



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
January 28, 2020, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Rice called the meeting to order at 6:00 p.m. Council members, Mike Hurst, Craig Overstreet, Dwain Mathers and Donny Mason were all present. Jim Hemby was not in attendance. City staff members Ben White, Sandra Green, Kim Morris, Rick Ranspot, Marsha Phillips, Daphne Hamlin and City Attorney Alan Lathrom were also present.
- Prayer was led by Rick Ranspot, Warrant Officer for 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 Monday, February 17th in observance of President's Day.
 - Mayor Rice stated that Saturday, February 1st would be Farmers & Fleas and the Heritage Museum would be open from 10 a.m. – 2 p.m.
 - Mayor Rice explained that February 8th was Valentine's on the Square and that early voting would begin on the 18th.

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

- Randy Smith who lives at 508 CR 610 stated he was not necessarily against the annexation of the 26.6 acres but he wanted County Road 699 to be completed soon. He explained he was afraid the road would not get built and he was concerned about the safety on County Road 699 with concrete trucks driving on it.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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. Police Department Annual Report
- C. City Financial Report
 - o Motion to approve made by Craig Overstreet
 - o 2nd to approve was Donny Mason
 - o 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. Minutes

2. Possible Council Liaison Report

- Mike Hurst stated they discussed Collin College progress and how it would support the city economically. He stated the concrete facility was continuing with construction and that the waterline to the concrete plant was complete. He commented that Nelson Brothers Ready Mix had completed their annexation paperwork and submitted the paperwork to the city. He indicated there would be a TCEQ public hearing for Martin Marietta on February 25. He asked Ben White if the city would be in a position to handle new businesses coming in to the city.
- Ben White stated the status of the current wastewater system is good and we are in a position to handle new businesses. We are ready to expand when it is needed, but typically that would be up to the developers of the land. We have the engineering plans complete for the future plant.
- Mike Hurst asked if the trickling filtering system on the Waste Water Treatment Plant 1 was fixed.
- Ben White stated they are still working on it.

D. Main Street Board

1. Minutes

2. Possible Council Liaison Report

E. Planning & Zoning Commission

1. Possible Council Liaison Report

- Craig Overstreet stated they held a public hearing regarding Camden Park to modify the front and rear yard setbacks on 18 lots and it was denied. They also held another public hearing regarding a bed and breakfast at 109 College Street that was favorably recommended to City Council. He indicated it would come before Council soon.

F. City Manager's Verbal Report

1. Hamilton Street Update

- Ben White stated a pre-construction meeting is set for Friday morning and construction should start within a few weeks.

2. Palladium Apartments Update

- Ben White explained Building 1 is complete and people are moving in. There was a waiting list for Building 1 and Building 2 is half-way rented. He explained that Building 2 has not received a certificate of occupancy yet. He stated the interconnect was completed and Building 2 would not

have to wait for that. He indicated that he does not have a completion date for Building 3.

- Dwain Mathers asked about the delay for internet services at Palladium.
 - Ben White stated last summer Palladium began working on obtaining an interconnect for internet service. He explained the interconnect is cable and not fiber. He stated that he has worked with Scott Johnson from Palladium to get the interconnection in. They could not move people in for a month because of no interconnection. The fire alarm system would not have been connected to the central site.
 - Craig Overstreet wanted to make sure the city was not at fault for any of the issues with the internet.
 - Ben White stated the city was just helping and none of the internet issues were the fault of the city.
 - Mike Hurst asked if this was an issue for the developer.
 - Ben White stated it is not good for the people or businesses trying to move in to the city. He stated the city could help with the planning process but those utilities are typically up to the developer. He indicated water, sewer and a few other things would be the city's responsibility.
 - Dwain Mathers asked what the specific problems were with Palladium.
 - Ben White stated Palladium was up front and forward from the beginning and were checking on the internet services in September.
 - Mayor Rice stated the internet provider dropped the ball.
3. Camden Park Update
- Ben White stated Phase 3 is continuing forward. They are wanting to build the homes before the infrastructure is in place and there will be a meeting to discuss if this would even be possible. He stated there were nine more permits to pull in Phase 1 and Phase 2.

VI. PUBLIC HEARING

- A. Public hearing to hear public comments regarding a petition for annexation into the City's corporate limits of approximately 26.6 acres of land located on the northwest quadrant of U.S. Highway 380 and County Road 699 in Collin County, Texas, in the W. B. Williams. Survey, Abstract No. A-952.
- Mayor Rice opened the public hearing at 6:37 p.m. and asked if anyone wanted to speak for or against the item.
 - No one came forward
 - Mayor Rice closed the public hearing at 6:37 p.m.

VII. READING OF ORDINANCES

A. Consider, discuss and act upon the second reading of Ordinance #O-2020-0128-001 granting an exception to the "inscription requirements" for city-owned vehicles.

- Note: At the last meeting this item was listed as Ordinance #O-2020-0114-002 and was changed on this agenda to match the date of the agenda on which it would be approved.
- Mayor Rice read the caption of the Ordinance.
AN ORDINANCE GRANTING AN EXCEPTION TO THE "INSCRIPTION REQUIREMENTS" OF TEXAS TRANSPORTATION CODE § 721.004 FOR CERTAIN CITY-OWNED VEHICLES USED TO PERFORM AN OFFICIAL DUTY OF THE FARMERSVILLE POLICE DEPARTMENT; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; 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.

- Craig Overstreet stated the Chief found this exception under the Transportation Code and this would allow our city police vehicles to be unmarked.
- Alan Lathrom stated the Transportation Code already empowers the police department to utilize unmarked vehicles for police duty. This Ordinance just makes sure we are in conformance with that code.
- Marsha Phillips stated there are several vehicles that are ghosted or are unmarked.
- Ben White explained this ordinance would allow them to stay unmarked or ghosted.
 - Motion to approve made by Donny Mason
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

B. Consider, discuss and act upon the first and only reading of Ordinance #O-2020-0128-002 calling a general election for May 2, 2020 to elect Mayor, Councilmember Place 2, and Councilmember Place 4.

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

VIII. REGULAR AGENDA

- A. Consider, discuss and act upon presentation from SHG Land Investments of Farmersville, Ltd. regarding new project and incentives.
- Mayor Rice stated this item was withdrawn.
- B. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the final plat of the Chaparral Trail Estates.
- Craig Overstreet stated this was one of the items the Planning & Zoning Commission heard at their meeting and it does come with a favorable recommendation from the Planning & Zoning Commission.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Donny Mason
 - All council members voted in favor
- C. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the development plat for the Farmersville Railyard Addition.
- Alan Lathrom stated that a Development Plat is a recording document under Subchapter B of Chapter 212 of the Local Government Code and is triggered by the construction of facilities. It is different from the normal platting process that is triggered by the subdivision of the property. Because it is in the Extraterritorial Jurisdiction it is triggered by their construction or expansion of improvements of the property.
 - Craig Overstreet asked if this was the only time this plat would be seen by the Council.
 - Alan Lathrom explained this would be the only document the Council would see unless they added additional improvements or expanded something on the property.
 - Ben White went over all the buildings and infrastructure that was shown on the plat. He stated that the City Engineer did recommend approval and stated it met all the city requirements for platting.
 - Donny Mason asked if they would enter the site off of U.S. Highway 380.
 - Ben White stated that was his understanding.
 - Dwain Mathers asked if Martin Marietta was invited to the meeting.
 - Sandra Green stated their engineer and a representative from Martin Marietta was aware of the meeting.
 - Dwain Mathers wanted it noted for people that live around the site that no representatives from Martin Marietta attended the City Council meeting.

- Mayor Rice stated the next TCEQ public hearing would be on February 25th at 7:00 p.m.
 - Craig Overstreet said it did come with a recommendation of approval from the City Engineer as well as the Planning & Zoning Commission.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Donny Mason
 - All council members voted in favor
- D. Consider, discuss and act upon Resolution #R-2020-0128-001 finding and declaring the current number of inhabitants within the city's corporate limits to exceed 5,000.
- Dwain Mathers stated it seemed like we are in a rush to do this. He explained that part of the problem in doing this is that if we approve the resolution and the census comes out and says the numbers are not to 5,000 we would look bad.
 - Mayor Rice stated the census numbers would not be available for two to three years.
 - Mike Hurst stated the Charter Commission was formed approximately 1 ½ years ago to get ahead of the curve. He explained they did a study based on the number of inhabitants. This study was based on the number of water meters and inhabitants that live in the apartments and nursing homes. He stated there is a matrix that cities could use to determine the number of inhabitants and they could use a ratio from three to five. They came up with 5,060 inhabitants and they tried to stay realistic with the numbers. He explained they want to politicize the charter in a way that would be good for the city. Every registered voter would get a copy of the charter before it is passed. He explained that it puts more in the hands of the city and not the state. He stated they felt it was a good time to move forward with the charter with all the growth that was starting to come to Farmersville.
 - Craig Overstreet stated the most controversial thing when talking about a charter was the power of annexation and with the new legislation that was taken away. If you go through the document it does give the city a little more power. He said for example, the terms of Council members and the rights of citizens to bring items directly to a vote without the Council authorizing it. He said it gives a city a little more power over its own destiny.
 - Mayor Rice stated a simplistic way of looking at it would be that right now under general law the state tells us what we can do. Under the home rule we get to decide what we can do and the state tells us what we cannot do.
 - Mike Hurst explained that it gives the people in town a little bit more of local control.

- Jim Foy who resides at 211 College Street was recognized by Mayor Rice and addressed the Council. He stated that the assumption rate that was used by the Commission to get the number of inhabitants was not in the statute. He said state law simply stated that the Council is to make a good faith determination as to what the number is. He indicated that Farmersville has an older population than average. He said that means fewer young families and fewer people per number per household. He stated the U.S. Census Bureau says the national average of inhabitants per household is 2.63, which is way below the 3.2. He explained that the North Central Texas Council of Governments says that our 2019 population estimate is 3,240. He stated what ratio a few other cities and counties used in the area to determine their number of inhabitants and how it was lower than what was used. He explained that he could not in good faith right now make a good faith determination that it was 5,000 or more inhabitants. He encouraged them to table the resolution until the census comes out so they could see the actual number of people.
- Mayor Rice wanted to know if the City Council declared 5,000 inhabitants would the Extra Territorial Jurisdiction (ETJ) of the city automatically extend to one mile.
- Alan Lathrom stated they would have to make a good faith determination and record the resolution at the county to have it recognized.
- Mike Hurst stated he called a couple of cities and that is how they came up with the number of 3.2. He indicated that he knows the population is older, but we do not know how many inhabitants live in each residence. The Commission had the city attorney review the forms with this number. He said the charter is a good one and was overseen by the city attorney. He explained that if the city attorney felt like it needed to be delayed then that is what they would do. He said the numbers that were used were true numbers and not exaggerated. He indicated they are not trying to put anything over on anyone. He said they are just trying to get ahead of the curve. He stated he thinks the home rule charter would be good for the city in the long run.
- Mayor Rice said the question before Council is can we reasonably justify the number of inhabitants exceeds 5,000.
- Alan Lathrom stated he did not come up with the 3.2 number. He said the City Council is charged by the state law with making a good faith determination in regards to the number of inhabitants. There is a distinction under home rule charter authority that it is based on inhabitants and not the population. He said population is what is determined by the United States Census every 10 years. If you are basing home rule charter status and the size of the Extra Territorial Jurisdiction (ETJ) status on the census than you could only do that every 10 years. He explained that is why state law says it is based on inhabitants. He said it is up to the governing body of the municipality to determine what that number is and to determine the best way to calculate it. He stated the numbers quoted by Mr. Foy were correct and they were from the 2013-2014 U.S. Census

Bureau Facts Table. He said every city is different and it is up to the governing body to make a good faith determination and how to come up with the number of inhabitants.

- Mike Hurst stated that is how the Commission came up with the 3.2 where it was not absorbent on one end or low on the other. He explained the Commission was doing what they thought was in the best interest of the city.
 - Craig Overstreet stated the Home Rule Committee spent some time with this and he would not want to delay it for very long, but if they want to delay it for six months he would be okay with that. He would like for the Council to consider the resolution again in the fall.
 - Craig Overstreet made a motion to delay the election for further consideration in the fall, but he stated that way people could do their own testing for the number of inhabitants. He did state that it is warranted for our community and he believes it meets the standards of 5,000 inhabitants.
 - Dwain Mathers asked for a clarification on the motion.
 - Craig Overstreet stated it is to not hold the home rule charter election in May.
 - Mayor Rice clarified even further to state it was to table the determination of the number of inhabitants in the city.
 - Craig Overstreet agreed.
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

 - Mayor Rice stated the motion was tabled or postponed which ever was proper.
- E. Consider, discuss and act upon murals on or in city owned buildings.
- Ben White stated there has been a request by the Main Street board for murals being placed on city buildings or the inside walls of city buildings.
 - Dwain Mathers asked how the city would go about doing that. He asked if a committee would be formed to perform the research.
 - Ben White stated that if Council wanted to go forward then staff would research and see what was needed to make changes to the ordinance.
 - Craig Overstreet stated they are city owned buildings and what may be pleasing to some might be offensive to others. He would be okay with murals on a privately owned building.
 - Mayor Rice stated he feels the same way and they are okay on private buildings.

- Donny Mason stated he thought the city attorney said they could not put anything on city owned buildings.
- Alan Lathrom suggested that once you open it up you would need a process to determine where things could be placed and to what extent or degree.
- Donny Mason asked how we would not be discriminating if we allowed some and not all to place the signs.
- Alan Lathrom stated you would have to create a policy to take the discrimination out of it.
- Dwain Mathers thinks the city should do the research to see what other cities are doing.
- Ben White stated staff would research other cities in the area to see what they have done in regards to murals on city owned buildings.
- Mayor Rice stated he felt like the Main Street Board should research and be involved.
- Ben White stated he did not want them to conduct the research but he did want them involved. He stated that Sandra Green would research the other cities ordinances.
- Craig Overstreet stated the Federal Post Office in Farmersville does have a mural inside the building.
- General consensus of the Council was to go forward with the research.

F. Consider, discuss and act upon possible sign ordinance changes regarding murals.

- Ben White stated the request was to look at possible changes in the sign ordinance in regards to murals.
- Mayor Rice stated he believes we need to take a look at the ordinance.
- Dwain Mathers asked if they were talking about murals on private buildings.
- Ben White stated yes. He explained that he wanted to know if the Council wanted staff to research other cities to see what their requirements for murals are and to see any restrictions they might have.
- Alan Lathrom stated we need to take a look at the sign ordinance because of a ruling in Reed vs. Gilbert. He indicated it restricts a community's ability to look at the content of the sign and regulate that content under 1st Amendment rights. He said you can restrict items that are obscene.
- Ben White stated staff would move forward with research.

- G. Consider, discuss and act upon an appointment to the Texoma Housing Board.
- Mayor Rice asked if anyone had applied for this position. He said we need to start looking for people to fill the vacancy.
 - Ben White stated he would continue to cover the meetings until a replacement was named.
 - Sandra Green stated it was on the agenda as an advertisement to get people to apply for the vacancy.
 - No motion or action taken.
- H. Update and discussion regarding the present status of TxDOT and County Commissioners relating to U.S. Highway 380 and State Highway 78.
- Ben White stated that in a Commissioner's meeting before Christmas they had released their engineer to obtain right-of-way from our city limits to our west to a line that bisects Princeton in half to the north. They are also acquiring right-of-way west of McKinney to the Denton County line. They have not been released to do all of it acquisitions yet because there is some contention in McKinney and they want to go where there is not as much contention. There is an issue around the airport and the bypass area west of McKinney. They did not want to step on the governing bodies in those areas. State Highway 78 was originally planned as a six lane thoroughfare, but that is delayed because of a north-south freeway they are trying to construct somewhere east of Central Expressway. They are waiting for U.S. Highway 380 to settle down before they consider the north-south route. In regards to U.S. Highway 380 they are continuing with the environmental studies. He said he is setting up meetings with TxDOT to see what they are doing in the 380 corridor.
 - Craig Overstreet said State Highway 78 is governed by the North Central Texas Council of Governments (NCTCOG). He wants all parties to come to the table to discuss the issues. He indicated that it is important to keep talking and come to a reasonable conclusion.
 - Mayor Rice agreed with Craig Overstreet. He explained that Mr. Satterwhite, the Economic Director from Wylie, came to a Rotary meeting and gave a presentation and he estimated the Farmersville area would have 350,000 residents eventually.
 - Craig Overstreet stated he just wants the parties to talk because it needs to be a coordinated effort.
 - Dwain Matters asked how he wanted to get the meetings done.

- Craig Overstreet stated that right now the meetings are happening through Ben White.
- Ben White stated he is trying to get consensus from land owners that are affected.
- Dwain Mathers stated we are in a neutral position with TxDOT right now. He asked if they are wanting to solidify with us. TxDOT made it very clear when they were here that there is negative impact by the city not doing anything. He stated he believes the inevitable will happen, but he does not want to get the city in trouble by not doing something.
- Ben White explained that he wants to work with the land owners and get a consensus so the project can go forward. He explained the land owners might present new ideas, but he does not know if TxDOT would be receptive to those ideas. He said it was somewhat likely they could have a consensus on the proposed path.
- No motion, no action was taken.

IX. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- None

X. ADJOURNMENT


Meeting was adjourned at 7:51 p.m.

APPROVE:



Jack Randall Rice, Mayor

ATTEST:


Sandra Green, City Secretary

