

FARMERSVILLE CITY COUNCIL REGULAR SESSION MINUTES

For July 23, 2019, 6:00 P.M.

I. PRELIMINARY MATTERS

- Mayor Rice called the meeting to order at 6:00 p.m. Council members Craig Overstreet, Jim Hemby, Dwain Mathers, Mike Hurst and Donny Mason were all present. City staff members Ben White, Sandra Green, Kim Morris, Daphne Hamlin, Rick Ranspot, Michael Sullivan, Paula Jackson and City Attorney Alan Lathrom were also present.
- Prayer was led by Kim Morris, Fire Chief, followed by the pledges to the United States and Texas flags.
 - Calendar of upcoming holidays and meetings.
 - ➤ The Summer Reading Club continues every Wednesday at 2:00 p.m. in the Civic Center until August 7th.
 - > Chief Sullivan gave a recap of the city-wide cleanup day.

II. PUBLIC COMMENT

No one came forward.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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. Board of Adjustment Minutes
- C. Police Department Report (OpenGov)

- D. Code Enforcement/Animal Control Report (OpenGov)
- E. Fire Department Report (OpenGov)
- F. Municipal Court Report (OpenGov)
- G. Warrant Officer Report (OpenGov)
- H. Library Report (OpenGov)
- I. City Financial Report
 - Motion to approve made by Jim Hemby
 - 2nd to approve was Donny Mason
 - All council members voted in favor

IV. <u>INFORMATIONAL ITEMS</u>

These Informational Items are intended solely to keep the City Council appraised 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
 - Jim Hemby stated Meals on Wheels were now being delivered and picked up at the police department. They are also looking for volunteers for the Senior Citizens Center. He stated craft classes are taking place at the Seniors Center. The Summer Reading Program is continuing at

the library and Food for Fines would be available from June to August. He explained Friday, August 2nd would be the last time for Music in the Park this summer with the Clay Potter band performing. He said the board is also working on ADA swings at the Rambler Park.

- B. Farmersville Community Development Board (Type B)
 - Minutes
 - 2. Financials
 - 3. Possible Council Liaison Report
- C. FEDC Farmersville Economic Development Board (Type A)
 - 1. Financials
 - 2. Possible Council Liaison Report
 - Mike Hurst stated they conducted a budget workshop and they also discussed sales tax and information related to it.
- D. Main Street Board
 - 1. Monthly Report
 - 2. Possible Council Liaison Report
- E. Planning & Zoning Commission
 - 1. Possible Council Liaison Report

V. <u>READING OF ORDINANCES</u>

- A. Consider, discuss, and act upon Ordinance #O-2019-0723-001 regarding Shane Harmon's petition requesting inclusion of land into the City of Farmersville's Extra Territorial Jurisdiction (ETJ).
 - Mayor Rice asked Sandra Green to read the title block of the ordinance.
 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS ACCEPTING A PETITION FOR THE INCLUSION OF CERTAIN CONTIGUOUS INTO LAND THE **EXTRATERRITORIAL** JURISDICTION OF THE CITY **OF** FARMERSVILLE: PROVIDING FOR TERMS AND CONDITIONS REGARDING ACCEPTING SAID LAND INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FARMERSVILLE; PROVIDING FOR THE FILING OF THIS ORDINANCE WITH THE COLLIN COUNTY CLERK AND THE UPDATING OF THE CITY'S OFFICIAL MAP TO REFLECT THE INCLUSION OF SAID LAND IN THE CITY OF FARMERSVILLE'S EXTRATERRITORIAL JURISDICTION: PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND SETTING AND PROVIDING FOR AN EFFECTIVE DATE.
 - Mike Hurst asked about the location of the property.

- Shane Harmon who lives in Lavon explained where the property was located.
 - Motion to approve made by Mike Hurst
 - 2nd to approve was Jim Hemby
 - All council members voted in favor

VI. REGULAR AGENDA

- A. Discussion regarding possible agreements with Oncor concerning electrical distribution systems.
 - Ben White stated that some of the eastern portions of the city was served by Oncor. There was a lot of discussion around outages in the area and the homeowner's did not receive great service during the outages from Oncor. He and Mr. Hurst discussed maybe having an agreement with Oncor to help. He spoke to Oncor and they stated there was no maintenance agreement they could do. He did state he was given a contact, Cindy Tatum, to call during emergencies that might be able to help. He told citizens if they did have certain medical requirements they could turn in a form and health information to Oncor so they could be aware of those situations. The City of Farmersville requires a letter from a physician stating they have a medical necessity for electricity. Citizens can go to the website https://stormcenter.oncor.com to check on outages and estimated repair times.
 - Mike Hurst stated that in an emergency it would be scary because some people have land lines and they run on electricity.
- B. Update on the Wastewater Treatment Facility.
 - Ben White stated plant #1 and plant #2 are sufficiently complete. There are a few items on the punch list that are being finished by Kimley-Horn. We are currently receiving SCADA on the sites and we are going through those. He indicated they are also conducting samples. He stated the plants were working like we hoped they would. He said that the TCCI Land Development Company closed on Lake Haven MUD property and that related to the wastewater treatment plant #3. The owner is currently in discussions related to that plant right now. He indicated TCCI would have to pay to get the plant up and running and they may have to pay the city back for some engineering costs that had already been paid for. But, the city would be on the hook for developing the line to Lake Haven and the plant would provide the city with more capacity.

- C. Update on Collin College and possible common interests with the college to provide internet service in the area.
 - Ben White stated they are running their own fiber line to the college and it
 would provide a separate connection for them to obtain high speed. He
 explained there could be a possible synergy between Collin College and
 the City of Farmersville regarding internet facility sharing. He spoke to Dr.
 Matkin and there was some talk about server room sharing. If the city ever
 established this utility then there could be backup facilities. There could be
 classes the college offers to where students train on our equipment. He is
 working on a meeting with the college regarding the internet and innovative
 designs.
 - Dwain Mathers wanted clarification regarding the synergy between the city and the college.
 - Ben White stated they could provide a location, our equipment stored at their location, and then they could possibly have students run it. He explained the city might find it cheaper to buy internet from the college instead of other distributors.
- D. Update on Camden Park.
 - Ben White stated a pre-construction meeting for phase 3 was just held. He explained it would be 135 homes which would complete the residential portion of Camden Park. They are now able to start the infrastructure for this property. It was stated in the meeting that the city has an abnormally low loss rate. He stated this means that we have a 20% loss rate compared to other cities who usually have a 45% to 50%. He explained that when people put down money to buy the house, 20% do not go through with it. He also stated that Dr. Horton has purchased more lots from Camden Homes in phases 1 and 2.
 - Mike Hurst asked about their internet capabilities.
 - Ben White stated Spectrum added that capability for Camden Park, and they will be expanding that service to phase 3 as well. He said the city covered all the things that did not go smooth in phase 1 and 2 and how they will work on those items with phase 3.
- E. Consider, discuss and act upon a donation to the parks fund.
 - Motion to approve made by Donny Mason
 - o 2nd to approve was Mike Hurst
 - o All council members voted in favor

- F. Update regarding new legislation that impacts development zoning and platting.
 - Alan Lathrom went over a Power Point presentation explaining each of the new bills. He discussed House Bill 3314 which was regarding the noticing process for replats. The new legislation stated that if a proposed replat requires a variance or exception it would continue with the current process of holding a public hearing. But, if it did not require a variance or exception, a written notice shall be mailed, no later than 15 days after action, to each owner that is within 200 feet of the lots to be replatted. He continued with House Bill 2439 that stated a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that would prohibit or limit the use or installation of a building product or material of a residential or commercial building if approved by a national model code published within the last three code cycles, and it establishes a standard for a building product if the standard is more stringent than a standard under a national model code published within the last three code cycles. He explained there were a few exceptions and he also stated that if a subdivision had a Home Owner's Association (HOA) that those covenants and restrictions would not have been done away with. Finally, he discussed House Bill 3167 which stated that a municipal authority or governing body responsible for approving plats shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date it is filed. He gave the definition of a plan and plat and explained the approval procedures along with the applicant's response. He stated there was a lot of unanswered questions pertaining to House Bill 3167 at this time. He said they are constantly having meetings to discuss the details. He explained that ordinance changes would be required for the bills.
 - Jim Hemby asked about platting.
 - Alan Lathrom stated that right now the city has the right to get a 30 day waiver signed by the applicant, but that would not apply with the new legislation. He explained there was a group that met to help understand the legislation more. He said, long story short, once a plat has been filed it has to be approved, disapproved, or approved or disapproved conditionally within 30 days. Once the submittal is returned from having comments sent to the applicant, the city would have to approve it within 15 days. Another issue comes in to play if the property falls within a floodplain. Also, the city has to specifically identify the ordinance location and item that need to be corrected on the plat. If you misidentify or miss something on the plat then it is automatically approved. He stated that he met with a lawyer in Houston and they are not sure how they are going to deal with plats that

have to go before the Planning & Zoning Commission and then City Council.

VII. <u>BUDGET WORKSHOP</u>

- Daphne Hamlin presented a Power Point regarding the budget. She explained that on page 2 it showed all the items that were being requested for this budget year. She said she checked with Government Capital and they indicated it would cost the city \$35,000.00 a year to finance all of the public works equipment. She said page 3 was an update on the general fund and enterprise fund. She indicated the wastewater fund has a \$431,538.00 deficit, but that is because of the bond payment the city was going to take out of the reserves until Camden Park was built and using our wastewater. She explained that the city's bond payment was \$354,000.00 a year for just that one bond.
- Craig Overstreet asked if Daphne Hamlin offset the building inspector position.
- Daphne Hamlin stated she had. She said she also budgeted \$20,000.00 in case the inspector was not in the office for Bureau Veritas to fill in.
- Craig Overstreet asked if the cost of living adjustment had been approved yet.
- Daphne Hamlin stated it had not been approved for this budget year, but the
 implementation of the step program for the police department was approved
 several years ago. She stated she would have to meet with Ben White regarding
 any projections concerning the concrete batch plant water usage and fees.
- Ben White stated he would prefer to wait a year before any projections were made on the concrete plants.
- Craig Overstreet asked about the pass through for the water and wastewater.
- Daphne Hamlin explained that the water went up 2% and wastewater went up 26%.
- Ben White stated he would bring numbers back at the next meeting for water and wastewater charges that would be passed on.
- Daphne Hamlin stated page 4 showed the summary of cash balances. The debt service account is something we cannot touch. She explained the investment account is what we have in reserves. She said that on page 5 it showed the amount of money that will go into TIRZ.
- Daphne Hamlin stated page 6 was the proposed tax rate. She was proposing to keep the current tax rate at \$0.75. She indicated page 7 was the debt information and it showed how the bond payments get paid.
- Ben White stated it was not unusual for us to go from line item to line item to find a lot of money every year.
- Daphne Hamlin stated the public works guys really need equipment.

- Ben White stated we have a used pole truck the city bought and it is currently out
 of commission. If we had to set a pole right now we would have to call the City of
 Garland.
- Daphne Hamlin stated she believed reducing the TIRZ district would help the general fund a lot because the city would receive that money as revenue.
- Ben White stated we might not have been able to build the road for the college unless we had the TIRZ zone, but he believes taking some of the large land area out of the TIRZ would help the budget.
- Mike Hurst asked what the process would be for removing some of the land out of the TIRZ zone.
- Ben White stated we would have to hold public hearings and an ordinance.

VIII. EXECUTIVE SESSION

- Mayor Rice read the statement below and stated the City Council would go in to executive session at 7:38 p.m.
 - A. Discussion of Matters Permitted by Texas Government Code Section 551.071, CONSULTATION WITH ATTORNEY:
 - 1. Consultation with City Attorney regarding matters protected by the attorney-client privilege:
 - a. Discussion regarding composition of the Main Street Board.

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

- Mayor Rice stated the City Council would reconvene from Executive Session at 8:21 p.m. and there would be no action taken.
- A. Texas Government Code Section 551.071, CONSULTATION WITH ATTORNEY:
 - 1. Matters protected by the attorney-client privilege:
 - a. "Composition of the Main Street Board."

X. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Mayor Rice wanted an update on home rule and internet.
- Craig Overstreet wanted to see the City Manager's Report, an update on the wastewater treatment plant, code enforcement, and TIRZ reduction.
- Mike Hurst wanted to discuss roadway impact fees.

Donny Mason requested an update on Hamilton Street.

XI. <u>ADJOURNMENT</u>

Meeting was adjourned at 8:23 p.m.

APPROVE:

Jack Randall Rice, Mayor

ATTEST:

Sandra Green, City Secretary

Legislative Update Impacting Zoning & Platting

City Council Meeting Tuesday, July 23, 2019

New Legislation Summary

- ▶ HB 3314 Public Noticing for Replats
- ► HB 2439 Regulation of Building Materials
- ► HB 3167 Plan Review "Shot Clock"

House Bill 3314

NOTICING PROCESS FOR REPLATS

Current Law

- Notice of the public hearing required under Section 212.014 shall be given before the 15th day of the hearing by:
- newspaper of general circulation in the county in • 1) publication in an official newspaper or a which the municipality is located; and
- · 2) by written notice, to the owners of lots that are within 200 feet of the lots to be replatted

New Legislation (HB 3314)

- exception, a public hearing must be held by the municipal planning commission or the governing body of the municipality. If a proposed replat requires a variance or
- · Shall continue to follow the current process
- or exception, a written notice shall be mailed, no later than 15 days after action, to each owner that is within 200 feet of the lots to be replatted If a proposed replat does not require a variance
- The notice of a replat approval must include:
- The zoning designation of the property after the replat
 - The telephone number and e-mail address of the municipality

House Bill 2439 **BUILDING MATERIALS**

- Sec. 3000.002. A governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that
- product or material of a residential or commercial building if approved by a national model code published within the last three code cycles 1) prohibits or limits the use or installation of a building
- 2) establishes a standard for a building product if the standard is more stringent than a standard under a national model code published within the last three code cycles

- This section does not apply to:
- particular requirements to have a federal funding source A program established by a state agency that has or housing program;
- Necessary requirements for a building to be eligible for windstorm and hail insurance coverage under Chapter 2210, Insurance Code;
- Government Code, or Subchapter B, Chapter 240, Local An ordinance that regulates outdoor lighting; and is adopted under Subchapter B, Chapter 229, Local Government Code;

- This section does not apply to:
- significance that a municipality may regulate under Section 211.003(b), Local Government Code, if the municipality: A building located in a place or area designated for its historical, cultural, or architectural importance and
- (a) is a certified local government under the National Historic **Preservation Act**
- (b) has an applicable landmark ordinance
- Areas designated for historical, cultural, or architectural importance and significance by a governmental entity, if designated before April
- Historic districts on the National Register of Historic Places;
 - Recorded Texas Historic Landmarks;

- This section does not apply to:
- National Register of Historic Places
- Main street cities under the main street program established under Section 442.014
- Installation of a fire sprinkler protection system under Section 1301.551(i)
- Occupations Code
- Health and Safety Code, Section 775.045(a)(1)

House Bill 3167 SHOT CLOCK

New Legislation at a Glance (HB 3167)

- responsible for approving plats shall approve, approve with conditions, or disapprove a plan or plat within 30 days after the date is filed. The municipal authority or governing body
- construction plan, site plan, land development · Plan" means a subdivision development plan, including a subdivision plan, subdivision application, and site development plan.
- · "Plat" includes a preliminary plat, general plan, final plat, and replat.

New Legislation (HB 3167)

Approval Procedure

- For conditional approvals and disapprovals, the municipal authority shall provide a written statement which includes a citation to the law.
- If the municipal authority responsible for approving plats fails to take action on a plan
 - or plat within the prescribed period, the plan or plat is considered approved.

Applicant Response

- The municipal authority shall approve or disapprove a plan or plat no later than 15 days after the response were submitted.
- The municipal authority may not establish a deadline for the applicant to submit a response.

Impacts

Ordinance Revisions will be required.



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	102,368.00
New Employee (building inspector)	\$20 000 00
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Health Inspector (contracted) \$3,0	\$3,000.00
Website upgrade \$3,9	\$3,900.00
City Manager car allowance \$4,8	\$4,800.00
90	\$92,194.00
New Public Work Equipment (financing) \$35,1	\$35,175.00

City of Farmersville	CURRENT	6 MONTH ACTUAL	2018-2019 REVISED	PROPOSED
GENERAL FUND REVENUE GENERAL FUND EXPENSES GENERAL FUND PROFIT (LOSS)	\$ 3,492,140	\$ 2,130,654	\$ 3,663,492	\$ 3,650,588
	\$ 3,492,140	\$ 1,783,603	\$ 3,752,571	\$ 3,738,850
	\$	\$ 347,051	\$ (89,079)	\$ (88,262)
ELECTRIC FUND REVENUE ELECTRIC FUND EXPENSES ELECTRIC FUND TOTAL PROFIT (LOSS)	\$ 3,894,361	\$ 1,695,612	\$ 3,886,861	\$ 3,886,861
	\$ 3,894,361	\$ 1,848,941	\$ 3,862,430	\$ 3,792,692
	\$	\$ (153,329)	\$ 24,431	\$ 94,169
WATER FUND REVENUE	\$ 1,542,546	\$ 742,481	\$1,498,746	\$1,490,046
WATER FUND EXPENSES	\$ 1,542,546	\$ 806,331	\$1,677,351	\$1,577,656
WATER TOTAL FUND PROFIT (LOSS)	\$	\$ (63,850)	\$ (178,605)	\$ (87,610)
WASTEWATER FUND REVENUE	\$ 1,822,408	\$ 750,845	\$ 1,296,546	\$1,115,944
WASTEWATER FUND EXPENSES	\$ 1,349,408	\$ 501,421	\$ 1,372,310	\$1,547,482
WASTEWATER FUND PROFIT (LOSS)	\$ 473,000	\$ 249,424	\$ (75,764)	\$ (431,538)
REFUSE FUND REVENUE	\$ 465,266	\$ 234,338	\$ 470,273	\$ 470,273
REFUSE FUND EXPENSES	\$ 465,266	\$ 208,456	\$ 470,033	\$ 470,033
REFUSE FUND TOTAL PROFIT (LOSS)	\$ -	\$ 25,882	\$ 240	\$ 240

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nterest, Earned	\$ 583.07	STREET, STREET	ESPACING SELECT	100	September 1
TOTAL:	\$ 583.07	\$ 203,371,77	\$ (184,801,79)	\$ 162	18.569.98
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City of Farmersville TIRZ Rate calculations

Captured Appraised Value \$50,719,732 \$380,397

Transfer this amount from General Fund to the TIRZ account

Ad Valorem Proposed Tax Rate Calculations 9.389682/\$180 \$213,549,756 MEO Rollback rate: \$0.757802/\$100 Preliminary Effective Tax Rate 0.725649/\$100 \$1,549,622 Proposed (2019/2020) \$213,549,756 Taxable value \$0.7500000/\$100 \$213,549,756 0.335967/\$100 \$717,457

Debt Information 2019-2020

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Series 2012, \$265,000

Series 2014, \$2,185,000 (tax supported)

Series 2015, \$4,855,000 (tax supported)

Series 2017, \$5,845,000

Series 2018, \$130,000 Tax Note

Series 2019, \$1,755,000 (TIRZ supported)

Total Debt Obligation Budget Year 2018/2019:

Supported by Ad Valorem Tax

Supported by Revenues:

Supported by TIRZ Revenues:

\$91,418.76 \$36,750.00 \$176,012.50 \$450,025.00

\$354,173.00

\$120,275.00 \$28,422.50

\$1,257,076.76

\$717,456.26

\$419,345.50

\$120,275.00





April - May	Mealing of "Notices of Apprehised Value" by Chief Appräiser. The Chief Apprehiser prepares and certifies to the Tax Assessor for each courses, municipality, and
April 30	school district participating in the appraisal district an estimate of the taxable value.
May 15	Deading for submitting Appraisal Records to ARB.
July 20	Describe for ARB to approve Appraisal Records.
July 25	Deadline for Chief Appreiser to certify Appreisal Roffs to each Taxing Unit.
Aug	Certification of anticipated collection rate by collecting
July 25 - Aug	Calculation of Effective and Rollback Tax Rates.
July 25 - Aug.	Submission of Effective and Rollback Tax Rates to poverning body from the Tax Office,
Aug 9th, 2018	72 Hour Notice for Meeting (Open Meetings Notice).
Aug 13th, 2019	Mesting of Governing Body to Discuss Tax Rates. If proposed tax rate will exceed the Rollbower Is lower), take record vote and acreedule two Public Hearings.
Aug 20th, 2019	Publish the "Notice of 2019 Property Tax Rates" by September 1, Notice must be published at least seven (7) days before first Public Hearing. Motice must also be posted on the musicipality's website,
Aug 30th, 2019	72 Hour Notice for First Public Hearing (Open Meetings Notice).
Sept 3rd, 2019	First Public Hearing At least 7 days after publication of Weltice of 2019 Property Tax Rates.*
Sept. 8th. 2019	72 Hour Notice for Second Public Hearing (Open Meetings Notice).
Sept. 10th, 2019	Second Public Hearing May not be earlier than 3 days after first Public Hearing. Schadde and armounce meeting to adopt fax rate three to founteen (3 - 14) days from this date.
Sept. 13th, 2010	72 Hour Notice for Meeting at which Geverning Body will Adopt Tex Rate (Open Meetings Nation).
Sept. 17th, 2018	Meeting to Adopt 2019 Tax Rate. Meeting to adopt must be <u>no later than September 17, 2019.</u> Schoolda meeting tree to fourteen (3 to 14) days gibts second Public Heering. Taxing Unst must aspit sur rate before September 30 or 60 days after receiving Certified Appraisal Roll, whichever it later.
Sextember 18 Tex Code Section 81 Disc Advice of textog and legal	*Moon on Deadfine to submit the Tax Rate Ondurance to the Cottin County Tax Office. **Batterine 1 to device the if it does talk on a weekerd, the deadline is consided to the teleprong neglet bushines day. **Tax Code Seation 1 to device the if it does talk on a weekerd, the deadline is inquirented to the best properties to the part of seation 140 till busines Does (58 1510).

Please provide a copy of the Ordinance adopting the 2019 Tax Rate to the Tax Office by $\frac{N_{\rm COLI} \, on \, September \, 18, \, 2019.}{N_{\rm COLI} \, on \, September \, 18, \, 2019.}$

08/01/2019