



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
May 11, 2021, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Wiebold called the meeting to order at 6:00 p.m. Council members, Craig Overstreet, Jim Hemby, Dwain Mathers and Terry Williams were all present. Mike Henry was not in attendance. City staff members Ben White, Sandra Green, Rick Ranspot, Kim Morris, Michael Sullivan, Daphne Hamlin and City Attorney Alan Lathrom were also present.
- Prayer was led by Rick Ranspot, Warrant Officer, followed by the pledges to the United States and Texas flags being led by the Boy Scout Troop.
 - Mayor Wiebold skipped to the recognition of Andy May for his project on the Chaparral Trail.
 - **Recognition of Departing Councilmembers**
 - Sandra Green recognized Jim Hemby and Dwain Mathers.
 - **Oath of Office for Re-Elected and Newly elected Councilmembers**
 - Craig Overstreet, Place 1
 - Ted Wagner, Place 3
 - Lance Hudson, Place 5
 - Sandra Green gave the oath of offices to re-elected member Craig Overstreet and then to Ted Wagner and Lance Hudson.
 - **Announcements**
 - Calendar of upcoming holidays and meetings.
 - Applications for Boards and Commissions are now being accepted. An application can be downloaded on the website or picked up at City Hall.
 - Citywide Clean Up Day will be held on Saturday, June 26th from 7 a.m. to 1 p.m.
 - The City Council would like to recognize Andy May for a great job on his project on the Chaparral Trail.

- Mayor Wiebold wanted to thank everyone who attended the Sister City signing. He extended a special thank you to Collin College President, Dr. Neil Matkin, Dr. Mark Smith, Provost, and Dr. Diana Hopes, Executive Dean of the Farmersville campus. He stated they had 1st Sergeant Wendy Tarleton and members of the Sergeant Audie Murphy Club from Fort Hood in attendance. He said he wanted to thank the Farmersville VFW Post and Mr. Darrell Moore. Lastly, he wanted to thank the Farmersville Heritage Museum and the Audie Murphy Committee for sponsoring the reception.

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

- No one came forward in person or via teleconference.

III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

- Brian Edwards, who represents The Stable at 124 McKinney Street, stated he was one of the downtown businesses that received a letter from the city regarding the sign they painted on their building. He asked who he needed to receive clarification from regarding the letter. He wanted to know if they could just roll paint over the letters of the sign. He explained the Code Enforcement Officer came in the business, did not show credentials and took a picture, without consent, as he handed an employee the letter. He also wanted to clarify the ten day period and the violation. He wanted to know when the sign ordinance had been enforced because multiple buildings downtown have signs painted on their buildings.
- Dwain Mathers, who resides at 109 College Street, addressed Council and he offered congratulations to the new Councilmembers and the re-elected Craig Overstreet. He encouraged them to talk to people, do the right thing for the city and make the right decisions. He said they would disagree with other Councilmembers, but they would be able to work through it.
- Jason Acevedo, who represents a business at 115 S. Main Street, addressed Council regarding the sign ordinance. He explained his building is one of the buildings that has a sign painted on it. He expressed his belief that some ordinances need to change and he feels the sign ordinance is one of those ordinances. He said Farmersville's downtown is an important, key element to the city and one of the only historic downtowns in the metroplex. He said a number of the buildings have painting on them and he does not see how painting a sign on a painted building would be in violation. He asked the Council

to reconsider amending the sign ordinance to allow painted signs on the brick because he feels like it blends into the historical downtown area.

- Allison Mathers, who resides at 109 College Street, addressed Council and stated there were several goals Ex-Mayor Randy Rice tried to accomplish while he held the seat. She said those goals were open government, transparency, honoring and following the Texas Open Meetings Act, and honesty. She explained that Randy Rice also wanted to make sure walking quorums were not happening. She read the definition of a walking quorum. She said she was asking for a few things from the Councilmembers as they serve out their terms. She listed those items as accountability, legal and ethical standards for the people of Farmersville and that woman and minorities in this town are treated fairly and equally without being labeled as trouble makers, pot stirrers, crazy, delusional, disrespectful, or even worse. She addressed the Mayor stating some people do not leave meetings with him feeling the same way he does and he should seek out why he has offended them. She told Council they must seek to listen and understand even more. She said the City Manager is supposed to bridge the gap between politics and administration and not give way to politics, especially when it hurts the city.

- Mayor Wiebold recognized Jim Barber for earning his Freedom Award, which is equivalent to an Eagle Scout in the Boy Scouts.

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 for 4-27-21
- B. City Council Minutes for 4-28-21
 - Motion to approve made by Craig Overstreet
 - 2nd made by Terry Williams
 - 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
 - Terry Williams stated they requested a workshop to understand financials. He said they should also hear something regarding the Chaparral Trail grants sometime in August.

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

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

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

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

G. TIRZ Board

1. Financials
2. Possible Council Liaison Report

H. City Manager's Verbal Report

- Update on home improvement incentive program
 - Ben White stated the City of Denison has a program to grant incentives to properties in their city that are being renovated or improved. He discussed some of the ways the City of Denison gives incentives to citizens or builders. He said it has been recommended that he review the City of Richardson's program as well as other cities programs. He stated he has not had a chance to really review those and bring a recommendation to Council.
 - Mayor Wiebold asked if the Innovations & Efficiency Committee could help review those and take out the high points.
 - Ben White stated that would be a great help.

- Update on boundary agreements
 - Ben White explained there has been no movement from the City of Josephine, but he would continue to speak with Mayor Holt.

- Update on Collin Parkway and Farmersville Parkway
 - Ben White stated concrete rationing continues because of the cold weather in February. They are going to start grading on May 24th and they believe they can start street paving in June. The traffic signals will be completed in August 2021. He explained that some lanes may not be useable while they flip back and forth and finish grading and placing brick in the median area.
 - Craig Overstreet asked if there has been a breach of contract.
 - Ben White stated not at this time, but it would be worth reviewing the contract.
 - Craig Overstreet said he knows everyone is doing what they can, but if there is a breach of contract we need to notify the contractor in writing if we hope to recover funds at some point.
 - Ben White explained the interlocal agreement with Collin County regarding Farmersville Parkway that will be discussed later in the agenda will move \$1.75 million into the city's funds from the 2007 Collin County Bond.

VI. REGULAR AGENDA

A. Presentation from UTA Capstone Project Group concerning Farmersville Citizen Survey.

- Ben White went over the highlights of the survey results. He explained that from the survey that was given in 2016 the two items that did not improve were streets and code enforcement. He said the greatest take aways from the survey were repairing of streets, code enforcement, housing, employment opportunities, along with sidewalks, fitness and recreation centers and manage growth responsibly.
- Terry Williams stated the key things he saw was street repair, code enforcement and recreation programs.
- Mayor Wiebold stated he felt there was a need for broadband.

B. Consider, discuss and act upon a development agreement with Lakehaven Municipal Utility District.

- Ben White went over the major changes from the last meeting. He said we have met the goal of having the Wastewater Treatment Plant be ran by the city for the entire region. He said we would be best served by nullifying the agreement with North Texas Municipal Water District and take that into account with this agreement. He said Alan Lathrom has crafted some wording that says the owner and city agree that the spirit and intent of the Wastewater Regionalization Agreement has been fulfilled and if North Texas Municipal Water District does not agree the city and owner will work with them to amend the Wastewater Regionalization Agreement.
- Craig Overstreet said the developers have changed on the property from when the original agreement was made and all those rights went from the former owner to the new owner. He said that no longer does the development hold the permit, but rather the city now holds the permit. He said he does not know if the North Texas Municipal Water District will terminate the old agreement, but it would appear to be in the best interest to do so.
- Bryon Wiebold explained the bottom line is we are all going to work together and should the termination of the original Wastewater Regionalization Agreement not be approved by North Texas we are going continue to work together to come to some kind of agreement with them.
- Ben White explained they placed wording in the document that would ensure the preliminary plat would not expire as long as they were working on progress toward the completion of the project. He stated the city did not want to give up their right to act on a complaint in Lakehaven so Alan Lathrom put some wording in the agreement to cover the city.

- Alan Lathrom said there are some instances where the city is allowed to regulate nuisances in the county within a 5,000 foot zone that may have a negative impact on the city. So, we wanted to make sure we could enforce those requirements. He said the city determines and defines what those nuisances are under Chapter 217. He explained one of the items we could regulate before was the sale and distribution of fireworks within 5,000 feet of the city corporate limits. He explained we have the ability to regulate some signage that is in the extraterritorial jurisdiction. The property that we are addressing is in the city's extraterritorial jurisdiction, and generally speaking the city's governmental authority does not extend outside the city's corporate limits. He explained the development standards that are a part of the development agreement are being applied to those properties that will be developed. He said the city does not have the ability to adopt or enforce zoning ordinances in the extraterritorial jurisdiction. We have the ability through this agreement to apply the standards listed in the agreement and make sure the property is developed in accordance to those standards that are spelled out in the document as exhibit H. He stated we also have the ability to modify some of the city's ordinances through this agreement under Chapter 212 of the Texas Local Government Code.
- Mayor Wiebold asked what the trigger would be on the development being annexed into the city limits.
- Ben White explained the money borrowed against the development would have to be paid off. He said it would have to be debt free.
- Mayor Wiebold asked if Alan Lathrom thought approving the agreement was in the best interest of the city.
- Alan Lathrom said the agreement is a business decision for the city. He said on a legal perspective it is fully lawful document, but it is a decision for the city whether or not to go through with it.
- Craig Overstreet stated the headwork's for the wastewater treatment plant does get built with the \$3.5 million payment by the developer so the city is not at risk. He said the largest risk the city faces is if the smaller percentage of the houses get built, for example if a recession was to occur. The lease on the temporary wastewater treatment plant would have to be paid and absent of a bond the city would be responsible for the lease payment.
- Ben White stated there is a penalty associated with the package plant. He said most of the cost of the package plant is the responsibility of the owner of the development. He said he believes the risk is to North Texas Municipal Water District. He said if there was a recession it would just leave the package plants in place longer.
- Alan Lathrom stated the agreement does allow for the package plant to be installed at 125,000 gallon increments. So hopefully that would help hedge the potential for a real massive bill if everything went south.
- Ben White explained the city would assess when to add more.

- Motion to approve made by Terry Williams
 - 2nd was made by Craig Overstreet
 - All council members voted in favor
- C. Consider, discuss and act upon an interlocal agreement with Collin County regarding jail services.
- Motion to approve made by Craig Overstreet
 - 2nd was made by Terry Williams
 - All council members voted in favor
- D. Consider, discuss and act upon an interlocal agreement with Collin County regarding dispatch services.
- Motion to approve made by Terry Williams
 - 2nd was made by Lance Hudson
 - All council members voted in favor
- E. Consider, discuss and act upon an interlocal agreement with Collin County regarding Farmersville Parkway.
- Ben White stated when they started planning the 4-lane divided roadway about half of the money was from a 2007 county bond that was conceived for this purpose. He said the funds are being held at Collin County right now. He explained they are trying to move funds around to consolidate. He said originally there was \$1.9 million set aside for Farmersville Parkway and \$100,000.00 for Floyd Road. He stated they wanted to combine both of those together for the benefit of Collin Parkway and Farmersville Parkway. He said to date we have used \$225,000.00 for Farmersville Parkway that was original spent for engineering cost and \$25,000.00 was spent for the benefit of Floyd Road. He explained that leaves \$1.75 million to be transferred into our account for the project.
- Motion to approve made by Lance Hudson
 - 2nd was made by Terry Williams
 - All council members voted in favor

F. Consider, discuss and act upon strategies for raising revenues for roads.

- Ben White stated some strategies were discussed earlier in the year that will be implemented in the next budget. He explained that TIRZ is doing improvements on interface streets. He said in the upcoming budget cycle he is going to ask TIRZ to increase police and fire funds for areas in the TIRZ. He indicated that in the upcoming year he would use the increase in sales tax, if any, and take 20% of the top and place it in to street department. If there is an increase in ad valorem, 20% off the top would go into the street department. He explained that we also applied for a TxCDBG grant to repair roads and we are waiting to see if we receive the grant. HE said we could move money out of 4A and 4B to the general fund. Each of those entities gets a half of a percent and the city gets 1% of the sales tax. So it is 2% max that the State of Texas says we can levy in our area. He said before we had a 4A or 4B their 1% came in to the city.
- Alan Lathrom stated that would require an elections and a change in the FEDC and FCDC.
- Ben White said another idea is to establish a transportation user fund as part of the monthly utility bill. He explained the city can also do a pro-rata share method that is paid by landowners that are affected or live on the street.
- Alan Lathrom stated 1/3 would be paid by one side of the street, 1/3 paid by the other side of the street and 1/3 paid by the city out of the general fund.
- Ben White stated we could decrease the TIRZ area. He said that if you decrease the size of the TIRZ that revenue would then come into the city. He explained the draw back to that would be the city would not receive the incremental portion from Collin County.
- Alan Lathrom stated the money that is collected from the TIRZ district is the incremental increase in the valuation of the property and can only be expended in the TIRZ area or directly benefit the TIRZ area.
- Ben White stated we could have an election to expand selling liquor and charge a tax.
- Mayor Wiebold stated he feels we need a workshop to go over the information.
- Ben White explained there are bonds we can do as well, but it would just put the city further in debt.
- Mayor Wiebold asked if there was a strategic plan in place for the streets and the order they needed to be replaced.
- Ben White stated he based the need on complaints and observation of the streets.

- Council decided to hold a workshop in the future regarding this item.

VII. EXECUTIVE SESSION

- Mayor Wiebold stated the Council would go into executive session at 8:07 p.m. to discuss the following:

DISCUSSION OF MATTERS PERMITTED BY TEXAS GOVERNMENT CODE CHAPTER 551 AS FOLLOWS:

A. SECTION 551.074, DELIBERATION REGARDING PERSONNEL MATTERS AS FOLLOWS:

1. Discussion regarding the job performance and compensation/benefits package of the City Manager.
2. Discussion regarding the job performance and compensation/benefits package of the Main Street Manager.

VIII. RECONVENE FROM EXECUTIVE SESSION

- Mayor Wiebold stated the Council would reconvene from executive session at 8:43 p.m.

IX. DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION

A. Any matters related to and arising out of the discussion of the job performance and compensation/benefits package of the City Manager.

- No action was taken on this item.

B. Any matters related to and arising out of the discussion of the job performance and compensation/benefits package of the Main Street Manager.

- Motion to authorize action as discussed in executive session made by Craig Overstreet
- 2nd was made by Terry Williams
- All council members voted in favor


X. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Terry Williams wanted the general status of code enforcement.

XI. ADJOURNMENT


Meeting was adjourned at 8:45 p.m.

APPROVE:



Bryon Wiebold, Mayor

ATTEST:



Sandra Green, TRMC
City Secretary

