



FARMERSVILLE CITY COUNCIL REGULAR SESSION MINUTES

For

March 26, 2019, 6:00 P.M.

I. PRELIMINARY MATTERS

- Mayor Rice called the meeting to order at 6:00 p.m. Council members Craig Overstreet, Michael Hesse, Donny Mason, Mike Hurst and Todd Rolan were all present. City staff members Ben White, Sandra Green, Kim Morris, Rick Ranspot, Mike Sullivan, Kevin Lisman and City Attorney Alan Lathrom were also present.
- Prayer was led by Rick Ranspot, City of Farmersville Warrant Officer, followed by Craig Overstreet leading the pledges to the United States and Texas flags.
 - Calendar of upcoming holidays and meetings.
 - City Hall will be closed on April 19, 2019 in observance of Good Friday.
 - New City Hall hours will begin on April 22, 2019. Please see notices at City Hall, agenda packet and the website for more information.
 - The Rotary golf tournament will be Tuesday, April 23rd at the Woodbridge Golf Club.

II. PUBLIC COMMENT

- Leaca Caspari who resides at 405 Summit Street addressed Council and explained her concerns about not having live streaming at City Council meetings. She requested the City Council look into streaming the meetings for people who are unable to attend.
- Jim Foy who resides at 211 College Street also wanted to share that he believed the Council should live stream all public meetings. He gave a list of large and small cities around the state that are already live streaming. He explained the technology was in existence to conduct live streaming at low cost.
- Randy Smith who resides at 508 CR 610 addressed Council about the Farmersville Plant, LLC agreement. He stated his concerns where about the trailing facility and about the internal roadways not being built for 2 years when

Phase II was complete. He stated without the internal roadways it would create a lot of dust.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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. City Financial Report
 - o Motion to approve reports made by Craig Overstreet
 - o 2nd to approve was Todd Rolan
 - o 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 Miranda Martin reached out to him about filling the Senior Citizens Center position. They also discussed getting bands for Music in the Park.
- B. Farmersville Community Development Board (Type B)
1. Possible Council Liaison Report
- C. FEDC Farmersville Economic Development Board (Type A)
1. Minutes
 2. Possible Council Liaison Report
 - Mike Hurst stated they are working hard to get the college built in the city. Also they are working on the Zoning Ordinance possible changes.
- D. Main Street Board
1. Monthly
 2. Possible Council Liaison Report
- E. Planning & Zoning Commission
1. Minutes
 2. Possible Council Liaison Report
 - Mike Hurst stated they denied the multi-family rezoning on Raymond Street.

V. REGULAR AGENDA

- A. Discussion regarding the live streaming of City Council meetings.
- Mayor Rice stated he placed this item on the agenda because of Sunshine month and for transparency. He stated the Council has a responsibility to allow the citizens to see what is going on in the City. He wanted to plant the seed and inquire what is needed to start live streaming.
 - Ben White stated he just needed direction from Council on what they wanted to do.
 - Mike Hurst stated the Council needed cost and other information in order to make an informed decision.
 - Mayor Rice asked Alan Lathrom about archiving and records retention.
 - Alan Lathrom indicated there could be record retention requirements that would probably have to be followed.
- B. Update regarding fuel spill at Main Street and Murchison Street.
- Chief Morris addressed Council and stated that on Thursday morning they received a lot of calls concerning a gas smell at Tatum Elementary. He

contacted the Collin County Fire Marshall and an employee from Princeton came and tested the area. The gas station on Main Street had received a truck that morning to fill up the fuel tanks. He overfilled the tanks and about 20 to 30 gallons seeped into the sewer system and a creek. He indicated there was no real danger of explosion, but the fuel company would have to pay for the cleanup.

- C. Garland Power and Light Presentation regarding future transmission line services and related substation requirements.
- Tom Hancock with GP&L introduced Steve Martin who would start the Power Point Presentation.
 - Steve Martin explained how Farmersville is feed electricity. He presented a Power Point presentation that showed five options of how the City could upgrade their system to minimize outages.
 - Ben White stated the current substation is located in a floodplain. He indicated the City would have to replace it in the future. He pointed out the City has Collin College building soon and we would need to provide reliable power to them. He explained that in his opinion the substation should be built at a new location. He explained the cost would be shared by all the rate payers of the ERCOT grid. He indicated the City would have a small portion of that overall cost to pay. He explained the City would have to upgrade the substation eventually even if we do not own it.
 - Craig Overstreet asked if the Council needed to make a decision now.
 - Ben White stated Garland Power & Light would have to go to the regularity body. He explained Garland Power & Light were just asking permission to go forward and present the Farmersville Area Reliability Study and its associated options to the Regional Planning Group of ERCOT for considerations.
 - Mayor Rice stated it was not on the agenda to make a decision because it was only listed as a presentation.
 - Ben White explained we could place it on the next agenda to make a decision.
 - Mike Hurst asked how long it would take for any of the options to be in effect.
 - Steve Martin stated 2 ½ years if ERCOT liked the ideas presented.
- D. Consider, discuss and act upon an agreement between the City of Farmersville and Oncor to purchase a substation.
- Donny Mason asked if the land was a part of the purchase.

- Ben White stated the land was not a part of the agreement but he recommended approval of the purchase.
 - The Mayor went to the next item on the agenda since they related to one another.
 - Ben White stated for an annual cost of \$7,047.50 Garland Power & Light would come out and service the substation. He explained that amount would cover the regular maintenance every year. He indicated the agreement was for a three year period and he recommended approval.
 - Motion to approve the purchase of the substation made by Donny Mason
 - 2nd to approve was Craig Overstreet
 - All council members voted in favor
- E. Consider, discuss and act upon an agreement between Garland Power and Light and the City of Farmersville regarding maintenance and repair of substation.
- Motion to approve the maintenance agreement made by Donny Mason
 - 2nd to approve was Todd Rolan
 - All council members voted in favor
- F. Update from Kimley-Horn on the wastewater treatment plants.
- Jeff James from Kimley-Horn addressed Council and presented the Power Point that was in the agenda packet.
 - Ben White wanted to know the time frame it would take to build Plant 3 when the City was ready.
 - Jeff James stated it would take approximately 2 years since the design was already complete.
- G. Discussion on allowing a horse drawn carriage vendor to be established in the city.
- Ben White stated the city had a request to have a horse drawn carriage vendor in the downtown area.
 - Michael Hesse stated he would like to know if other towns other than Highland Park allow this and how does their city handle it.
 - Ben White stated more information could be gathered and the topic would be brought back to another meeting in the future.

- H. Consider, discuss and act upon Resolution #R-2019-0326-001 regarding the Chamber of Commerce Yards of Yard Sales.
- Mayor Rice read the Resolution out loud to the audience.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Donny Mason
 - All council members voted in favor
 - Mayor Rice called for a break at 7:25 p.m.
 - Mayor Rice reconvened the meeting at 7:32 p.m.
- I. Consider, discuss and act upon a Third Amended and Restated Development Agreement between the City of Farmersville and Listocon Group, LLC (Reliable Concrete).
- Ben White stated the document was currently signed and notarized by Listocon and there were a few changes from the agreements in the past. He explained the City is asking for them to file the annexation paperwork within 30 days. He indicated the other upgrades had to do with the screening buffer and fencing. He stated that internal driveways and road surfaces would be required now and they would have to be any impervious surface. He indicated that anywhere that did not have impervious surfaces had to have ground cover. He stated the agreement also required lighting that would prevent light pollution. He explained that Listocon had a problem with a performance bond because in order for them to meet the requirements for the bond the water line had to all ready be in place. It was a technicality so in lieu of that language it was put in place to show that \$150,000 cash would be put up until the criteria had been met and then Listocon would receive \$37,500 back. The rest of the assurances would be done by a lien being placed on the property. TIRZ wanted the assurance since they are funding the water line.
 - Mayor Rice asked how it would be determined when the internal roadway would have to be complete.
 - Ben White stated the internal roadways would have to be built before a certificate of occupancy was issued. He indicated Listocon was not phasing the project.
 - Michael Hesse wanted clarification on the no boycotting of Israel clause in the agreement.
 - Alan Lathrom stated it was a state requirement to have that in all contracts right now.

- Craig Overstreet asked whether the City could still change Ordinances in the future relating to the property.
- Alan Lathrom stated there is nothing in the contract that would hinder the City's ability to modify or change any Ordinance for any district.
- Mike Hurst asked if some regulations would still be with TCEQ and the EPA.
- Alan Lathrom stated yes.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

- J. Consider, discuss and act upon a Development Agreement with the City of Farmersville and Farmersville Plant, LLC (Nelson Brothers Ready Mix).
- Ben White indicated the Farmersville Plant, LLC were looking to complete the project in two phases. The first phase would be a lay down site where they could put trucks and truck trailers, and the second phase would be the batch plant. He explained the agreement grants them 180 days to submit paperwork for annexation. He stated they will construct County Road 699 where Reliable Concrete stops. The internal roadways for the site would be done during Phase 2 and the agreement gives them two years until that would have to be completed. He explained the screening on U.S. Highway 380 would also be done during Phase 2.
 - Mayor Rice asked if Phase 1 would have any loading or unloading of material.
 - Ben White stated they are just moving trucks and trailers.
 - Craig Overstreet asked why they would not place the screening on U.S. Highway 380 until Phase 2.
 - Ben White stated they are not using that part of the land during Phase 1 and they are screened off by Reliable Concrete. He also stated they did not need the bond for the water line because that was something that Reliable needed.
 - Craig Overstreet asked why this agreement was four years instead of three.
 - Ben White stated they asked for that because they have not designed the site yet.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Donny Mason
 - All council members voted in favor

- K. Discussion of the disclosure of prior utility costs and usage to renters.
- Alan Lathrom stated that under Section 182.052 of the Texas Utility Code it states that a government-operated utility may not disclose personal information in a customer's account record, or any information relating to the volume or units of utility usage or the amounts billed to or collected from the individual for utility usage, if the customer requests that the government-operated utility keep the information confidential. He explained the government entity is supposed to send out a notice of the customer's rights to request confidentiality. He stated someone could always waive those rights.
 - Ben White stated he is not sure if that has been sent out to customers but he would suggest not giving the information out unless someone waived those rights.
- L. Update regarding the restriping of downtown parking areas, street improvements and street lights at Dura Edge, Welch Drive and J.W. Spain.
- Ben White stated we do have the materials to complete the restriping, but it is hard for our public works guys to find time. The public works crew wants to try it, but if they cannot do it then the City would have to contract the services. He explained he believed Dura Edge, Welch Drive, and J.W. Spain was a result of criminal activity. He wanted to know if Council just wanted him to add more lights.
 - Craig Overstreet stated he wanted to get the street lights working and probably add more because there is heavy truck traffic and the lighting is not good.
 - Ben White stated he would put together a plan to address the lighting.

VI. EXECUTIVE SESSION

- Mayor Rice read the statement below and stated the Council would go into executive session at 8:03 p.m.
- A. Discussion of Matters Permitted by Texas Government Code Section 551.071, CONSULTATION WITH ATTORNEY:
1. Consultation with City Attorney regarding an insurance claim for Mont Hendricks regarding sewer system back-up.
 2. Consultation with City Attorney regarding pending or contemplated litigation and settlement offer with United States Department of Justice.

VII. 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 8:47 p.m.

A. Texas Government Code Section 551.071, CONSULTATION WITH ATTORNEY:

1. Insurance claim and settlement regarding sewer system back-up for Mont Hendricks.

- No action was taken

2. Pending or contemplated litigation and settlement offer with United States Department of Justice.

- Motion to authorize the Mayor and City Attorney to sign the most recent proposed settlement agreement between the Department of Justice and the City of Farmersville as discussed in executive session on March 26, 2019 made by Craig Overstreet
- 2nd to approve was Mike Hurst
- All council members voted in favor

VII. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- None

VIII. ADJOURNMENT


Meeting was adjourned at 8:49 p.m.

APPROVE:



Jack Randall Rice, Mayor

ATTEST:


Sandra Green, City Secretary

