



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
November 26, 2019, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Rice called the meeting to order at 6:07 p.m. Council members Jim Hemby, Mike Hurst, Craig Overstreet, Dwain Mathers and Donny Mason were all present. City staff members Ben White, Sandra Green, Daphne Hamlin, Frank Gonzalez, Kevin Lisman and City Attorney Alan Lathrom were also present.
- Prayer was led by Craig Overstreet, Councilmember of the City of Farmersville, followed by the pledges to the United States and Texas flags.
 - Calendar of upcoming holidays and meetings.
 - City Hall will be closed on November 28th and 29th in observance of Thanksgiving.
 - Farmers and Fleas will be on Saturday, December 7th.
 - The Christmas Parade will be on Saturday, December 14th.
 - U.S. Small Business Administration is offering disaster assistance to Texas businesses and residents affected by severe storms, straight-line winds, hail and tornados. See attached flyer.
 - Recognition of City Public Works staff
 - City Manager, Ben White, introduced the public works crew to the City Council. He recognized their accomplishment of laying over 6,800 feet of waterline so Reliable Concrete would have water.
- Councilmember Donny Mason stated he, the Mayor, and Dwain Mathers went with George Crump to tour the Bois 'D Arc Lake. He indicated it would be open in 2020. He stated that north of Mount Pleasant they are looking at more property for another lake. The projected year for that lake to open would be in the year 2070 since it takes so long for permitting after it is designed.
- Dwain Mathers stated Bois 'D Arc Lake was going to be a cool lake.

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

- No one came forward.

III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

- No one came forward.

IV. 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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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

- Craig Overstreet pulled the City Financial Report
 - Motion to approve the City Council Minutes made by Jim Hemby
 - 2nd to approve was Donny Mason
 - All council members voted in favor
- Craig Overstreet asked about items on OpenGov. He explained there was no comparative data for the budget.
- Daphne Hamlin explained it was located in a different area within the software.
- Craig Overstreet stated it would be great if the October actual would be right by the October budget. He asked if the amount for maintenance supplies for October was out of the ordinary. He stated it showed \$164,000.00 that was spent in the water fund.
- Daphne Hamlin stated she would get in touch with OpenGov to get the data changed that he requested. Also she said the \$164,000.00 was for the waterline on the US Highway 380 project.
- Ben White stated that amount will be reimbursed to the city from the TIRZ.
 - Motion to approve the City Financial Report made by Donny Mason
 - 2nd to approve was Craig Overstreet
 - All council members voted in favor

V. 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

- B. Farmersville Community Development Board (Type B)
 1. Possible Council Liaison Report

- C. Farmersville Economic Development Board (Type A)
 1. Possible Council Liaison Report
 - Mike Hurst stated they discussed the construction of the college. He indicated the Ground Breaking would be on Dec. 6th at 9:00 a.m. He stated that Farmersville Electric was ready to provide temporary electricity to the college once we receive the word from the contractors that they are ready. DBI is continuing forward with the design of Farmersville Parkway and Collin Parkway. The roadway will go out for bids in the first quarter of 2020. He explained that the Reliable Concrete Company was still under construction and moving along well.
 - Ben White stated they are waiting on their office pod, which is their control center.
 - Mike Hurst stated the 380 waterline has been completed. He said that negotiations with Martin Marietta continue, but the TCEQ had denied their request for a permit. He assumes they will apply again for the permit. Sales tax revenue was up and the city borrowed money from 4A for the

substation. He stated the amount was \$62,929.00, and the city was grateful the 4A loaned the money to purchase the substation.

D. Main Street Board

1. Possible Council Liaison Report

E. Planning & Zoning Commission

1. Minutes
2. Possible Council Liaison Report
 - Craig Overstreet stated the Commission met and discussed the Subdivision Ordinances and Zoning Ordinances to bring them up to current state law. They also approved the Potter Division plat.

F. City Manager's Verbal Report

- Update on City Hall hours
 - Ben White addressed the Council and stated that City Hall started the new hours on April 22, 2019. The new hours are Monday through Thursday from 7:30 – 5:30 and Friday from 7:30 – 11:30. He stated that he has had no major complaints and neither has staff. He explained that it took approximately two months for customers to adjust to the new hours. He stated that City Hall has people that are outside waiting for the doors to open at 7:30 am.
- Update on the NTMWD contract
 - Ben White said he is held by a confidentiality agreement for this item, but they have been in negotiations for several years and they are trying to work it out without Public Utility Company (PUC) filings. The city is working with Art Rodriguez from Russell, Rodrigues, Hyde, & Bullock out of Austin. Mr. Rodriguez is representing the city and three other area cities.
- Update on Lakehaven MUD
 - Ben White explained the city is helping to develop a phasing plan for the wastewater treatment plant to help alleviate some of their costs.
- Update on Boundary Agreements
 - Ben White stated the city has reached an agreement with the City of Nevada. The boundaries did not change much from the agreement we signed with Princeton. The maps are just more detailed. He stated they voted unanimously for approval.

- Update on Hamilton Street
 - Ben White stated the rebid was set for December 3, 2019. He explained we have to reject the first bids that we received because they were 29% higher than what was budgeted for.

VI. PUBLIC HEARING

A. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission and Ordinance #O-2019-1126-001 regarding a text amendment to Chapter 65, "Subdivision Ordinance," of the Code of Ordinances of the City of Farmersville, Texas, that will amend various sections of, and add certain new sections to, said Chapter regarding the timing and process to receive a determination on certain development applications to bring such provisions into conformity with new state laws adopted by and through House Bill 3167.

- Mayor Rice read the caption of the ordinance
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, BY AMENDING CHAPTER 142, "SUBDIVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, THROUGH THE AMENDMENT OF VARIOUS SECTIONS OF, AND THE ADDITION OF CERTAIN NEW SECTIONS TO, SAID CHAPTER REGARDING THE TIMING AND PROCESS TO RECEIVE A DETERMINATION ON CERTAIN DEVELOPMENT APPLICATIONS TO BRING SUCH PROVISIONS INTO CONFORMITY WITH NEW STATE LAWS ADOPTED BY AND THROUGH HOUSE BILL 3167, ALL AS SET FORTH HEREIN BELOW; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

- Mayor Rice opened the public hearing at 6:39 p.m. and asked if anyone wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 6:39 p.m.

- Alan Lathrom stated this ordinance was more stringent than what we have had before. It is going to be more of a test for the third party Engineer's to meet the deadlines as set out in the new law. You have to approve, approve with conditions, or disapprove the plat within 30 days. You also have to identify the specific code provisions if the plat does not comply with the Subdivision Ordinance. The applicant then has the ability to work on their plat, if it was approved with conditions or disapproved, and fix the errors. Then the city has 15 days once they resubmit it to review and either approve or disapprove it. Now if the contracting engineer made a mistake and it was approved, it is waived and we cannot make the applicant go back and fix it. If there are new mistakes in the plat after they resubmit it the city can catch those errors and deny it. You collect the fee with their initial submittal and determine if it is administratively complete. Administratively complete is when we have all the information that is required by the ordinance so we are in a position to say we have all the documentations that we need in order to process the plat. The day it is administratively complete is when it has met the file date. The applicant can request a 30 day extension if they realize they do not have everything fixed. We have been doing this new practice since September 1, 2019, but this fixes the ordinances to match the new law. The Planning and Zoning Commission reviewed it and they changed a few items. He also made modifications on variances to where Planning & Zoning could hear a waiver, appeal, or variance, but typically it would go before the City Council. He has fixed the ordinance so that when the applicant resubmits to correct any errors and still gets it wrong they have to completely resubmit an application and everything again.
- Craig Overstreet asked if other cities are doing the same thing.
- Alan Lathrom stated that Frisco, Little Elm, McKinney, and Prosper are doing the same thing.
- Donny Mason asked if the developer could ask for an extension of the 30 days.
- Alan Lathrom stated that the developer could ask for an extension, but the city could not.
- Jim Hemby asked if the second time around the plat would either be approved or disapproved so there is not a cycle continuing.
- Alan Lathrom stated that was correct. He also stated there were changes in the replatting process. The only time a public hearing is required now is if the applicant is requesting a variance related to that plat. If they are not, then the 200' property owner notices are sent after the plat is approved. If

the plat meets all the requirements of the Subdivision Ordinance and state law then it has to be approved.

- Mike Hurst asked how cities like Princeton do this within the timeframe.
- Alan Lathrom stated the City Engineer would have to process the applications in a timely manner. We can change the submittal date to one time a month to limit the submittals. We can also have a schedule of dates for approval. The 15 day and 30 day submittal timeframes were already in the Subdivision Ordinance. There was a question about on-site septic system approval (OSSF). We added that the OSSF approval letter from the county had to be received before the submittal would be considered administratively complete.
 - Motion to approve made by Jim Hemby
 - 2nd to approve was Donny Mason
 - All council members voted in favor

VII. READING OF ORDINANCES

- A. Consider, discuss and act upon the first reading of Ordinance #O-2019-1210-001 regarding Food Establishment Rules.
- Alan Lathrom stated this ordinance was requested by the county since they are conducting the city's health inspections.
 - Mayor Rice read the caption of the Ordinance
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS BY AMENDING CHAPTER 32, "HEALTH AND SANITATION," OF THE CITY'S CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE II TO BE TITLED "FOOD ESTABLISHMENT REGULATIONS"; ADOPTING THE CURRENT TEXAS FOOD ESTABLISHMENT RULES; REQUIRING CERTAIN PERMITS FOR FOOD ESTABLISHMENTS; REQUIRING INSPECTIONS OF FOOD ESTABLISHMENTS; REQUIRING COMPETENCY OF INSPECTORS; ADOPTING CERTIFIED FOOD PROTECTION MANAGER AND FOOD HANDLER REQUIREMENTS; ADOPTING EMPLOYEE HEALTH REQUIREMENTS; REQUIRING TIME/TEMPERATURE CONTROL FOR SAFETY REQUIREMENTS; ADOPTING HAIR RESTRAINTS REQUIREMENTS; ADOPTING PHYSICAL FACILITIES REQUIREMENTS; ADOPTING REQUIREMENTS FOR OUTDOOR AREAS; PROVIDING FOR SUSPENSION OF A FOOD

ESTABLISHMENT PERMIT; PROVIDING FOR THE REVOCATION OF A FOOD ESTABLISHMENT PERMIT; PROVIDING FOR THE EXAMINATION AND CONDEMNATION OF FOOD; PROVIDING FOR HEARINGS; PROVIDING FOR NOTICE OF HEARINGS; PROVIDING FOR A FEE SCHEDULE; AMENDING APPENDIX A, "MASTER FEE SCHEDULE"; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

- Alan Lathrom stated the ordinance does adopt a fee schedule for the permitting fees. Section 32-37 recognizes that we have adopted the fee schedule but also recognizes there may be other fees charged by Collin County or the state through the Texas Administrative Code.
- Craig Overstreet asked what the genesis of this ordinance was and if it had anything to do with the mobile food trucks.
- Alan Lathrom stated that he did not believe so because this ordinance would address everything from a restaurant to home based kitchens and mobile food trucks. He did state the problem with mobile food trucks is that the Zoning Ordinance does not allow them as a use.
- Ben White stated we were supposed to have state inspections but we were no longer getting those services so we switched to Collin County.
- Mayor Rice asked if we needed to add a definition for food trailers.
- Alan Lathrom stated mobile food unit would cover the definition of a mobile food truck or a food trailer.
- Jim Hemby asked if the concession stands of the Fisd should be exempt from the permit fees. He stated they are raising money for the school district. Since the school district was exempt, he felt it should be the same for the Fisd concession stands.
- Ben White stated he reads it as they would be exempt from the fee, but not the inspection. He explained that the city owns the J.W. Spain complex and the concessions are ran by others. The city just supplies the building.
- Alan Lathrom stated it was not spelled out that concession stands on city owned properties are exempt.

- Council agreed to allow food establishment's on the Fisd property be exempt from the permit fees.
 - Motion to approve 1st reading with changes made by Craig Overstreet
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

VIII. REGULAR AGENDA

- A. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the final plat of the Potter Division.
- Sandra Green stated the plat met all the requirements for the Subdivision Ordinance and DBI and staff recommended approval.
 - Craig Overstreet asked if the property was in the Extra Territorial Jurisdiction (ETJ) and whether we could regulate the height of the tower.
 - Sandra Green stated we could not regulate the use in the ETJ.
 - Motion to approve made by Donny Mason
 - 2nd to approve was Jim Hemby
 - All council members voted in favor
- B. Consider, discuss and act upon placing donated Quilt Barn squares on city owned buildings.
- Ben White stated they are wanting to place the squares on some of the city buildings. He stated the buildings are public buildings and they are owned by the tax payers. He said he does not feel the buildings need to be used for advertising. He explained that if we allowed it for one, then we would have to allow it for more.
 - Alan Lathrom stated he agreed with Ben White.
 - Ben White said he promotes the placing of the squares on other venues, but not on public, city owned buildings.
 - Alan Lathrom stated he is always concerned about putting things on city buildings because of 1st Amendment Rights. City Buildings are limited public forums and when you start placing things on the structures then you subject yourself to having to place other items on the buildings as well.
 - Jim Hemby stated he agreed with Alan Lathrom's statement.
 - Donna Williams who resides at 1985 State Highway 78 North stated the quilt squares have been around for a while and they bring tourism to town. She has some in her store and she feels it would promote businesses.

- Mayor Rice stated he likes the idea of the quilt squares promoting tourism in the town, but he did not like the idea of placing them on city owned buildings.
 - Mike Hurst stated when they set up the ordinance allowing the quilt squares it was for privately owned buildings, not city buildings.
 - Dwain Mathers asked if there was any alternatives to allowing people to place it on their building.
 - Mayor Rice stated that was the intent of the ordinance.
 - The Council all agreed it was not good to have them on the city buildings.
- C. Consider, discuss and act upon recommendation from DBI Engineering for the Pipe Bursting Project located on U.S. Highway 380 and Welch Drive.
- Ben White stated this is a wastewater line that is being enlarged on the southeast corner of the school property and along U.S. Highway 380 to State Highway 78. He said the six inch line is not big enough and he explained how they go in and enlarge then line. He indicated they wanted to utilize pipe bursting so they would not disturb businesses in the area. He said that Daphne Hamlin has looked at the budget and there is enough to cover this project, so staff is recommending approval. The contract would be awarded to the lowest responsible bidder, A&B Construction, LLC. out of Dallas, in the amount of \$102,685.00.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Jim Hemby
 - All council members voted in favor
- D. Consider, discuss and act upon a recommendation from DBI Engineering for the Hamilton Street Reconstruction Project.
- Ben White stated the engineer's recommend rejecting all bids so we can go forward with rebid. The scope of the project had to be reduced by 29% in order to meet the budget.
 - Motion to reject the bids made by Donny Mason
 - 2nd to approve was Mike Hurst
 - All council members voted in favor
- E. Consider, discuss and act upon Resolution #R-2019-1126-001 adopting the "ExpressVote" Universal Voting System for all future elections held in Collin County.

- Sandra Green stated the county received approval from the state to utilize the new machines and they wanted all the cities that contracted with them to approve the use of the machines by Resolution.
 - Mayor Rice asked if this was the new machines that were used at the last election.
 - Sandra Green stated they were used and the machine actually prints out your votes after they are cast.
 - Motion to approve made by Jim Hemby
 - 2nd to approve was Donny Mason
 - All council members voted in favor
- F. Consider, discuss and act upon Resolution #R-2019-1126-002 regarding a loan agreement for repayment to the Farmersville Economic Development Corporation.
- Ben White stated a loan was made to the city by the FEDC (4A) in order to help us purchase the substation and some improvements that were made to the SCADA system. The loan was in the amount of \$62,929.00.
 - Craig Overstreet asked if there was a prepayment penalty for paying the loan off early.
 - Alan Lathrom stated that his law partner, Jeff Moore, put the document together and knowing him there would not be a prepayment penalty.
 - Motion to approve made by Donny Mason
 - 2nd to approve was Jim Hemby
 - All council members voted in favor
- G. Consider, discuss and act upon a Boundary Agreement between the City of Farmersville and the City of Nevada.
- Ben White stated the Nevada City Council approved it at their meeting, but the Mayor got away before signing it. He suggested Mayor Rice just sign the boundary agreement once we receive the signed copy from the City of Nevada.
 - Donny Mason asked how different the maps were in this agreement from the previous one, like with Princeton.
 - Ben White stated the maps were just more detailed, but the lines stayed pretty much the same. He said the lines followed zip codes, school districts, and fire areas.

- Motion to accept the boundary agreement made by Mike Hurst
- 2nd to approve was Craig Overstreet
- All council members voted in favor

IX. EXECUTIVE SESSION

- Mayor Rice read the statement below and stated the Council would go in to Executive Session at 7:39 p.m.

Discussion of matters permitted by Texas Government Code Chapter 551 as follows:

A. Section 551.086, **COMPETITIVE MATTERS OF A PUBLIC POWER UTILITY**

1. City-owned public power utility as allowed by Section 551.086 of the Texas Government Code for purposes of maintaining the confidentiality of certain information relating to any "competitive matter," as that term is defined in Section 552.133 of the Texas Government Code, engaged in or to be engaged in by the City of Farmersville.

B. Discussion of Matters Permitted by Texas Government Code Section 551.071, **CONSULTATION WITH ATTORNEY:**

1. Consultation with City Attorney regarding mediation or contemplated litigation with United States Department of Justice concerning ADA.

X. RECONVENE FROM EXECUTIVE SESSION

- Mayor Rice stated the Council would reconvene from Executive Session at 8:20 p.m. and no action would be taken.

XI. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- None requested

XII. ADJOURNMENT

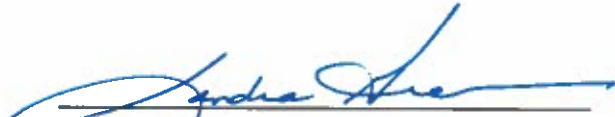
Meeting was adjourned at 8:21p.m.

APPROVE:



Jack Randall Rice, Mayor

ATTEST:



Sandra Green, City Secretary

