



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
July 13, 2021, 6:00 P.M.**

**I. PRELIMINARY MATTERS**

- Mayor Wiebold called the meeting to order at 6:00 p.m. Council members Craig Overstreet, Ted Wagner, Lance Hudson, Terry Williams and Mike Henry were in attendance. City staff members Ben White, Sandra Green, Paula Jackson, Rick Ranspot, Kim Morris, Michael Sullivan, Daphne Hamlin and City Attorney Alan Lathrom were also present.
- Prayer was led by Kim Morris, Fire Chief, followed by the pledges to the United States and Texas flags.
  - Announcements
    - Calendar of upcoming holidays and meetings.
    - Congratulations Daphne Hamlin and the City of Farmersville for receiving the Transparency Star Award for Traditional Finances.
      - Ben White said the state sets up standards for Transparency Stars for financial transparency. He said Daphne Hamlin and OpenGov has helped obtained this for the city.
      - Mayor Wiebold wanted to thank Mayor Segarra of Killeen, Command Sgt. Major Burgoyne of Fort Hood, 1st Sgt. Wendy Tarleton, 1st Sgt. Will Tarleton and others of the Fort Hood Audie Murphy Club. He said they were invited to Fort Hood for a tour because we had invited them to our Sister City signing and we are continuing to build relationships.

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

- No one came forward to speak.

**III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA**

- No one came forward 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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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. Public Works Report

B. City Manager’s Report

- Craig Overstreet pulled both reports to discuss. On the Public Work’s Report he stated he wanted to speed up the gazebo repainting and the ADA park swings for the holidays.
- Ben White stated there are several structural posts that need to be replaced, as well as the railing. He said there is a lot of painting that needs to be done on it as well.
- Craig Overstreet asked about a time frame of when the items would be completed.
- Ben White explained staff is trying to complete a sewer project on Houston Street. He said then they would work on the gazebo and Rambler Park. He said he is trying to hold Rambler Park so the newly appointed city architect can review the plans and make recommendations.
- Craig Overstreet stated on the City Manager’s Report Ben White refers to Phase 4 of Camden Park and wanted to know if that was the garden homes they were going to rent.
- Ben White stated that was correct. He said he could add that wording in the report to make it clearer.
  - Motion to approve Consent Agenda items made by Mike Henry
  - 2<sup>nd</sup> was 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. Minutes
  - 2. Possible Council Liaison Report
  
- B. Farmersville Community Development Board (Type B)
  - 1. Financials
  - 2. Possible Council Liaison Report
    - Mike Henry stated they discussed meeting with the Chamber and the Main Street Board to talk about billboards. He said they discussed the 4B grant program and set a deadline for applications the first week in August so they can get their budget finished. They are also working on the Main Street Manager job description.
  
- 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. Possible Council Liaison Report

- F. Planning & Zoning Commission
  - 1. Possible Council Liaison Report
- G. TIRZ Board
  - 1. Financials
  - 2. Possible Council Liaison Report

## VI. READING OF ORDINANCES

- A. Consider, discuss, and act upon the first and only reading of Ordinance #O-2021-0713-001 regarding Cody Neef's (A-Affordable Storage) petition requesting inclusion of land into the City of Farmersville's Extra Territorial Jurisdiction (ETJ).

- **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS ACCEPTING A PETITION FOR THE INCLUSION OF CERTAIN CONTIGUOUS LAND INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FARMERSVILLE; PROVIDING FOR TERMS AND CONDITIONS REGARDING ACCEPTING SAID LAND INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF FARMERSVILLE; PROVIDING FOR THE FILING OF THIS ORDINANCE WITH THE COLLIN COUNTY CLERK AND THE UPDATING OF THE CITY'S OFFICIAL MAP TO REFLECT THE INCLUSION OF SAID LAND IN THE CITY OF FARMERSVILLE'S EXTRATERRITORIAL JURISDICTION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND SETTING AND PROVIDING FOR AN EFFECTIVE DATE.** This Ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.
- Sandra Green stated the applicant owns property that is partially in the city's extra territorial jurisdiction (ETJ) and partially in the county. He is wanting to build a storage facility on the property. But, to keep from platting in the city and the county, which can be confusing, he is petitioning the city to include all the property into the ETJ. He would then only plat with the city and follow the Subdivision Ordinance rules.
- Mike Henry said the document indicated they were requesting a ten year moratorium on annexation and wanted to know if he read it correctly.
- Alan Lathrom stated we have a varying time limit depending on what the applicant asks for. He said the city cannot unilaterally annex them into the city's corporate limits, but it is something additional the owner can request under Chapter 212 of the Local Government Code.
- Ben White asked Alan Lathrom if they could still voluntarily petition to come into the city limits.

- Alan Lathrom explained as long as they are contiguous to the city limits they can voluntarily petition to be annexed at any time.
  - Motion to approve made by Terry Williams
  - 2<sup>nd</sup> was made by Lance Hudson
  - All council members voted in favor

## VII. REGULAR AGENDA

- A. Consider, discuss and act upon Resolution #R-2021-0713-001 consenting to the private re-sale of a tract of real property previously bid-off to the taxing units.
- Sandra Green stated the city uses Abernathy Roeder Boyd & Hullett out of McKinney to handle all of the delinquent taxes and sales of property for the city. The gentleman is wanting to buy a piece of property that was already sold at the steps of the county and was then foreclosed upon. The city has to approve his purchase of the land for \$200.00 which amount would go to court costs. So, the city would receive no revenues. She said it is a small lot just south of Locust Street. She indicated the resolution points out the lot is too small to build on or to request a variance. She said the person who is purchasing the property stated he is going to build a beautification garden.
    - Motion to approve made by Craig Overstreet
    - 2<sup>nd</sup> was made by Mike Henry
    - All council members voted in favor
- B. Consider, discuss and act regarding the current and expiring terms of members of the City's Boards and Commissions including the possible removal and/or reassignment of persons with unexpired terms, the reappointment of persons having expiring terms, and/or the appointment of persons to new terms on the City's Boards and Commissions.
- Mayor Wiebold stated the subcommittees met and made recommendations for the open positions on the board. He stated the following nominations:
    - Economic Development Board
      - Matt Crowder
      - Jeff Sydney
      - Randy Rice

- Community Development Board
  - Melody Hudson
  - John Garcia
  - Donna Williams
  - Tonya Mercer
  
- Planning & Zoning Commission
  - Adam White
    - they need more applicants to fill the other two vacant position
  
- Main Street Board
  - Clifford James Moss
  - Bruce Woody
  - Gwen Snyder
  
- City Amenities Board
  - Regina Fryman
    - they need more applicants to fill the other vacant seat
  
- Parks & Recreation Board
  - Kiel Cathey
  - Bryan Wood
  - Jason Casada
  
- Building & Property Standards
  - they need more applicants to fill the three vacant seats
  
- Motion to approve nominations and appointments made by Terry Williams
- 2<sup>nd</sup> was made by Ted Wagner
  
- Lance Hudson asked if he should abstain since his wife was appointed to the 4B Board.
- Alan Lathrom explained he could abstain from the vote for that board and vote on the rest of them.
  - Motion to approve nominations and appointments for all boards except 4B made by Terry Williams
  - 2<sup>nd</sup> was made by Lance Hudson
  - All members voted in favor
  
  - Motion to approve nominations and appointments for 4B made by Terry Williams
  - 2<sup>nd</sup> was made by Ted Wagner

- All members voted in favor, except Lance Hudson who abstained
  - Craig Overstreet asked Alan Lathrom who would sit as the Building & Property Standards Board if they do not have enough members to meet.
  - Alan Lathrom said they would not be able to conduct business without four of the five board members. He explained the city could pursue other avenues such as litigation rather than going through the board if necessary. He indicated the city could still issue citations for code enforcement that would be heard in the municipal court.
- C. Consider, discuss and act upon the recommendation and contract for the procurement of services for a city architect.
- Ben White stated he and Paula Jackson evaluated the submittals and are recommending HH Architects as the city architect.
  - Mike Henry asked who would decide what projects the architect would work on.
  - Ben White stated they are similar to our engineering firm. They tend to look like part of the staff and only charge the city when they complete work requested of them.
  - Mike Henry asked if the architect's fees would be covered in the upcoming budget workshop.
  - Ben White stated there would be different projects that we might have the architect work on. He said 4B is considering park architectural planning. If we come up against something that needs architectural review he would review it to ensure it is what the city is looking for and within the budget. If we decided to build a new city hall we would have the architect design it. The architect would provide the costs up front when we want a project completed.
  - Craig Overstreet asked if the contract is for one year.
  - Ben White stated no, it is like our city engineer. Since it is a Professional Services Contract, it does not expire unless one of the parties are not happy and gives a thirty day written notice to cancel the contract.
- Motion to approve made by Terry Williams
  - 2<sup>nd</sup> was made by Lance Hudson
- Sandra Green wanted to clarify if the motion was for both the recommendation and the contract.
  - Alan Lathrom stated we have a form of the contract included in the agenda packet, but the vendor has not seen it yet so it may need to come back to Council for approval at a later date.
  - Ben White said the document was drawn up to have his signature, but he will evaluate the fees and if something does not look right he would bring it

back to Council. He said we could also remove his name and replace it with the Mayor's and bring it back to the next Council meeting for approval.

- Terry Williams said he would motion to approve both, the recommendation and the contract.
- 2<sup>nd</sup> was made by Lance Hudson
- All council members voted in favor, except for Craig Overstreet and Mike Henry who voted no.

D. Consider, discuss and possible direction regarding steps to call a Home Rule Charter election.

- Craig Overstreet wanted to possibly see about having the charter election on the May ballot next year. He is wanting to see if Ben White will review the inhabitant numbers and bring it back to Council for review. He said maybe Sandra Green can bring the timeline of events to Council as well. He pointed out the Charter Commission has written a document and it might need to be reviewed on more time.
  - No action taken; direction given to staff

E. Discussion and possible direction of matters relating to code enforcement.

- Ben White said Council had a list of code cases from May and June and Charles Kirk is working hard on code enforcement.
- Terry Williams said he is doing a good job.
- Ted Wagner stated he has seen an improvement around town.
- Craig Overstreet asked about the way the list was presented. He asked if a citation issued showed a different level of offense.
- Ben White stated it really did not show what the citation was for and he will have the list modified to show all the necessary information.

F. Update on the Development Agreement with Nelson Bros. Ready Mix.

- Ben White stated he met with Dave Sheffield and Walt Heffinton and they are aware they have items to complete on the development agreement. He said Walt Heffinton assures him that he has turned in the paperwork to the state regarding Farmersville receiving their sales tax. He said Dave Sheffield indicated they are very busy at the site and they believe the concrete shortage will end in September.
- Craig Overstreet asked if we are collecting water rates from Nelson Bros. Ready Mix.
- Paula Jackson stated we are.



- Craig Overstreet asked Daphne Hamlin when we received the last sales tax check from the previous owner.
- Ben White stated he received the sales tax report and it gave us information through June. He explained the report showed heavy activity in May and not so much in June. He indicated that Patriot Concrete's activity showed up through May. He said he was told the sale was completed in June so we should see the changes soon.
- Craig Overstreet asked if they gave a specific date as to when everything would be completed according to the development agreement.
- Ben White said they did not give any dates.
- Craig Overstreet stated Council gets the same information every two weeks and he is disappointed that it is not a high priority for Ben White.
- Ben White said it is a high priority for him, but getting them to do what he is asking is the issue. He said he would like to bring the gentlemen from Nelson Bros. in so Council can speak to them directly.
- Craig Overstreet said there is nothing to talk about because we have a development agreement with them.
- Ben White explained that he understands and has requested the items be addressed several times.
- Mayor Wiebold stated he would go visit them in Lewisville if necessary.
- Mike Henry asked Alan Lathrom if there was any teeth in the development agreement to make them comply.
- Alan Lathrom explained we could always look at it and see if there is any action we can take. He said there is no penal provision in it and it would simply be a breach of contract action which would require a notice and cure period. They do have the right under state law to utilize the property in a manner they had planned for prior to being annexed into the city.
- Mike Henry stated the development agreement is now three years past due and the items need to be completed.
- Craig Overstreet explained if ownership changed in June they should have a reasonable time to take care of everything, but that is not a year or eighteen months.
- Ben White stated he tells them all the time that these items need to be done quickly, but it is their responsibility to do that.
- Mayor Wiebold told Ben White to schedule a phone call with them so he and Terry Williams can discuss the issues.

G. Update on the Wastewater Treatment Plant 1 trickling arm filter repair/replacement.

- Ben White stated we have had an electrical contractor at the site. The trickling filter continues under manufacture and is due for completion in October. He said the overall completion date is December. They are having a valve problem, but it is not holding up the project.
- Mayor Wiebold asked if that was just due to materials being delayed.

- Ben White said yes.
- Craig Overstreet stated he wanted the minutes to reflect his displeasure with the process because it has been going on for the last eighteen months. He said only now do we have a material shortage, but this should not have happened.

H. Update on Collin Parkway and Farmersville Parkway.

- Ben White explained we have rebar and concrete on the ground. The project is set to be completed on August 21, 2021.

I. Discussion and possible direction regarding joint meeting with FCDC (4B) and Main Street Board.

- Ben White suggested having the meeting on July 27<sup>th</sup> at 5:00 p.m.
- Council all agreed.

**VIII. WORKSHOP REGARDING POSSIBLE OPTIONS AND TOOLS THAT MAY BE USED TO PAY FOR REPAIRING AND CONSTRUCTION OF ROADWAYS.**

- Ben White explained there are several suggestions he has regarding possible avenues the city can take. He said TIRZ is currently working on Welch Drive, but he is going to the TIRZ board to ask for more money to help fund fire and police services. He said when there is an increase in sales tax revenue the city can increase the percentage that would go toward roads. He said we can also apply for as many grants as we can. We have applied for one this year, but we are still waiting to hear if we will receive the funds. He stated we could request assistance from 4A or 4B to help with street maintenance. When those boards help the general fund that helps open up money for streets. He explained we could hold an election to establish a street maintenance tax.
- Alan Lathrom said that under state law we have the ability to establish a street maintenance tax up to ½ of a penny. But, it has to come out of the same one cent tax that is currently being used by 4A and 4B. He said you would have to have an election that reduces the amount of sales tax that can be collected for the purposes of EDC (4A) and/or CDC (4B). He recommends holding the election together, if the Council wants to go this route. He said you have one cent that can be used in the general fund and one cent that can be used for special projects. He said the sales tax election would be to take part of the money away from either EDC or CDC to establish a street sales tax. You would have to have a follow up election every four years to extend it. He said a

transportation user fee is something that is done as a home-rule city and as a general law city you would not be able to establish a transportation user fee right now. He said the other option is for the city to assess a street fee to the landowners on both sides of the repaired streets, with the balance paid by the city. He said each would pay a third. He explained the city would have to adopt an ordinance to charge a street fee.

- Ben White said the city could decrease the TIRZ area. We could also get a hotel so we could collect occupancy taxes. We could hold an election to expand liquor, beer, and wine sales to increase sales tax revenue, or we could pass a General Obligation Street Bond or Certificate of Obligation Bond for streets.
- Mike Henry asked if impact fees could help with repairing streets.
- Alan Lathrom said impact fees can only be used for new developments. They cannot be used for maintenance or redevelopment.
- Mike Henry stated Wylie tried to pass a fire station tax a few years ago and wondered if it passed.
- Alan Lathrom said he did not know, but explained it would be setting up a special area using that one cent. He said if you conduct the election and take the one cent to use for road maintenance then it could only be used for that purpose.
- Ben White asked if any of the items had appealing qualities to Council.
- Terry Williams stated he would not want to citizens to pay 1/3 of the cost for the street repairs.
- Mayor Wiebold said he does not want to take away money from 4A or 4B.
- Craig Overstreet asked Daphne Hamlin about the possibility of a Certificate of Obligation Bond or a General Obligation Bond.
- Daphne Hamlin explained that in five years we could go out for the CO and GO bonds.
- Terry Williams stated the citizens would have to decide during an election as to what they wanted to do.
- Mayor Wiebold explained the key is economic development, but he is not opposed to conducting an election to expand liquor, beer and wine sales.
- Mike Henry asked about the TIRZ area and their debt.
- Ben White said we could not decrease TIRZ too much where they would not be able to pay back their debt.
- Craig Overstreet said decreasing the TIRZ area is not a viable option in his opinion.
- Mike Henry suggested bringing the information back in September so it can be discussed after the budget is approved.
- Alan Lathrom suggested the discussion take place at the first meeting in October so all the budget hearings and adoption will be concluded.

## IX. BUDGET WORKSHOP

- Daphne Hamlin stated she and Ben White went over the budget and they changed the general fund to show sales tax at \$600,000.00 instead of \$628,000.00. She said they also dropped the permits from \$225,000.00 to \$200,000.00.
- Mike Henry asked how she derived the \$200,000.00 and asked whether it was because of Camden Park. He also asked when Phase 4 was starting because that would take approximately eighteen months to complete.
- Sandra Green explained Camden Park Phase 4 concept plan and preliminary plat is set for the Planning & Zoning agenda next week.
- Ben White said Camden Phase 4 is moving forward and there is talk about the apartments and school buildings as well.
- Mike Henry was concerned that Camden Phase 4 would not be ready for permits for at least 9 months if not more.
- Craig Overstreet asked how she came up with the numbers for the permitting and other items.
- Daphne Hamlin stated she goes to the department heads and they give her projected numbers.
- Paula Jackson explained we took into consideration the school, Camden Phase 4 and other little things that would come up throughout the year and that is how we came up with the \$200,000.00.
- Daphne Hamlin said she reduced Planning & Zoning fees by approximately \$11,000.00 and that is all they have reduced in the general fund. She said on the general fund expense side they reduced Administration down \$120,000.00 and the same with Development Services. She indicated they reduced the streets down from \$349,000.00 to \$333,000.00, but she is going to increase it to \$336,000.00.
- Craig Overstreet asked if the \$1.5 million we are transferring in is from the wastewater, electric and water funds.
- Daphne Hamlin said yes and indicated Ben White did not want any more transfers.
- Ben White stated we do not want to put pressure on the utilities.
- Craig Overstreet asked if maintenance fees are ramping up for wastewater, water and electric and if there is money in the budget for those fees.
- Ben White said on the water and wastewater side we are able to do more projects. Overall we are not increasing transfers and keeping the money in those funds to spend on much needed maintenance. He said if he could get enough money in the water fund he needs to redo a water tower that has been needing redone for ten years.

- Craig Overstreet stated we do not have enough in reserves right now and he wanted to know if we are increasing the reserves. He also asked about hiring another fireman and asked if it was in the budget to do so.
- Ben White said Kim Morris applied for a grant that would allow him to hire a fireman. He said the grant would pay 100% of the employees cost for three years then the city would have to pick up the cost. He said we do not have any money in the budget to hire any new people.
- Daphne Hamlin said TIRZ will receive \$551,000.00 from the general fund this upcoming year.
- Mike Henry said the sales tax year to date is \$298,671.00, but we are anticipating \$611,000.00 by year end. He wanted to know what month brings us to the \$298,671.00
- Daphne Hamlin stated March and we receive sales tax monthly while ad valorem taxes have already come in.
- Craig Overstreet said he saw a decrease in salaries for employees in the public works streets category and asked why.
- Daphne Hamlin stated they worked a lot on County Road 699 and they charged their time to the street project.
- Craig Overstreet asked about electric meter maintenance of \$40,000.00 and wanted to know if that was a result of replacing smart meters.
- Ben White told Daphne Hamlin to get with Jeramy Jones regarding the \$40,000.00 in meters and see what that cost was for.
- Daphne Hamlin said late fees did increase a little and impact fees are consistent. The water from North Texas did not go up this year so there is no pass through.
- Ben White stated our Master Fee Schedule needs to be looked at and changed. We will be using our impact fee money to do an impact fee study.
- Daphne Hamlin said we moved some salaries around to help the general fund. She said the wastewater fund had a 9% increase from North Texas in the amount of \$50,000.00 that will be a pass through rate.
- Craig Overstreet asked about the trickling arm filter and wanted to know where the money was coming out of to pay for it.
- Ben White stated it was coming out of the Texas Water Development Fund. He said he was unsure of how much money is in that account.
- Ben White stated we do not have a lot of money to revamp wastewater lines. He explained we can raise rates or stop transfers to help with that, but our general fund is not performing.
- Daphne Hamlin stated most of the electric fund is consistent, but we do have a bond coming up and the PCA charges will pay for that. She explained they did propose a 3% increase for all personnel in the budget. She indicated the I&S fund for bond payments this year is \$718,485.00.

- Ben White explained the debt services amount is high and that is why he did not want to go out for a Certificate of Obligation Bond or General Obligation Bond for streets.
- Craig Overstreet asked about the OpenGov contract and wanted an update of how many people look at it online. He said he feels it may not be that useful.

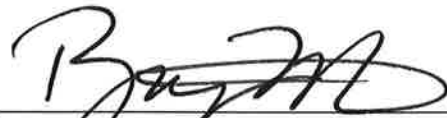
**VII. REQUESTS TO BE PLACED ON FUTURE AGENDAS**

- Craig Overstreet wanted an update on Nelson Bros. Ready Mix.
- Terry Williams wanted an update on Enterprise Leasing.

**XI. ADJOURNMENT**

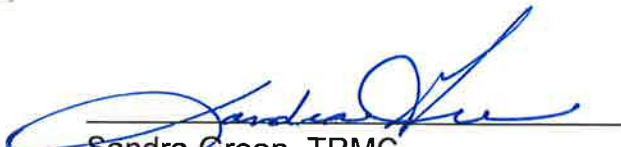
Meeting was adjourned at 7:51 p.m.

APPROVE:



Bryon Wiebold, Mayor

ATTEST:



Sandra Green, TRMC  
City Secretary

