



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES**

**For  
September 28, 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 Minister Brian Dierhoff of the First United Methodist Church, followed by the pledges to the United States and Texas flags.
  - Announcements
    - Calendar of upcoming holidays and meetings.
    - Old Time Saturday will be on October 2<sup>nd</sup>.
    - The Recycle Center will be closed on October 2<sup>nd</sup> due to Old Time Saturday.
      - Terry Williams stated October 8<sup>th</sup> and 9<sup>th</sup> will be the Gussie Nell Davis Day Celebration. He said there would be a parade, banquet and dance clinic.

**II. PUBLIC COMMENT ON AGENDA 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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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. City Council, Main Street & FCDC Joint Minutes for 7-27-21
- B. City Council Minutes for 9-14-21
- C. City Financial Report
  - Motion to approve made by Craig Overstreet
  - 2<sup>nd</sup> was made by Lance Hudson
  - 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. Minutes
  - 2. Possible Council Liaison Report
  
- C. FEDC Farmersville Economic Development Board (Type A)
  - 1. Minutes
  - 2. Possible Council Liaison Report
    - Terry Williams said they had another training class with Greg Last. He said some of the tasks they are wanting to do is create a local business report, a business visitation program, upgrade their website and to build a better relationship between City Hall and businesses.
  
- D. Main Street Board
  - 1. Minutes
  - 2. Possible Council Liaison Report
  
- E. Parks & Recreation Board
  - 1. Minutes
  - 2. Possible Council Liaison Report
  
- F. Planning & Zoning Commission
  - 1. Possible Council Liaison Report
  
- G. TIRZ Board
  - 1. Possible Council Liaison Report
  
- H. City Manager's Verbal Report
  - Update on the Concrete Batch Plants Development Agreements
    - Ben White stated their zoning request is coming up at the next Planning & Zoning meeting and platting will not take place until zoning is complete. He said sales tax is still an issue with the State Comptroller's Office.
  - Update on Code Enforcement
    - Ben White showed some a chart regarding progress in code enforcement.
  - Update on Collin Parkway
    - Ben White said the roadway median is getting stamped concrete. They had trouble getting it, but they will be out there all this week installing it. He explained the contractor will complete stripping and hydro-mulching next week. He said there is a ditch safety issue that will need to be fixed, but we will maintain budget. He made a recommendation to add some headwalls because of erosion control.

## VI. REGULAR AGENDA

### A. Presentation and possible discussion regarding an overview of the TIRZ.

- Tommy Ellison, President of the TIRZ Board, addressed Council and introduced himself. He showed the map of the Farmersville TIRZ area and said TIRZ is a joint venture between the City of Farmersville and the Collin County Commissioner's Court. He explained it was established in 2002. He gave an overview of what TIRZ does for the city. He discussed whether the city could change the boundaries of the TIRZ area. He said they may be able to, but the County would have to agree. He said we currently have an outstanding Certificate of Obligation for Collin Parkway and that would have to be paid before that area could be reduced. He explained the TIRZ Board funded the water line to the concrete batch plant. He said they funded an internet study for the city and they give the city \$40,000 for city services.

### B. Discussion and possible direction regarding the sign ordinance and painting signs on walls.

- Ben White said the Historical Ad Hoc Committee would review the sign ordinance after they finish the Historic Preservation Ordinance.
- Alan Lathrom explained he has a draft copy of the Historic Preservation Ordinance that was forwarded to him for review. He said he will get the information into an ordinance format and then forward it back to the committee for review. He explained once they approve the document it will go to the Planning & Zoning Commission for review, but it will require public hearings.
- Craig Overstreet asked why the Sign Ordinance is not be complied with and enforced.
- Ben White said they are going through the process, but the court system has been slowed down due to Covid and people have been granted a continuance by the prosecutor or judge.
- Alan Lathrom explained it is not unusual to have continuances in the courts on code violations because the city is ultimately seeking compliance.

### C. Discussion and possible direction regarding an ordinance relating to food trucks and pop-up vendors.

- Alan Lathrom said the draft ordinance addresses or allows food trucks, but does not allow for pop-up vendors. The other item the draft discusses is

food truck parks. He said a food truck court would have to have permanent restroom facilities and water and sewer. The operation site does not require permanent facilities or tables. He tried to limit it to where they could not go into a residential neighborhood or adjacent to a brick and mortar restaurant. He said he is looking for direction from Council on what they want to allow and where they want to allow them before he generates an ordinance to take before the Planning & Zoning Commission. He went over some of the requirements he placed in the draft document.

- Mike Henry asked to table the item and have staff email the document for the Council to review in more detail.
- D. Consider, discuss and act regarding resignations and appointments of persons to City's Boards and Commissions.
- Mayor Wiebold said John Young is moving out of town and submitted his resignation to the Parks & Recreation Board.
    - Motion to accept John Young's resignation made by Terry Williams
    - 2<sup>nd</sup> was made by Lance Hudson
    - All council members voted in favor
  - Mayor Wiebold explained to fill the vacancy on the Parks & Recreation Board they have an application from Ginger Brazil. He said for the Planning & Zoning Commission vacancies the city received an application from James Riley II.
    - Motion to accept the nominations and board appointments made by Lance Hudson
    - 2<sup>nd</sup> was made by Terry Williams
    - All council members voted in favor
- E. Discussion and possible action regarding inhabitants study and possible Home Rule Charter election.
- Craig Overstreet said there was an article in the September 16<sup>th</sup> edition of the Farmersville Times regarding basic information about home rule charters. He said a home rule charter is allowed for a city that has over 5,000 inhabitants. He explained what being home rule can do for a city. The negative perception of the home rule charter is the involuntary

annexation discussion. He said cities are no longer allowed to involuntarily annex property due to the legislature. He described they used the residential water meter numbers, long-term care facilities inhabitants and apartments where they used different multipliers to come up with the number of inhabitants in the city. The Home Rule Charter Commission has approved a living document as a charter and he said he would like to recommend the city move forward with an election in May to try and become a home rule city. He said citizens would have more of a voice and local control if the city was home rule.

- Ben White stated he believed the city would have to order the election before February 17, 2022.
- Mike Henry asked if the 5,000 inhabitants had to be in place the day of election.
- Alan Lathrom said you have to be at the 5,000 or more inhabitants on the day the election is called.
  - Motion to move forward with calling the home rule election made by Mike Henry
  - 2<sup>nd</sup> was made by Lance Hudson
  - All council members voted in favor

F. Discussion and possible action regarding the J.W. Spain Complex and the Little League contract.

- Ben White explained who was in charge of the Farmersville Youth's Sports Board and the Farmersville Pee Wee Football and Cheer. He said Covid did have an impact on sports this year, but football and cheer has seen growth. He is going to ask that they meet with the City Parks & Recreation Board more often. He explained the city allows them to use the property and we maintain the facilities.
- Craig Overstreet asked if they have shown the city their financials and insurance this year.
- Ben White said he is asking for it again, but they have submitted it in the past.
- Miranda Martin, Chairman of the Parks & Recreation Board explained they changed the contract to where the city receives a \$100 a team every year for the Little League. As far as the concession stand goes, it should be looked at for electrical issues. She said they also changed the programs times to include summer as well.

- Craig Overstreet asked how the Parks & Recreation Board decides what is needed at the J.W. Spain Complex.
  - Miranda Martin stated they are assessing the facility now. There are several items to address, but it will take time and money. She said the umpires they use are sanctioned and the cost each family pays goes toward uniforms and insurance.
- G. Consider, discuss and act upon Resolution #R-2021-0928-001 regarding the designation of the official newspaper for city publications of notices.
- Motion to approve made by Terry Williams
  - 2<sup>nd</sup> was made by Mike Henry
  - All council members voted in favor
- H. Consider, discuss and act concerning street project capital priority list.
- Ben White explained the cost for each road was shown on the list. He said he pushed TIRZ related road repairs to the top of the list.
  - Craig Overstreet asked what he looked at when putting the roads in priority order.
  - Ben White said he looked at areas that were at entry points into the city so the TIRZ Board could help with the funding. He said he and Danny Ruff, Public Works Lead, discussed what streets were in the worst condition.
  - Mike Henry asked when a project is selected how long would it take for the project to begin.
  - Ben White said they would ask for another detailed cost estimate and then request engineering which could take two to six months. Then, it would take approximately a year to construct the road. He explained he would bring the list back to Council when there was money to construct a street.
- I. Consider, discuss and act on possible public works covered parking for equipment.
- Ben White said there is a little money left in the Public Works budget this year and they are wanting to build a carport to cover some of the equipment that is getting damaged by the weather. He indicated they will make the carport comply with the ordinances and stay within budget.
  - There was no opposition from Council.
- J. Consider, discuss and act upon a concept plan for Kingston Apartments.

- Sandra Green explained the concept plan was coming before Council because of the new laws regarding 30 day review. She said the applicant is going to request variances that would have to be accepted before the concept plan could be approved.
  - Motion to deny made by Mike Henry
  - 2<sup>nd</sup> was made by Terry Williams
  - All council members voted in favor

K. Consider, discuss and act upon a preliminary plat for Kingston Apartments.

- Sandra Green explained the preliminary plat was coming before Council because of the new laws regarding 30 day review. She said the applicant is going to request variances that would have to be accepted before the concept plan and the preliminary plat could be approved. She also indicated they have not addressed the comments that were given to them on their civil plans. She said corrections will have to be addressed before the preliminary plat could be approve.
- Alan Lathrom explained that one of the items they are asking for a variance on is a zoning requirement and could not be granted on the plat under the Subdivision Ordinance.
  - Motion to deny made by Mike Henry
  - 2<sup>nd</sup> was made by Lance Hudson
  - All council members voted in favor

L. Consider, discuss and act upon a possible increase in water and wastewater fees.

- Ben White said he is not recommending any changes to the water rates this year and he understands we have the highest wastewater rates around. But, we are trying to improve our capacity. He said we had a pass through from North Texas Municipal Water District and he is suggesting raising the rates to accommodate those charges. He asked Council if they wanted to increase the rates from \$42.25 to \$45.03 to cover those costs. He also recommended a change regarding the wording in the Code of Ordinances concerning averaging sewer charges for new residents setting up service. He explained that a new customer does not have the history for the months of averaging. He is suggesting the wording be changed to show the average usage for those customers to be 4,500 gallons.
- Council agreed to move forward with an ordinance that would show the wastewater increase and wording change.



**VII. EXECUTIVE SESSION**

- Mayor Wiebold read the statement below and explained the City Council would go into executive session at 8:12 p.m.

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.

**VIII. RECONVENE FROM EXECUTIVE SESSION**

- Mayor Wiebold said the City Council reconvene from executive session at 8:37 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.
- Motion to approve the First Amended City Manager Employment Agreement made by Craig Overstreet
  - 2<sup>nd</sup> was made by Lance Hudson
  - All council members voted in favor


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

- Craig Overstreet wanted an updated on CARES Act funding.
- Craig Overstreet wanted a Proclamation for Gussie Nell Davis and the Rangerettes.
- Terry Williams asked for a report from the Fire Marshal regarding inspections he has completed in town over the last 12 months and which businesses have not and why.
- Mayor Wiebold wanted to discuss the City Council schedule for November and December.

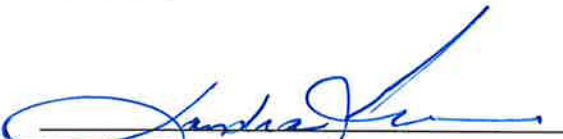
XI. ADJOURNMENT

Meeting was adjourned at 8:39 p.m.

APPROVE:

  
\_\_\_\_\_  
Bryon Wiebold, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra Green, TRMC  
City Secretary

