



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION AGENDA  
October 8, 2019, 6:00 P.M.  
Council Chambers, City Hall  
205 S. Main Street**

**I. PRELIMINARY MATTERS**

- Call to Order, Roll Call, Prayer and Pledge of Allegiance
- Announcements
  - Calendar of upcoming holidays and meetings.
  - Trick it Up Bike Ride will be on Saturday, October 26<sup>th</sup>.
  - Scare on the Square will be on Saturday, October 26<sup>th</sup>.

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

If you wish to address the City Council on a posted item on this agenda, please fill out a "Speaker Sign-Up" card and present it to the City Secretary before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the City Council for items listed as public hearings will be recognized when the public hearing is opened. Speakers wishing to address the City Council regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Mayor may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.

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

If you wish to address the City Council on a matter not posted on this agenda, please fill out a "Speaker Sign-Up" card and present it to the City Secretary before the meeting begins. Speakers shall have a time limit of three (3) minutes. This meeting segment is limited to a total of thirty (30) minutes.

**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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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. Police Department Report (OpenGov)
- C. Code Enforcement/Animal Control Report (OpenGov)
- D. Fire Department Report (OpenGov)
- E. Municipal Court Report (OpenGov)
- F. Warrant Officer Report (OpenGov)
- G. Public Works Report
- H. Library Report (OpenGov)
- I. City Manager's Report

**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. Planning & Zoning Commission
  - 1. Possible Council Liaison Report

**VI. PUBLIC HEARING**

- A. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding requested variances from the City's Subdivision Ordinance that require the proposed Chaparral Trail Estates subdivision to construct certain off-site public improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient for both domestic and fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway improvements; and, consider, discuss, and act upon a recommendation from the Planning & Zoning Commission regarding the preliminary plat for the Chaparral Trail Estates subdivision as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Chaparral Trail Estates subdivision.
- B. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding certain requested variances from the City's Subdivision Ordinance that require the proposed Trevino Addition subdivision to construct such off-site improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient for both domestic and fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway improvements; and, consider, discuss, and act upon a recommendation from the Planning & Zoning Commission regarding the preliminary plat for the Trevino Addition subdivision as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Trevino Addition subdivision.
- C. Public hearing to consider a request for a variance, pursuant to Section 65-9 of the Farmersville Code, seeking relief from the requirements of Section 65-44(a), "Streets and Alleys," of the Farmersville Code as well as the City of Farmersville's Thoroughfare Design Standards and Master Thoroughfare Plan (collectively "Regulations"), to allow the right-of-way, pavement and parkway width for that portion of existing South Main Street in front of and adjacent to the property addressed as 107 and 109 Main Street to remain in its current configuration and condition rather than be increased in size and area as required by the Regulations to a minimum right-of-way of 70 feet with a minimum pavement width of 44 feet and a minimum parkway width of 12.5 feet so as to allow an existing building on an existing tract of land to be replatted from two lots to one lot, and to consider the Planning & Zoning Commission's recommendation regarding both the requested variance and the replat. The property is generally located at 107 and 109 Street, Farmersville, Texas 75442.

## **VII. READING OF ORDINANCES**

- A. Consider, discuss and act upon the first reading of Ordinance #O-2019-1022-001 regarding changing the name of a portion of County Road 611 to Collin Parkway.

## **VIII. REGULAR AGENDA**

- A. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the Collin College Farmerville preliminary plat.
- B. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the Collin College Farmersville site plan.
- C. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the preliminary replat of Aston Estates Phase 2.
- D. Consider, discuss and act regarding a contract with Revize to update city's website.
- E. Consider, discuss and act upon water line for CA – Central Area district buildings.
- F. Discussion regarding steps to obtaining a building permit for a new business.
- G. Discussion regarding TIRZ approved FY 2019-2020 budget.
- H. Consider, discuss and act upon an interlocal agreement with Collin County and the City of Farmersville regarding the Charles J. Rike Memorial Library.
- I. Consider, discuss and act upon an interlocal agreement with Collin County for Environmental Services.

## **IX. EXECUTIVE SESSION**

Discussion of Matters Permitted by Texas Government Code Section 551.071,  
CONSULTATION WITH ATTORNEY:

- 1. Discussion of matters protected by the attorney-client privilege:
  - a) Discussion regarding Resolutions including: various uses of Resolutions including the weight, power and authority attributable to Resolutions; and, possible results, impressions, consequences, public perceptions and ramifications regarding Resolutions; the life span of Resolutions; and, the various actions and processes regarding or related to the adoption, amendment, extension, modification and termination of Resolutions.

**X. RECONVENE FROM EXECUTIVE SESSION**

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

**XII. ADJOURNMENT**

**Dated this the 4<sup>th</sup> day of October, 2019.**



Jack Randall Rice, Mayor

*The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.175-183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code, including, but not limited to, Section 321.3022 (Sales Tax Information).*

*Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.*

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted October 4, 2019 by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.



Sandra Green, City Secretary



## **I. Preliminary Matters**

# October 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
				City Amenities Board Meeting 4:15 pm		Farmers & Fleas 9:00 am Old Time Saturday
6	7	8	9	10	11	12
	P&Z Special Meeting 6:30 pm	City Council Meeting 6:00 pm				
13	14	15	16	17	18	19
	Main Street Meeting 4:30 pm FCDC (4B) Meeting 6:00 pm			FEDC (4A) Meeting 6:30 pm		
20	21	22	23	24	25	26
	P&Z Meeting 6:30 pm	Municipal Court 9:00 a.m. City Council Meeting 6:00 pm		Building & Property Standards Meeting 6:00 pm		Trick It Up Bike Ride Scare on the Square
27	28	29	30	31		

# November 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2 Farmers & Fleas 9:00 am
3	4 Main Street Meeting 4:30 pm FCDC (4B) Meeting 6:00 pm (moved due to Holiday)	5	6	7 City Amenities Board Meeting 4:15 pm	8	9
10	11 City Offices Closed – Veteran's Day	12 Municipal Court 9:00 a.m. City Council Meeting 6:00 pm	13	14	15	16
17	18 P&Z Meeting 6:30 pm	19	20	21 FEDC (4A) Meeting 6:30 pm	22	23
24	25	26 City Council Meeting 6:00 pm	27	28 City Offices Closed - Thanksgiving	29 City Offices Closed - Thanksgiving	30



# December 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7 Farmers & Fleas 9:00 am
8	9 Main Street Meeting 4:30 pm FCDC (4B) Meeting 6:00 pm	10 City Council Meeting 6:00 pm	11	12	13	14 Christmas Parade
15	16 P&Z Meeting 6:30 pm	17 Municipal Court 9:00 a.m.	18	19 FEDC (4A) Meeting 6:30 pm	20	21
22	23	24 City Offices Closed - Christmas	25 City Offices Closed - Christmas	26	27	28
29	30	31				

**II. Public Comment on agenda items (FOR NON-PUBLIC HEARING AGENDA ITEMS)**

Agenda Section	Public Comment on agenda items (FOR NON-PUBLIC HEARING AGENDA ITEMS)
Section Number	II
Subject	Public Comment on agenda items (FOR NON-PUBLIC HEARING AGENDA ITEMS)
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	NA
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	<p>If you wish to address the City Council on a posted item on this agenda, please fill out a "Speaker Sign-Up" card and present it to the City Secretary before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the City Council for items listed as public hearings will be recognized when the public hearing is opened. Speakers wishing to address the City Council regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Mayor may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.</p>
Action	NA

### **III. cITIZEN COMMENTS ON MATTERS NOT ON AGENDA**

Agenda Section	cITIZEN COMMENTS ON MATTERS NOT ON AGENDA
Section Number	III
Subject	cITIZEN COMMENTS ON MATTERS NOT ON AGENDA
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	NA
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
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Action	NA

#### **IV. Consent Agenda**

Agenda Section	Consent Agenda
Section Number	IV.A
Subject	City Council Minutes
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	Farmersville City Council Meeting Minutes
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
September 24, 2019, 6:00 P.M.**

**I. PRELIMINARY MATTERS**

- Mayor Rice called the meeting to order at 6:00 p.m. Council members Jim Hemby, Mike Hurst, Craig Overstreet, Dwain Mathers and Donny Mason were all present. City staff members Ben White, Sandra Green, Kevin Lisman, Rick Ranspot, Michael Sullivan and City Attorney Alan Lathrom were also present.
- Prayer was led by Rick Ranspot, Warrant Officer for the City of Farmersville, followed by the pledges to the United States and Texas flags.
  - Calendar of upcoming holidays and meetings.
  - Old Time Saturday will be October 5<sup>th</sup>.
  - Mayor Rice stated that Trick it Up Bike Ride and Scare on the Square would be on October 26<sup>th</sup>.
  - Mayor Rice stated that Ann Bridges, former City Secretary, passed away last week.
  - Chief Sullivan explained that Officer Crowley was awarded a Life Saving Award from the City of Nevada. There was a structure fire where a person that was bedridden was in the house and they pulled him out and brought him to safety. He was recognized at the City of Nevada and he wanted to mention the recognition at our City Council meeting.

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

- No one came forward.



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

- Karen Smith who resides at 617 CR 610 addressed Council and stated the Farmersville Quilt Guild would like to gift the City of Farmersville five barn quilt squares to help establish the Barn Quilt Trails of Collin County. She asked that Council consider allowing the barn quilt squares to be placed on city owned buildings.

### IV. CONSENT AGENDA

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- A. City Council Minutes
- B. Board of Adjustments Minutes
- C. City Council Special Minutes
- D. City Financial Report
  - Motion to approve made by Mike Hurst
  - 2<sup>nd</sup> to approve was Donny Mason
  - 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
  - Jim Hemby stated they discussed Meals on Wheels and how they need volunteers.
  - Chief Sullivan stated they have been delivering the food and they have things covered.
  - Jim Hemby stated Music in the Park went well as did the Library Summer Reading Program. He stated the Amenities Board is going to donate items for the auction at Old Time Saturday.

B. Farmersville Community Development Board (Type B)

1. Minutes
2. Possible Council Liaison Report
  - Craig Overstreet asked a question about the funding of the police car and how it was not an allowable purchase. He wanted to know why it was asked for to begin with.
  - Chief Sullivan stated they have one vehicle that required a lot of work. They were wanting to replace that car.
  - Craig Overstreet explained that someone should have realized it was not a legal purchase before it ever got that far in the budget.
  - Ben White stated that Sandra Green actually brought up that it was not an allowable purchase. He stated that at the time it was being presented he thought it was a creative idea. He stated they could bring up items that are accepted and not accepted in future meetings.
  - Dwain Mathers stated he thought it was a creative idea as well until they found out it was not allowed.

C. Farmersville Economic Development Board (Type A)

1. Possible Council Liaison Report
  - Mike Hurst stated there was no quorum this month.

D. Main Street Board

1. Minutes
2. Possible Council Liaison Report

E. Planning & Zoning Commission

1. Minutes
2. Possible Council Liaison Report

F. Texoma Housing Authority

1. Agenda and documents

- Ben White stated he attended the meeting and they went over their audit. He explained they are also switching over to a voucher system.
- Mike Hurst asked if we have a new representative to cover those meetings yet. He also asked a question regarding the audit report. He wanted to know what the line item "other" meant in reference to Farmersville.
- Ben White stated he was not sure.
- Dwain Mathers asked how the voucher system was different from the way they had done it before.
- Ben White stated there is a payment that is made to the people renting the facility and it then goes over to the Texoma Housing Partners. He stated it would get the money out of the hands of the government and into Texoma Housing Partners to manage. He explained that it frees them up to manage the units as they need too. He stated the federal government is trying to get out of the roll of taking care of public housing.

G. City Manager's Verbal Report

- Camden Park
  - Ben White stated they are continuing with Phase 3. He explained there were 177 homes permitted, 6 models, and they completed 175 units. He explained they have sold 67 units. He called Ted Zadeh about cleaning up the detention pond area.
- Reliable Concrete water line
  - Ben White stated they are working on foundations and concrete screening walls. He stated the plant equipment would be on site in mid-October and the water line would be completed in late October. He indicated the owners had said they needed the water line completed before the first of November.
- Martin Marietta
  - Ben White explained he is continuing to work on getting a signed development agreement. The one item of contention is the enclosure to keep in dust. He stated their attorney was reviewing it, but they have not said they are not going to sign it. The City did put the changes Council had requested in the agreement. He stated that when they are comfortable with the changes he feels they will sign it.
  - Craig Overstreet asked about the TCEQ public hearing being held at RSVP Farmerville on October 14<sup>th</sup> at 7:00 p.m.
  - Ben White stated it has to do with their permitting process.
  - Donny Mason asked if this site was going to be similar to the site Martin Marietta has in Celina.

- Ben White indicated it would be very similar. He stated we are asking for a lot more than the Celina plant has. He indicated he is asking for paving and asphalt on all interior drives. He explained they are putting in landscape as well.
- Craig Overstreet asked if the sub-leaser would be under the same agreement.
- Ben White stated they would fall under the same agreement.
- Mike Hurst stated the agreement would only apply if they were in the city limits though.
- Ben White stated that was correct. He indicated the agreement included information about annexing. He stated he asked for the whole facility to be covered, but they did not want to do that.
- Mike Hurst asked how much water usage would be generated by the concrete facilities.
- Ben White stated they could use a tank a day, which would be 300,000 gallons.
- Mike Hurst stated we are on a take or pay with North Texas Municipal Water District and we do not use half of the water we pay for. He stated he does not feel there would be a water shortage, which was some of the citizens' concerns.
- Hamilton Street
  - Ben White stated the engineering drawings were out for bid. He said the city would probably see a contract award in November. He explained he is going to try and get the roadway completed before May 2020. There are talks of some development happening at Hamilton and Farmersville Parkway. As part of the right-of-way exchange the city is considering demolishing a few of the old buildings on the property and installing approaches. He stated they will also have sewer and water connections. He said that one thing he thinks some of the property would be good for would be a site for a new city hall in the future.
- Collin College
  - Ben White explained the official groundbreaking would be in early December. He said temporary above ground electrical would go up in October. The long term underground electric would come at a later date when they are building. He wants to get DBI working on the engineering for the roadway as soon as possible.
  - Mayor Rice stated the groundbreaking was delayed due to weather concerns because of the lack of infrastructure. They felt it would not hold up in the rain.

- Palladium
  - Ben White stated they are scheduled to be complete in December. The wastewater line along their property is already installed, but we are working on the connection to the lift station. He stated they are looking at the completion of the wastewater line by the end of October. He explained the contractor has the pool installed and are doing the finishing work on the apartments.

## VI. PUBLIC HEARING

A. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission and Ordinance #O-2019-0924-001 regarding a Specific Use Permit for a banquet/meeting hall, for the RSVP Farmersville located on Block B, Lot 13a and 13b in the Farmersville Original Donation, which lease space is more commonly known as 101 Candy Street, Suite B.

- Mayor Rice opened the public hearing at 6:44 p.m. and he read the caption of the ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE #O-2018-0508-001, AS AMENDED, BY CHANGING THE ZONING ON A LEASE SPACE LOCATED ON BLOCK B, LOTS 13A AND 13B IN THE FARMERSVILLE ORIGINAL DONATION, AND WHICH LEASE SPACE IS MORE COMMONLY KNOWN AS 101 CANDY STREET, SUITE B, FARMERSVILLE, TEXAS 75442, FROM CA – CENTRAL AREA DISTRICT USES TO CA – CENTRAL AREA DISTRICT USES SUBJECT TO A SPECIFIC USE PERMIT (SUP) FOR THE OPERATION OF A BANQUET/MEETING HALL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

This Ordinance shall take effect immediately from and after its passage and publication as required by law.

- Jodye Svaboda who resides at 311 E. Santa Fe read a letter to the City Council regarding her event center. The letter is attached to minutes.
- Mayor Rice asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 6:48 p.m.
- Craig Overstreet stated the initial permit was granted a year ago. The Planning & Zoning Commission was concerned at that time about parking and noise. He asked the Chief of Police if they have had any complaints on the business.
- Chief Sullivan stated they have not.

- Craig Overstreet asked if the SUP could ever come back to Council if there were issues and wanted to cancel the SUP.
- Alan Lathrom explained that from an enforcement perspective if the business was in violation of the ordinances the police department or the code enforcement officer could issue tickets.
- Ben White asked for clarification because he wanted to know if there was a clause in the SUP ordinance that allowed revoking the SUP if there were issues.
- Alan Lathrom stated a revocable clause was not in the SUP. He explained there are other avenues of enforcing the ordinances like the police and code enforcement officer. He said violation of the ordinance can be a charge of up to \$2,000 per occurrence. The case could also be taken to the District Court. He explained that was why the Planning & Zoning Commission placed the one year time frame last year in case there were any issues so the SUP could be removed.
- Craig Overstreet stated this time the Planning & Zoning recommended approval of the SUP for as long as she owned the business.
  - Motion to approve the recommendation of the Planning & Zoning Commission and the Ordinance made by Donny Mason
  - 2<sup>nd</sup> to approve was Dwain Mathers
  - All council members voted in favor

## **VII. REGULAR AGENDA**

- A. Consider, discuss and act upon an interlocal agreement with Collin County regarding dispatch services.
  - Ben White stated the term for the interlocal agreement would be renewed for one year and the termination period would be 90 days of written notice. He explained the amount of \$63,246.41 actually went down a little from last year.
  - Chief Sullivan stated he was shocked when the cost went down because they had stated it would increase by 5% every year.
    - Motion to approve made by Jim Hemby
    - 2<sup>nd</sup> to approve was Donny Mason
  - Craig Overstreet asked Chief Sullivan if they have any issues communicating with the county now.
  - Chief Sullivan stated not all.
    - All council members voted in favor

- B. Consider, discuss and act upon an interlocal agreement with Collin County regarding fire inspection and plan review services.
- Ben White stated the original contract that was approved could be renewed for four additional one year periods and termination would be 90 days of written notice. The cost is \$5,750.00. He stated it appeared to be the same cost as last year.
    - Motion to approve made by Craig Overstreet
  - Dwain Mathers asked why we cannot do this service at a local level.
  - Ben White stated they are required to have a lot of training and they are investigators. He explained it takes years to receive the training to do their jobs and they are a licensed peace officer and they carry guns.
    - 2<sup>nd</sup> to approve was Dwain Mathers
    - All council members voted in favor
- C. Update on street Capital Improvements Plan.
- Ben White stated the list of streets are in order of priority. He stated the Council gave him lists of streets they felt were in the most need of improvements. He explained the tan and blue rows have some of the projects that could have areas of the roadway covered by the TIRZ board. He explained he was open to Council's suggestions if they feel that some should be listed as a higher priority. He explained that Rike Street was currently being done and if we do not finish it by the end of October we would lose our funding from the grant.
- D. Update on eventual city limit negotiations.
- Ben White stated that he visited with the Nevada City Council and they want one change made, but he believes they are close to signing the agreement. He said the next time they meet would be in November. The boundary is in line to what the city has wanted before. He explained they have asked that the maps be more detailed. He stated that once the agreement is signed by Nevada it will come back before the City Council for approval.
  - Mike Hurst asked if the boundary would be where the faux city limits sign would be posted. He also asked if it would be an enforceable boundary.
  - Alan Lathrom stated that the Local Government Code does allow for the enforcement of those boundaries.
  - Ben White stated Josephine wanted to put off a meeting until November because they wanted to get through their budget and other items first.
  - Mike Hurst stated he could not stress enough how important the boundary agreements are to the south.

- E. Consider, discuss and act upon Resolution #R-2019-0924-001 regarding the sale of surplus Police Department item.
- Chief Sullivan stated this resolution was for a jet ski that was donated to the police department from the Army Corps. of Engineers for North Lake and South Lake. He stated they fixed it, but they do not use it. He stated a flat bottom boat would work better for them.
    - Motion to approve made by Donny Mason
    - 2<sup>nd</sup> to approve was Jim Hemby
    - All council members voted in favor

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

- Craig Overstreet wanted a brief explanation regarding the steps to opening a business in Farmersville.
- Craig Overstreet also wanted a topic regarding the adjustment to the TIRZ budget.

**IX. ADJOURNMENT**

Meeting was adjourned at 7:15 p.m.

APPROVE:

\_\_\_\_\_  
Jack Randall Rice, Mayor

ATTEST:

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





September 23, 2019

Mayor Randy Rice  
Farmersville City Council  
205 South Main Street  
Farmersville, TX 75442

RE: Gift of 5 Barn Quilt Squares

Dear Mayor and Farmersville City Council,

The Farmersville Quilt Guild would like to gift the city of Farmersville five (5) Barn Quilt Squares to help establish the Barn Quilt Trails of Collin County. We have identified five public buildings that we'd like to gift these Barn Quilt squares to and would like to garner your support of these recommendations:

The Heritage Museum  
City Hall  
The Onion Shed  
The Senior Center  
The Civic Center

Other buildings for your consideration are:

Chamber of Commerce and Visitor's Center  
Police Station  
Fire Station  
Charles Rike Memorial Library

We appreciate your assistance in determining the locations for these Barn Quilt squares and look forward to the establishment of the Barn Quilt Trail.

With kind regards,

Elizabeth Andrus, Chair  
Barn Quilt Trails of Collin County  
214-504-6817

*Farmersville Quilt Guild - 2921 Andrew Drive, Farmersville, TX 75442*



September 24, 2019

Good Evening,

It has been a year since the approval of the first Specific Use Permit for my business, RSVP Farmersville. In that year, we've seen celebrated marriages, prosperous fundraisers, church outings, and excited prom kids getting out of the rain for pictures. My plan is to continue to serve as a successful event venue for many years to come.

As far as I know, there have not been any issues or problems concerning the events over the past year. The Planning & Zoning Commission has approved my new SUP application with the condition that it be good for as long as I own the business. I do hope you find yourselves in agreement with their decision.

Because mine is the first official event center in the downtown area, I've been required to follow certain municipal guidelines. This is my second SUP application, and it is not an inexpensive process. While I welcome all businesses, I do ask that anyone in the future, choosing to operate as an event center for profit, be required to follow these same steps.

Thank you for your time.

Agenda Section	Consent Agenda
Section Number	IV.B
Subject	Police Department Report (OpenGov)
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	None
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Consent Agenda
Section Number	IV.C
Subject	Code Enforcement/Animal Control Report (OpenGov)
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	None
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
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Agenda Section	Consent Agenda
Section Number	IV.D
Subject	Fire Department Report (OpenGov)
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	None
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Consent Agenda
Section Number	IV.E
Subject	Municipal Court Report (OpenGov)
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	None
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Consent Agenda
Section Number	IV.F
Subject	Warrant Officer Report (OpenGov)
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	None
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Consent Agenda
Section Number	IV.G
Subject	Public Works Report
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	Public Works Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
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## Public Works Monthly Report

### Metrics

For metrics associated with this report go online to the City of Farmersville website using the following steps:

1. Navigate to: [www.farmersvilletx.com](http://www.farmersvilletx.com)
2. Select <OPENGOV> button
3. Navigate within OpenGOV menu to select the metric of choice

### Public Works General

1. No increase in lost time accidents for the year.
  - a. Total Number for 2018-2019: 0
  - b. Accidents in Month: None
2. Project progress below uses the following terminology in order of maturity: concept, engineering, preconstruction, construction, completed. Completion percentages shown are tracking overall project progress through all phases.

### Street System

1. Currently active projects in priority order
  - a. Farmersville Parkway, 4 lane divided (phase: engineering, completion percentage: 4%)
  - b. Main Street area/bad and faded signs (phase: construction, completion percentage: 33%)
    - Upcoming sign updates:
      - Washington Street at Candy Street
      - Washington Street at McKinney Street
      - Main Street at Candy Street
      - Main Street at Farmersville Parkway
  - c. Hamilton Street reconstruction (phase: preconstruction, completion percentage: 18%)
    - The Hamilton Street project is out for bid. Schedule to receive bids back on 15 Oct 2019.
  - d. South Rike Street, railroad tracks to Beech Street. Construction has begun. (phase: construction, completion percentage: 70%)
2. Priority backlog items
  - a. Institute railroad silent crossings
  - b. Maintenance resurfacing and panel replacement
    - North Washington Street by intermediate school
    - Beene Street

## **Water System**

1. Currently active projects in priority order
  - a. Install waterline for Reliable Concrete (phase: construction, completion percentage: 60%)
  - b. Replace cast iron/galvanized water lines Rike Street between Summit and Beech (phase: construction, completion percentage: 50%)
2. Priority backlog items
  - a. Replace cast iron/galvanized water lines:
    - i. Rolling Hills subdivision
    - ii. Windom Street from 7<sup>th</sup> Street alley to Sycamore
    - iii. Hill Street between Orange and Bois D' Arc
    - iv. Lee Street
  - b. Chlorine injection system.
  - c. Recoat/rehab north elevated water tank.

## **Waste Water System**

1. Currently active projects in priority order
  - a. Reconfiguring of CR 611 lift station and gravity main. Includes sewer line extension in front of Home Grown Plants. (phase: construction, completion percentage: 40%)
  - b. WWTP #3 collector line design (phase: engineering only, completion percentage: 50%)
  - c. East side lift station with gravity main and force main (phase: construction, completion percentage: 25%)
  - d. Wastewater line reconstruction Houston to College. (phase: preconstruction, completion percentage: 7%)
  - e. 10" waste water line pipe bursting project to increase line size east of Collin College manhole on Audie Murphy Parkway (US 380). (phase: engineering, completion percentage: 15%)
  - f. 10" waste water line addition from Palladium Farmersville west to the Audie Murphy Parkway West lift station. (phase: construction, completion percentage: 30%)
  - g. Floyd Road lift station reconstruction with force main. (phase: engineering, completion percentage: 5%)
2. Priority backlog items
  - a. Infiltration project: North of WWTP #1/#2, Replace crushed clay tile line between MH119 and MH129. Downstream of MH129, between 150 and 200 feet. Recommend replacing 200 feet of line downstream of MH129. This is a 15" line.
  - b. Infiltration project: Point Repair, 1746 Rike Street.
  - c. South side lift station construction
  - d. North side lift station SCADA installation
  - e. Infiltration project: Replace floor and top of MH119. Install bolt-down top. Pipe to south may be bad.

## **Storm Water System**

1. No new news.

## **Property and Buildings**

1. Currently active projects in priority order
  - a. Downtown: install banner mounts (phase: construction only, completion percentage: 5%)
2. Priority backlog items
  - a. JW Spain: west parking lot reconstruction
  - b. Downtown: paint gazebo
  - c. City Hall: sidewalk replacement where old generator was housed
  - d. Riding Arena: greeting sign with rules
  - e. Southlake Park: playground equipment repair
  - f. Rambler Park: gazebo relocation

## **Electrical System**

1. Currently active projects in priority order
  - a. Substation acquisition (phase: concept, completion percentage: 95%). Station is up and running with new software. Parallel operation is taking place between Garland and Oncor. Farmersville communication has been established and we are currently working to get our SCADA system operational. Turnover is scheduled for 9 Oct 2019.
  - b. Substation and transmission line improvements (phase: concept only, completion percentage: 35%)
  - c. Collin College line extension (phase: engineering, completion percentage: 15%). Currently temporary service is required by Nov 2019.
2. Priority backlog projects
  - a. Tree Trimming (active intermittently)
  - b. Open wire secondary removal (active intermittently)

## **Refuse System**

1. No new news.

## **High Speed Internet Service**

1. This informational section will continue to exist in order to track progress for the high speed internet investigation.
2. The TIRZ Board has approved Texas A&M Commerce to help with the survey. Frank Smith and Mohamed Komaki are the college personnel associated with the project. Non-TIRZ related survey components will continued to be paid for by the City. This activity will help defray some of the cost associated with the survey and provide much needed help.
3. Survey forms are complete.
4. Anticipate sending out the survey via a separate mailer on 11 Oct 2019.
5. Results should be back by the end of October. Data analysis should be complete by the end of November. We anticipate giving a presentation to Council in January 2020.
6. A copy of the survey is included with this report.

Agenda Section	Consent Agenda
Section Number	IV.H
Subject	Library Report (OpenGov)
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	None
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
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Agenda Section	Consent Agenda
Section Number	IV.I
Subject	City Manager's Report
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	City Manager's Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
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## City Manager Monthly Report

### Metrics

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### City Manager General

1. Top priority items:
  - a. Be ready for and promote growth.
    - i. Support Reliable Concrete
    - ii. Audie Murphy Parkway/US 380 planning
  - b. Prepare electrical system for expansion to support Collin College.
  - c. Keep the Police and Fire Department running optimally.
  - d. Complete Bond related projects.
    - i. Hamilton Street
    - ii. Street signs

### Ordinances and Ordinance Changes

1. New
  - a. Ordinance to change the name of CR 611 to Collin Parkway. (in-progress).
  - b. Create preservation ordinance. Preliminary version complete and first pass P&Z review complete. Due for second pass P&Z review. (in-progress)
2. Change
  - a. Zoning ordinance, accessory building requirements. (in-progress)
  - b. Zoning ordinance, zoning map. (backlog)
  - c. Thoroughfare design manual. (backlog)
  - d. Storm water design manual. (backlog)
  - e. Water and Sewer design manual. (backlog)

### Contracts/Agreements

1. Environmental Services ILA with Collin County for health inspection. (in-progress)
2. ILA with Collin County for county library services. (in-progress)
3. Review and make changes as necessary to the Riding Club ILA. (in-progress)
4. Boundary agreements with the Cities of Blue Ridge, Nevada, Josephine, Caddo Mills. (in-progress)

## **Planning**

1. Update comprehensive plan. A great deal of emphasis is being placed on reconfiguring the Land Use Map and the Thoroughfare Map. (in-progress)
  - a. Board/Committee review complete: August 2018
  - b. Land Use Map and Thoroughfare Map redevelopment: February 2020
  - c. Interim rewrite: March 2020
  - d. Planning and Zoning review and Public Workshop: May 2020
  - e. City Council review: July 2020
  - f. Public hearing and Council approval: August 2020

## **Policy/Procedural Changes**

1. Employee attendance policy. (backlog)
2. Website development and maintenance policy. (backlog)

## **Customer Service Window**

1. High turnout in past few weeks regarding new utility turn-on. Camden Park residents have been a big player regarding this.
2. Higher than normal interest in longer recycle center hours.
3. Interest in using the Household Hazardous Waste program is starting to outstrip our ability to supply kits. We are working to remedy this situation.

## **Personnel Related Matters**

1. Hired Teresa Shea for open library full-time position.
2. Accepting applications for building inspector.
3. Employee Records Policy. (backlog)

## **Budget/Finance**

1. Completed and adopted budget for 2019/2020.
2. January 27<sup>th</sup> set as date for upcoming financial audit.

## **Development Services**

1. Continued meeting with TCCI Land Development Inc. concerning initial requirements for the Lake Haven Development which will contain approximately 2,500 residential units.
  - a. Continue conversations concerning the cost of the WWTP.
2. Collin College
  - a. Ground breaking ceremony scheduled for December 2019.
  - b. The electrical department is ready to install temporary power once requested by the college.
  - c. DBI has begun engineering changes to the 4 lane street supporting the college. The vast majority of the engineering was completed by Helmberger & Associates prior to 2010.
3. Reliable Concrete
  - a. Construction continues on the batch plant.
    - Batch plant foundations complete.
  - b. Construction continues regarding the 380 water line servicing Reliable Concrete.
4. Martin Marietta
  - a. Made additional changes to the development agreement to make it more technically correct and require the letter for annexation to coincide with the approved agreement. Agreement is now with Martin Marietta legal.
5. Camden Park
  - a. Phase III infrastructure continues construction.

- b. Housing construction continues.
  - Camden
    - Permitted: 36
    - Models: 2
    - Completed: 16
    - Sold: 25
  - DR Horton
    - Permitted: 81
    - Models: 4
    - Completed: 59
    - Sold: 49
- 6. Palladium Apartment Development
  - a. Construction continues. On track for completion by December 2019.
  - b. Sewer contractor has started work on the sewer line leading to the west lift station.
- 7. Pieville
  - a. Plat complete and input into process for P&Z and Council approval.
  - b. Still awaiting drawings for preliminary approval ahead of permitting.
  - c. Fire sprinkler system will be required so a new water line will be required coming from the 6" water line on Onion Alley.
  - d. If all goes well it will be possible to let Pieville start doing business in one of their buildings on Oct 9<sup>th</sup> while work continues in their other building.

#### **Information Technology**

- 1. Continued working on RF network link between City Hall and the electrical substation.

#### **Special Events/Projects**

- 1. Supported preparations for Old Time Saturday.



## **V. Informational Items**

Agenda Section	Informational Items
Section Number	V.A
Subject	City Amenities Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Informational Items
Section Number	V.B
Subject	Farmersville Community Development Board (Type B)
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
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Agenda Section	Informational Items
Section Number	V.C
Subject	FEDC Farmersville Economic Development Board (Type A)
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
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Agenda Section	Informational Items
Section Number	V.D
Subject	Main Street Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
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Agenda Section	Informational Items
Section Number	V.E
Subject	Planning & Zoning Commission
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
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## **VI. Public Hearing**

Agenda Section	Public Hearing
Section Number	VI.A
Subject	Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding requested variances from the City's Subdivision Ordinance that require the proposed Chaparral Trail Estates subdivision to construct certain off-site public improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient for both domestic and fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway improvements; and, consider, discuss, and act upon a recommendation from the Planning & Zoning Commission regarding the preliminary plat for the Chaparral Trail Estates subdivision as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Chaparral Trail Estates subdivision.
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	<ol style="list-style-type: none"> <li>1. Application</li> <li>2. DBI Approval Letter</li> <li>3. Waiver Letter</li> <li>4. Preliminary Plat</li> <li>5. ETJ Agreement</li> </ol>
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>





## Subdivision Application Form

Place "X" or check mark in appropriate box. Use the N/A (not applicable) box if a line item is not applicable. Double asterisk items are required for all applications. Where separate documents are requested attach them to this submission

Required Submission Materials			Item Description
Yes	No	N/A	
X			** Six copies of plat. Dimensions should be 24" X 36".
			* * Original certified tax certificate
			** Utility service provider letters
			** Proof of land ownership document
X			** Electronic version of plat on CD (.PDF and .DWG)
			** Fees with appropriate retainer as required
			Governmental (TxDOT, Collin County, etc.) approval for major thoroughfare access such as driveway
			Farmersville Independent School District (FISD) accommodation letter (high impact residential or multi-family only)
			Two copies of engineering plans
			On-Site Sanitary Sewer Facility (OSSF) certification document
			Engineer's Summary Report
			Development schedule
			Development agreement
			Copy of covenants, conditions, restrictions, and agreements
			Geotechnical report
			Traffic study
			Application letter for proposed street names

Place "X" or check mark in appropriate box. Only one box may be indicated

Type of Plat Document Submittal	
	Concept Plan
X	Preliminary Plat
	Final Plat
	Development Plat
	Replat
	Amending Plat
	Minor Plat
	Vacated Plat

## Subdivision Application Form

Place information in all spaces that apply. Depending on the situation some spaces may be left empty.

Property Owner Information	
Name	Harmon Development, Inc.
Address	P.O. Box 1302
City	Rockwall
State	TX.
Zip	75087
Work Phone Number	
Facsimile Number	
Mobile Phone Number	214-695-6232 - Shane Harmon
Email Address	shane@harmon@shcglobal.net
Applicant/Responsible Party Information	
Name	
Address	
City	
State	
Zip	SAME
Work Phone Number	
Facsimile Number	
Mobile Phone Number	
Email Address	
Engineer Information	
Name	Carroll Consulting Group Inc
Address	P.O. Box 11
City	Lavon
State	TX.
Zip	75166
Work Phone Number	972-742-4411
Facsimile Number	
Mobile Phone Number	
Email Address	laphill2000@yahoo.com
Surveyor Information	
Name	
Address	
City	
State	
Zip	SAME
Work Phone Number	
Facsimile Number	
Mobile Phone Number	
Email Address	

## Subdivision Application Form

General Application Information	
Proposed Name of Subdivision	Chaparral Trail Estates
Total Acreage of Development	33.051
Physical Location of Property	CR 661 & CR 658
Legal Description of Property	Nelson Steats Survey ABN # 842 / Susannah Walker Survey ABN # 944
Number of Lots	19

Place "X" or check mark in appropriate box indicating the form provided for proof of land ownership. Attach document to this submission.

Type of Plat Document Submittal	
<input checked="" type="checkbox"/>	General Warranty Deed
<input type="checkbox"/>	Special Warranty Deed
<input type="checkbox"/>	Title Policy
<input type="checkbox"/>	Other (approved by City Manager):

Place "X" or check mark in appropriate box indicating the current zoning districts comprising the land. Depending on the situation more than one box may be indicated.

Current Zoning	
<input checked="" type="checkbox"/>	A Agricultural District
<input type="checkbox"/>	SF-1 One-Family Dwelling District
<input type="checkbox"/>	SF-2 One-Family Dwelling District
<input type="checkbox"/>	SF-3 One-Family Dwelling District
<input type="checkbox"/>	2F Two-Family Dwelling District
<input type="checkbox"/>	MF-1 Multiple-Family Dwelling District-1
<input type="checkbox"/>	MF-2 Multiple-Family Dwelling District-2
<input type="checkbox"/>	P Parking District
<input type="checkbox"/>	O Office District
<input type="checkbox"/>	NS Neighborhood Service District
<input type="checkbox"/>	GR General Retail District
<input type="checkbox"/>	C Commercial District
<input type="checkbox"/>	HC Highway Commercial
<input type="checkbox"/>	CA Central Area District
<input type="checkbox"/>	I-1 Light Industrial District
<input type="checkbox"/>	I-2 Heavy Industrial District
<input type="checkbox"/>	PD Planned Development District
<input type="checkbox"/>	Extra-Territorial Jurisdiction

## Subdivision Application Form

Place "X" or check mark in appropriate box indicating the proposed zoning districts comprising the land. Depending on the situation more than one box may be indicated. If zoning remains unaffected mark the same as above in the "Current Zoning Districts" table.

Proposed Zoning		
	A	Agricultural District
X	SF-1	One-Family Dwelling District
	SF-2	One-Family Dwelling District
	SF-3	One-Family Dwelling District
	2F	Two-Family Dwelling District
	MF-1	Multiple-Family Dwelling District-1
	MF-2	Multiple-Family Dwelling District-2
	P	Parking District
	O	Office District
	NS	Neighborhood Service District
	GR	General Retail District
	C	Commercial District
	HC	Highway Commercial
	CA	Central Area District
	I-1	Light Industrial District
	I-2	Heavy Industrial District
	PD	Planned Development District
		Extra-Territorial Jurisdiction

Place "X" or check mark in appropriate box indicating the proposed use of the land. Depending on the situation more than one box may be indicated

Use of Land and Buildings	
Housing Uses	
X	One Family Detached Dwelling
	One Family Attached Dwelling
	Zero Lot Line Dwelling
	Town Home
	Two Family Dwelling
	Multiple Family Dwelling
	Boarding or Rooming House
	Bed and Breakfast Inn
	Hotel or Motel
	HUD Code Manufactured Home
	Industrialized Housing
	Mobil Home

*Subdivision Application Form*

<b>Use of Land and Buildings</b>	
<b>Accessory And Incidental Uses</b>	
	Accessory Building
	Farm Accessory Building
	Home Occupation
	Off Street Parking Incidental to Main Use
	Stable
	Swimming Pool
	Temporary Field Office or Construction Office
<b>Utility And Services Uses Electrical Substation</b>	
	Electrical Energy Generating Plant
	Electrical Transmission Use
	Fire Station
	Gas Lines and Regulating Station
	Public Building Shop or Yard of Local State or General Agency
	Radio, Television, or Microwave Tower
	Radio or Television Transmitting Station
	Sewage Pumping Station
	Sewage Treatment Plant
	Telephone Business Office
	Telephone Exchange, Switching Relay or Transmitting Station
	Utility Line, Local
	Utility Shops or Storage Yards or Buildings
	Water Standpipe or Elevated Water Storage
	Water Reservoir, Well or Pumping Station
	Water Treatment Plant
<b>Recreational And Entertainment Uses</b>	
	Amusement, Commercial
	Amusement, Commercial
	Country Club with Golf Course
	Dance Hall or Night Club
	Day Camp for Children
	Drag Strip or Commercial Racing
	Go Cart Track
	Gun Range
	Park or Playground
	Play Field or Stadium
	Rodeo Grounds
	Swim or Tennis Club
	Theater
	Trailer Park - Recreational Vehicle Park

Use of Land and Buildings	
<b>Educational And Institutional Uses</b>	
	Art Gallery or Museum
	Cemetery or Mausoleum
	Church or Rectory
	College, University or Private School
	Community Center
	Convent or Monastery
	Fairgrounds or Exhibition Area
	Fraternity, Sorority, Lodge or Civic Club
	Home for Alcoholic, Narcotic or Psychiatric Patients
	Hospital Acute Care
	Hospital Chronic Care
	Historical, Religious, Charitable or Philanthropic Nature
	Kindergarten or Nursery
	Library
	Nursing Home or Residence for Aged
	School, Business or Trade and
	School, Public or Parochial
<b>Transportation Related Uses</b>	
	Airport, Landing Field or Heliport
	Bus Station or Terminal and
	Motor Freight Terminal
	Parking Lot Truck
	Parking Lot Structure Commercial
	Railroad Freight Terminal
	Railroad Passenger Station
	Railroad Track or Right-of-Way
	Railroad Team Tracks
<b>Automobile Service Uses</b>	
	Auto Glass, Muffler or Seat Cover Shop
	Auto Laundry
	Auto Parts and Accessory Sales
	Auto Parts and Accessory Sales
	Auto Painting or Body Rebuilding Shop
	Automobile Repair Garage
	Gasoline or Fuel Service Station
	New or Used Auto Sales in Structure
	New or Used Auto Sales Outdoor Lot
	Motorcycle or Scooter Sales and Repair
	Steam Cleaning or Vehicles or Machinery
	Tire Retreading or Capping
	Trailer, Cargo Sales or Rental
	Wrecking or Auto Salvage Yard

<b>Use of Land and Buildings</b>	
<b>Retail And Related Service Uses</b>	
	Antique Shop
	Art Supply Store
	Bakery or Confectionery Shop
	Bank or Saving And Loan Office
	Barber or Beauty Shop
	Book or Stationery Shop
	Camera Shop
	Cleaning Shop or Laundry
	Cleaning Laundromat
	Clinic, Medical or Dental
	Custom Personal Service Shop
	Department Store or Discount Store
	Drug Store or Pharmacy
	Farmers Market
	Florist Shop
	Food Store
	Furniture or Appliance Store
	Garden Shop and Plant Sales
	Handcraft and Art Objects Sales
	Hardware Store or Hobby Shop Key Shop
	Laboratory, Medical or Dental
	Medical Appliances, Fitting, Sales or Rental
	Mortuary
	Offices, General Business or Professional
	Office Showroom/Warehouse or Sales Facilities
	Optical Shop or Laboratory
	Pawn Shop
	Pet Shop. Small Animals, Birds, and Fish
	Private Club
	Repair of Appliances, T.V., Radio and Similar Equipment
	Restaurant or Cafeteria
	Restaurant or Eating Establishment
	Retail Shop, Apparel, Gift Accessory and Similarities
	Sexually Oriented Establishment
	Studio Decorator and Display of Art Objects
	Studio Health Reducing or Similar Service
	Studio, Photographer, Artist, Music, Drama, or Dance
	Tool Rental
	Trailer or RV Sales or Display
	Variety Store or Other Retail Outlet Store
	Veterinarian Office Only



*Subdivision Application Form*

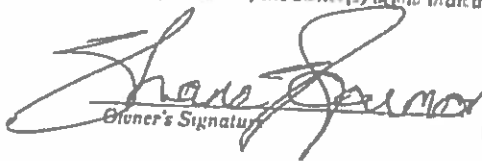
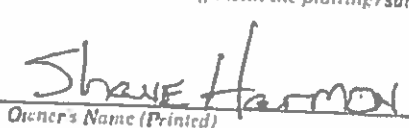
<b>Use of Land and Buildings</b>	
<b>Agricultural Types Uses</b>	
	Farm or Ranch
	Animal Pound
	Animal Clinic or Hospital
	Animal Clinic, Hospital or Kennel
	Greenhouse or Plant Nursery
<b>Commercial Type Uses</b>	
	Bakery Wholesale
	Building Material Sale
	Cabinet and Upholstery Shop
	Cleaning, Drying or Laundry Plant
	Clothing or Similar Light Assembly Process
	Contractors Storage or Equipment Yard
	Heavy Machinery Sales, Storage or Repair
	Lithographic or Print Shop
	Maintenance and Repair Service for Buildings
	Milk Depot, Dairy or Ice Cream Plant
	Manufactured House or Industrialized Homes Sales and Display
	Open Storage of Furniture, Appliances or Machinery, Etc.
	Paint Shop
	Petroleum Products, Storage and Wholesale
	Plumbing Shop
	Propane Storage and Distribution
	Storage Warehouse
	Trailer or Recreational Vehicle Sales or Display
	Welding or Machine Shop
	Wholesale Office Storage or Sales Facilities
<b>Industrial Uses</b>	
	Asphalt Paving Batching Plant
	Concrete Batching Plant
	Concrete Products Manufacture
	Light Manufacturing
	Sand and Gravel Storage
	Sand, Gravel, Stone or Petroleum Extraction

## Subdivision Application Form

Indicate the utility provider's name for the property in the space provided.

Utility Providers	
Description of Service	Name
Electrical Service Provider	ONCOR
Water Supplier	Caddy Basin SUD
Sewage Disposal	On Site Septic
Telephone Service	N/A
Cable TV Service	N/A
Gas Service	N/A
Refuse Pick-Up	N/A

The signatures of the owner(s) below indicate intention to follow through with the platting/subdivision process.



7-18-19  
 Owner's Signature      Owner's Name (Printed)      Date


\_\_\_\_\_  
 Co-Owner's Signature      Co-Owner's Name (Printed)      Date

\_\_\_\_\_  
 Co-Owner's Signature      Co-Owner's Name (Printed)      Date

*Subdivision Application Form*

**City of Farmersville Staff Only**

(Applicant, do not mark in spaces below)

Description	Response
Name of City Staff Worker Receiving Application	
Fee Amount	\$1,000.00
Check Number	
Date Received	7-18-19
City Receipt Number	00219984
City Asset Account Number	

CITY OF FARMERSVILLE

772-702-6151

REC#: 00019984 7/18/2019 11:19 AM

OPER: AR TERM: 012

REF#:

TRAN: 4.0000 SP RETAINER FEES

20191219 1,000.00

CHAPARRAL TRAIL ESTATES

00661 SER 553

TENDERED: 1,000.00 CHECK

APPLIED: 1,000.00-

CHANGE: 0.00

*Revision E*

Dear City of Farmersville Planning Division:

I, Harmon D. D. T. - SHANE HARMON, am the owner or owner's representative of a tract or tracts of real property located in the City of Farmersville, Texas, located at and described as Chaparral Trail Estates. I have filed an application for approval of a subdivision plat for this property. I hereby waive the 30-day plat review period established by Section 212.009 of the Texas Local Government Code and acknowledge that the City may require more than 30 days to properly review and consider the plat application. I understand and agree that the plat application may be considered and approved or denied by the Planning and Zoning Commission and/or the City Council more than 30 days later than the date that it was first filed.

Respectfully,

Shane Harmon  
Signed by or on behalf of the applicant

7-18-19  
Date



October 3, 2019

Mr. Ben White, P.E.  
City of Farmersville  
205 S. Main St.  
Farmersville, Texas 75442

RE: Chaparral Trail Addition – Preliminary Plat  
Dated September 10, 2019

Mr. White:

The above referenced plat has been reviewed according to the ordinances of the City of Farmersville and been found to be compliant. A facilities agreement for utility services will still need to be completed, however.

It is recommended that the Preliminary Plat be approved pending the completion of the facilities agreement. Please contact me if you should have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Jacob Dupuis".

Jacob Dupuis, P.E.

09-16-19

**Harmon Development Inc.**

**P.O. Box 1302**

**Rockwall Tx. 75087**

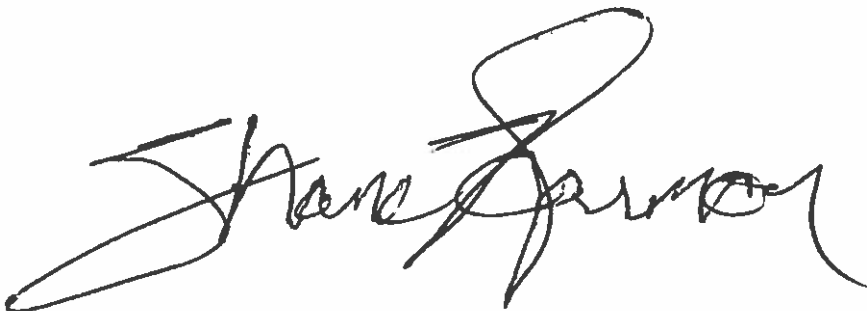
**#214-695-6232**

**Re: Chaparral Trail Estates**

**To Whom It May Concern:**

**This letter is to formally request a variance be granted for the fire flows in the Chaparral Trail Estates Subdivision. This Subdivision is in Collin County and falls in the City of Farmersville E.T.J. The water supplier will be Caddo Basin SUD.**

**Thank you for your time.**

A handwritten signature in black ink, appearing to read "Shane Harmon". The signature is stylized with a large, looping initial "S" and a long, sweeping underline.

**Shane Harmon - President**



AFTER RECORDING, RETURN TO:

City Manager  
City of Farmersville  
205 S. Main Street  
Farmersville, Texas 75442

**City of Farmersville, Texas**  
**FACILITIES AGREEMENT**  
*(Rough Proportionality of Required Improvements)*

***Chaparral Trail Estates, Lots 1 -20***

THIS AGREEMENT, entered into effective the \_\_\_\_ day of \_\_\_\_\_, 2019, by and between **CITY OF FARMERSVILLE**, a Texas municipal corporation and Type A general law city ("CITY"), and **HARMON DEVELOPMENT, INC.**, whose mailing address is P.O. Box 1302, Rockwall, Texas 75087 ("LANDOWNER") witnesseth that:

WHEREAS, the Subdivision Ordinance of the City of Farmersville, Texas contained in Chapter 65 of the Farmersville Code (the "Subdivision Ordinance") establish procedures and standards for the development and subdivision of real estate and for the surveying and platting thereof, requiring the installation of adequate public facilities to serve the subject property and providing penalties for violations, among other things; and

WHEREAS, Section 65-1(b) of the Subdivision Ordinance extends the application of the Subdivision Ordinance to all of the area outside of the corporate limits of the CITY, but within the extra-territorial jurisdiction of the CITY ("ETJ"); and

WHEREAS, Section 65-82 of the Subdivision Ordinance requires the execution of a Facilities Agreement prior to the approval of a plat to facilitate the deferral of required public improvements; and

WHEREAS, the development of the subdivision to be known as ***Chaparral Trail Estates, Lots 1 -20***, which subdivision is situated in the ETJ of the City of Farmersville, involves certain pro rata payments, city participation in cost, escrow deposits or other future considerations, and/or other nonstandard development regulations, that trigger the requirement for a Facilities Agreement by and between the CITY and the LANDOWNER in accordance with Section 65-82 of the Subdivision Ordinance, as amended; and

WHEREAS, the Subdivision Ordinance also prohibits recording the Record Plat of a subdivision within the incorporated area and ETJ of the CITY until the LANDOWNERS have completed all of the public facilities required to serve the property being developed that must be dedicated to the City ("Public



Improvements”) or has entered into a Facilities Agreement and guaranteed to the satisfaction of the CITY such improvements will be installed; and

WHEREAS, LANDOWNERS have appealed, or requested a waiver or variance, from the requirements that the Public Improvements identified in Paragraph D, below, (the “Appealed Improvements”) must be included in the Minor Plat of the subdivision in the ETJ, to be known as ***Chaparral Trail Estates, Lots 1 -20***, (the “Preliminary Plat”) before said Preliminary Plat may be approved because the required design and construction of those Appealed Improvements is not roughly proportionate to the impact generated by the development proposed to be constructed on the “Property,” defined below, as required by Texas Local Government Code § 212.904; and

WHEREAS, CITY concurs that the construction of twenty (20) lots on the Property that is being platted as ***Chaparral Trail Estates, Lots 1 -20***, does not generate impacts roughly proportionate to require the design and construction of the Appealed Improvements but cannot unilaterally enforce the City’s zoning ordinance in the ETJ to restrict the use of the Property for said twenty (20) lot subdivision; and

WHEREAS, CITY and LANDOWNERS desire to enter into a Facilities Agreement through a Development Agreement authorized by Section 212.172 of the Texas Local Government Code that will allow for the conditional deferral of the design and construction of the Appealed Improvements, specify the uses that can be made of the Property, and require that the Appealed Improvements be designed and constructed prior to any change or modification in the use presently proposed for the Property all as provided hereinafter below.

NOW THEREFORE, in consideration of the intent and desire of the LANDOWNERS, as set forth herein, and to gain approval of the CITY to approve said Minor Plat and ultimately record the Record Plat with Collin County, the LANDOWNERS and CITY agree as follows:

A. PROPERTY

This Agreement is for Property located in the ETJ of the City of Farmersville, that is situated along the southwest corner of the intersection of County Road 661 and County Road 658 containing approximately 33.051 acres of land, more or less, in the Nelson Staats Survey, Abstract No. 842 and the Susannah Walker Survey, Abstract No. 944, Collin County, Texas, and more fully described and depicted in the Preliminary Plat of the Property attached hereto as Exhibit A and fully incorporated herein by reference for all purposes allowed by law (the “Property”).

**B. USES ALLOWED ON PROPERTY**

The use of the Property shall be limited to twenty (20) lots on the Property with each lot containing more than one (1) net acre of land. Subject to the foregoing restrictions and the specific limitations set forth herein, the use of the Property shall otherwise conform to the requirements of the ED - Estate Development District as set out in Section 77-52(b) of the Farmersville Code, as codified through Ordinance No. 2018-1023-002, enacted on October 23, 2018. However, due to the fact that the Public Improvements required to serve the full development potential of the Property are not being designed and constructed by LANDOWNERS the following permitted or accessory uses or uses requiring a special use permit under the ED - Estate Development District as identified in the Schedule of Uses are prohibited:

1. Bed and breakfast;
2. Church, rectory, or other places of worship including church-operated day-care facilities and pre-schools;
3. College or university;
4. Community center (public);
5. Day care center;
6. School, public, private or parochial;
7. Country club;
8. Golf course (public);
9. Park or playground (public);
10. Playfield or stadium (public);
11. Recreation center (public);
12. Rehabilitation care facility
13. Swimming pool (public);
14. Swim and tennis club; and
15. Utility substation or regulating station.

**C. DEDICATIONS FOR PUBLIC IMPROVEMENTS**

LANDOWNER hereby agrees to dedicate the following easements and rights-of-ways at no cost to CITY, in accordance with the CITY's Subdivision Ordinance and as approved by CITY Engineer.

**1. THOROUGHFARES**

LANDOWNER shall dedicate, at no cost to CITY, that amount of right-of-way along perimeter roadways adjacent to the Property as reflected on the Preliminary Plat attached hereto as Exhibit A which dedication will yield one-half (½) of the ultimate right-of-way width that is not already dedicated by plat or legal instrument as road right-of-way at such time as the Property is platted. If platting of the Property is delayed and the perimeter roadway right-of-way described above has not previously been dedicated, LANDOWNER

shall dedicate the right-of-way along perimeter roadways adjacent to the Property as required herein above upon receipt of the written request of the CITY's Engineer. Such right-of-way dedication shall include:

- a. The current dedication to Collin County, at no cost to CITY, of an approximately thirty-foot (30') wide right-of-way emanating from the centerline of County Road 661, along the entire length of the northern border of the Property adjacent to County Road 661 that includes and conveys the interest in the existing prescriptive right-of-way to Collin County.
- b. The current dedication to Collin County, at no cost to CITY, of an approximately thirty-foot (30') wide right-of-way emanating from the centerline of County Road 658, along the entire length of the eastern border of the Property adjacent to County Road 658 that includes and conveys the interest in the existing prescriptive right-of-way to Collin County.

The location of the foregoing described right-of-way dedication is more particularly depicted in the proposed Preliminary Plat attached hereto as Exhibit A and is incorporated herein by reference for all purposes allowed by law.

## 2. UTILITIES

LANDOWNER shall dedicate all easements, at no cost to CITY, specifically including, but not limited to, easements for water, sanitary sewer and storm water drainage to provide service to the Property in accordance with CITY standards, at such time as the Property is platted. If platting of the Property is delayed and the easements described herein have not previously been dedicated, LANDOWNER shall dedicate the easements as required herein upon receipt of the written request of the CITY's Engineer. Such easement dedication shall include those easements necessary to extend the CITY's water, sanitary sewer and storm water drainage lines (collectively "Future CITY-Owned Transmission Line(s)") to and across the Property in accordance with the CITY's Master Plan(s) together with easements for the connection points that will allow the Subdivision to be connected to the Future CITY-Owned Transmission Line(s) in accordance with CITY standards, at such time as the Property is platted. LANDOWNER easement dedication shall include:

- a. The current dedication to CITY, at no cost to CITY, of an approximately fifteen-foot (15') wide Utility Easement running east-west across the Property adjacent and parallel to the southern-most side of the thirty-foot (30') wide right-of-way dedicated to the CITY in accordance with Paragraph C.1.a, above.

- b. The current dedication to CITY, at no cost to CITY, of an approximately fifteen-foot (15') wide Utility Easement running north-south across the Property adjacent and parallel to the western-most side of the thirty-foot (30') wide right-of-way dedicated to the CITY in accordance with Paragraph C.1.b, above.

The locations of the foregoing described easement dedication are more particularly depicted in the proposed Preliminary Plat attached hereto as Exhibit "A" and is incorporated herein by reference for all purposes allowed by law.

**D. CONDITIONAL DEFERRAL OF CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS UNTIL FURTHER DEVELOPMENT OCCURS**

1. LANDOWNER has appealed, or requested a waiver or variance, from the requirements of Section 65-41 of the Subdivision Ordinance that the LANDOWNER shall design and construct certain Public Improvements because the LANDOWNER'S portion of the costs required for such Public Improvements exceed the amount that is roughly proportionate to the proposed development to be constructed on the Property as set forth in Paragraph B, above, and that such exactions exceed the limits allowed by Texas Local Government Code § 212.904.
2. CITY agrees that the required exactions exceed the impacts of twenty (20) lots designed for one single-family dwelling unit on each such lot and hereby determines that LANDOWNERS are hereby conditionally relieved of the obligation to design and construct the following Public Improvements, at no cost to CITY, as required by Section 65-41 of the Subdivision Ordinance:
  - a. The requirement to construct sufficient system improvements to Caddo Basin Special Utility District's water lines to make such system capable of supplying adequate domestic and fire flow to the Property, in light of the fact that the Property is situated within the certificated area of, and is currently served by, Caddo Basin Special Utility District's rural water lines and which service appears to be otherwise adequate to provide domestic water supply only; and
  - b. The requirement to "connect to the City's wastewater system unless served by other means approved by the city council," see Farmersville Code § 65-48(b), in light of the fact that the Property and each lot therein is adequately sized to be served by on-site septic facilities; and
3. Notwithstanding the foregoing, at such time as the Property is further subdivided or replatted or the use of the Property is altered, changed, increased, expanded or enlarged from the uses identified in Paragraph B above, ("Change in Conditions") the conditional relief or deferral afforded to

the LANDOWNER from the requirements of Section 65-41 of the Subdivision Ordinance as enunciated in Paragraph No. 2 of this Paragraph D shall terminate and the LANDOWNER shall be required to promptly, and no later than sixty (60) days after such Change in Conditions occurs to, conform to all CITY development ordinances then applicable to the Property. However, the Property could be replatted to incorporate additional adjacent raw undeveloped land into the Property without terminating the conditional relief or deferral afforded to the LANDOWNER by and through Paragraph No. 2 of this Paragraph D provided that there is no other Change in Condition associated with the Property or the additional adjacent raw undeveloped land incorporated into the Property by such replat. In addition, LANDOWNER reserve the right to seek a modification of, or an amendment to, this Agreement in advance of any Change in Conditions proposed by LANDOWNER to avoid the termination of the conditional relief or deferral afforded to the LANDOWNERS by and through this Agreement.

4. At such time as the Property or any part or portion of the Property is connected to the City's potable water system and/or sanitary sewer system, LANDOWNER shall pay all then applicable tap fees, connection fees, meter fees, impact fees, pro rata fees and/or service fees as may be required by CITY regardless of the name by which such fees and charges may be called subject to the requirements of state law.

E. CONDITIONAL VARIANCES ALLOWED UNTIL FURTHER DEVELOPMENT OCCURS

1. For so long a period of time as the conditional deferral of designing and constructing the Public Improvements identified in Paragraph D is in effect and allowed, the following conditional variances to the then currently adopted editions of the *International Building Code*, *International Residential Code* and/or *International Fire Code*, and the Subdivision Ordinance are permitted **provided that the LANDOWNER indemnify and hold the CITY harmless from and against any and all claims arising out of or in any way related to the following conditional variances requested by LANDOWNER:**
  - a. The LANDOWNER will not be required to escrow the funds necessary to design and construct the Public Improvements identified in Paragraph D that are being conditionally deferred.
  - b. The LANDOWNER will be permitted to use a properly permitted on-site septic system for each lot on the Property that conforms to all requirements of the Texas Commission on Environmental Quality and the CITY.
  - c. The LANDOWNER will not be required to collect drainage in an underground storm water system.

- d. The LANDOWNER will not be required to install a water system that is capable of furnishing the fire flow and pressures required by the City of Farmersville Fire Department (1,000 gallons per minute and 20 pounds per square inch residual pressure) intended to provide sufficient fire protection for the safe, efficient and orderly development of the City to all or any part of the Property.
2. Notwithstanding the foregoing, at such time as the Property is further subdivided or replatted or the use of the Property is altered, changed, increased, expanded or enlarged from the uses identified in Paragraph B above, or the zoning on that portion of the Property which is situated within the City's corporate limits is changed to a more intense use, the conditional variances afforded to the LANDOWNER as enunciated in Paragraph No. 1 of this Paragraph E shall terminate and the LANDOWNER shall be required to promptly, and no later than sixty (60) days after such Change in Conditions occurs to, conform to all CITY development ordinances then applicable to the Property. However, the Property could be replatted to incorporate additional adjacent raw undeveloped land into the Property without terminating the conditional relief or deferral afforded to the LANDOWNER by and through Paragraph No. 2 of Paragraph D of this Agreement provided that there is no other Change in Condition associated with the Property or the additional adjacent raw undeveloped land incorporated into the Property by such replat. In addition, LANDOWNER reserves the right to seek a modification of, or an amendment to, this Agreement in advance of any Change in Conditions proposed by LANDOWNER to avoid the termination of the conditional relief or deferral afforded to the LANDOWNER by and through this Agreement.

F. CITY DEVELOPMENT ORDINANCES

If LANDOWNER decides to develop the Property, LANDOWNER shall develop the Property in accordance with the standards as set forth in the City of Farmersville zoning, subdivision and land development ordinances that are applicable in the ETJ or pursuant to this Agreement, including but not limited to provisions as to drainage, erosion control, pro rata payments, storm water, tree preservation, impact fees, Street Design Standards, Public Improvements Policy and construction standards except as herein specifically agreed to the contrary.

G. NO WAIVER

LANDOWNER expressly acknowledges that by entering into this Agreement, LANDOWNER, their successors, assigns, vendors, grantees, and/or trustees, shall not construe any language contained herein or in any Exhibits as waiving any of the requirements of the Subdivision Ordinance or any other ordinance of the CITY except as herein specifically agreed.

H. VARIANCES

It is expressly acknowledged that only those variances to the Subdivision Ordinance or other applicable CITY ordinances specifically stipulated in this Agreement are granted by CITY for this subdivision and/or development.

I. INDEMNITY AND HOLD HARMLESS AGREEMENT

**LANDOWNER, their successors, assigns, vendors, grantees, and/or trustees do hereby agree to fully indemnify, protect and hold CITY harmless from all third-party claims, suits, judgments, and demands, including its reasonable attorney's fees, arising out of the sole or concurrent negligence of LANDOWNER, and only to the extent or percentage attributable to LANDOWNER, in the subdividing, development, or construction of public improvements, including the negligent maintenance thereof. LANDOWNER shall not be responsible for or be required to indemnify CITY from CITY'S own negligence. LANDOWNER, their successors, assigns, vendors, grantees, and/or trustees do hereby further agree to fully indemnify, protect and hold CITY harmless from and against any and all claims arising out of or in any way related to the CITY's approval and granting and/or termination of the conditional deferrals and conditional variances requested by LANDOWNER and set out in Paragraphs D and E, above. The indemnity contained in this Paragraph shall expire five (5) years from the date of termination of this Agreement.**

J. WITHHOLDING APPROVALS AND PERMITS

In the event LANDOWNER fail to comply with any of the provisions of this Agreement, CITY shall be authorized to withhold any plat approvals and/or requests for permits associated with any development on the Property that conflicts with the provisions of Paragraph B of this Agreement or which requires compliance to Paragraphs D.3, D.4, or E.2 of this Agreement.

K. ROUGH PROPORTIONALITY AND WAIVER OF CLAIMS.

LANDOWNER has been represented by legal counsel in the negotiation of this Agreement and been advised, or have had the opportunity to have legal counsel review this Agreement and advise LANDOWNER, regarding LANDOWNER'S rights under Texas and federal law. LANDOWNER hereby waives any requirement that the CITY retain a professional engineer, licensed pursuant to Chapter 1001 of the Texas Occupations Code, to review and determine that the exactions required by the CITY as a condition of approval for the development of this Property are roughly proportional or roughly proportionate to the proposed development's anticipated impact. (These exactions may include but are not limited to the making of dedications or reservations of land, the payment of fees, the construction of facilities, and the payment of construction costs for public

facilities.) LANDOWNER specifically reserved his or her right to appeal the apportionment of municipal infrastructure costs in accordance with Tex. Loc. Gov't Code § 212.904. **However, notwithstanding the foregoing, LANDOWNER hereby releases the City from any and all liability under Tex. Loc. Gov't Code § 212.904 regarding or related to the cost of any municipal infrastructure improvements required for the development of the Property.**

It is the intent of this Agreement that the provision for roadway and utility improvements made herein constitutes a proportional allocation of LANDOWNER'S responsibility for roadway and utility improvements for the Property. LANDOWNER hereby waives any federal constitutional claims and any statutory or state constitutional takings claims under the Texas Constitution and Chapter 395 of the Tex. Loc. Gov't. Code. LANDOWNER further releases CITY from any and all claims based on excessive or illegal exactions; it being agreed that LANDOWNER'S infrastructure contribution(s) (after receiving all contractual offsets, credits and reimbursements as well as the conditional deferrals and conditional variances granted herein) is roughly proportional or roughly proportionate to the demand that is placed on the roadway and utility systems by LANDOWNER'S Property. LANDOWNER further acknowledges that the benefits of platting have been accepted with full knowledge of potential claims and causes of action which may be raised now, and in the future, and LANDOWNER acknowledges the receipt of good and valuable consideration for the release and waiver of such claims. **LANDOWNER shall indemnify and hold harmless CITY from any claims and suits of third parties, including but not limited to LANDOWNER'S successors, assigns, grantees, vendors, trustees or representatives, brought pursuant to this Agreement or the claims or types of claims described in this paragraph.**

L. CONTINUITY

This Agreement shall be a covenant running with the land, and be binding upon LANDOWNER, his or her successors, heirs, assigns, grantees, vendors, trustees, representatives, and all others holding any interest now or in the future.

M. ASSIGNABILITY

This Agreement shall not be assignable by LANDOWNER without the prior written consent of the CITY, and such consent shall not be unreasonably withheld, conditioned or delayed by CITY.

N. TERM

Pursuant to Section 212.172 of the Texas Local Government Code this Agreement may be valid for a term of up to forty-five (45) years unless earlier terminated by breach or pursuant to the specific provisions of Paragraphs D or E of this Agreement.



O. GENERAL PROVISIONS

1. LANDOWNER agrees that construction shall not begin on any proposed building improvements prior to City Council approval of this Agreement.
2. LANDOWNER agrees that all coordination required with public and/or private utility agencies to eliminate conflicts with proposed street grades or underground improvements shall be the responsibility of LANDOWNER. Likewise, coordination with agencies requiring special conditions (i.e., railroads and the Texas Department of Transportation) shall be the responsibility of LANDOWNER.
3. CITY agrees to record said Final Plat at such time as the Final Plat complies with the requirements set forth by the Subdivision Ordinance of CITY, and has been approved in the manner described therein.

***CITY OF Farmersville***

By: \_\_\_\_\_  
JACK RANDALL RICE  
Mayor

Date Signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
SANDRA GREEN  
City Secretary

***LANDOWNERS***

***HARMON DEVELOPMENT, INC.***

By: \_\_\_\_\_  
Shane Harmon

Date Signed: \_\_\_\_\_

THE STATE OF TEXAS,  
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared JACK RANDALL RICE, Mayor of the **CITY OF FARMERSVILLE**, a Texas Municipal Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he has executed the same on the City's behalf.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, Texas  
My commission expires \_\_\_\_\_

THE STATE OF TEXAS,  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2019, by SHANE HARMON in his capacity the Landowner of the Property situated along the southwest corner of the intersection of County Road 661 and County Road 658 containing approximately 33.051 acres of land, more or less, in the Nelson Staats Survey, Abstract No. 842 and the Susannah Walker Survey, Abstract No. 944, Collin County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes set forth therein.

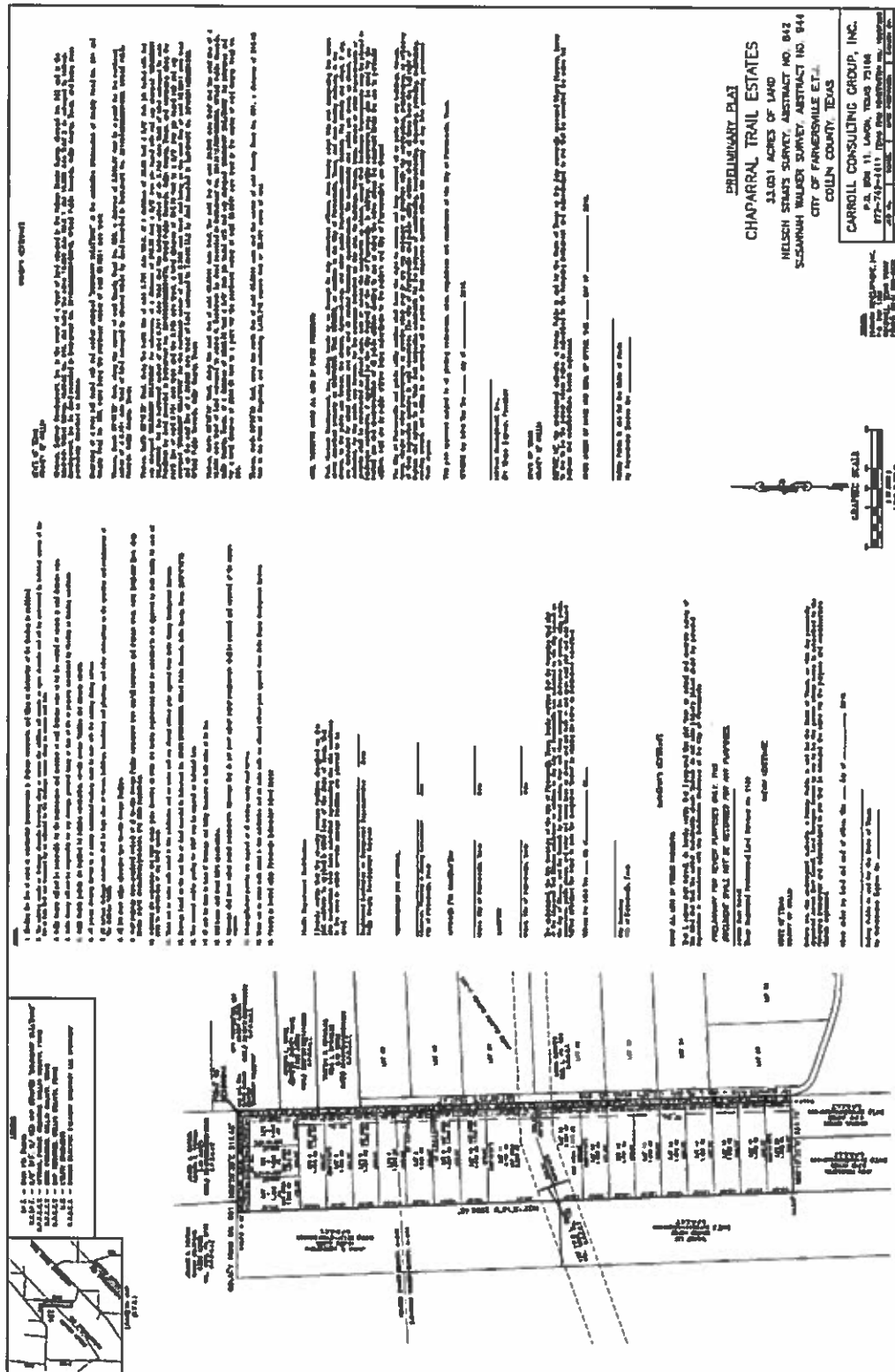
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, Texas  
My commission expires \_\_\_\_

PREPARED IN THE OFFICES OF:

**BROWN & HOFMEISTER, L.L.P.**  
740 East Campbell Road, Suite 800  
Richardson, Texas 75081  
214/747-6100  
214/747-6111 Fax

# PRELIMINARY PLAT OF PROPERTY



Agenda Section	Public Hearing
Section Number	VI.B
Subject	Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding certain requested variances from the City's Subdivision Ordinance that require the proposed Trevino Addition subdivision to construct such off-site improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient for both domestic and fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway improvements; and, consider, discuss, and act upon a recommendation from the Planning & Zoning Commission regarding the preliminary plat for the Trevino Addition subdivision as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Trevino Addition subdivision.
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	<ol style="list-style-type: none"> <li>1. Application</li> <li>2. DBI Approval Letter</li> <li>3. Wavier Letter</li> <li>4. Minor Plat</li> <li>5. ETJ Agreement</li> </ol>
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>



Port #

20191200

TS

6/25/19

@ 11:37 am

## SUBDIVISION APPLICATION FORM City of Farmersville, Texas

### Please Type or Print Information

*This form shall be completed by the Applicant and submitted to the City Secretary's Office along with 6 copies of the respective plat, fees, and all other required information*

*In order for a completed package to be considered for a Planning and Zoning Board meeting all application materials will need to be turned into the City staff at least 3 weeks prior. The package will need to be technically complete 6 working days prior to the Planning and Zoning Board meeting*

*The use of City of Farmersville administrative forms, checklists, and routing sheets shall not relieve the applicant from following the rules, standards, ordinances, and laws governing the City of Farmersville.*

*The submission of plans/drawings, calculations, etc., along with this application, makes such items public record and the Applicant understands that they may be viewed and/or reproduced by the general public*

*For a list of fees associated see the City of Farmersville Master Fee Schedule. Fees shall be collected for the purpose of defraying the costs of administrative, clerical, engineering, legal, planning, inspection, and other services deemed necessary to properly review and investigate plats and subdivision construction*

*Exemptions to the platting process are listed in section 1.5 of the Subdivision Ordinance.*

*Subdivision Ordinance variances/waivers may be granted by following the steps outlined in section 1.10 of the Subdivision Ordinance*

*Public infrastructure requirements established by the respective code (example, International Fire Code) and interpreted by the code official may be appealed based on a claim of incorrect interpretation, code applicability, or equivalent methodology. Code requirements cannot be waived*

*Place "X" or check mark in appropriate box. All answers must be "Yes" to submit application.*

Pre-Application Requirements		
Yes	No	Requirement
		Attended Pre-Application Conference
X		Plat described by metes and bounds
X		Plat located with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part
		Dimensions of plat and of each street, alley, square, park, or other part of the plat intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part
X		Plat is located in Collin County
		Plat is located in Hunt County
X		Plat is located within the City of Farmersville corporate limits or Extra-Territorial Jurisdiction (ETJ) limits

RECEIVED

Revision E

JUN 25 2019

BY

## Subdivision Application Form

Place "X" or check mark in appropriate box. Use the N/A (not applicable) box if a line item is not applicable. Double asterisk items are required for all applications. Where separate documents are requested attach them to this submission.

Required Submission Materials			
Yes	No	N/A	Item Description
			** Six copies of plat. Dimensions should be 24" X 36".
			* * Original certified tax certificate
			** Utility service provider letters
			** Proof of land ownership document
			** Electronic version of plat on CD (.PDF and .DWG)
			** Fees with appropriate retainer as required
NA			Governmental (TxDOT, Collin County, etc.) approval for major thoroughfare access such as driveway
NA			Farmersville Independent School District (FISD) accommodation letter (high impact residential or multi-family only)
NA			Two copies of engineering plans
			On-Site Sanitary Sewer Facility (OSSF) certification document
NA			Engineer's Summary Report
NA			Development schedule
			Development agreement
			Copy of covenants, conditions, restrictions, and agreements
			Geotechnical report
			Traffic study
			Application letter for proposed street names

Place "X" or check mark in appropriate box. Only one box may be indicated.

Type of Plat Document Submittal	
	Concept Plan
	Preliminary Plat
X	Final Plat
	Development Plat
	Replat
	Amending Plat
X	Minor Plat
	Vacated Plat

## Subdivision Application Form

Place information in all spaces that apply. Depending on the situation some spaces may be left empty.

Property Owner Information	
Name	J. Vidal Trevino & Carolin Cedena-De Trevino & Carolina Cedena Ovalle
Address	510 McKinney Meadows Drive
City	McKinney
State	Texas
Zip	75069
Work Phone Number	
Facsimile Number	
Mobile Phone Number	972-704-6435
Email Address	carolina.tran@yahoo.com
Applicant/Responsible Party Information	
Name	Grayson CeBallas
Address	220 Elm Street, Suite 200
City	Lewisville
State	Texas
Zip	75057
Work Phone Number	972-370-5871
Facsimile Number	
Mobile Phone Number	
Email Address	grayson.ceballas@windroseservices.com
Engineer Information	
Name	
Address	
City	
State	
Zip	
Work Phone Number	
Facsimile Number	
Mobile Phone Number	
Email Address	
Surveyor Information	
Name	Windrose Land Services/Grayson CeBallas
Address	220 Elm Street, Suite 200
City	Lewisville
State	Texas
Zip	75057
Work Phone Number	972-370-5871
Facsimile Number	
Mobile Phone Number	
Email Address	grayson-ceballas@windroseservices.com

# Subdivision Application Form

General Application Information	
Proposed Name of Subdivision	Trevo Addition
Total Acreage of Development	10.500
Physical Location of Property	F.M. 618
Legal Description of Property	Ab. A0954 W.B. Williams Survey - TR 24 E 28
Number of Lots	2

Place "X" or check mark in appropriate box indicating the form provided for proof of land ownership. Attach document to this submission.

Type of Plat Document Submittal	
<input checked="" type="checkbox"/>	General Warranty Deed
<input type="checkbox"/>	Special Warranty Deed
<input type="checkbox"/>	Title Policy
<input type="checkbox"/>	Other (approved by City Manager):

Place "X" or check mark in appropriate box indicating the current zoning districts comprising the land. Depending on the situation more than one box may be indicated

Current Zoning	
<input type="checkbox"/>	A Agricultural District
<input type="checkbox"/>	SF-1 One-Family Dwelling District
<input type="checkbox"/>	SF-2 One-Family Dwelling District
<input type="checkbox"/>	SF-3 One-Family Dwelling District
<input type="checkbox"/>	2F Two-Family Dwelling District
<input type="checkbox"/>	MF-1 Multiple-Family Dwelling District-1
<input type="checkbox"/>	MF-2 Multiple-Family Dwelling District-2
<input type="checkbox"/>	P Parking District
<input type="checkbox"/>	O Office District
<input type="checkbox"/>	NS Neighborhood Service District
<input type="checkbox"/>	GR General Retail District
<input type="checkbox"/>	C Commercial District
<input type="checkbox"/>	HC Highway Commercial
<input type="checkbox"/>	CA Central Area District
<input type="checkbox"/>	I-1 Light Industrial District
<input type="checkbox"/>	I-2 Heavy Industrial District
<input type="checkbox"/>	PD Planned Development District
<input checked="" type="checkbox"/>	Extra-Territorial Jurisdiction



## Subdivision Application Form

Place "X" or check mark in appropriate box indicating the proposed zoning districts comprising the land. Depending on the situation more than one box may be indicated. If zoning remains unaffected mark the same as above in the "Current Zoning Districts" table.

Proposed Zoning	
<input type="checkbox"/>	A Agricultural District
<input type="checkbox"/>	SF-1 One-Family Dwelling District
<input type="checkbox"/>	SF-2 One-Family Dwelling District
<input type="checkbox"/>	SF-3 One-Family Dwelling District
<input type="checkbox"/>	2F Two-Family Dwelling District
<input type="checkbox"/>	MF-1 Multiple-Family Dwelling District-1
<input type="checkbox"/>	MF-2 Multiple-Family Dwelling District-2
<input type="checkbox"/>	P Parking District
<input type="checkbox"/>	O Office District
<input type="checkbox"/>	NS Neighborhood Service District
<input type="checkbox"/>	GR General Retail District
<input type="checkbox"/>	C Commercial District
<input type="checkbox"/>	HC Highway Commercial
<input type="checkbox"/>	CA Central Area District
<input type="checkbox"/>	I-1 Light Industrial District
<input type="checkbox"/>	I-2 Heavy Industrial District
<input type="checkbox"/>	PD Planned Development District
<input checked="" type="checkbox"/>	Extra-Territorial Jurisdiction

Place "X" or check mark in appropriate box indicating the proposed use of the land. Depending on the situation more than one box may be indicated.

Use of Land and Buildings	
Housing Uses	
<input checked="" type="checkbox"/>	One Family Detached Dwelling
<input type="checkbox"/>	One Family Attached Dwelling
<input type="checkbox"/>	Zero Lot Line Dwelling
<input type="checkbox"/>	Town Home
<input type="checkbox"/>	Two Family Dwelling
<input type="checkbox"/>	Multiple Family Dwelling
<input type="checkbox"/>	Boarding or Rooming House
<input type="checkbox"/>	Bed and Breakfast Inn
<input type="checkbox"/>	Hotel or Motel
<input type="checkbox"/>	HUD Code Manufactured Home
<input type="checkbox"/>	Industrialized Housing
<input type="checkbox"/>	Mobil Home

*Subdivision Application Form*

**City of Farmersville Staff Only**

(Applicant, do not mark in spaces below)

Description	Response
Name of City Staff Worker Receiving Application	<i>T. Jackson</i>
Fee Amount	<i>\$1,000</i>
Check Number	
Date Received	<i>6-25-19</i>
City Receipt Number	<i># 00218559</i>
City Asset Account Number	

Dear City of Farmersville Planning Division:

I, Grayson CeBallo/Windrose Land Services, am the owner or owner's representative of a tract or tracts of real property located in the City of Farmersville, Texas, located at and described as Trevino and O'valle Tracts. I have filed an application for approval of a subdivision plat for this property. I hereby waive the 30-day plat review period established by Section 212.009 of the Texas Local Government Code and acknowledge that the City may require more than 30 days to properly review and consider the plat application. I understand and agree that the plat application may be considered and approved or denied by the Planning and Zoning Commission and/or the City Council more than 30 days later than the date that it was first filed.

Respectfully,

Gray CeBallo

Signed by or on behalf of the applicant

5/31/2019

Date

## Subdivision Application Form

Indicate the utility provider's name for the property in the space provided

Utility Providers	
Description of Service	Name
Electrical Service Provider	ENTRANCE ONCOR
Water Supplier	Cadalo Basin Special Utility District
Sewage Disposal	White Eagle Water System
Telephone Service	
Cable TV Service	DIRECT TV
Gas Service	N/A
Refuse Pick-Up	

The signatures of the owner(s) below indicate intention to follow through with the platting/subdivision process.

J. Vidal Treviño  
Owner's Signature

J. Vidal Treviño  
Owner's Name (Printed)

6-3-19  
Date

Carolina C. Treviño  
Co-Owner's Signature

CAROLINA C. TREVIÑO  
Co-Owner's Name (Printed)

6-3-19  
Date

Carolina Ovalle  
Co-Owner's Signature

Carolina Ovalle  
Co-Owner's Name (Printed)

6-3-19  
Date



September 23, 2019

Mr. Ben White, P.E.  
City of Farmersville  
205 S. Main St.  
Farmersville, Texas 75442

RE: Trevino Addition Lots 1 and 2, Block 1 Minor Plat  
Dated September 20, 2019

Mr. White:

The above referenced plat has been reviewed according to the ordinances of the City of Farmersville and been found to be in compliance. A facilities agreement for utility services will still need to be completed, however.

It is recommended that the Minor Plat be approved pending the completion of the facilities agreement. Please contact me if you should have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Jacob Dupuis".

Jacob Dupuis, P.E.

Thursday, August 8, 2019  
Trevino Addition  
City of Farmersville, Collin County, Texas  
Page 1 of 1



To Whom It May Concern:

The proposed Trevino Addition is proposing two lots, one residential home. We are under the understanding that Caddo Basin SUD cannot provide adequate water for the Fire Flows.

We are proposing a variance that would allow this single residence to be provided water from Caddo Basin with the understanding that the Fire Flows are not adequate.

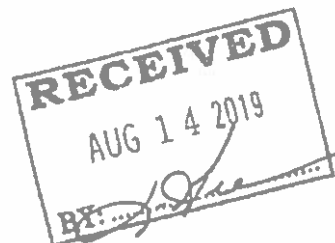
For a single home it is not logical to extend waterlines down to this point in order to make this one residential home meet code.

Feel free to contact with any questions, comments or concerns.

Thank you,

A handwritten signature in black ink, appearing to read "Grayson CeBallos". The signature is fluid and cursive.

Grayson CeBallos  
Windrose Land Surveying  
220 Elm Street, Suite 200, Lewisville, Texas  
972-370-5871  
grayson.ceballos@windrosesurveying.com





AFTER RECORDING, RETURN TO:

City Manager  
City of Farmersville  
205 S. Main Street  
Farmersville, Texas 75442

**City of Farmersville, Texas**  
**FACILITIES AGREEMENT**  
*(Rough Proportionality of Required Improvements)*

***Trevino Addition, Lots 1 & 2, Block 1***

THIS AGREEMENT, entered into effective the \_\_\_\_ day of \_\_\_\_\_, 2019, by and between **CITY OF FARMERSVILLE**, a Texas municipal corporation and Type A general law city ("CITY"), and **J. VIDAL TREVINO and SPOUSE, CAROLINA CADENA-DE-TREVINO and CAROLINA CADENA OVALLE**, whose mailing address is 544 County Road 698, Farmersville, Texas 75442 ("LANDOWNERS") witnesseth that:

WHEREAS, the Subdivision Ordinance of the City of Farmersville, Texas contained in Chapter 65 of the Farmersville Code (the "Subdivision Ordinance") establish procedures and standards for the development and subdivision of real estate and for the surveying and platting thereof, requiring the installation of adequate public facilities to serve the subject property and providing penalties for violations, among other things; and

WHEREAS, Section 65-1(b) of the Subdivision Ordinance extends the application of the Subdivision Ordinance to all of the area outside of the corporate limits of the CITY, but within the extra-territorial jurisdiction of the CITY ("ETJ"); and

WHEREAS, Section 65-82 of the Subdivision Ordinance requires the execution of a Facilities Agreement prior to the approval of a plat to facilitate the deferral of required public improvements; and

WHEREAS, the development of the subdivision to be known as ***Trevino Addition, Lots 1 & 2, Block 1***, which subdivision is situated in the ETJ of the City of Farmersville, involves certain pro rata payments, city participation in cost, escrow deposits or other future considerations, and/or other nonstandard development regulations, that trigger the requirement for a Facilities Agreement by and between the CITY and the LANDOWNERS in accordance with Section 65-82 of the Subdivision Ordinance, as amended; and

WHEREAS, the Subdivision Ordinance also prohibits recording the Record Plat of a subdivision within the incorporated area and ETJ of the CITY until the



LANDOWNERS have completed all of the public facilities required to serve the property being developed that must be dedicated to the City ("Public Improvements") or has entered into a Facilities Agreement and guaranteed to the satisfaction of the CITY such improvements will be installed; and

WHEREAS, LANDOWNERS have appealed, or requested a waiver or variance, from the requirements that the Public Improvements identified in Paragraph D, below, (the "Appealed Improvements") must be included in the Minor Plat of the subdivision in the ETJ, to be known as **Trevino Addition, Lots 1 & 2, Block 1**, (the "Minor Plat") before said Minor Plat may be approved because the required design and construction of those Appealed Improvements is not roughly proportionate to the impact generated by the development proposed to be constructed on the "Property," defined below, as required by Texas Local Government Code § 212.904; and

WHEREAS, CITY concurs that the construction of two lots on the Property that is being platted as **Trevino Addition, Lots 1 & 2, Block 1**, does not generate impacts roughly proportionate to require the design and construction of the Appealed Improvements but cannot unilaterally enforce the City's zoning ordinance in the ETJ to restrict the use of the Property for two lots; and

WHEREAS, CITY and LANDOWNERS desire to enter into a Facilities Agreement through a Development Agreement authorized by Section 212.172 of the Texas Local Government Code that will allow for the conditional deferral of the design and construction of the Appealed Improvements, specify the uses that can be made of the Property, and require that the Appealed Improvements be designed and constructed prior to any change or modification in the use presently proposed for the Property all as provided hereinafter below.

NOW THEREFORE, in consideration of the intent and desire of the LANDOWNERS, as set forth herein, and to gain approval of the CITY to approve said Minor Plat and ultimately record the Record Plat with Collin County, the LANDOWNERS and CITY agree as follows:

A. PROPERTY

This Agreement is for Property located in the ETJ of the City of Farmersville, that is situated along the west side of County Road 698 containing approximately 10.500 acres of land, more or less, in the W.B. Williams Survey, Abstract No. 954, Collin County, Texas, and more fully described and depicted in the Minor Plat of the Property attached hereto as Exhibit A and fully incorporated herein by reference for all purposes allowed by law (the "Property").

**B. USES ALLOWED ON PROPERTY**

The use of the Property shall be limited to two lots on the Property, with Lot 1 containing approximately 1.837 acres of land, more or less, and Lot 2 containing approximately 8.441 acres of land, more or less. Subject to the foregoing restrictions and the specific limitations set forth herein, the use of the Property shall otherwise conform to the requirements of the ED - Estate Development District as set out in Section 77-52(b) of the Farmersville Code, as codified through Ordinance No. 2018-1023-002, enacted on October 23, 2018. However, due to the fact that the Public Improvements required to serve the full development potential of the Property are not being designed and constructed by LANDOWNERS the following permitted or accessory uses or uses requiring a special use permit under the ED - Estate Development District as identified in the Schedule of Uses are prohibited:

1. Bed and breakfast;
2. Church, rectory, or other places of worship including church-operated day-care facilities and pre-schools;
3. College or university;
4. Community center (public);
5. Day care center;
6. School, public, private or parochial;
7. Country club;
8. Golf course (public);
9. Park or playground (public);
10. Playfield or stadium (public);
11. Recreation center (public);
12. Rehabilitation care facility
13. Swimming pool (public);
14. Swim and tennis club; and
15. Utility substation or regulating station.

**C. DEDICATIONS FOR PUBLIC IMPROVEMENTS**

LANDOWNERS hereby agree to dedicate the following easements and rights-of-way at no cost to CITY, in accordance with the CITY's Subdivision Ordinance and as approved by CITY Engineer.

**1. THOROUGHFARES**

LANDOWNERS shall dedicate, at no cost to CITY, that amount of right-of-way along perimeter roadways adjacent to the Property as reflected on the Minor Plat attached hereto as Exhibit A which dedication will yield one-half (½) of the ultimate right-of-way width that is not already dedicated by plat or legal instrument as road right-of-way at such time as the Property is platted. If platting of the Property is delayed and the perimeter roadway right-of-way

described above has not previously been dedicated, LANDOWNERS shall dedicate the right-of-way along perimeter roadways adjacent to the Property as required herein above upon receipt of the written request of the CITY's Engineer. Such right-of-way dedication shall include:

- a. The current dedication to Collin County, at no cost to CITY, of an approximately fifty-foot (50') right-of-way emanating from the centerline of County Road 698, along the entire length of the eastern border of the Property adjacent to County Road 698 that includes and conveys the interest in the existing prescriptive right-of-way to Collin County.

The location of the foregoing described right-of-way dedication is more particularly depicted in the proposed Minor Plat attached hereto as Exhibit A and is incorporated herein by reference for all purposes allowed by law.

## 2. UTILITIES

LANDOWNERS shall dedicate all easements, at no cost to CITY, specifically including, but not limited to, easements for water, sanitary sewer and storm water drainage to provide service to the Property in accordance with CITY standards, at such time as the Property is platted. If platting of the Property is delayed and the easements described herein have not previously been dedicated, LANDOWNERS shall dedicate the easements as required herein upon receipt of the written request of the CITY's Engineer. Such easement dedication shall include those easements necessary to extend the CITY's water, sanitary sewer and storm water drainage lines (collectively "Future CITY-Owned Transmission Line(s)") to and across the Property in accordance with the CITY's Master Plan(s) together with easements for the connection points that will allow the Subdivision to be connected to the Future CITY-Owned Transmission Line(s) in accordance with CITY standards, at such time as the Property is platted. LANDOWNERS' easement dedication shall include:

- a. The current dedication to CITY, at no cost to CITY, of an approximately fifteen-foot (15') wide Utility Easement running north-south across the Property adjacent to the western-most boundary of the fifty-foot (50') wide right-of-way dedicated to the CITY in accordance with Paragraph C.1.

The location of the foregoing described easement dedication is more particularly depicted in the proposed Minor Plat attached hereto as Exhibit "A" and is incorporated herein by reference for all purposes allowed by law.

D. CONDITIONAL DEFERRAL OF CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS UNTIL FURTHER DEVELOPMENT OCCURS

1. LANDOWNERS have appealed, or requested a waiver or variance, from the requirements of Section 65-41 of the Subdivision Ordinance that the LANDOWNERS shall design and construct certain Public Improvements because the LANDOWNERS' portion of the costs required for such Public Improvements exceed the amount that is roughly proportionate to the proposed development to be constructed on the Property as set forth in Paragraph B, above, and that such exactions exceed the limits allowed by Texas Local Government Code § 212.904.
2. CITY agrees that the required exactions exceed the impacts of two lots designed for one single-family dwelling unit on each such lot and hereby determines that LANDOWNERS are hereby conditionally relieved of the obligation to design and construct the following Public Improvements, at no cost to CITY, as required by Section 65-41 of the Subdivision Ordinance:
  - a. The requirement to construct sufficient system improvements to Caddo Basin Special Utility District's water lines to make such system capable of supplying adequate domestic and fire flow to the Property, in light of the fact that the Property is situated within the certificated area of, and is currently served by, Caddo Basin Special Utility District's rural water lines and which service appears to be otherwise adequate to provide domestic water supply only; and
  - b. The requirement to "connect to the City's wastewater system unless served by other means approved by the city council," see Farmersville Code § 65-48(b), in light of the fact that the Property and each lot therein is adequately sized to be served by on-site septic facilities; and
3. Notwithstanding the foregoing, at such time as the Property is further subdivided or replatted or the use of the Property is altered, changed, increased, expanded or enlarged from the uses identified in Paragraph B above, ("Change in Conditions") the conditional relief or deferral afforded to the LANDOWNERS from the requirements of Section 65-41 of the Subdivision Ordinance as enunciated in Paragraph No. 2 of this Paragraph D shall terminate and the LANDOWNERS shall be required to promptly, and no later than sixty (60) days after such Change in Conditions occurs to, conform to all CITY development ordinances then applicable to the Property. However, the Property could be replatted to incorporate additional adjacent raw undeveloped land into the Property without terminating the conditional relief or deferral afforded to the LANDOWNERS by and through Paragraph No. 2 of this Paragraph D provided that there is no other Change in Condition associated with the Property or the additional adjacent raw undeveloped land incorporated into the Property by such replat. In addition, LANDOWNERS

reserve the right to seek a modification of, or an amendment to, this Agreement in advance of any Change in Conditions proposed by LANDOWNERS to avoid the termination of the conditional relief or deferral afforded to the LANDOWNERS by and through this Agreement.

4. At such time as the Property or any part or portion of the Property is connected to the City's potable water system and/or sanitary sewer system, LANDOWNERS shall pay all then applicable tap fees, connection fees, meter fees, impact fees, pro rata fees and/or service fees as may be required by CITY regardless of the name by which such fees and charges may be called subject to the requirements of state law.

E. CONDITIONAL VARIANCES ALLOWED UNTIL FURTHER DEVELOPMENT OCCURS

1. For so long a period of time as the conditional deferral of designing and constructing the Public Improvements identified in Paragraph D is in effect and allowed, the following conditional variances to the then currently adopted editions of the *International Building Code*, *International Residential Code* and/or *International Fire Code*, and the Subdivision Ordinance are permitted **provided that the LANDOWNERS indemnify and hold the CITY harmless from and against any and all claims arising out of or in any way related to the following conditional variances requested by LANDOWNERS:**
  - a. The LANDOWNERS will not be required to escrow the funds necessary to design and construct the Public Improvements identified in Paragraph D that are being conditionally deferred.
  - b. The LANDOWNERS will be permitted to use a properly permitted on-site septic system for each lot on the Property that conforms to all requirements of the Texas Commission on Environmental Quality and the CITY.
  - c. The LANDOWNERS will not be required to collect drainage in an underground storm water system.
  - d. The LANDOWNERS will not be required to install a water system that is capable of furnishing the fire flow and pressures required by the City of Farmersville Fire Department (1,000 gallons per minute and 20 pounds per square inch residual pressure) intended to provide sufficient fire protection for the safe, efficient and orderly development of the City to all or any part of the Property.
2. Notwithstanding the foregoing, at such time as the Property is further subdivided or replatted or the use of the Property is altered, changed, increased, expanded or enlarged from the uses identified in Paragraph B

above, or the zoning on that portion of the Property which is situated within the City's corporate limits is changed to a more intense use, the conditional variances afforded to the LANDOWNERS as enunciated in Paragraph No. 1 of this Paragraph E shall terminate and the LANDOWNERS shall be required to promptly, and no later than sixty (60) days after such Change in Conditions occurs to, conform to all CITY development ordinances then applicable to the Property. However, the Property could be replatted to incorporate additional adjacent raw undeveloped land into the Property without terminating the conditional relief or deferral afforded to the LANDOWNERS by and through Paragraph No. 2 of Paragraph D of this Agreement provided that there is no other Change in Condition associated with the Property or the additional adjacent raw undeveloped land incorporated into the Property by such replat. In addition, LANDOWNERS reserve the right to seek a modification of, or an amendment to, this Agreement in advance of any Change in Conditions proposed by LANDOWNERS to avoid the termination of the conditional relief or deferral afforded to the LANDOWNERS by and through this Agreement.

F. CITY DEVELOPMENT ORDINANCES

If LANDOWNERS decide to develop the Property, LANDOWNERS shall develop the Property in accordance with the standards as set forth in the City of Farmersville zoning, subdivision and land development ordinances that are applicable in the ETJ or pursuant to this Agreement, including but not limited to provisions as to drainage, erosion control, pro rata payments, storm water, tree preservation, impact fees, Street Design Standards, Public Improvements Policy and construction standards except as herein specifically agreed to the contrary.

G. NO WAIVER

LANDOWNERS expressly acknowledge that by entering into this Agreement, LANDOWNERS, their successors, assigns, vendors, grantees, and/or trustees, shall not construe any language contained herein or in any Exhibits as waiving any of the requirements of the Subdivision Ordinance or any other ordinance of the CITY except as herein specifically agreed.

H. VARIANCES

It is expressly acknowledged that only those variances to the Subdivision Ordinance or other applicable CITY ordinances specifically stipulated in this Agreement are granted by CITY for this subdivision and/or development.

I. INDEMNITY AND HOLD HARMLESS AGREEMENT

**LANDOWNERS, their successors, assigns, vendors, grantees, and/or trustees do hereby agree to fully indemnify, protect and hold CITY harmless from all third-party claims, suits, judgments, and demands,**

including its reasonable attorney's fees, arising out of the sole or concurrent negligence of LANDOWNERS, and only to the extent or percentage attributable to LANDOWNERS, in the subdividing, development, or construction of public improvements, including the negligent maintenance thereof. LANDOWNERS shall not be responsible for or be required to indemnify CITY from CITY'S own negligence. LANDOWNERS, their successors, assigns, vendors, grantees, and/or trustees do hereby further agree to fully indemnify, protect and hold CITY harmless from and against any and all claims arising out of or in any way related to the CITY's approval and granting and/or termination of the conditional deferrals and conditional variances requested by LANDOWNERS and set out in Paragraphs D and E, above. The indemnity contained in this Paragraph shall expire five (5) years from the date of termination of this Agreement.

J. WITHHOLDING APPROVALS AND PERMITS

In the event LANDOWNERS fail to comply with any of the provisions of this Agreement, CITY shall be authorized to withhold any plat approvals and/or requests for permits associated with any development on the Property that conflicts with the provisions of Paragraph B of this Agreement or which requires compliance to Paragraphs D.3, D.4, or E.2 of this Agreement.

K. ROUGH PROPORTIONALITY AND WAIVER OF CLAIMS.

LANDOWNERS have been represented by legal counsel in the negotiation of this Agreement and been advised, or have had the opportunity to have legal counsel review this Agreement and advise LANDOWNERS, regarding LANDOWNERS' rights under Texas and federal law. LANDOWNERS hereby waive any requirement that the CITY retain a professional engineer, licensed pursuant to Chapter 1001 of the Texas Occupations Code, to review and determine that the exactions required by the CITY as a condition of approval for the development of this Property are roughly proportional or roughly proportionate to the proposed development's anticipated impact. (These exactions may include but are not limited to the making of dedications or reservations of land, the payment of fees, the construction of facilities, and the payment of construction costs for public facilities.) LANDOWNERS specifically reserve their right to appeal the apportionment of municipal infrastructure costs in accordance with Tex. Loc. Gov't Code § 212.904. **However, notwithstanding the foregoing, LANDOWNERS hereby release the City from any and all liability under Tex. Loc. Gov't Code § 212.904 regarding or related to the cost of any municipal infrastructure improvements required for the development of the Property.**

It is the intent of this Agreement that the provision for roadway and utility improvements made herein constitutes a proportional allocation of LANDOWNERS' responsibility for roadway and utility improvements for the

Property. LANDOWNERS hereby waive any federal constitutional claims and any statutory or state constitutional takings claims under the Texas Constitution and Chapter 395 of the Tex. Loc. Gov't. Code. LANDOWNERS further release CITY from any and all claims based on excessive or illegal exactions; it being agreed that LANDOWNERS' infrastructure contribution(s) (after receiving all contractual offsets, credits and reimbursements as well as the conditional deferrals and conditional variances granted herein) is roughly proportional or roughly proportionate to the demand that is placed on the roadway and utility systems by LANDOWNERS' Property. LANDOWNERS further acknowledge that the benefits of platting have been accepted with full knowledge of potential claims and causes of action which may be raised now, and in the future, and LANDOWNERS acknowledge the receipt of good and valuable consideration for the release and waiver of such claims. **LANDOWNERS shall indemnify and hold harmless CITY from any claims and suits of third parties, including but not limited to LANDOWNERS' successors, assigns, grantees, vendors, trustees or representatives, brought pursuant to this Agreement or the claims or types of claims described in this paragraph.**

L. CONTINUITY

This Agreement shall be a covenant running with the land, and be binding upon LANDOWNERS, their successors, heirs, assigns, grantees, vendors, trustees, representatives, and all others holding any interest now or in the future.

M. ASSIGNABILITY

This Agreement shall not be assignable by LANDOWNERS without the prior written consent of the CITY, and such consent shall not be unreasonably withheld, conditioned or delayed by CITY.

N. TERM

Pursuant to Section 212.172 of the Texas Local Government Code this Agreement may be valid for a term of up to forty-five (45) years unless earlier terminated by breach or pursuant to the specific provisions of Paragraphs D or E of this Agreement.

O. GENERAL PROVISIONS

1. LANDOWNERS agree that construction shall not begin on any proposed building improvements prior to City Council approval of this Agreement.
2. LANDOWNERS agree that all coordination required with public and/or private utility agencies to eliminate conflicts with proposed street grades or underground improvements shall be the responsibility of LANDOWNERS. Likewise, coordination with agencies requiring special conditions (i.e.,



railroads and the Texas Department of Transportation) shall be the responsibility of LANDOWNERS.

3. CITY agrees to record said Plat at such time as the Plat complies with the requirements set forth by the Subdivision Ordinance of CITY, and has been approved in the manner described therein.

***CITY OF Farmersville***

By: \_\_\_\_\_  
JACK RANDALL RICE  
Mayor

Date Signed: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
SANDRA GREEN  
City Secretary

***LANDOWNERS***

***J. VIDAL TREVINO***

By: \_\_\_\_\_  
J. VIDAL TREVINO

Date Signed: \_\_\_\_\_

***CAROLINA CADENA-DE-TREVINO***

By: \_\_\_\_\_  
CAROLINA CADENA-DE-  
TREVINO

Date Signed: \_\_\_\_\_

**CAROLINA CADENA OVALLE**

By: \_\_\_\_\_  
CAROLINA CADENA OVALLE

Date Signed: \_\_\_\_\_

THE STATE OF TEXAS,  
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared JACK RANDALL RICE, Mayor of the **CITY OF FARMERSVILLE**, a Texas Municipal Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he has executed the same on the City's behalf.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, Texas  
My commission expires \_\_\_\_\_

*[Remainder of page intentionally left blank.]*

THE STATE OF TEXAS,  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by J. VIDAL TREVINO in his capacity as one of the Landowners of the Property situated along the west side of County Road 698 containing approximately 10.500 acres of land, more or less, in the W.B. Williams Survey, Abstract No. 954, Collin County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes set forth therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, Texas  
My commission expires \_\_\_\_

THE STATE OF TEXAS,  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by CAROLINA CADENA-DE-TREVINO in her capacity as one of the Landowners of the Property situated along the west side of County Road 698 containing approximately 10.500 acres of land, more or less, in the W.B. Williams Survey, Abstract No. 954, Collin County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes set forth therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, Texas  
My commission expires \_\_\_\_

THE STATE OF TEXAS,  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by CAROLINA CADENA OVALLE in her capacity as one of the Landowners of the Property situated along the west side of County Road 698

containing approximately 10.500 acres of land, more or less, in the W.B. Williams Survey, Abstract No. 954, Collin County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes set forth therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

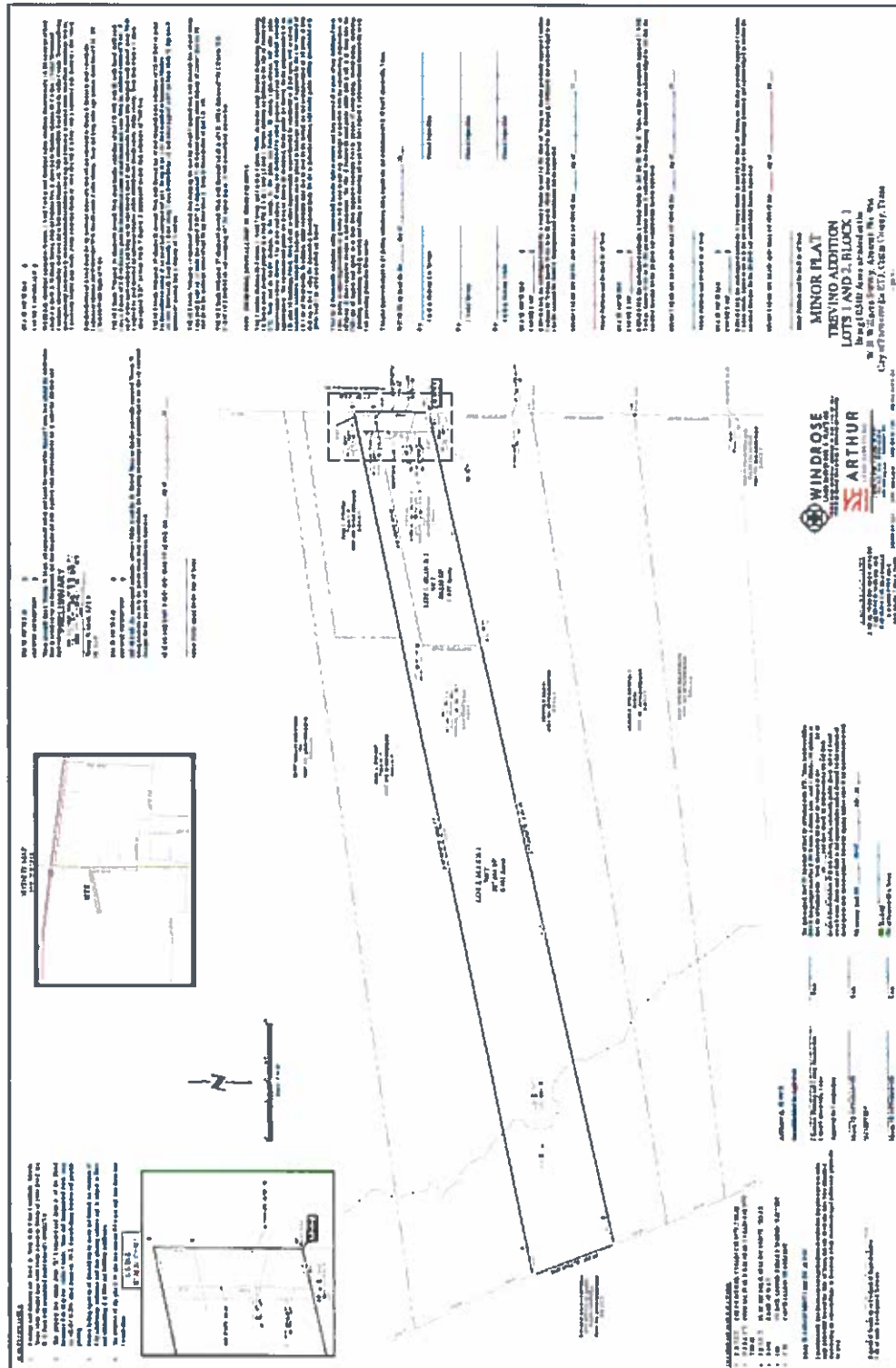
\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, Texas  
My commission expires \_\_\_\_

PREPARED IN THE OFFICES OF:

*BROWN & HOFMEISTER, L.L.P.*  
740 East Campbell Road, Suite 800  
Richardson, Texas 75081  
214/747-6100  
214/747-6111 Fax

# EXHIBIT A

## MINOR PLAT OF PROPERTY

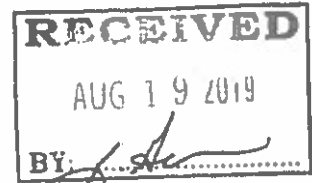


Agenda Section	Public Hearing
Section Number	VI.C
Subject	Public hearing to consider a request for a variance, pursuant to Section 65-9 of the Farmersville Code, seeking relief from the requirements of Section 65-44(a), "Streets and Alleys," of the Farmersville Code as well as the City of Farmersville's Thoroughfare Design Standards and Master Thoroughfare Plan (collectively "Regulations"), to allow the right-of-way, pavement and parkway width for that portion of existing South Main Street in front of and adjacent to the property addressed as 107 and 109 Main Street to remain in its current configuration and condition rather than be increased in size and area as required by the Regulations to a minimum right-of-way of 70 feet with a minimum pavement width of 44 feet and a minimum parkway width of 12.5 feet so as to allow an existing building on an existing tract of land to be replatted from two lots to one lot, and to consider the Planning & Zoning Commission's recommendation regarding both the requested variance and the replat. The property is generally located at 107 and 109 Street, Farmersville, Texas 75442.
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	<ol style="list-style-type: none"> <li>1. Application</li> <li>2. DBI Approval Letter</li> <li>3. Waiver Letter</li> <li>4. Replat</li> </ol>
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>



20191241

## SUBDIVISION APPLICATION FORM City of Farmersville, Texas



### Please Type or Print Information

*This form shall be completed by the Applicant and submitted to the City Secretary's Office along with 6 copies of the respective plat, fees, and all other required information.*

*In order for a completed package to be considered for a Planning and Zoning Board meeting all application materials will need to be turned into the City staff at least 3 weeks prior. The package will need to be technically complete 6 working days prior to the Planning and Zoning Board meeting.*

*The use of City of Farmersville administrative forms, checklists, and routing sheets shall not relieve the applicant from following the rules, standards, ordinances, and laws governing the City of Farmersville.*

*The submission of plans/drawings, calculations, etc., along with this application, makes such items public record and the Applicant understands that they may be viewed and/or reproduced by the general public.*

*For a list of fees associated see the City of Farmersville Master Fee Schedule. Fees shall be collected for the purpose of defraying the costs of administrative, clerical, engineering, legal, planning, inspection, and other services deemed necessary to properly review and investigate plats and subdivision construction.*

*Exemptions to the platting process are listed in section 1.5 of the Subdivision Ordinance.*

*Subdivision Ordinance variances/waivers may be granted by following the steps outlined in section 1.10 of the Subdivision Ordinance.*

*Public infrastructure requirements established by the respective code (example, International Fire Code) and interpreted by the code official may be appealed based on a claim of incorrect interpretation, code applicability, or equivalent methodology. Code requirements cannot be waived.*

*Place "X" or check mark in appropriate box. All answers must be "Yes" to submit application.*

Pre-Application Requirements		
Yes	No	Requirement
✓		Attended Pre-Application Conference
✓		Plat described by metes and bounds
✓		Plat located with respect to a corner of the survey or tract or an original corner of the original survey of which it is a part
✓		Dimensions of plat and of each street, alley, square, park, or other part of the plat intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part
✓		Plat is located in Collin County
	✓	Plat is located in Hunt County
✓		Plat is located within the City of Farmersville corporate limits or Extra-Territorial Jurisdiction (ETJ) limits

## Subdivision Application Form

Place "X" or check mark in appropriate box. Use the N/A (not applicable) box if a line item is not applicable. Double asterisk items are required for all applications. Where separate documents are requested attach them to this submission.

Required Submission Materials			
Yes	No	N/A	Item Description
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	** Six copies of plat. Dimensions should be 24" X 36".
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	** Original certified tax certificate
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	** Utility service provider letters
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	** Proof of land ownership document
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	** Electronic version of plat on CD (.PDF and .DWG)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	** Fees with appropriate retainer as required
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Governmental (TxDOT, Collin County, etc.) approval for major thoroughfare access such as driveway
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Farmersville Independent School District (FISD) accommodation letter (high impact residential or multi-family only)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Two copies of engineering plans
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	On-Site Sanitary Sewer Facility (OSSF) certification document
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineer's Summary Report
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Development schedule
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Development agreement
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Copy of covenants, conditions, restrictions, and agreements
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Geotechnical report
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Traffic study
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Application letter for proposed street names

Place "X" or check mark in appropriate box. Only one box may be indicated.

Type of Plat Document Submittal	
<input type="checkbox"/>	Concept Plan
<input type="checkbox"/>	Preliminary Plat
<input checked="" type="checkbox"/>	Final Plat
<input type="checkbox"/>	Development Plat
<input type="checkbox"/>	Replat
<input type="checkbox"/>	Amending Plat
<input type="checkbox"/>	Minor Plat
<input type="checkbox"/>	Vacated Plat



20191241

## Subdivision Application Form

Place information in all spaces that apply. Depending on the situation some spaces may be left empty.

Property Owner Information	
Name	CARLENE BOBBETT
Address	207 SUMMIT ST.
City	FARMERSVILLE
State	TX
Zip	75442
Work Phone Number	
Facsimile Number	
Mobile Phone Number	214 727 2894
Email Address	
Applicant/Responsible Party Information	
Name	OWNER
Address	
City	
State	
Zip	
Work Phone Number	
Facsimile Number	
Mobile Phone Number	
Email Address	
Engineer Information	
Name	N/A
Address	
City	
State	
Zip	
Work Phone Number	
Facsimile Number	
Mobile Phone Number	
Email Address	
Surveyor Information	
Name	MATTHEW BUSBY
Address	116 MCKINNEY ST.
City	FARMERSVILLE
State	TX
Zip	75442
Work Phone Number	
Facsimile Number	
Mobile Phone Number	214 497 2472
Email Address	mbusby-bis@yahoo.com

## Subdivision Application Form

General Application Information	
Proposed Name of Subdivision	CARLENE SHONN BOBERT
Total Acreage of Development	0.103
Physical Location of Property	107 & 109 MAIN ST.
Legal Description of Property	SEE PLAT
Number of Lots	1

Place "X" or check mark in appropriate box indicating the form provided for proof of land ownership. Attach document to this submission.

Type of Plat Document Submittal	
<input checked="" type="checkbox"/>	General Warranty Deed
<input type="checkbox"/>	Special Warranty Deed
<input type="checkbox"/>	Title Policy
<input type="checkbox"/>	Other (approved by City Manager):

Place "X" or check mark in appropriate box indicating the current zoning districts comprising the land. Depending on the situation more than one box may be indicated.

Current Zoning	
<input type="checkbox"/>	A Agricultural District
<input type="checkbox"/>	SF-1 One-Family Dwelling District
<input type="checkbox"/>	SF-2 One-Family Dwelling District
<input type="checkbox"/>	SF-3 One-Family Dwelling District
<input type="checkbox"/>	2F Two-Family Dwelling District
<input type="checkbox"/>	MF-1 Multiple-Family Dwelling District-1
<input type="checkbox"/>	MF-2 Multiple-Family Dwelling District-2
<input type="checkbox"/>	P Parking District
<input type="checkbox"/>	O Office District
<input type="checkbox"/>	NS Neighborhood Service District
<input type="checkbox"/>	GR General Retail District
<input type="checkbox"/>	C Commercial District
<input type="checkbox"/>	HC Highway Commercial
<input checked="" type="checkbox"/>	CA Central Area District
<input type="checkbox"/>	I-1 Light Industrial District
<input type="checkbox"/>	I-2 Heavy Industrial District
<input type="checkbox"/>	PD Planned Development District
<input type="checkbox"/>	Extra-Territorial Jurisdiction

## Subdivision Application Form

Place "X" or check mark in appropriate box indicating the proposed zoning districts comprising the land. Depending on the situation more than one box may be indicated. If zoning remains unaffected mark the same as above in the "Current Zoning Districts" table.

Proposed Zoning		
	A	Agricultural District
	SF-1	One-Family Dwelling District
	SF-2	One-Family Dwelling District
	SF-3	One-Family Dwelling District
	2F	Two-Family Dwelling District
	MF-1	Multiple-Family Dwelling District-1
	MF-2	Multiple-Family Dwelling District-2
	P	Parking District
	O	Office District
	NS	Neighborhood Service District
	GR	General Retail District
	C	Commercial District
	HC	Highway Commercial
✓	CA	Central Area District
	I-1	Light Industrial District
	I-2	Heavy Industrial District
	PD	Planned Development District
		Extra-Territorial Jurisdiction

Place "X" or check mark in appropriate box indicating the proposed use of the land. Depending on the situation more than one box may be indicated.

Use of Land and Buildings	
Housing Uses	
	One Family Detached Dwelling
	One Family Attached Dwelling
	Zero Lot Line Dwelling
	Town Home
	Two Family Dwelling
	Multiple Family Dwelling
	Boarding or Rooming House
	Bed and Breakfast Inn
	Hotel or Motel
	HUD Code Manufactured Home
	Industrialized Housing
	Mobil Home

<b>Use of Land and Buildings</b>	
<b>Retail And Related Service Uses</b>	
	Antique Shop
	Art Supply Store
✓	Bakery or Confectionery Shop
	Bank or Saving And Loan Office
	Barber or Beauty Shop
	Book or Stationery Shop
	Camera Shop
	Cleaning Shop or Laundry
	Cleaning Laundromat
	Clinic, Medical or Dental
	Custom Personal Service Shop
	Department Store or Discount Store
	Drug Store or Pharmacy
	Farmers Market
	Florist Shop
	Food Store
	Furniture or Appliance Store
	Garden Shop and Plant Sales
	Handcraft and Art Objects Sales
	Hardware Store or Hobby Shop Key Shop
	Laboratory, Medical or Dental
	Medical Appliances, Fitting, Sales or Rental
	Mortuary
	Offices, General Business or Professional
	Office Showroom/Warehouse or Sales Facilities
	Optical Shop or Laboratory
	Pawn Shop
	Pet Shop, Small Animals, Birds, and Fish
	Private Club
	Repair of Appliances, T.V., Radio and Similar Equipment
	Restaurant or Cafeteria
✗	Restaurant or Eating Establishment
	Retail Shop, Apparel, Gift Accessory and Similarities
	Sexually Oriented Establishment
	Studio Decorator and Display of Art Objects
	Studio Health Reducing or Similar Service
	Studio, Photographer, Artist, Music, Drama, or Dance
	Tool Rental
	Trailer or RV Sales or Display
	Variety Store or Other Retail Outlet Store
	Veterinarian Office Only

## Subdivision Application Form

**Indicate the utility provider's name for the property in the space provided.**

Utility Providers	
Description of Service	Name
Electrical Service Provider	FARMERSVILLE
Water Supplier	CC
Sewage Disposal	CC
Telephone Service	
Cable TV Service	
Gas Service	
Refuse Pick-Up	

*The signatures of the owner(s) below indicate intention to follow through with the platting/subdivision process.*

  
 Owner's Signature

CARLENE S. BORITT  
 Owner's Name (Printed)

8/19/19  
 Date

\_\_\_\_\_  
 Co-Owner's Signature                      Co-Owner's Name (Printed)                      Date

\_\_\_\_\_  
 Co-Owner's Signature                      Co-Owner's Name (Printed)                      Date



October 2, 2019

Mr. Ben White, P.E.  
City of Farmersville  
205 S. Main St.  
Farmersville, Texas 75442

RE: Carlene Shinn Bobbitt Addition Lot 1, Block 1 – Replat  
Dated September 30, 2019

Mr. White:

The above referenced Replat has been reviewed according to the ordinances of the City of Farmersville. A variance from the City's Thoroughfare Plan will need to be considered due to the lot residing next to a proposed 4 Lane Undivided Road (70' ROW). With the existing Historic Downtown buildings in this area, it will be difficult to dedicate the additional ROW.

DBI recommends that the Replat be approved with the variance. Please contact me if you should have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Jacob Dupuis".

Jacob Dupuis, P.E.

## **VII. Reading of Ordinances**

Agenda Section	Reading of Ordinances
Section Number	VII.A
Subject	Consider, discuss and act upon the first reading of Ordinance #O-2019-1022-001 regarding changing the name of a portion of County Road 611 to Collin Parkway.
To	Mayor and Council Members
From	Ben White, City Manager
Date	October 8, 2019
Attachment(s)	O-20109-1022-001
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>



**CITY OF FARMERSVILLE  
ORDINANCE # O-2019-1022-001**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, CHANGING THE NAME OF COUNTY ROAD 611 BETWEEN WEST AUDIE MURPHY PARKWAY (U.S. HIGHWAY 380) AND THE EAST-WEST PORTION OF COUNTY ROAD 611 TO COLLIN PARKWAY AS SHOWN ON EXHIBIT "A"; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, County Road 611 extends in a northerly direction from West Audie Murphy Parkway (U.S. Highway 380) a distance of approximately one thousand nine hundred twenty-eight feet (1,928') more or less at which general location it intersects with County Road 610 and County Road 611 turns in an easterly direction to become an east-west roadway that terminates at State Highway 78; and

**WHEREAS**, Collin College is constructing its Farmersville Campus along the eastern side of County Road 611 between West Audie Murphy Parkway (U.S. Highway 380) along its southern boundary and the east-west section of County Road 611 along its northern boundary; and

**WHEREAS**, City Staff has requested that the name of the north-south segment of County Road 611 be changed to Collin Parkway to include part of the name of Collin College in the name of the roadway on which Collin College will front; and

**WHEREAS**, the City Council of the City of Farmersville, Texas has determined it appropriate and in the best interest of the citizens and emergency responders and future students of Collin College to change the name of the north-south segment of County Road 611 to Collin Parkway to tie in the roadway name with Collin College.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, THAT:**

**SECTION 1.** All of the above premises are hereby found to be true and correct legislative and factual determinations of the City Council of the City of Farmersville and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** The name of the north-south segment of County Road 611 extending in a northerly direction a distance of approximately one thousand nine hundred twenty-eight feet (1,928') more or less from West Audie Murphy Parkway (U.S. Highway 380) to the intersection with the north-south section of County Road 610 and the east-west section of County Road 611 as generally shown on Exhibit "A" attached hereto and incorporated herein by reference for all purposes allowed by law is hereby changed to Collin Parkway.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

**SECTION 4.** All ordinances of the City of Farmersville, Collin County, Texas, in conflict with the provisions of this ordinance be, and the same are hereby repealed; provided however, that all other provisions of said ordinances not in conflict with provisions of this ordinance shall remain in full force and effect.

**SECTION 5.** This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

**PASSED** on first reading on the 8<sup>th</sup> day of October, 2019, and second reading on the 22<sup>nd</sup> day of October, 2019 at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

**APPROVED THIS 22<sup>nd</sup> DAY OF October, 2019.**

**APPROVED:**

BY: \_\_\_\_\_  
Jack Randall Rice  
Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Green  
City Secretary

## EXHIBIT A

