since the property is not in the city limits yet. He stated that Tony Strickland with Nelson Brothers Ready Mix Concrete and Walter Huerta was in attendance.
 - Tony Strickland stated he is the Senior Vice President of Ready Mix and they have 5 batch plants. He explained they are wanting to expand their business. The owners of the company are residents in Highland Park. He explained he has reviewed the Development Agreement for Listocon. He stated that generally they do not have an issues with the agreement because they understand landscaping would be required. He stated they recently closed on the property next to the Reliable property. The one concern they do have is with zoning and a specific use permit. He explained a specific use permit would not be good for the company. One of their current locations has a Specific Use Permit and they are now required to move which costs them a lot of money. They need to be in a

long term situation and not a short term. One thing they do have to offer is the sales tax revenue that is generated from the batch plant. In all the other cities they do not pay the sales taxes to those cities. Their sales tax dollars go to a main plant in Lewisville. If they could have a long term commitment from the City then they would be happy to pay the sales tax to the City. He does not see the need for a Specific Use Permit since it would be zoned heavy industrial anyway. They have to abide by the government regulations that are in place, such as OSHA. If a Specific Use Permit is required they would understand, but they want a long term commitment.

- Walter Huerta, owner of Reliable Concrete, stated he has been in business for 11 years. He explained all of his company trucks are new. He stated that he has a Specific Use Permit with the City of Dallas and they are requiring him to move. In the past year or so they have limited him to renew every year. His concern is the same regarding a short term SUP. He would like to have a long term commitment as well. He stated he did not have any issues with any other items in the Development Agreement.
- Ben White explained that in the Zoning Ordinance an SUP is required for a concrete batch plant and the City can add any requirements they feel necessary.
- Mike Hurst asked what happened in Dallas and why the Council shortened the term.
- Walter Huerta explained they had a new Council member was elected for his district and since then they have not wanted to renew his SUP.
- Mike Hurst asked if he had closed down the Dallas plant yet.
- Walter Huerta stated he has one year to close.
- Craig Overstreet asked if Farmersville would receive the sales tax from his company.
- Walter Huerta stated Farmersville would receive all of his sales tax, because all orders and everything would come from this plant.
- Craig Overstreet asked how much the investment would be to move to Farmersville.
- Walter Huerta stated it would be a \$10 to \$12 million investment.
- Michael Hesse asked about his area of service.
- Walter Huerta explained the service area would be approximately 20 – 25 miles away from the plant.
- Michael Hesse also asked how many people would be employed at the plant.
- Walter Huerta stated approximately 30 people. He stated in Dallas he currently employs 48 people.
- Craig Overstreet asked what he would consider long term.
- Walter Huerta explained he would like a 30 year term in order for it to be a good investment.

C. Presentation on recent US Highway 380 collected data and figures.

- Ben White addressed Council and explained what types of items would be impacted when the Highway would be built. He showed spreadsheets to the Council that showed all the land, homeowner's or businesses that would be effected. The spreadsheets showed how the City would also be effected by ad valorem taxes. He explained the bypass options being considered were the yellow and the red routes. He explained they have not collected data for civic or social organizations, such as a church. If the roadway would take away a business they would have loss of jobs or they would have to relocate the business. He stated the City of Farmersville has placed their utilities in the right-of-ways in the past. When TxDOT wants to expand the roadway it will be at the City's cost to move those utilities. If the green route was chosen the City would lose \$131,507 in ad valorem taxes, pink route \$78,000, yellow route \$2,429 and the red route zero. He explained he would bring forward the complete data at a future meeting. He is most interested to see if there was a category that Council would like to review before they consider any kind of decision on the routes.
- Mayor Rice wanted to clarify if Council asked for a workshop to discuss the routes.
- Craig Overstreet stated it was requested. He also asked Eddy Daniel from Daniel & Brown Engineering if City utilities were placed in right-of-ways.
- Eddy Daniel stated the line to AFI and the new utilities are in private easements and TxDOT would have to pay to move those. He stated there were some old lines they believe were placed in the right-of-way.
- Donny Mason asked what the possibility would be to widen the road to Brookshire's and then pick it up outside of town.
- Ben White stated you cannot put that much road and then shrink the width and go back to the wider road in that small of a distance.
- Mike Hurst stated we should not sit back and allow TxDOT to go around the City.
- Ben White explained the City may not see the construction during our lifetimes, but we may see the land right-of-way acquisitions.
- Mike Hurst stated he did not want the bypass options. He stated we owe it to the citizens to make the right decisions. He indicated the City needs to stand up to TxDOT.
- Ben White explained the City of McKinney does not have the Corps. of Engineers to deal with. The Corps. of Engineer's has quashed the use of a peninsula.
- Eddy Daniel explained there is no narrow down point. He stated they will keep the existing U.S. Highway 380, but if Farmersville does not cooperate they will place it where they want.
- Mayor Rice said the Council needs to pick two of the routes they want and present those to TxDOT.
- Michael Hesse stated we are not the only City that does this. He asked if we could find out from other cities their views of why they chose a bypass or some that went through the city.

- Craig Overstreet said the table was not accurate because the businesses would relocate and we would still receive their taxes.
- D. Consider, discuss, and act upon approving the City Manager's recommendation of satisfactory completion of the public improvements necessary to serve the Camden Park Subdivision, Phases 1 and 2, in accordance with Section 65-81 of the Farmersville Code including the acceptance of as-built record drawings and the required public improvements subject to City's removal of the old lift station and related construction activities.
- Ben White stated the Council had letters from Jim Shankles that stated the as-builts were complete and he recommended approval of the as-builts. He also explained the improvements were 100% complete, with the exception of the removal of the lift station and pouring of the concrete.
 - Mayor Rice asked about the time frame for getting the lift station out.
 - Ben White stated he believed it would take approximately 1 ½ weeks if the weather was good.
 - Mike Hurst asked how many permits they have applied for at this point.
 - Ben White stated they have applied for 20 permits up front.
 - Craig Overstreet asked about the time frame of the maintenance bond from the contractor.
 - Ben White stated it would cover 2 years.
 - Craig Overstreet asked Eddy Daniel to speak regarding the issues that John Richard Smith had regarding the subdivision.
 - Eddy Daniel stated the City infrastructure they look for and approve are water, sewer, roadways and drainage culverts inside the right-of-way. He stated they do not look at detention ponds and retaining walls because they are not a public improvement the City would maintain. He said all the tests that were done on the public improvements passed inspection.
 - Ben White asked Alan Lathrom if the Homeowner's Association would be responsible for the retaining walls.
 - Alan Lathrom stated that generally speaking the HOA would be responsible for the upkeep of the retaining walls, common areas and common improvements throughout the subdivision.
 - Motion to accept public improvements and as-built record drawings subject to City's removal of the old lift station and completion of panel made by Mike Hurst
 - 2nd to approve was Todd Rolen
 - All council members voted in favor

E. **Update on Hamilton Street**

- Ben White stated he had all the paperwork in place, but it was never approved by Council for the purchasing of the right-of-ways.
- Donny Mason asked about the engineering of the roadway and whether it was completed.
- Ben White stated the engineering was not complete yet.

VII. **BUDGET WORKSHOP**

- Daphne Hamlin stated there were no updates since the last email she sent to the Council. She asked if anyone had any questions.
- Ben White stated the water account was showing an increase in water rates that he would be bringing to Council in the next few weeks.
- No Council members had questions.

VIII. **EXECUTIVE SESSION**

- Mayor Rice read the statement below and indicated the City Council would enter executive session at 7:47 p.m.

A. Discussion of Matters Permitted by Texas Government Code 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 extraterritorial jurisdiction.

IX. **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 8:34 p.m. and no action would be taken.

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

- None

XI. **ADJOURNMENT**

Meeting was adjourned at 8:34 p.m.

APPROVE:



Jack Randall Rice, Mayor

ATTEST:



Sandra Green, City Secretary

