



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
November 10, 2020, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Wiebold called the meeting to order at 6:00 p.m. Council members Mike Henry, Craig Overstreet, Dwain Mathers, Jim Hemby and Terry Williams were all present. City staff members Ben White, Sandra Green, Michael Sullivan, Paula Jackson and City Attorney Alan Lathrom were also present.
- Prayer was led by Mayor Wiebold followed by the pledges to the United States and Texas flags.
 - Calendar of upcoming holidays and meetings.
 - City Hall will be closed on Wednesday, November 11th in observance of Veteran's Day.
 - There will be "Come & Go" Workshops at the Tatum Elementary Cafeteria on Saturday, November 14th and November 21st from 9-3 to review and comment on the proposed Future Land Use Map, Thoroughfare Map and Hike & Bike Trail.
 - Due to the holidays, there will only be one City Council Meeting in November.
 - City Hall will be closed on November 26th and 27th in observance of Thanksgiving.

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

- Diane Piwko, who resides at 200 McKinney Street, addressed the Council and stated she wanted to make a comment regarding the Covid money. She is asking that if a business in town received any money from other sources that they not receive any funding from the city. She also spoke regarding signs on buildings and how she is against the painting on the buildings downtown. She

explained they are old buildings and she feels they are not meant to be painted on.

III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

- No one came forward in person or via teleconference.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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 from 10-13-20
- B. City Council Minutes from 10-27-20
- C. Fire Department Report
- D. Public Works Report
- E. City Financial Report
- F. City Manager’s Report

- Mike Henry asked to pull the Public Works Report and the City Manager’s Report.

- Motion to approve A-C and E made by Craig Overstreet
- 2nd to approve was Mike Henry
- All council members voted in favor

- Mike Henry asked questions regarding County Road 699 and wanted to know when the other side of the street would be poured.
- Ben White stated Danny Ruff has been pulled away for other jobs, but he would estimate they are two months away from finishing.
- Mike Henry asked about the sewer arm project and he stated the report indicated that it was in the engineering phase.
- Ben White stated engineering is complete and they will be going out for bid soon. The project should go much quicker, but it looks like it will not be completed until June 2021.
- Mike Henry stated that he wants to see a schedule as to why it would take that long and he also asked about the status on the Chaparral Trail project.

- Ben White stated a survey has been ordered and then the city will go forward with annexation. He said they are currently working with the grant writer.
- Mike Henry asked why the city is using DBI Engineering for servicing when another engineer had already completed the work.
- Ben White stated the previous engineer did the work for grading and clearing only. He said DBI will also be working on emergency services plans for the trail. He indicated if there is extra funds then we could engineer more items, such as picnic areas but the signage requirements are strict up and down the trail.
- Mike Henry asked who makes the decisions of what needs to be done on the trail with the bollards, picnic areas and other areas.
- Dwain Mathers stated he thought the other engineering company covered the resurfacing engineering.
- Ben White stated our engineer will review their work and make the determination of what was already engineered.
- Craig Overstreet asked if the Patriot Concrete back billing for water has been completed yet.
- Ben White stated it has been.
- Craig Overstreet asked about the new wastewater treatment plant and when that will start construction.
- Ben White explained that we will see Lakehaven MUD come forward with a change in the agreement and they have to maintain 500,000 gallons a day. He believes they have a plan to give us the wastewater treatment plant up to where we want it in approximately three years. It is a \$15 million proposition that we do not have the money for now.
- Ben White stated we are going out for four possible grants for the Chaparral Trail and hope that we are awarded those. They are trying to finish the grants in December because the deadline for filing is February and then they are awarded in the summer. He said 4B has been presented with the idea of funding one of the grants.
- Dwain Mathers asked about the timeline and wanted to know when the city would have to pay for the city's portions of the grants if received.
- Ben White stated we come forward with the grant money at the end of the project typically.
- Dwain Mathers asked if it would be possible to complete the project on the trail in the fall of next year.
- Ben White stated there is \$100,000 set aside for two of the grants right now but he does not have the funding for the other two. Bidding would take at least a month and he said we would be lucky to start late next year.
- Dwain Mathers stated his concern is when we would need the money for the grant. He explained that he has heard the funds had to be available upon receiving the grant.
- Ben White stated he spoke to the grant writer and that does not seem to be a concern.

- Dwain Mathers stated they have done the grading already and if the city waits too long everything they have done could be compromised.
 - Motion to approve the Public Works Report and City Manager's Report made by Craig Overstreet
 - 2nd to approve was Jim Hemby
 - 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

- Terry Williams stated they are working on the bylaws for the board. They are also wanting to know when they can open the Senior Citizens Center.

B. Farmersville Community Development Board (Type B)

1. Possible Council Liaison Report

- Terry Williams stated they are going to utilize training and they will be making a budget amendment to help pay for the training. They are also in support of the newly acquired trail.

- C. FEDC Farmersville Economic Development Board (Type A)
 - 1. Possible Council Liaison Report

- D. Main Street Board
 - 1. Possible Council Liaison Report

- E. Parks & Recreation Board
 - 1. Possible Council Liaison Report

- F. Planning & Zoning Commission
 - 1. Minutes
 - 2. Possible Council Liaison Report

- G. TIRZ Board
 - 1. Possible Council Liaison Report

VI. READING OF ORDINANCES

- A. Consider, discuss and act upon the first reading of Ordinance #O-2020-1208-001 regarding an amendment to the Sign Ordinance pertaining to painted signs on walls.
 - Mayor Wiebold read the caption to the ordinance.
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING CHAPTER 56, "SIGNS AND ADVERTISING," THROUGH THE AMENDMENT OF ARTICLE II "DEFINITIONS AND REGULATIONS," OF THE CITY'S CODE OF ORDINANCES BY AMENDING SECTION 56-32, "PROHIBITED SIGNS" BY AMENDING SUBPARAGRAPH (L) TO ALLOW A SIGN TO BE PAINTED DIRECTLY ON TO THE EXTERIOR WALL OR FACADE OF A BUILDING OR STRUCTURE IN THE CENTRAL AREA (CA) ZONING DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; ESTABLISHING GOVERNING LAW; PROVIDING FOR A PENALTY FOR THE VIOLATION HEREOF; AND PROVIDING 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

 - Craig Overstreet stated the first two whereas clauses in the ordinance pertain to a totally different ordinance. He said he would like it to go down

to the Planning & Zoning Commission for public hearings and comments before Council makes a decision on it.

- Dwain Mathers stated the new ad hoc committee for Historic Preservation should review this with the items they are going to review. He recommends delaying the approval of the item.
- Mike Henry stated he would like to have it sent down to the Planning & Zoning Commission as well.
- Direction was given by Council to send the ordinance down to the Planning & Zoning Commission for review and comment.

VII. REGULAR AGENDA

A. Consider, discuss and act (including the possibility of reconsidering or modifying the City Council's previous motion) regarding the holiday lights gala celebration across Farmersville Parkway and into downtown including, but not limited to: (a) the propriety of one person acting on behalf of the City without prior City Council discussion, input, and approval to request donations for a holiday celebration to be approved by the City Council; (b) asking an individual to acquire and/or install the lights and related displays for a holiday celebration without first having City Council approval, a defined scope of work, and soliciting bids for such work; (c) generally defining the scope of the program and activities proposed for a city celebration; (d) establishing a specific scope of work and budget for the acquisition, construction, installation, set-up, maintenance, clean-up, and removal of the lights and displays before, during and after the completion of the holiday season, as well as the restoration of each area where programming and activities are proposed; (e) obtaining permission from property owners to utilize various areas for the celebration; (f) identifying the persons or groups participating in the celebration that will operate all aspects of each area where programming and activities are planned; (g) establishing the dates and times for such program and activities; (h) determining to whom money will be paid in what amounts and for what purposes in connection with the programming and activities are planned for each area of the celebration; and (i) accounting for all expenditures in accordance with the requirements of Texas law, and the handling of any remaining funds from the donations accepted for the celebration.

- Dwain Mathers stated that no one on Council is opposed to the lights, but it just bothers him how it came about. He was surprised by it at the last Council meeting, even though he voted in favor of it. He believes in the future items like this should be discussed with Council before they are thrown into action. He stated they went about it wrong. He indicated that he was not aware that the Mayor was going out to try and raise funds from businesses.

- Mayor Wiebold stated that as the Mayor he was speaking to the bank President and discussed the lights. No money was received at that time, they just discussed the idea of the lights.
- Dwain Mathers stated he feels the Council was surprised by the way it was handled. He explained that he believes the Mayor should have brought it up at a prior meeting before just springing it on them. He stated that a business owner came to him and asked if the Mayor seeking funding was legal. He feels the city is not being transparent.
- Mayor Wiebold stated the donations were unanimously approved by the City Council at a prior meeting.
- Dwain Mathers asked what the current budget was for the lighting and what the scope of work would be.
- Ben White stated the donors have pledged approximately \$27,500 to date. Checks have come in for \$15,000.00 and there is \$15,000.00 designated by 4B and \$10,000.00 in the city's budget. It goes through our normal accounting processes and Daphne Hamlin has set up a separate account so we can monitor that.
- Dwain Mathers asked if any of the funds we are receiving are going to non-profits and asked where the money been spent so far. He said he is not trying to stop it because he thinks it is a good thing, but he believes it was handled incorrectly.
- Mayor Wiebold stated that he has heard positive feedback about the lights and he explained he has done nothing wrong. He explained that if businesses want to do something special during the holidays that is fine. He explained they are going to have places for food pantry donations available down the Parkway. He said the Fire Department, the Rotary Club and the Boy Scouts are going to be out there trying to receive donations for their organization. He said no money has crossed his hands at all. All donors have been submitting the money directly to the city.
- Mike Henry stated it would have circumvented the issues if the Mayor would have brought the idea up to Council prior to the week they voted on it.
- Mayor Wiebold stated he would have answered any questions that Council would have had regarding the donations or the lights at the time they voted.
- Dwain Mathers explained he was just upset about the process of events and how it all took place.
- Mike Henry called point of order to stop discussion on the items and requested the Council move on to item B.
- Mayor Wiebold asked who was in favor of closing item A and moving to the next item.

- All councilmembers voted in favor, except Dwain Mathers who did not vote.
- B. Consider, discuss and act upon reallocating \$5,000 to \$7,000 from the City's current Christmas lighting budget of \$15,000 to make a donation to one or both food pantry organizations in the City of Farmersville.
- Mike Henry stated that under state law the money that came from 4B has to be used as denoted in the budget. As a city we cannot donate to non-profit or charitable organizations.
 - Alan Lathrom stated public funds cannot be used for private purpose.
 - Mayor Wiebold asked if the food pantries could be involved in the Farmersville Parkway event and receive donations.
 - Alan Lathrom stated they could because individual people would be donating to those organizations, not the city.
 - Dwain Mathers stated he put this item on the agenda because he wanted there to be some way the city could help organizations like the food pantry.
 - Mayor Wiebold stated the food pantry will be at the event and people could donate to their organization.
 - Dwain Mathers asked Alan Lathrom if there was any way to donation some of the money received for the lights to the food pantry.
 - Alan Lathrom stated the Council would have to find that there is a municipal public benefit served by doing so.
- C. Consider, discuss and act upon a replat of the Farmersville Old Donation Lot 82-A & Lot 82-B, Block T.
- Ben White stated DBI has recommended approval with the condition that the applicant correct the signature block on the plat.
 - Motion to approve made by Mike Henry
 - 2nd to approve was Terry Williams
 - All council members voted in favor
- D. Consider, discuss and act upon using the Farmersville CARES Act funding towards business economic assistance.
- Ben White stated we have approximately \$132,000.00 left in our CARES Act funding and it was previously discussed to use the money to help small businesses within the city. Collin County is currently reviewing the applicants that applied for their CARES Act funding. He said that from the

Farmersville businesses 15 applied and out of those 15, two did not qualify. He indicated that one business has been approved so far for \$25,000.00. All the other businesses are in the process of being awarded. He stated that originally we had set aside \$80,000.00 for IT Services. Covid has created instances where we need to work from home. He indicated there would be an ordinance that would have to go along with the funding.

- Mike Henry wanted to clarify that the city has to use the CARES Act funding before December 31, and has to prove the expenditures to the county before January 15.
- Ben White indicated that was correct.
- Elise Bobitt, Chairman of the Innovations & Efficiency Team, stated she was concerned about those dates as well, because they are rapidly approaching. She said they would have to meet and discuss timeframes again.
- Dwain Mathers asked if applications and other material could be mailed out before the ordinance was approved.
- Ben White stated the ordinance has the forms in it and he would not want to invalidate the ordinance if some of the forms changed.
- Alan Lathrom stated they could take the forms out of the ordinance.
- Craig Overstreet asked how receiving county funds would affect our grant process.
- Ben White stated he would just have to work closely with the county to see what amount any of the businesses may have received.
- Jim Hemby stated that we may not know if that money has not been awarded yet.
- Ben White stated the county awards their grants in the Commissioners Court.
- Dwain Mathers stated he would like to set aside \$40,000.00 to \$50,000.00 for businesses.
- Elise Bobitt stated it would be easier to award the same amount to everyone who applies and qualifies.
- Craig Overstreet stated that at a minimum he would feel comfortable setting aside \$40,000.00.
- Council agreed on the amount.
- They discussed the people who would sit on the board for approving the grants. They stated Mike Henry from Council, Matt Crowder or Randy Rice from 4A, Stephen Caspari, Richard Holbrook or Melody Hudson from 4B.

D. Consider, discuss and act upon a contract for IT Services.

- Ben White went over to quotes from Fulcrum. He explained we would be replacing systems with laptops and drive encryption. He is pledging to Council to stay within the budget and to use what is available in the CARES Act funding. He indicated there would be an update to Incode for portable devices in the field. He explained they would also update a lot of hardware that is aging.
- Craig Overstreet asked what the current budget was for IT services.
- Ben White stated that with TLC Netcon it was approximately \$57,000.00 and it will go up to approximately \$107,000.00 a year. He indicated the city has an overall IT budget of \$138,000.00.
- Craig Overstreet asked how much of the CARES Act funding was already spent for the police department or other things.
- Ben White stated that money has been spent for police overtime and masks and materials like that, but the rest was going toward IT and CARES Act Small Business funding.
- Mike Henry stated he does not find anything in the IT services for upgrades to the Council Chambers for teleconferencing.
- Jim Hemby explained that he believes the Microsoft 365 would help with all the teleconferencing issues.
- Ben White stated that with TEAMS and ZOOM it should be better than Blizz. He explained we have a certain bandwidth that available.
- Craig Overstreet stated at the last meeting he called this a money grab and that was because they had no time to review anything prior to the meeting. The documents were given to them right before. He has now reviewed the documents and realize that it is warranted.
- Dwain Mathers asked what the purpose of the laptops would be.
- Ben White stated that it would be the docking station at work and then the employee could take the laptop home to work with.
- Mayor Wiebold stated that upgrading the computers for staff is critical.
- Ben White stated we went through the interlocal agreement with Melissa for their bids for IT services and they have been happy with Fulcrum.
 - Motion to approve made by Jim Hemby
 - 2nd to approve was Terry Williams
 - All Council members voted in favor

- E. Update regarding pop-up vendors conducting business in the city limits.
 - Ben White stated that an ordinance was created and will be presented to Council soon.
 - Sandra Green stated that after discussions with Alan Lathrom the city may have to bring forward changes in the Zoning Ordinance to allow mobile food trucks and vendors because they are not currently allowed.

- F. Consider, discuss and act upon accepting donations from the Rotary Club to the Senior Citizens Center.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Mike Henry
 - All Council members voted in favor

VIII. EXECUTIVE SESSION

- Mayor Wiebold read the below statement and said the City Council would go in to executive session at 7:43 p.m.

Discussion of Matters Permitted by Texas Government Code Section 551.072,
 DELIBERATION REGARDING REAL PROPERTY:

1. Deliberation regarding the purchase of certain real property for the expansion of Collin Parkway that is identified as being approximately:
 - a) 0.054 acres out of the W.B. Williams Survey, Abstract No. A-952, City of Farmersville, Collin County, Texas.

IX. RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY SECTIONS 551.072 OF THE TEXAS GOVERNMENT CODE

- A. Consider, discuss and act upon purchasing approximately 0.054 acres out of the W.B. Williams Survey, Abstract No. A-952, City of Farmersville, Collin County, Texas, for the expansion of Collin Parkway.
 - Mayor Wiebold stated the Council would reconvene from executive session at 7:53 p.m.

- Craig Overstreet stated he moved to approve the purchase of 0.054 acres of land from JMR Farmers for the amount of \$45,000.00 plus \$5,000.00 in compensation for pipe fencing and gates together with all related appurtenances including the current access point identified in Mr. Brown's November 5, 2020 letter subject to receipt of good, marketable, indefeasible and insurable title and giving the City Manager or Mayor authority to sign all necessary documents thereto.
- 2nd to approve was Mike Henry
- All Council members voted in favor

X. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Mayor Wiebold wanted to make sure the CARES Act funding would be on a Special Agenda for 11-17-20.
- Craig Overstreet wanted the City Council to possibly direct the Planning & Zoning Commission to consider changing the height requirements of accessory buildings.
- Mike Henry wanted an update on the Chaparral Trail.
- Mike Henry also wanted an update on CR 699 construction.
- Craig Overstreet also wanted the grading and excavation ordinance on the next agenda.

XI. ADJOURNMENT

Meeting was adjourned at 7:58 p.m.

APPROVE:



Bryon Wiebold, Mayor

ATTEST:



Sandra Green, TRMC, City Secretary

