



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
December 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, Rick Ranspot, Mike Sullivan, Daphne Hamlin, Kevin Lisman, 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.
  - City Hall will be closed on Monday, December 24<sup>th</sup> and Tuesday, December 25<sup>th</sup> for the Christmas Holiday.
  - City Hall will be closed on Tuesday, January 1<sup>st</sup> for New Year's.

**II. PUBLIC COMMENT**

- Marguerite Ellis who resides at 401 Sid Nelson addressed Council and stated she opposed having the state widen the current location of U.S. Highway 380. She explained many residents have lived in that area for years and the state would take their homes for the new roadway.
- Paul Kelly who resides at 311 Neathery addressed Council concerning the U.S. Highway 380 widening. He stated if the road was placed in the current location then it would affect members of the community and churches. He explained he was opposed to the widening of the current location of U.S. Highway 380.
- Pastor Paul Mack from Mount Calvary Baptist Church addressed Council and explained he was concerned about displacing people and churches if the state widens the current U.S. Highway 380.

### 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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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 10-23-18
- B. City Council Minutes 11-13-18
- 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 Financial Report
- K. City Manager's Report

- Mike Hurst pulled the City Manager's Report.
- Craig Overstreet pulled the City Council Minutes from 10-23-18.
  - Motion to approve Reports B - J made by Mike Hurst
  - 2<sup>nd</sup> to approve was Todd Rolen
  - All council members voted in favor
- Craig Overstreet wanted a correction made on page 3 of the City Council Minutes from 10-23-18. He pointed out that "Associate" needed to be "Association". He also wanted the sentence that read "He stated the engineer needed to look at the detention pond and retaining walls as they are being built" changed to read "He stated the engineer needed to look at the detention pond and retaining walls to ensure they are being built according to submitted plans".
  - Motion to approve City Council Minutes from 10-23-18 as amended made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Todd Rolen
  - All council members voted in favor
- Mike Hurst wanted to know why certain Ordinances like the Thoroughfare Design Manual are in backlog and have been for some time.

- Ben White explained the City Engineer had those in hand and were working on them. He stated the City had been pushing them pretty hard on other projects that have taken away their time from finishing those documents.
- Mike Hurst also asked about the batch plants and where things stood.
- Ben White stated the City has a Developer's Agreement drafted so negotiations could continue.
- Mike Hurst wanted Ben White to give an update on the TxDOT routes for U.S. Highway 380.
- Ben White explained there were still two routes that TxDOT were looking at. The routes were at the current location and a south route. He stated TxDOT was analyzing the data on the two routes and they have requested that we delay any kind of recommendation to them until March. He assumed they would come back to Council in March for a briefing.
- Mike Hurst asked Ben White if there were any time elements he could discuss in relation to the U.S. Highway 380 expansion.
- Ben White stated the easement and right-of-way acquisitions could be 5 or more years out. The road construction could be 15 to 20 years. He said it would be several years before any actual movement was made. He explained the section of the U.S. Highway 380 that runs through Farmersville may be constructed last and they may start on the west side of McKinney. That information is not known yet.
  - Motion to approve City Manager's Report made by Mike Hurst
  - 2<sup>nd</sup> to approve was Donny Mason
  - 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
  - Todd Rolen stated the Senior Citizens Center is needing prizes for bingo. He stated the Library is getting more funds from the county this year. He explained in regards to the parks they discussed the ADA swing again.

B. Farmersville Community Development Board (Type B)

1. Possible Council Liaison Report

C. FEDC Farmersville Economic Development Board (Type A)

1. Possible Council Liaison Report

D. Main Street Board

1. Monthly Report
2. Possible Council Liaison Report

E. Planning & Zoning Commission

1. Minutes
2. Possible Council Liaison Report
  - Craig Overstreet stated the minutes were included in the agenda packet and the items that went before the Planning & Zoning Commission were on the City Council Agenda for review.

F. Building & Property Standards Commission

1. Possible Council Liaison Report

**V. PUBLIC HEARING**

A. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the replat for Farmersville Market Center II, which property is generally located south of U.S. Highway 380 and west of County Road 607 subject to the consideration, discussion and action upon the following required waivers requested by Palladium Farmersville, Ltd., for such approval:

1. A waiver of the requirement set out in Farmersville Code Section 65-42(b)(1) that each lot front onto a dedicated, improved public street given the fact that this development is a multi-family development situated within a subdivision

that was originally platted as a commercial development and not a single-family residential development;

2. A waiver of the requirement set out in Farmersville Code Section 65-42(b)(6) that each multi-family lot shall have a minimum of 100 feet of frontage on a dedicated street because this multi-family development is an in-fill development project on a property originally platted for commercial development;
3. A waiver of the requirement set out in Farmersville Code Section 65-44(c)(5) that Palladium Farmersville, Ltd., as the property owner, provide all rights-of-way required for existing or future streets, and all required street improvements because this multi-family development is an in-fill project on a property originally platted for commercial development that is taking access to and from public thoroughfares upon and across easements internal to the overall commercial development; and,
4. A waiver of the requirement set out in Farmersville Code Section 65-42(c)(17) that all subdivisions have at least two points of access from improved public roadways, and that driveway access onto roadways shall be provided because this multi-family development is an in-fill project on a property originally platted for commercial development that is taking access to and from public thoroughfares upon and across easements internal to the overall commercial development including a new private access and fire lane easement acquired from Brookshire's to provide a second point of ingress and egress to this multi-family community.
  - Mayor Rice opened the public hearing at 6:26 p.m.
    - Tom Huth, Palladium CEO, addressed Council and stated they were ready to build. He stated they would listen and address any comments citizens or Council may have. He stated their reputation was what they stand by and it would be a \$15 million development. He explained everything was order for them to start construction.
    - Mayor Rice closed the public hearing at 6:30 p.m.
    - Ben White stated the Council had four waivers in front of them. They could be separated or voted on as a group.
    - Craig Overstreet stated he believed the Council needed to vote on them as a group.
    - Alan Lathrom explained they could consider all the waivers at once and the plat, or they could consider each waiver and the plat separately.
    - Ben White discussed where the development would be located. He stated the property was zoned MF-2 for multi-family. He explained the first waiver was for the fronting onto a dedication, improved Public Street and how since the property was originally zoned commercial the

property would front an access road. The second waiver stated there was no real street because it was an access easement. The third waiver discussed the access to the facility. He said since the property was an infill property there were no streets that ran beside the property. There were still adequate drives to the site, but it was not a Farmersville City street. The fourth requirement stated they must have two points of access to the site. He stated Palladium was asking for a waiver because they feel they have adequate access to the site. He explained Palladium had obtained an Access Easement from Brookshire's to accommodate the second point of access.

- Mike Hurst stated there was another access behind Brookshire's that could be used as well.
- Ben White stated there was and there were several that could be used.
- Mike Hurst asked if Brookshire's was okay with the use of the easements.
- Tom Huth explained how they negotiated an easement with Brookshire's for access and it went very well. He stated there were a total of four access points for the property.
- Mike Hurst stated in the past they have discussed the grade of the property.
- Tom Huth stated the site was actually a retention pond. He explained the site would be approximately 5 feet down in the front of the property. He stated the site was approximately 8 feet down from the side it borders with Brookshire's.
- Michael Hesse stated he wished it would line up with Harvard Blvd. across U.S. Highway 380.
- Craig Overstreet explained the apartments have been discussed with the Fire Marshall and the school district. He wanted to know which other Palladium sites had one point of entry.
- Tom Huth stated Palladium Anna only had one point of access that led to a Master Planned Community and then to State Highway 5. He also stated that most of their properties only have one point of access.
- Craig Overstreet asked if the access easement with Brookshire's would survive if TxDOT widened the existing U.S. Highway 380.
- Tom Huth explained they are cognizant of life safety. He stated the easement was perpetual and would follow the new access easement that would be built due to the widening of U.S. Highway 380 if that was the decision made by TxDOT.
- Jonathan Hake with Cross Engineering explained the trip calculations for vehicles compared to Brookshire's.
- Ben White stated the Fire Marshall had reviewed and approved the plans.
- Mike Hurst stated he spoke to the school district and the bus routes could be adjusted to accommodate the site.

- Motion to approve all waivers and plat as presented 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 a recommendation from the Planning & Zoning Commission regarding the Site Plan and Landscape Plan for the apartment community identified as Palladium Farmersville Apartments situated on property that is generally located south of U.S. Highway 380 and west of County Road 607, subject to the consideration, discussion and action upon the following required waivers requested by Palladium Farmersville, Ltd., for such approval:

1. A permanent waiver of the requirement that Palladium Farmersville, Ltd., erect a screening wall or fence of not less than six nor more than eight feet in height along the entire property line separating the multi-family district and the adjoining nonresidential district because the construction of such screening wall or fence is impractical under Farmersville Code Section 77-69(a)(1);
2. A waiver allowing the buildings making up the apartment community identified as Palladium Farmersville Apartments to be placed on this single lot or tract of land such that said buildings will be oriented to create a courtyard effect rather than face upon a public street in accordance with Farmersville Code Section 77-8(b)(2); and
3. A waiver from the requirements that Palladium Farmersville, Ltd., plant one canopy tree per 40 linear feet, or portion thereof, of street frontage as required by Farmersville Code Section 77-71(h)(4) on the grounds that the proposed apartment community does not have any frontage along a public street or road.
  - Mayor Rice opened the public hearing at 6:57 p.m.
  - Scott Johnson who represented Palladium addressed Council regarding the waivers. He explained the site was already in a hole and they were asking for a waiver from the fence because of this. The second waiver they were requesting was a courtyard feel instead of the buildings facing a street which was actually an access easement. He stated the third they already feel they are meeting the intent of the Ordinance in relation to the trees and landscaping.
  - Mayor Rice asked if anyone else wanted to speak for or against the item. No one came forward so he closed the public hearing at 7:00 p.m.
  - Craig Overstreet asked about waiver number 1 and if he was walking from the Palladium site to Brookshire's to the east what would he see.

- Scott Johnson stated it would be a retaining wall with a wrought iron fence and landscaping.
  - Craig Overstreet asked about the front.
  - Scott Johnson stated a retaining wall, plants, trees and seasonal beds. He stated it would not be a gated community because it was intended to be a walkable community.
    - Motion to approve all waivers and site plan/landscape plan made by Donny Mason
    - 2<sup>nd</sup> to approve was Todd Rolen
    - All council members voted in favor
- C. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding a request to amend Ordinance No. 2002-13 that established Planned Development District (PD) Zoning for Residential Uses having a base zoning district of SF-3 One Family Dwelling District uses on approximately 13.05 acres of land generally located between Sycamore Street and Gaddy Street and between Meadowview Street and Jouette Street and more particularly described as being located in the W. B. Williams Survey, Abstract No. 952, Farmersville, Collin County, Texas, and to amend Ordinance No. O-2013-0212-003 that amended Ordinance No. 2002-13, in part, in order to adopt a new concept plan or site plan for approximately 5.065 acres of land out of the referenced parent tract of land to develop a twenty-one lot residential subdivision.
- Mayor Rice and Donny Mason left the room due to a conflict of interest.
  - Mike Hurst took over the meeting and opened the public hearing at 7:05 p.m. and asked if anyone was in the audience to speak for the proposed development.
  - Bryan Weisgerber from Cross Engineering explained the site plan they were requesting to be changed. He stated they separated some lots and added the detention pond to where it would line up to the one on the church's property.
  - Mike Hurst asked if anyone else wanted to speak for or against the item. No one came forward so he closed the public hearing at 7:08 p.m.
  - Craig Overstreet explained his concern would be the once entrance into the subdivision.
  - Ben White stated the roads they were proposing met City standards. The turning radius and fire lanes have been reviewed by the City Engineer and they were compliant.
  - Craig Overstreet stated there had been some citizens that complained about the subdivision only having one access.
  - Ben White stated the Engineers have looked at the site plan and where okay with the design. He also stated they would be required to install sidewalks.
  - Craig Overstreet asked if a fence would be required to shield from the church site.



- Alan Lathrom stated a fence would not be required because both uses were zoned residential.
- Mike Hurst asked about the size of homes they were planning on building.
- Bryan Weisgerber stated he believed the developer was planning on homes that range from 1500 square feet to 2500 square feet.
  - Motion to accept site plan made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Todd Rolen
  - All council members voted in favor
- Mayor Rice called for a break at 7:17 p.m.
- Mayor Rice stated the City Council would reconvene at 7:23 p.m.

## **VI. READING OF ORDINANCES**

- A. Consider all matters incident and related to the issuance and sale of “City of Farmersville, Texas, Tax and Utility System (Limited Pledge) Revenue Certificates of Obligation, Series 2019”, including the adoption of Ordinance #O-2018-1211-001 authorizing the issuance of such certificates of obligation.
- Adam LanCarte with Hilltop Securities presented the sale book to the Council and he explained what the information was in the book. He stated the S&P did not increase but stayed neutral. He explained a rating upgrade in the future may be possible.
  - Ben White stated this bond would fund the building of Farmersville Parkway to aid Collin College.
  - Craig Overstreet asked if it could be paid off early without penalty.
  - Adam LanCarte stated it could be.
    - Motion to approve made by Craig Overstreet
    - 2<sup>nd</sup> to approve was Mike Hurst
    - All council members voted in favor
- B. Consider, discuss and act upon Ordinance #O-2018-1211-002 regarding changing the north south direction of Bob Tedford Drive to Harvard Boulevard.
- Ben White stated the Ordinance officially changes the name of the roadway. He explained it was discussed and voted on at a previous meeting but the Ordinance was required to change the name officially.
    - Motion to approve the first reading made by Donny Mason
    - 2<sup>nd</sup> to approve was Todd Rolen
    - All council members voted in favor

## VII. REGULAR AGENDA

- A. Consider all matters incident and related to setting a public hearing and authorizing publication of a public hearing notice regarding proposed amendments to the project and finance plans for Tax Increment Financing Reinvestment Zone Number 1 City of Farmersville, Texas, including the adoption of Resolution #R-2018-1211-001 pertaining thereto.
- Motion to approve made by Mike Hurst
  - 2<sup>nd</sup> to approve was Donny Mason
  - All council members voted in favor
- B. Consider, discuss and act upon the release of 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.
- Ben White stated there was an existing facilities agreement and the agreement was at its maturity and should be released. He stated the portion of the agreement that was outstanding had been taken care of by Palladium's access agreement with Brookshire's.
  - Craig Overstreet asked what the Development Agreement entailed that made it a requirement in the first place.
  - Ben White explained that typically it would be the roads and other infrastructure. He stated originally the Palladium property was designed as commercial and drives would have been built to connect. He explained things have changed and it had morphed into a multi-family site instead of commercial.
- Motion to approve made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Todd Rolan
  - All council members voted in favor
- C. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the Final Plat of the Brushy Creek Ranch Addition, Lots 1-4, Block 1.
- Motion to approve made by Donny Mason
  - 2<sup>nd</sup> to approve was Craig Overstreet
  - All council members voted in favor

D. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the Final Plat of the Islamic Association of Collin County, Lots 1 & 2.

- Motion to approve made by Craig Overstreet
- 2<sup>nd</sup> to approve was Donny Mason
- All council members voted in favor

E. Consider, discuss and act upon the recommendation and bids from DBI Engineering regarding the Gravity Main Project – U.S. Highway 380 West, Phase 2.

- Ben White stated the project handled the gravity main from the water tower on the west side and on the west side of the new lift station. He explained they broke up the project in order to get Caden Park online with the sewer system. He stated the lowest bid was made by ANA Site Construction, LLC.
- Michael Hesse asked about the major difference in the bid amounts.
- Ben White stated sometimes they see that and he spoke with the City Engineer and the company was sure they could do the work for the amount bid.

- Motion to approve made by Michael Hesse
- 2<sup>nd</sup> to approve was Donny Mason
- All council members voted in favor

F. Consider, discuss and act upon the recommendation and bids from DBI Engineering regarding the Lift Station Project – U.S. Highway 380 East.

- Ben White stated this was for the east side lift station and hooking up to lines that are already in place. He stated the lowest bid was by Vessels Construction.

- Motion to approve made by Mike Hurst
- 2<sup>nd</sup> to approve was Donny Mason
- All council members voted in favor

- Ben White also asked if Council would allow him to execute documents for these projects without bringing them before Council again to save time. He said if there were any changes in the cost or change orders he would bring those back to Council though. He wanted to receive permission for the gravity main project and the lift station project.
- Council agreed to allow him to sign all documents.

- Motion to allow City Manager to sign document in lieu of Mayor for the gravity main and lift station made by Craig Overstreet
- 2<sup>nd</sup> to approve was Mike Hurst
- All council members voted in favor

G. Consider, discuss and act upon possible citywide cleanup day.

- Chief Sullivan stated it cost about \$5,000 to have the event last year. We are looking at May, April, or June for the next one. He explained they did not want to do hold the event on the 1<sup>st</sup> Saturday of the month due to other conflicts.
- Craig Overstreet asked if it would only be for City residents only.
- Chief Sullivan stated that it would be limited to the citizens of Farmersville.
- Council agreed May would be a good time fine.

H. Consider, discuss and act upon the DIR agreement with Canon for a printer/scanner for the Planning and Building Inspections Departments.

- Sandra Green stated staff realized we needed and scanner/copier for bigger plans that are coming in to the City for review. She explained the money would come from the IT budget and is available. She stated it was a lease to own program.

- Motion to approve made by Donny Mason
- 2<sup>nd</sup> to approve was Todd Rolan
- All council members voted in favor

I. Consider, discuss and act upon the resignation and replacement of Judy Brandon from the Main Street Board.

- Motion to accept resignation made by Craig Overstreet
- 2<sup>nd</sup> to approve was Todd Rolan
- All council members voted in favor
  
- Mike Hurst stated he would make a motion to not fill the position until March or April to give time for a new Main Street Manager to get hired and acclimated to the position.
  
- Motion to wait until March or April to fill position made by Mike Hurst
- 2<sup>nd</sup> to approve was Donny Mason
- All council members voted in favor

**VIII. EXECUTIVE SESSION**

- Mayor Rice read the statement below and said the Council would enter executive session at 8:10 p.m.
  - A. Section 551.074, DELIBERATION REGARDING PERSONNEL MATTERS
    - 1. Discussion regarding incentive pay for City Manager
  - B. Texas Government Code Section 551.071, CONSULTATION WITH ATTORNEY:
    - 1. Pending or contemplated litigation and possible settlement offer:
      - a. United States Department of Justice.

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

- Mayor Rice stated the Council would reconvene from executive session at 9:24 p.m. He also stated they approved a one-time incentive pay bonus to the City Manager.
  - Motion by Craig Overstreet to allow the City Attorney to extend the tolling agreement with the City of Farmersville and the Department of Justice until March 2019.
  - 2<sup>nd</sup> to approve was Michael Hesse
  - All council members voted in favor

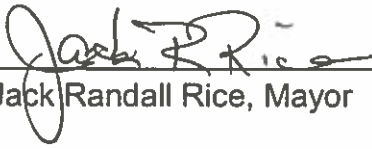
**IX. REQUESTS TO BE PLACED ON FUTURE AGENDAS**

- Michael Hesse wanted to discuss signs on Sycamore Street.
- Michael Hesse wanted an update of the brush at Camden Park.
- Craig Overstreet wanted to discuss Camden Park Ordinance and plans.


**X. ADJOURNMENT**

Meeting was adjourned at 9:26 p.m.

APPROVE:

  
\_\_\_\_\_  
Jack Randall Rice, Mayor

ATTEST:

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

