



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
May 12, 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, Jim Hemby, Dwain Mathers (via teleconference) and Donny Mason were all present. City staff members Ben White, Sandra Green, Mike Sullivan, Kim Morris, Paula Jackson, Daphne Hamlin, Kevin Lisman and City Attorney Alan Lathrom were also present.
- Prayer was led by Kim Morris followed by the pledges to the United States and Texas flags.
 - Calendar of upcoming holidays and meetings.
 - Applications for Boards and Commissions are now being accepted. An application can be download on the website or picked up at City Hall via drive-thru window.
 - City Council will hold a Workshop on Tuesday, May 19th to hear from different boards regarding their purpose and activities.
 - City Hall will be closed on Monday, May 25th in observance of Memorial Day.
 - Mayor read the Proclamation honoring the 2020 High School Seniors.

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

- Due to the pandemic of Covid-19, no citizens were allowed in the Council Chambers. No one came forward on the teleconference to speak.

III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

- Due to the pandemic of Covid-19, no citizens were allowed in the Council Chambers. No one came forward on the teleconference to speak.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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 Report (OpenGov)
 - C. Code Enforcement/Animal Control Report (OpenGov)
 - D. Fire Department Report (OpenGov)
 - E. Municipal Court Report (OpenGov)
 - F. Warrant Officer Report (OpenGov)
 - G. Public Works Report
 - H. Library Report (OpenGov)
 - I. City Manager’s Report
- Craig Overstreet wanted to pull the Police Department Report and the City Manager’s Report
 - Motion to approve items A, C-H made by Jim Hemby
 - 2nd to approve was Mike Henry
 - All council members voted in favor
 - Craig Overstreet asked about the police calls at the Palladium Apartment complex and stated he was under the impression they had their own security.
 - Chief Sullivan stated they do have an officer from the school district that lives on site. He said the call was a domestic dispute call that resulted in a fight and a burglary. They have increased their patrol of the area. He explained that with any new apartment complex there would be some calls received.
 - Craig Overstreet asked a questions regarding information in the City Manager’s Report about the status of Development Agreements from Reliable Concrete and Nelson Brothers.
 - Ben White explained they are working on the punch lists.

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. Planning & Zoning Commission

1. Possible Council Liaison Report

- Craig Overstreet stated they reviewed a plat for the HCG Addition and site plan and recommended conditional approval of both until they addressed some of the comments from the City Engineer. He explained they also reviewed at plat for the Farmersville Veterinary Addition and recommended conditional disapproval.

VI. READING OF ORDINANCES

A. Consider, discuss and act upon the first and only reading of Ordinance #O-2020-0512-001 regarding Mayoral Disaster Order.

- Mayor Wiebold read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING ORDINANCE #O-2020-0414-001 IN RESPONSE TO THE COVID-19 VIRUS OUTBREAK, PURSUANT TO THE TEXAS DISASTER ACT OF 1975, CHAPTER 418, TEXAS GOVERNMENT CODE AND CHAPTER 122 OF THE TEXAS HEALTH AND SAFETY CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

- Alan Lathrom stated Council would need to adopt the Ordinance with an amendment that the new Governor's Order GA-21 be added to it.
- Craig Overstreet asked about hazard pay and wanted it discontinued because he does not know what the budget looks like at this time.
- Ben White stated the County has received the Cares Act funding and they have allocated money to the cities. The money will only be used for Covid-19 expenses. He expects to see an interlocal agreement from the county at the next City Council meeting.
- Mayor Wiebold asked what the money would be able to cover.
- Ben White stated hazard pay, systems that we use in the city to hold teleconferences among other things. His recommendation is to continue the hazardous duty pay until the Governor changes his order.
- Mike Henry asked if the funding would be coming from the county.
- Ben White stated the money is from the federal government given to the county.
- Mayor Wiebold wanted to hear from the Police Chief and Fire Chief regarding the steps they are taking in the field and about hazard pay.
- Chief Sullivan stated the Governor opened some areas of the state. He spoke to Chief Skinner at Collin County and they are continuing the hazard pay through July and would revisit it then. He explained the only thing that has changed is the President and Governor are trying to get the economy running again. He said there is really no change in what we do every day. He indicated they still take the temperatures of their employees and constantly wash their hands. They have to take extra precautions because they deal with the impact of the pandemic more than others might.
- Ben White stated he has been following the numbers coming out of Collin County and they are the highest they have ever been. Hospitalization is looking better and that is a good indicator, but the active cases are up.
- Mayor Wiebold asked if the money is given to the city could that absorb the hazard pay.
- Ben White stated he believes it could be absorbed along with other items such as teleconferencing.
- Craig Overstreet stated he would withdraw his request to remove the hazardous pay if the City Manager could guarantee that the funding would cover it.
- Alan Lathrom stated the hazardous duty pay would end on May 15th with the Mayoral Order unless the Council continued it with the new ordinance.
- Mike Henry stated the Council should extend it to at least around June 12th.
 - Motion to amend and approve the ordinance changing the Governor's Order from GA-18 to GA-21 and add in hazardous pay made by Mike Henry

- 2nd to approve was Terry Williams
 - All council members voted in favor
- B. Consider, discuss and act upon the first and only reading of Ordinance #O-2020-0512-002 regarding Oncor rate change.
- Mayor Wiebold read the Caption to the Ordinance.
 - Ben White stated this item comes up from time to time because Oncor provides some areas of Farmersville electric that are not on the City's electric services. He explained Willow Brook is a great example of this. He said he recommends denying the increase they are asking for.
- Motion to approve the Ordinance made by Mike Henry
 - 2nd to approve was Jim Hemby
 - All council members voted in favor

VII. REGULAR AGENDA

- A. Consider, discuss and act upon the election of Mayor Pro Tem and Treasurer.
- Terry Williams nominated Dwain Mathers as Mayor Pro Tem.
 - Mayor Wiebold closed the nominations.
- All council members voted in favor
- Jim Hemby nominated Craig Overstreet as Treasurer.
 - Mayor Wiebold closed the nominations.
- All council members voted in favor
- B. Consider, discuss and act upon Resolution #R-2020-0512-001 regarding signatories for all accounts for the city with CapTex Bank.
- Craig Overstreet stated the bank name has changed to Commercial Bank of Texas.
 - Alan Lathrom stated Council could approve the Resolution with that amendment.
- Motion to approve the Resolution with the amendment to the name of the bank made by Jim Hemby
 - 2nd to approve was Mike Henry
 - All council members voted in favor
- C. Consider, discuss and act upon the assignment of Council liaisons to City boards and commissions.

- Mayor Wiebold pulled this item from the agenda and stated it would be heard at the next City Council meeting.
- D. Consider, discuss and act upon Resolution #R-2020-0512-002 regarding Coronavirus Emergency Supplemental Funding.
- Chief Sullivan stated he could still pursue the grant, but if the city receives the money from the county he could just cancel the grant application.
 - Mike Henry asked how much the grant was for.
 - Chief Sullivan stated \$49,000.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Jim Hemby
 - All council members voted in favor
- E. OpenGov software review.
- Daphne Hamlin gave an overview of the OpenGov software.
- F. Consider, discuss and act upon Resolution #R-2020-0512-003 regarding Texas-New Mexico rate changes.
- Ben White stated this item was a process we go through with Texas-New Mexico and we are recommending denial of this rate. He stated that Lloyd Gosselink Rochelle & Townsend, P.C. represents several cities and they represent the City of Farmersville.
 - Motion to approve the Resolutions made by Mike Henry
 - 2nd to approve was Terry Williams
 - All council members voted in favor
- G. Consider, discuss and act upon the review of the Kimley-Horn contract for the wastewater treatment plant.
- Eddy Daniel, from DBI Engineers, stated the city had improvements done to the wastewater treatment plants. When we finished the plant it worked for a few months, but then the trickling arm filter stopped working. The question was asked why the trickling arm filter was not fixed to begin with. He explained that Kimley-Horn and DBI knew of a contractor that could replace the arm cheaper than what North Texas Municipal Water District would charge. The original arm is hydraulic and it will be replaced with a mechanical one.
 - Craig Overstreet asked how much it originally cost to complete the plant improvements.

- Eddy Daniel stated it was approximately \$1 million, but with design and engineering probably \$1.5 million.
- Craig Overstreet asked why the filtering arm was not addressed with the original proposal.
- Eddy Daniel explained that Kimley-Horn designed the plant rehabilitation. He said the trickling filter system piece was only a part of the rehabilitation, but there were other issues that needed to be addressed. He said plant 1 and plant 2 was part of the overall rehabilitation.
- Mayor Wiebold asked if the arm was operational when the rehabilitation was going on.
- Eddy Daniel stated North Texas Municipal Water District told the city that it was operational. The cost of the overall project made the city pick and choose the bare necessities to put the plant into working order. After the improvements were made, the arm was working and then it stopped working after a few months. He said they spoke to Kimely-Horn and North Texas Municipal Water District about fixing the trickling arm filter. North Texas Municipal Water District operates the plant for us and they want it working.
- Mike Henry asked about the time frame to fix the arm.
- Eddy Daniel stated he was not sure of the time frame.
- Alan Lathrom stated there was no obligation for the contractor to fix the arm in the original contract. He explained the headworks were removed with Addendum #1 because bids would have come back too expensive.
- Eddy Daniel stated work was done on the tail works, but not to the arm.
- Alan Lathrom stated there was no requirement for them to look at the arm, repair or fix it. He said the contractor did the work he was contracted to do.
- Eddy Daniel explained that fixing the arm was never included in the bid documents. It was assumed it was operable.
- Mayor Wiebold asked how long it has not been working.
- Ben White stated since September 2019.
- Mayor Wiebold asked if Eddy Daniel was comfortable going with the mechanical arm instead of the hydraulic.
- Eddy Daniel stated the arm is worn out and now needs to be fixed and the mechanical fix would be the best way.
 - Craig Overstreet stated he would recommend approval of the review of the contract from the City Attorney.
 - 2nd to approve made by Jim Hemby
 - All Council members voted in favor

- H. Consider, discuss and act upon Amendment No.1 for Kimley-Horn to design trickling filter arm on the wastewater treatment plant.
- Eddy Daniel stated the amendment was for the design work and to satisfy TCEQ regarding the repair to the arm. It is also for the rerating calculations to prove to TCEQ that the plant will operate at a higher rate. He said we do have available funding in the Texas State Water Revolving Fund to pay for the repairs.
 - Ben White stated he does not know the time frame it will take, but he assumes it will go pretty fast. He also explained this would help with more capacity at the two plants.
 - Mike Henry asked about Task 3A in the contract and whether that is for Construction Phase Services.
 - Eddy Daniel stated that was for inspections once the work has begun.
 - Craig Overstreet asked if the Amendment was just for the engineering and design.
 - Eddy Daniel stated it would be for the design, bidding, and approval from TCEQ regarding rerating the plant.
 - Mike Henry asked what a typical warranty period would be for the work.
 - Eddy Daniel stated two years.
 - Alan Lathrom stated a one year warranty under the performance bond and two year maintenance bond would be required. He also explained this amendment amends the original professional services agreement with Kimley-Horn, but there was not a time frame attached to the contract.
 - Mike Henry asked if the city, when dealing with contracts, would not receive an estimated time for completion.
 - Alan Lathrom stated that often times they do, but it also has to do with the comfort level of the city with the consultant.
 - Eddy Daniel stated the contractor would build the arm in his shop and then install it. He expects it to be a 45 day turn around once the contractor starts work.
 - Motion to approve the amendment made by Mike Henry
 - 2nd to approve was Terry Williams
 - All council members voted in favor, except Craig Overstreet voted no. He explained this was based on the fact that it should have been caught with the original contract.
- I. Consider, discuss and act upon Delinquent Ad Valorem Tax Agreement with Abernathy, Roeder, Boyd & Hullett.

- Alan Lathrom stated this agreement allows the attorneys to collect past due taxes owed to the city. It is the same company that the city has used in the past, but they just have a different name.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Mike Henry
 - All council members voted in favor

- J. Consider, discuss and act upon an Interlocal Agreement with Collin County regarding jail services.
 - Ben White stated this agreement was something the city approves every year for jail services. He recommended approval.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Jim Hemby
 - All council members voted in favor

VIII. EXECUTIVE SESSION

Mayor Wiebold read the statement below and explained the Council would go into executive session at 7:46 p.m.

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

- A. Discussion of Matters Permitted by Texas Government Code Section 551.071(1)(A) Pending or contemplated litigation:
 - 1. Petition of the Cities of Garland, Mesquite, Plano, and Richardson Appealing Wholesale Water Rates Implemented by North Texas Municipal Water District, PUC Docket No. 46662, Public Utility Commission of Texas.

- B. Discussion of Matters Permitted by Texas Government Code Section 551.074, Personnel Matters; Closed Meeting:
 - 1. Discussion of Personnel Matters involving the appointment, employment, evaluation, and/or duties of a Main Street Manager.

IX. RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY SECTION 551.071 AND 551.074 OF THE TEXAS GOVERNMENT CODE.

- Mayor Wiebold stated the Council would reconvene from executive session at 9:17 p.m. and no action would be taken.


X. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Craig Overstreet requested an update on the following: Martin Marietta, Development Agreement punch lists items for Reliable Concrete and Nelson Brothers, Hamilton Street, and CR 611 construction

XI. ADJOURNMENT

Meeting was adjourned at 9:18 p.m.

APPROVE:


Bryon Wiebold, Mayor

ATTEST:


Sandra Green, City Secretary