



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
December 8, 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, Rick Ranspot, Daphne Hamlin, Kim Morris and City Attorney Alan Lathrom were also present.
- Prayer was led by Rick Ranspot followed by the pledges to the United States and Texas flags.
 - Calendar of upcoming holidays and meetings.
 - Due to the holidays, there will only be one City Council meeting the month of December.
 - The Planning & Zoning Commission meeting will be moved to Tuesday, December 15th due to the holidays and it will begin at 7:30 p.m. because of runoff elections.
 - City Hall will be closed on December 24th and 25th in observance of the Christmas holiday.
 - City Hall will be closed on January 1st in observance of the New Year.
 - Mayor Wiebold stated Farmersville Lights will continue throughout the month and the Chamber of Commerce will hold the Christmas Parade this weekend.
 - Mayor Wiebold to read letter to the Fire Department.
 - Chief Morris stated it was a mutual aid call.

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

- Estes Garner, who lives at 215 Wilcoxson Street, said he is having issues with the city because of a hole his neighbor has dug on his property. He wants to

issue a formal complaint on the city. He said Mr. White intentionally mislead him and he feels Code Enforcement took a short cut. He explained how he believed the hole was a danger to kids and asked the city to take action to get it filled in.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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 & FEDC Joint Meeting from 9-17-20
- B. City Council Minutes from 11-10-20
- C. City Council Special Minutes from 11-17-20
- D. Public Works Report
- E. City Financial Report
- F. City Manager’s Report

- Craig Overstreet wanted to pull the FEDC and City Council Joint Minutes, the Public Work’s Report and the City Manager’s Report. He stated that in the FEDC Joint Minutes he wanted them to reflect that Sam Satterwhite was asked to leave the meeting and that he left.
 - Motion to approve with corrections made by Craig Overstreet
 - 2nd to approve was Mike Henry
 - All council members voted in favor
- Craig Overstreet asked a few questions on the Public Works Report. He asked about the trickling filter repair status on the wastewater treatment plant.
- Ben White stated it will go out for bid soon and that will be conducted by DBI.
- Craig Overstreet reiterated Mike Henry’s statements before about how long it was taking to get repaired.

- Craig Overstreet also asked about the electric transformer and wanted to know what they are doing about it.
- Ben White stated they were having short term outages because animals were getting in there.
- Craig Overstreet inquired about the Collin College distribution line.
- Ben White stated the College is operating their normal underground service, but they are still using overhead to their construction trailer.
 - Motion to approve the Public Work's Report made by Craig Overstreet
 - 2nd to approve was Terry Williams
 - All council members voted in favor

- Craig Overstreet asked questions on the City Manager's Report. He stated the sign ordinance change regarding the painting on the façade is showing that it is in progress. He wanted to know if that had already gone before the Planning & Zoning Commission.
- Sandra Green stated it would be on the Planning & Zoning agenda next week.
- Craig Overstreet wanted Ben White to make the status of the ordinance more clearly in his report. He also wanted to see where the city was at regarding the HII- High Impact Industrial changes.
- Ben White stated that Planning & Zoning is currently reviewing that.
- Craig Overstreet inquired about the status of the Development Agreements with the concrete batch plants.
- Ben White stated the biggest item that is being taking care of right now is completing County Road 699.
 - Motion to approve the 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

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

- 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-2020-0112-001 regarding grading and excavation.
 - Mayor Wiebold read the caption to 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, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF

CHAPTER 26, "ENVIRONMENT," THROUGH THE AMENDMENT OF ARTICLE II, "FLOOD CONTROL," BY ADOPTING A NEW DIVISION 4 TITLED "FILLING, GRADING, EXCAVATION, AND OTHER SOIL DISTURBING ACTIVITY" TOGETHER WITH NEW SECTIONS 26-101 THROUGH 26-114 AS PROVIDED HEREIN-BELOW, AND AMENDING APPENDIX A, "MASTER FEE SCHEDULE" TO INCLUDE PERMITTING FEES FOR FILLING, GRADING, EXCAVATION, AND OTHER SOIL DISTURBING ACTIVITY PERMITS ON PRIVATE PROPERTY; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; 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.

- Ben White stated this ordinance was brought before Council because of grading or excavation made on people's property that may affect their neighbor's and because of Mr. Estes Garner's complaints. We wanted to try and keep it to where someone just doing work in their flower beds would not require a permit.
- Alan Lathrom stated the permit is triggered by several different things. He said the city does not have a SWPPP program and he modified the ordinance to state any disturbance over 12" would require a permit, but we can carve out a section that planting a tree would not trigger a permit.
- Craig Overstreet asked if the discussion was being treated like a workshop or a first reading.
- Alan Lathrom stated he was hoping for a discussion on the ordinance so it could be changed and then brought back at another meeting. He said that he made an exception in the ordinance for retention and detention ponds that are required by the subdivision ordinance.
- Ben White stated there are a lot of ditches and ponds around the city that do not have fences.
- Terry Williams asked if foundations with piers would be covered under the ordinance.
- Alan Lathrom stated they would have to pull a building permit for the house anyway.

- Mike Henry asked about stagnate water and how that was covered.
- Dwain Mathers asked how it would help with Mr. Garner's situation.
- Alan Lathrom stated the city cannot adopt an ordinance and make it retroactive.
- Mayor Wiebold asked if the Home Owner's Associations could have restrictions in their covenants.
- Alan Lathrom stated that HOA's do have the right to spell it out in the CC&R's.
- Ben White stated we are looking for direction on this ordinance.
- Council decided to take no action and place the ordinance on another agenda sometime in the future.

VII. REGULAR AGENDA

- A. Presentation from George Crump regarding North Texas Municipal Water District status and activity.
- Rodney Rhoades and David Kelly were introduced and they said they were at the meeting to give an overview of what the NTMWD offers.
 - David Kelly gave a presentation on NTMWD.
- B. Consider, discuss and act upon the final plat of Deer Crossing.
- Ben White stated this is the final stage of the plat. There were a lot of variances associated with the plat and the city engineer has looked it over and staff is recommending approval.
 - Motion to approve made by Mike Henry
 - 2nd to approve was Jim Hemby
 - All council members voted in favor
- C. Consider, discuss and act upon Resolution #R-2020-1208-001 regarding the designation of the newspaper for City notices.
- Motion to approve made by Craig Overstreet
 - 2nd to approve was Terry Williams
 - All council members voted in favor
- D. Consider, discuss and act upon design features and grants regarding the Trail.
- Ben White showed some old concept plans from the trail.

- Eddy Daniel from DBI Engineers stated the newly acquired portion of the trail has been cleared and some bollards have been put up, but there is no surface on the trail. When they abandoned the railroad they allowed people to get rock from the trail. A lot of the areas have no rock at all. He stated it will all require a base and it is a 100' wide trail way. He said they want to use a cheaper method rather than using all decomposed granite on the trail. They want to use some flex base, which is crushed limestone. We can get a walking trail done faster and cheaper by doing this. He explained that for 42,000 square feet of linear land it would take approximately \$2,454,750.00 to get the trail up to all the city standards with all the facilities like benches, mile makers, signs, and other items. The bridges are not up to standard on the new trail either.
- Dwain Mathers stated that it was previously engineered and they came up with \$800,000.00 to fix the trail. He wanted to know what costs so much to bring it up to our standards. He said the trail all the way to Celeste is rideable right now. He questioned if we could get the trail in a stable position and asked what would be that cost.
- Eddy Daniel stated the minimal we can do to prepare the base would be to complete half the newly acquired trail. It would cost approximately \$499,500.00 for phase 1. Phase 2 gets the other half done at a cost of approximately \$499,500.00. Phase 1 will take 2 grants and so would phase 2. He explained that in two budget years we could have phase 1 and phase 2 complete. The grants would be an 80/20 match and a good useable surface is going to cost a million dollars.
- Ben White stated they have learned over time to use concrete in the flood zones.
- Eddy Daniel stated phase 3, 4, & 5 could be swapped around.
- Dwain Mathers asked if the original engineers thought the base was still good why would DBI Engineer's state it is not.
- Eddy Daniel stated he is also recommending a little more grading and clearing to get it done correctly and there is currently not a good base. He said he has not seen the previous engineer's suggestions or designs for the trail.
- Dwain Mathers stated the Council has to determine how pristine we want the trail to be.
- Eddy Daniel stated they figured the costs, according to what our existing trail is, would take the \$2.5 million. It would be up to the Council how far they want to take the trail.
- Ben White stated our current trail is lasting and we do not have to go and repair it.
- Mayor Wiebold stated he liked how they are recommending it be done in phases.
- Ben White stated that after we get through the first 2 phases we can see what we want to do then.

- Jim Hemby stated we want to make sure we do it right. Some people do not care about the benches, signs or trash cans. He believes the best approach is to get the surface right.
- Eddy Daniel stated that he and Ben White agree that the decomposed granite is the best surface for the trail, but it does not hurt to use crushed limestone for the time being.
- Mike Henry stated the crushed limestone will break down over the years where the decomposed granite will not. He also asked where the city is with the grants.
- Ben White stated they will get the grants out in December.
- Mike Henry asked when the match would have to be in hand for the grants.
- Ben White stated it would be needed at the end of the project and not the beginning.
- Mike Henry stated he thinks Eddy Daniel did a great job on the presentation and he feels that phase 1 and phase 2 should be done for stabilization and the good of the trail.
- Ben White stated we have three sponsors and they are thinking about going to Hunt County to see if they want to be a sponsor as well.
- Dwain Mathers asked if parking for the trailhead could be a part of the grants.
- Ben White indicated it could.
- No action was taken by Council

- E. Consider, discuss and act upon a recommendation from the Parks & Recreation Board regarding changes to the Athletic Complex Joint Use Chaparral Agreement with the Farmersville Little League.
- Miranda Martin, Chairman of the Parks & Recreation Board, stated they want to change the contract for the Little League. They want to change the time frame of the season to begin in February and end in November. They also wanted the Little League to show their financials by January 31st of every year and want them to pay \$100 per team.
 - Craig Overstreet asked if it was \$100 per team per season.
 - Miranda Martin said it was per season and not per game.
 - Jim Hemby said that cost would be built in to what the fee for each player would pay. He explained he did not understand why we would charge that extra money if the Little League is already paying to use the fields.
 - Miranda Martin indicated that was correct regarding the fee for each player, but currently the Little League is not paying the city to use the fields.
 - Mayor Wiebold asked what the money would go for.
 - Miranda stated the money would go back to the JW Spain Complex for repairs.

- Dwain Mathers asked how this compares to what other cities do.
- Miranda Martin stated that other cities Parks & Recs Department's put all their programs and amenities together. She explained that price wise it may bump up the price to \$95.00 per kid compared to the City of McKinney it is like \$98.00 per kid.
- Craig Overstreet asked why the title of the agenda item referred to the Chaparral Agreement.
- Miranda Martin stated she did not know.
- Ben White stated it was likely a mistake.
- Jim Hemby asked if the city mows the JW Spain Complex and pays for the utilities.
- Miranda Martin stated the city does and the Little League only preps and chalks the fields.
 - Motion to approve recommendations as brought forth by the Parks & Recs. Board made by Craig Overstreet
 - 2nd to approve was Jim Hemby
 - All Council members voted in favor

- F. Consider, discuss and act upon recommendations from the Parks & Recreation Board regarding improvements to the JW Spain Complex.
- Miranda Martin stated they now have a great parking lot, but they want to make more improvements. The board would like to paint the building green and put the City logo with Parks & Recs under it. Landscaping is another thing they would like to add. They want to plant shrubs or hedges because of beautification. She said they also need to level the ground at the batting cages. They need to try and keep the sand on the fields as well. She said the board would like to put concrete cinder blocks around home plate. She indicated they are hoping to use volunteers and she expects the painting and cleaning up would cost approximately \$500.00. She is not sure how much the logos would cost.
 - Mayor Wiebold asked how much the fields are used.
 - Miranda Martin stated they are always being used.
 - Jim Hemby asked if the school has anything to do with JW Spain Complex.
 - Ben White stated they do not.
 - Mayor Wiebold asked Miranda Martin if she is just looking for the Council to allow them to gather cost and proceed.
 - Miranda Martin stated yes.

- Ben White explained the city has the money to allow them to move forward and paint the building.
- Miranda Martin stated the concession stand does need work inside too, but they are dealing with what they have.
- Ben White stated there are many items that need attention at JW Spain. He said we will start with a few items and then go from there.
- Mayor Wiebold asked Council if it would be okay to allocate city funds to paint the building.
- Ben White stated the city could allocate the money for the supplies and painting of the building.
 - Motion to have the Parks & Recs. Board gather costs for all the items on their list and made by Mike Henry
 - 2nd to approve was Terry Williams
 - All Council members voted in favor

G. Consider, discuss and act upon an interlocal agreement with the City of Wylie for jail services.

- Rick Ranspot stated that Collin County had stopped allowing Class C misdemeanors to the jail. He reached out to the City of Wylie to see if they would allow them to be booked in to their jail. He said it just gives the police department another option. He explained Wylie is going to charge \$125.00 a day. He said he could use their facility when he cannot book people at Collin County.
- Craig Overstreet asked if the city would have any liability of the prisoner when they are released to Wylie.
- Alan Lathrom stated the agreement does contain an indemnification clause that in the event something does happen while the prisoner is in Wylie's custody the City of Farmersville would not be liable.
- Terry Williams asked how often we arrest someone that we would have to take to Wylie.
- Rick Ranspot said very rarely because his priority is to get the warrant cleared due to payment.
 - Motion to approve made by Terry Williams
 - 2nd to approve was Mike Henry
 - All Council members voted in favor

H. Update on the construction of County Road 699.

- Ben White said the public works crew is working hard on the road. The interconnection is all that is remaining on the middle section right now. He

stated they were working on the east section to get it poured at the end of this week. While they are waiting for that to get poured they are working on the west section.

- I. Update regarding accessory structure ordinance changes.
 - Sandra Green stated the ordinance was discussed at the Planning & Zoning Commission over a year ago and it will require a public hearing before it can be approved.
 - Craig Overstreet asked why the ball has been dropped on the ordinance being approved.
 - Sandra Green stated it was just set aside and never went forward.
 - Ben White stated he would see to it that it will move forward.

VIII. EXECUTIVE SESSION

- Mayor Wiebold read the below statement and said the City Council would go in to executive session at 8:40 p.m.

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

1. Deliberation regarding a request from Explorer Pipeline to purchase a fifty-foot (50') wide Permanent Easement and Right-of-Way over, through, and under a section of the Chaparral Trail, identified as 0.11 acres of land in the Benjamin F. Barr Survey, Abstract No. 44, for the construction and installation of multiple unknown diameter pipelines for the conveyance of petroleum products and any by-product or derivative thereof, whether liquids, gases, solids, or mixtures of any or all thereof, together with a twenty-five-foot (25') wide strip of land adjacent to the northern boundary of the easement for a recurring temporary work space, containing 0.06 acres of land, that is reactivated each time Explorer decides to install or replace a pipeline and extends for 12 months after the pipeline is placed in service.

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 selling a fifty-foot (50') wide Permanent Easement and Right-of-Way over, through, and under a section of the Chaparral Trail, identified as 0.11 acres of land in the Benjamin F. Barr Survey, Abstract No. 44, for the construction and installation of multiple unknown

diameter pipelines for the conveyance of petroleum products and any by-product or derivative thereof, whether liquids, gases, solids, or mixtures of any or all thereof, together with a twenty-five-foot (25') wide strip of land adjacent to the northern boundary of the easement for a recurring temporary work space, containing 0.06 acres of land, that is reactivated each time Explorer decides to install or replace a pipeline and extends for 12 months after the pipeline is placed in service.

- Mayor Wiebold stated the Council would reconvene from executive session at 9:10 p.m.
- No action was taken.

X. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Craig Overstreet asked for the excavation ordinance, the sign ordinance changes, and updates on the Development Agreements for the concrete companies be placed on the next agenda.

XI. ADJOURNMENT

Meeting was adjourned at 9:11 p.m.

APPROVE:



Bryon Wiebold, Mayor

ATTEST:



Sandra Green, TRMC, City Secretary

