



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
August 24, 2021, 6:00 P.M.**

**I. PRELIMINARY MATTERS**

- Mayor Pro-Tem, Craig Overstreet called the meeting to order at 6:00 p.m. Council members Ted Wagner, Lance Hudson, Terry Williams and Mike Henry were in attendance. Mayor Wiebold was not in attendance. City staff members 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.
    - The city is still accepting applications to fill vacant board seats.
    - The Recycle Center will be closed on Saturday, September 4<sup>th</sup> in observance of Labor Day.
    - City Hall will be closed on Monday, September 6<sup>th</sup> in observance of Labor Day.
      - Chief Sullivan made an announcement indicating the police department has been looking for a bank robbery suspect for over a year. The same individual hit several different banks in nearby cities and again in Farmersville two weeks ago. He said the suspect was apprehended in Bells and arrested for the multiple robberies.

**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

- Regina Fryman, who is the Chairman of the City Amenities Board, addressed Council and wanted them to make a decision on whether they want to go forward with the Open House of the Senior Citizens Center on September 18<sup>th</sup> due to Covid numbers going up. She thanked the Centennial Committee for their donation to buy all new furniture for the Senior Citizens Center.

### IV. CONSENT AGENDA

Items in the Consent Agenda consist of non-controversial or “housekeeping” items required by law. Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually. Following approval of the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.

A. City Council Minutes

B. City Financial Report

- Motion to approve 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. Possible Council Liaison Report
- B. Farmersville Community Development Board (Type B)
  - 1. Possible Council Liaison Report
    - Mike Henry said they worked on their budget and will have another meeting with a public hearing to approve their budget on August 30<sup>th</sup>.
- C. FEDC Farmersville Economic Development Board (Type A)
  - 1. Minutes
  - 2. Possible Council Liaison Report
    - Terry Williams stated they named new officers, approved the budget and are in the process of contacting Greg Last for more training.
- 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. Possible Council Liaison Report
    - Craig Overstreet stated the meeting was great and the TIRZ board is really interested in working on the roads in the TIRZ district. They would like to know the top ten streets Council would like repaired.

## VI. **PUBLIC HEARING**

- A. Public hearing to consider, discuss and act on the request by Explorer Pipeline Company ("Explorer"), an Entity with Eminent Domain Authority, to Obtain a Fifty-Foot (50') Wide Petroleum Pipeline Easement Together With a Twenty-Five Foot (25') Wide Temporary Work Space Upon, Over, Under and Across Public Land Owned by the City of Farmersville That is Designated as Parkland, Which Parkland is Generally Located in Hunt County, Texas in an area East of County Road 1098, south of County Road 1098, west of County Road 1132, and north of County Road 1101, for the Construction and Installation of One Petroleum Pipeline for the Benefit of Explorer and Accompanying Ordinance #O-2021-0824-001.

- Craig Overstreet opened the public hearing at 6:14 p.m.
- Sandra Green explained the City Council was given notice of the public hearing 30 days prior to the meeting and a notice was placed in the Dallas Morning News since it was a paper of general circulation. She said the notice was published on August 2<sup>nd</sup>, 9<sup>th</sup> and 16<sup>th</sup>. According to the ordinance and other documents the total compensation of the easement is \$841.00. The cost of the newspaper notice was \$2,529.00 and the city's cost for the appraisal was \$3,500.00. She said the city is trying to get reimbursement for those charges. She indicated Explorer Pipeline is trying to acquire the land for an easement to place a petroleum pipeline underneath a portion of the Chaparral Trail.
- Alan Dye, who represents Explorer Pipeline, explained they are in the process of constructing a new pipeline from the Greenville terminal to a terminal in Melissa. He stated it would be a directional drill underneath the trail and there would be no surface disturbance. He explained the growth in the area has made the pipeline necessary.
- Craig Overstreet asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 6:18 p.m.
- Mike Henry asked if the documents contained information about the reimbursement to the city on the cost expended for the appraisal and notices.
- Alan Lathrom stated there is a provision in the Texas Parks and Wildlife Chapter 26 that indicates that any time you have parkland you are restricted to convey any type of interest of that parkland to a third party. If you want to sell off parkland you have to have an election. He explained there is a provision in Chapter 26 that allows for the process of public hearing and posting notice in the newspaper to deal with projects and try to minimize the impacts on the park facility. He said Explorer Pipeline has agreed to withdraw or remove the use of a 25 feet section of the trail for a temporary work area. We have build into the deed and the conveyance contract documents that the cost of the appraisal along with the cost of the easement be paid to the city.
- Mike Henry asked if the city will get reimbursed for the cost of the newspaper notice.
- Alan Lathrom said the city will be out the cost unless Explorer Pipeline wants to reimburse the city.
- Alan Dye indicated Explorer Pipeline would be willing to reimburse the city for the cost of the publication in the newspaper.
- Alan Lathrom explained he would include the cost in the documentation if Council wanted it added.
  - Motion to approve with the change of adding the cost of the newspaper notice in the documentation 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 setting the tax rate for the 2021 – 2022 budget year.
- Daphne Hamlin explained the three options that Council could choose for the tax rate. She said the no new revenue rate would be \$0.695445. She explained she is suggesting the city stay with the current tax rate of \$0.712044. She said the average home value rate would raise \$30.00 and the general fund would receive an additional \$39,000.00. She showed some tax rates of surrounding cities for comparison and she explained we are the highest in the area.
  - Ted Wagner asked where she received the average home value from.
  - Daphne indicated she receives the numbers from Collin County.
    - Motion to approve the proposed tax rate of \$0.712044 made by Terry Williams
    - 2<sup>nd</sup> was made by Mike Henry
    - All council members voted in favor
- B. Consider, discuss and act upon Resolution #R-2021-0824-001 regarding a petition to annex 77.359 acres of land into Lakehaven MUD.
- Sandra Green said they are wanting to add three different tracts of land to their already existing Municipal Utility District.
  - Alan Lathrom said the current development agreement stated they planned to add the 77.369 acres in to the MUD. He indicated the previous property owner had not acquired the land or had not included the full amount of the land under their ownership into their original application with TCEQ for the approval of the MUD. The only way they can add to it now is with the city's consent.
    - Motion to approve made by Mike Henry
    - 2<sup>nd</sup> was made by Terry Williams
    - All council members voted in favor
- C. Consider, discuss and act upon Resolution #R-2021-0824-002 regarding a negotiated settlement between the Atmos cities Steering Committee and Atmos Energy Corp., for the Company's 2021 rate review mechanism filing declaring existing rates to be unreasonable.

- Sandra Green said the Atmos rate is an overall increase of \$22.78 million and the Steering Committee, who we allow to negotiate rates, indicated it is a reasonable rate. She said the residential rates would go up by \$1.28 per month, which is a 2.2% increase. So a bill would go from \$58.30 per month to \$59.58 per month. She said for a commercial business the rate would increase by \$4.03 per month, or 1.61% and that would be a change of \$250.10 per month to \$254.13.
- John Manganilla, who is a representative of Atmos addressed the Council and explained the average change has been \$1.00 to \$2.00 a month over the past several years. He said over the last ten years there have been changes to the tax laws and other laws that have affected the rates. He indicated the average customer bill is still under \$60.00 a month.
  - Motion to approve made by Terry Williams
  - 2<sup>nd</sup> was made by Mike Henry
  - All council members voted in favor

D. Consider, discuss and act upon the renewal of the interlocal agreement with Collin County regarding Environmental Services.

- Sandra Green explained this is a renewal we receive every year for environmental services from the county. She indicated it is for our health inspections of restaurants to make sure they are in compliance with the health code. She said last year the fee was based on 3,600 residents and they charged \$0.80 per resident, so the total fee was \$2,880.00. She indicated the price did increase a little this year. She stated they showed the residents increased to 4,280 at \$0.80 per resident, so the total cost went up to \$3,424.00. She said she checked with the county and they receive their numbers for total residents from the North Central Texas Council of Governments approved projected population charts.
- Craig Overstreet asked if the inspections follow state guidelines and how many times they conduct inspections in a year.
- Alan Lathrom explained they follow state guidelines. He said they would do the initial inspections on new restaurants and the annual inspections for existing restaurants to make sure they comply with state law. He stated the city has adopted the specific provisions out of the Texas Administrative Code that apply to inspections the county conducts.
- Sandra Green said if they receive a complaint on a restaurant they will also go and check to see if there is an issue.

- Craig Overstreet asked if the inspections are open record so citizens could obtain a copy.
- Sandra Green stated they were and when she receives the scores from the county she posts them on the city's website.
  - Motion to approve made by Mike Henry
  - 2<sup>nd</sup> was made by Terry Williams
  - All council members voted in favor

E. Consider, discuss and act upon Dunaway|DBI Professional Services Agreement.

- Sandra Green explained the contract was coming before Council because DBI merged with Dunaway. She indicated DBI has been the city engineer for several years. She said the update of the contract was necessary to indicate the new name of the company and to update the rates of service. She explained the rates, on average, went up \$80.00 per hour for each employee. She said she spoke with Eddy Daniel and some of the invoices will still show their old rates until the contract is updated and approved and then they will assume the new rates.
- Craig Overstreet asked if the contract was approved would Dunaway|DBI continue as the city engineer.
- Sandra Green indicated they would. She said they do special projects for the city and review all of the plats and site plans that are submitted for approval.
- Mike Henry asked if they should put the contract out for bid.
- Alan Lathrom explained that when you are dealing with professional services you cannot bid them competitively. He said you can go out with a request for proposals.
- Sandra Green said we can ask for a request for qualifications, but we cannot consider the costs.
- Alan Lathrom stated the term of the agreement with Dunaway|DBI is open ended so the Council has the ability to go out for proposals. He indicated there is a termination process set out in the agreement if the city chose to end the contract.
  - Motion to approve made by Mike Henry
  - 2<sup>nd</sup> was made by Ted Wagner
  - All council members voted in favor

## **VIII. BUDGET WORKSHOP**

- Daphne Hamlin said there is approximately an additional \$40,000.00 we will bring in from ad valorem that she is going to add to different departments for expenses. She said the numbers up to this point have not changed in several weeks.
- Mike Henry asked her since some of the boards have not finalized their budgets yet would their budgets affect the overall city budget.
- Daphne Hamlin stated they would not.
- Terry Williams indicated the year-to-date numbers for inspections and permits show a little over \$200,000.00 and the budget was half of that so he asked for her thoughts.
- Daphne Hamlin said we are not projecting a lot of growth right now. She explained there is not a lot of homes that are ready to be built in Camden Phase 4.
- Craig Overstreet said in the City Financials she showed \$100,000.00 in other revenues in the water fund and asked if that is going to end up somewhere else.
- Daphne Hamlin stated we received money from the lawsuit that multiple cities had with the North Texas Water District. She said we were reimbursed approximately \$78,000.00 for attorney fees. She explained that whatever money is left over at the end of the year would go into the fund balance.
- Craig Overstreet asked about the \$67,000.00 over budget in the streets department because of personal costs. He explained that for construction costs we still show \$64,000.00 under budget and wondered what they are working on to utilize that money.
- Daphne Hamlin said Danny Ruff is working on the street budget by making sure pot holes are repaired. She said the reason the personnel cost was so high and not matching the construction costs was because the city provided the labor on County Road 699.

## **IX. REQUESTS TO BE PLACED ON FUTURE AGENDAS**

- Lance Hudson wanted the following items on the agenda:
  - City Engineering Professional Services Proposal discussion
  - Discussion regarding OpenGov
  - Update on Code Enforcement
- Craig Overstreet asked for the following to be on the agenda:
  - Home Rule Charter inhabitant study and information
  - Update on development agreements with concrete batch plants
  - Update on trickling filter for Wastewater Treatment Plant #1



- Terry Williams wanted an update on the following:
  - Gazebo repair downtown
  - Code Enforcement

**XI. ADJOURNMENT**

Meeting was adjourned at 6:49 p.m.

APPROVE:



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Bryon Wiebold, Mayor

ATTEST:



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Sandra Green, TRMC  
City Secretary

