



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION AGENDA  
November 26, 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.
  - City Hall will be closed on November 28<sup>th</sup> and 29<sup>th</sup> in observance of Thanksgiving.
  - Farmers and Fleas will be on Saturday, December 7<sup>th</sup>.
  - The Christmas Parade will be on Saturday, December 14<sup>th</sup>.
  - U.S. Small Business Administration is offering disaster assistance to Texas businesses and residents affected by severe storms, straight-line winds, hail and tornados. See attached flyer.
  - Recognition of City Public Works staff

**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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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. City Financial 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. Minutes
  - 2. Possible Council Liaison Report
- F. City Manager's Verbal Report
  - Update on City Hall hours
  - Update on the NTMWD contract
  - Update on Lakehaven MUD
  - Update on Boundary Agreements
  - Update on Hamilton Street

**VI. PUBLIC HEARING**

- A. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission and Ordinance #O-2019-1126-001 regarding a text amendment to Chapter 65, "Subdivision Ordinance," of the Code of Ordinances of the City of Farmersville, Texas, that will amend various sections of, and add certain new sections to, said Chapter regarding the timing and process to receive a determination on certain development applications to bring such provisions into conformity with new state laws adopted by and through House Bill 3167.

**VII. READING OF ORDINANCES**

- A. Consider, discuss and act upon the first reading of Ordinance #O-2019-1210-001 regarding Food Establishment Rules.

**VIII. REGULAR AGENDA**

- A. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the final plat of the Potter Division.
- B. Consider, discuss and act upon placing donated Quilt Barn squares on city owned buildings.
- C. Consider, discuss and act upon recommendation from DBI Engineering for the Pipe Bursting Project located on U.S. Highway 380 and Welch Drive.
- D. Consider, discuss and act upon a recommendation from DBI Engineering for the Hamilton Street Reconstruction Project.
- E. Consider, discuss and act upon Resolution #R-2019-1126-001 adopting the "ExpressVote" Universal Voting System for all future elections held in Collin County.
- F. Consider, discuss and act upon Resolution #R-2019-1126-002 regarding a loan agreement for repayment to the Farmersville Economic Development Corporation.
- G. Consider, discuss and act upon a Boundary Agreement between the City of Farmersville and the City of Nevada.

## **IX. EXECUTIVE SESSION**

Discussion of matters permitted by Texas Government Code Chapter 551 as follows:

### **A. Section 551.086, COMPETITIVE MATTERS OF A PUBLIC POWER UTILITY**

1. City-owned public power utility as allowed by Section 551.086 of the Texas Government Code for purposes of maintaining the confidentiality of certain information relating to any "competitive matter," as that term is defined in Section 552.133 of the Texas Government Code, engaged in or to be engaged in by the City of Farmersville.

### **B. Discussion of Matters Permitted by Texas Government Code Section 551.071, CONSULTATION WITH ATTORNEY:**

1. Consultation with City Attorney regarding mediation or contemplated litigation with United States Department of Justice concerning ADA.

## **X. RECONVENE FROM EXECUTIVE SESSION**

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

## **XII. ADJOURNMENT**

**Dated this the 21<sup>st</sup> day of November, 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 November 21, 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**

# November 2019

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

# December 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 P&Z Special Meeting 6:30 pm	3	4	5 City Amenities Board Meeting 4:15 pm	6 Main Street Board Special Meeting 9:00 am	7 Farmers & Fleas 9:00 am  Fire Department Awards Banquet 6:00 pm
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				



# January 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			<b>1</b> City Hall Closed - New Year's Day	<b>2</b> City Amenities Board Meeting 4:15 pm	<b>3</b>	<b>4</b> Farmers & Fleas 9:00 am
<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>
<b>12</b>	<b>13</b> Main Street Meeting 4:30 pm FCDC (4B) Meeting 6:00 pm	<b>14</b> City Council Meeting 6:00 pm	<b>15</b>	<b>16</b> FEDC (4A) Meeting	<b>17</b>	<b>18</b>
<b>19</b>	<b>20</b> City Hall Closed – MLK Day	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>
<b>26</b>	<b>27</b> P&Z Special Meeting 6:30 pm	<b>28</b> City Council Meeting 6:00 pm	<b>29</b>	<b>30</b>	<b>31</b>	



U.S. Small Business  
Administration

# NEWS RELEASE

## Disaster Field Operations Center West

Release Date: Nov. 14, 2019

Contact: Richard A. Jenkins, (916) 735-1500,  
[Richard.Jenkins@sba.gov](mailto:Richard.Jenkins@sba.gov)

Release Number: TX 16186-01

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### **SBA Offers Disaster Assistance to Texas Businesses and Residents Affected by Severe Storms, Straight-line Winds, Hail and Tornado**

**SACRAMENTO, Calif.** – Low-interest federal disaster loans are available to Texas businesses and residents affected by severe storms, straight-line winds, hail and tornado that occurred Oct. 20-21, 2019, announced acting Administrator Christopher M. Pilkerton of the U.S. Small Business Administration. SBA acted under its own authority to declare a disaster in response to a request SBA received from Gov. Greg Abbott on Nov. 12, 2019.

The disaster declaration makes SBA assistance available in Collin, Dallas, Denton, Ellis, Kaufman, Rockwell and Tarrant counties.

“SBA is strongly committed to providing Texas with the most effective and customer-focused response possible, and we will be there to provide access to federal disaster loans to help finance recovery for businesses and residents affected by the disaster,” said Pilkerton. “Getting our businesses and communities up and running after a disaster is our highest priority at SBA.”

“Low-interest federal disaster loans are available to businesses of all sizes, most private nonprofit organizations, homeowners and renters whose property was damaged or destroyed by this disaster,” said SBA’s Director Tanya N. Garfield of the U.S. Small Business Administration’s Disaster Field Operations Center-West. “Beginning Monday, Nov. 18, SBA representatives will be on hand at the following Disaster Loan Outreach Center to answer questions about SBA’s disaster loan program, explain the application process and help each individual complete their application,” Garfield continued. The center will be open on the days and times indicated below until further notice. No appointment is necessary.

#### **DALLAS COUNTY**

Disaster Loan Outreach Center  
Bachman Lake Branch Library  
9480 Webb Chapel Road  
Dallas, TX 75220

**Opens 9 a.m. Monday, Nov. 18**

**Mondays – Fridays, 9 a.m. - 6 p.m.**

***Closed for Thanksgiving Holiday on Thursday and Friday, Nov. 28-29***

Businesses of all sizes and private nonprofit organizations may borrow up to \$2 million to repair or replace damaged or destroyed real estate, machinery and equipment, inventory and other business assets. SBA can also lend additional funds to businesses and homeowners to help with the cost of improvements to protect, prevent or minimize the same type of disaster damage from occurring in the future.

For small businesses, small agricultural cooperatives, small businesses engaged in aquaculture and most private nonprofit organizations of any size, SBA offers Economic Injury Disaster Loans to help meet working capital needs caused by the disaster. Economic injury assistance is available regardless of whether the business suffered any property damage.

Disaster loans up to \$200,000 are available to homeowners to repair or replace damaged or destroyed real estate. Homeowners and renters are eligible for up to \$40,000 to repair or replace damaged or destroyed personal property.

Interest rates can be as low as 3.875 percent for businesses, 2.75 percent for private nonprofit organizations and 1.5 percent for homeowners and renters with terms up to 30 years. Loan amounts and terms are set by SBA and are based on each applicant's financial condition.

Applicants may apply online, receive additional disaster assistance information and download applications at <https://disasterloan.sba.gov/ela>. Applicants may also call SBA's Customer Service Center at (800) 659-2955 or email [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov) for more information on SBA disaster assistance. Individuals who are deaf or hard-of-hearing may call (800) 877-8339. Completed applications should be mailed to U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

The deadline to apply for property damage is Jan. 13, 2020. The deadline to apply for economic injury is Aug. 14, 2020.

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#### **About the U.S. Small Business Administration**

The U.S. Small Business Administration makes the American dream of business ownership a reality. As the only go-to resource and voice for small businesses backed by the strength of the federal government, the SBA empowers entrepreneurs and small business owners with the resources and support they need to start, grow or expand their businesses, or recover from a declared disaster. It delivers services through an extensive network of SBA field offices and partnerships with public and private organizations. To learn more, visit [www.sba.gov](http://www.sba.gov).

**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	November 26, 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	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.
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	November 26, 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	November 26, 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  
November 12, 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, Rick Ranspot, Michael Sullivan, Kim Morris and City Attorney Alan Lathrom were also present.
- Prayer was led by Kim Morris, Fire Chief for the City of Farmersville, followed by the pledges to the United States and Texas flags.
  - Calendar of upcoming holidays and meetings.
  - City Hall will be closed on November 28<sup>th</sup> and 29<sup>th</sup> in observance of Thanksgiving.
  - Farmers and Fleas will be on Saturday, December 7<sup>th</sup>.
  - The Christmas Parade will be on Saturday, December 14<sup>th</sup>.
  - Chief Sullivan stated they will be hosting a Citizens Police Academy from November 14, 2019 through February 6, 2020. If interested contact Officer Gonzales.
  - Proclamation for Community
    - Mayor Rice read the Proclamation

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

- No one came forward.

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

- Phyllis Tanner who resides at 408 Highway 78 N addressed Council concerning a portion of Washington Street and Farmersville Parkway and stated her daughter's car was damaged because of the condition of the roadway. She

stated the incident occurred on June 19, 2019. She indicated her daughter was driving a PT Cruiser and it did not clear the buckle in the roadway. She explained that it sheared off the bolts that holds the engine to the frame of the car and the engine shifted. When that happened more damage occurred. She said they paid \$836.11 and a tow fee for \$75.00 to have the car repaired. City insurance did file a claim but it was rejected because of the Texas Tort Claims Act and they said the city was not negligible. She is asking the Council and Mayor Rice to have the city reimburse them for \$911.16

#### **IV. CONSENT AGENDA**

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- 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
- Mike Hurst pulled the City Council Minutes and the City Manager's Report.
    - Motion to approve items B-H made by Mike Hurst
    - 2<sup>nd</sup> to approve was Donny Mason
    - All council members voted in favor
  - On the City Council Minutes Mike Hurst asked about the street names that were brought up at the last meeting and if it would cause confusion with 9-1-1 addressing.
  - Mayor Rice stated the street names that were in conflict had already been changed a few years ago.

- Motion to approve City Council Minutes made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Jim Hemby
  - All council members voted in favor
- On the City Manager's report Mike Hurst wanted to receive an update on the building inspector applications.
  - Ben White explained they have had one interview at this time.
  - Mike Hurst asked about the internet issues at Palladium.
  - Ben White stated they have been trying since the summer to receive internet services. He said they supposedly could obtain services from Spectrum.
  - Mike Hurst asked if it was something the city needed to be involved in to try and get the internet service.
  - Ben White stated he has been trying to put pressure on Spectrum to get the apartments internet service. He said it might add fuel to the fire if Council took an action to help the process.
  - Dwain Mathers stated this is a sign that something needs to happen with internet services in the city.
- Motion to approve City Manager's Report made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Mike Hurst
  - All council members voted in favor

## V. INFORMATIONAL ITEMS

These Informational Items are intended solely to keep the City Council apprised of the actions and efforts of the various boards and commissions serving the City of Farmersville. Council members who serve as a liaison to a particular board or Commission may report to the City Council regarding that body's most recent and/or upcoming meetings and activities. Council members may also deliberate and/or request further information or clarification regarding any one or more of the items contained in this provision. City Council approval of, or action on, these items is not required or requested. **Matters that require City Council action shall be considered and acted on only if an item related thereto is included in the Consent Agenda or the Regular Agenda.**

Consideration and discussion regarding the following matters, minutes and reports, which consideration and discussion may also include or pertain to individual items and projects set forth in such matters, minutes and reports, as well as related background information and plans for future completion, performance or resolution as may be necessary to understand such individual items and projects and the City's related operation:

- A. City Amenities Board
  - 1. Minutes
  - 2. Possible Council Liaison Report
- B. Farmersville Community Development Board (Type B)
  - 1. Minutes
  - 2. Financials
  - 3. Possible Council Liaison Report
    - Dwain Mathers stated they did not have a quorum.
- C. Farmersville Economic Development Board (Type A)
  - 1. Minutes
  - 2. Financials
  - 3. Possible Council Liaison Report
    - Mike Hurst stated they discussed the Reliable Concrete waterline having 600 feet to be completed. They also discussed the roadway around the College and inquired where the internet survey stood. They discussed Camden Park and Palladium moving forward and how they were looking forward to them being finished.
- D. Main Street Board
  - 1. Minutes
  - 2. Possible Council Liaison Report
    - Donny Mason stated they approved their financial statement and monthly payments. They are trying to find the right material to repair the gazebo. He said they are also searching for a speaker for their 20 year celebration.
- E. Planning & Zoning Commission
  - 1. Minutes
  - 2. Possible Council Liaison Report

## **VI. REGULAR AGENDA**

- A. Consider, discuss and act upon Resolution #R-2019-1112-001 pertaining to the duration of certain classes of Resolutions.
  - Motion to approve made by Donny Mason
  - 2<sup>nd</sup> to approve was Jim Hemby
  - All council members voted in favor
- B. Consider, discuss and act upon bid tabulations and recommendation from DBI Engineering for the Pipe Bursting Project located on U.S. Highway 380 and Welch Drive.

- Mayor Rice stated the item would be postponed to the next meeting because all the information was not available in order to act upon the item.
- C. Consider, discuss and act upon Resolution #R-2019-1112-002 regarding casting ballots for one or more nominees to serve on the Board of Directors for the Central Appraisal District of Collin County.
- Mayor Rice stated he received a letter from the City of Richardson asking us to support Mr. Mayo.
    - Motion to approve made by Mike Hurst
    - 2<sup>nd</sup> to approve was Donny Mason
    - All council members voted in favor
- D. Consider, discuss and act upon Resolution #R-2019-1112-003 supporting the Application for 2018 Collin County Bond Project.
- Ben White stated the city made application to Collin County for the roadway from CR 611 to State Highway 78. It is a 20%/80% match and that is unusual. He explained the resolution was saying we would support that. He will be going to 4A and TIRZ to see if they will commit to \$1 million in matching funds to support the project. He indicated the city might be able to use something short of that amount and do just a portion of the roadway.
  - Donny Mason asked when the city would hear back about the application.
  - Ben White stated February or March.
  - Dwain Mathers asked if the total project would cost approximately \$4 million.
  - Ben White indicated it would.
  - Dwain Mathers asked why that particular road was chosen.
  - Ben White stated the County looks at our Thoroughfare Plan and the County Thoroughfare Plan. This road is on both and it continues from a road that has already been started.
    - Motion to approve made by Jim Hemby
    - 2<sup>nd</sup> to approve was Donny Mason
    - All council members voted in favor
- E. Discussion on the status of the Master Thoroughfare Plan, Comprehensive Plan, and Disaster Plan.

- Ben White stated about every five years the city should update the Comprehensive Plan and we have gone beyond that time frame right now. The updates to the Master Thoroughfare Plan and Future Land Use map has been funded by 4A. The Comprehensive Plan was being held up because of the issues surrounding U.S. Highway 380. He believes it is time to start working on the plan. He stated that in his City Manager's Report there were dates that spell out the timeframes for the Comprehensive Plan.
- F. Consider, discuss and act upon appointment of new member to the Northeast Texas Trails Coalition Board.
- Mayor Rice stated the only application received was by John Klostermann.
    - Motion to approve made by Donny Mason
    - 2<sup>nd</sup> to approve was Mike Hurst
  - Craig Overstreet asked for an overview of the duties for the position.
  - Ben White stated the board is a coalition of several different cities and they support the trail as a whole. They consider whether the trail should become a linear state park. They consider standards to the trail and ways to support the trail.
  - Dwain Mathers asked if there was anything we could do as a city to help people and other cities participate and use the trail.
  - Ben White stated we went through the Parks & Wildlife grants that others can utilize. He stated the use of the trail has gone up overall over the years. It will take Mr. Klostermann six months to a year to catch up with everything. He said it would help since he used to be on the City Council.
  - Donny Mason asked how far the city's trail went.
  - Ben White stated 5.1 miles and stops right behind the Bland High School.
    - All council members voted in favor
- G. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the final plat of the Farmersville Plant Addition, Lot 1, Block 1.
- Sandra Green stated the plat had been reviewed by DBI and they recommended the Planning & Zoning conditionally approve the plat until the applicant satisfied some comments that needed to be addressed. She stated that since the Planning & Zoning Commission meeting the applicant had addressed all the comments, except they still needed the OSSF certification for their on-site sewer system. She indicated staff was recommending conditional approval until the OSSF certification was placed on the plat.
  - Mike Hurst asked if the city had received the annexation petition yet.
  - Ben White stated that we have not yet, but the plat could not be held up because of that. He indicated the city had an agreement with them and he

would follow up with Tony Strickland to see when they would send in the petition.

- Donny Mason asked if we could disapprove the plat until they give us the petition for annexation.
- Ben White indicated that was not an option because the petition is not a requirement of the Subdivision Ordinance.
  - Motion to conditionally approve until the OSSF certification is placed on the plat made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Jim Hemby
  - All council members voted in favor

H. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the replat of the Howell Addition, Lots 30R & 31R, Block 1.

- Sandra Green stated the Planning & Zoning Commission approved the plat conditionally until they addressed all the comments recommended by DBI. She said that since the Planning & Zoning Commission meeting the applicant had resubmitted the plat and addressed all the comments. Staff and DBI was recommending approval of the plat.
  - Motion to approve made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Jim Hemby
  - All council members voted in favor

I. Consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding the replat of the College Heights Addition, Lots 1R & 2R.

- Sandra Green stated the Planning & Zoning Commission approved the plat conditionally until they addressed all the comments as recommended by DBI. She said that since the Planning & Zoning Commission meeting the applicant had resubmitted the plat and addressed all the comments. She indicated the lots were small, but the city cannot regulate the Zoning Ordinance because the property is in the city Extra Territorial Jurisdiction (ETJ) and not in the city limits. She indicated staff and DBI were recommending approval of the plat.
- Mike Hurst wanted to know what they were planning to do with the lots.
- Sandra Green stated their application indicated single-family residences, but since it was in the ETJ the city could not regulate what they place on the lots.
- Dwain Mathers asked if the city encouraged them to come into the city limits.



- Ben White stated he has talked to people who live in that area before about coming in to the city, but the owners did not want to. He indicated the city does not typically ask them if they want to come into the city when they plat. He said that in this particular area the city does provide utilities to the lots.
  - Motion to approve made by Craig Overstreet
  - 2<sup>nd</sup> to approve was Jim Hemby
  - All council members voted in favor

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

- Craig Overstreet wanted an update on the pilot program for City Hall hours, update of the NTMWD contract, Lakehaven MUD update and update on boundary agreements.
- Donny Mason wanted an update on Hamilton Street.

## **VIII. ADJOURNMENT**

Meeting was adjourned at 6:56 p.m.

APPROVE:

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

ATTEST:

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



Agenda Section	Consent Agenda
Section Number	IV.B
Subject	City Financial Report
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 26, 2019
Attachment(s)	City Financial 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> </ul> <p>No motion, no action</p>

## MEMO

To: Benjamin White, City Manager

From: Daphne Hamlin, City Accountant

Date: November 20, 2019

Subject: October 2019 Budget Report (unaudited end of year report)

*New Software for Financial Reporting is available for review on the City website.*

*[www.farmersvilletx.com](http://www.farmersvilletx.com). Press OpenGov button ; > Press Stories button at the top under City logo;  
Press City of Farmersville October 2019 Financial Report.*

### Cash Summary

The cash summary is attached.

# SUMMARY OF CASH BALANCES OCTOBER 2019

ACCOUNT: FNB (0815)

	Interest Earned	Restricted	Assigned	Account Balance
<b>Clearing Accounts</b>				
General Fund			\$ (35,435.19)	
Permit Fund			\$ (50,769.65)	
Refuse Fund			\$ 14,738.82	
Water Fund			\$ (234,985.03)	
Wastewater Fund			\$ 695,090.65	
Electric Fund			\$ (564,516.12)	
CC Child Safety	\$ 20,435.47			
2012 Bond	\$ 30,213.03			
Waterwaste Bond Fund	\$ 0.01			
Law Enf Training	\$ 1,874.31			
Disbursement Fund	\$ 2,143.33			
Library Donation Fund	\$ 2,522.79			
Court Tech/Sec	\$ 16,456.14			
Civic Ctr/Library Repair	\$ (26,498.35)			
JW Spain Grant	\$ 30,304.48			
Rike St. Grant	\$ (127,163.66)			
Radio Note	\$ 6,082.79			
Chapparral Grant/Safe Route To School/Sewer/Sidewalk/Rike Street	\$ (41,383.58)			
CC Bond Farmersville Parkway	\$ 180,000.86			
CC Bond Floyd	\$ (49,667.75)			
Equipment Replacement	\$ 5,322.29			
Interest Earned	\$ 354.39			
<b>TOTAL:</b>	<b>\$ 354.39</b>	<b>\$ 50,642.16</b>	<b>\$ (175,876.52)</b>	<b>\$ (125,234.36)</b>

<b>Debt Service Accounts</b>				
County Tax Deposit (FNB 0807)(Debt Service)	\$ 418.48	\$ 152,578.04		
Debt Service Reserve (Texpool 0014 ) (2 months rsv )	\$ 456.72	\$ 363,581.48		
<b>TOTAL:</b>	<b>\$ 875.20</b>	<b>\$ 516,159.52</b>		<b>\$ 516,159.52</b>

<b>Appropriated Surplus Investment Accounts</b>				
Customer meter deposits (Texpool 0008)	\$ 183.28	\$ 113,089.21		
Water Dev. Board (Texstar 1110)	\$ 2,511.26	\$ 1,477,285.96		
2019 C/O Street ( Texstar 0190)	\$ 2,784.29	\$ 1,773,866.20		
Palladium Wastewater (Texstar 9350)	\$ 142.13	\$ 90,559.80		
Listcon Escrow(Texstar 0300)	\$ 237.86	\$ 151,527.84		
Summit Property Sewer Escrow (fmb 231)	\$ 26.22	\$ 16,598.19		
2012 G/O Bond, streets, water, wastewater (Texstar 0120 )	\$ 1,794.97	\$ 1,143,581.29		
<b>TOTAL:</b>	<b>\$ 7,680.01</b>	<b>\$ 4,766,508.49</b>	<b>\$ -</b>	<b>\$ 4,766,508.49</b>

<b>Unassigned Surplus Investment Accounts</b>				
Gen Fund Acct. (Texpool 0004)( Reso. 90 Day Reserve)	\$ 1,655.09	\$ 866,700.00		
Water/WW Fund (Texpool 0003)(Operating 90 day)	\$ 923.55	\$ 569,793.70		
Water/WW Fund (Texpool 00017)(Capital)	\$ 533.94	\$ 329,424.90		
Elec. Fund (Texpool 0005) (Operating)	\$ 81.16	\$ 50,000.00		
Elec. Fund (Texpool 0016)(Capital)	\$ 545.68	\$ 336,666.59		
Elec. Surcharge (Texpool 0015)	\$ 205.99	\$ 127,093.42		
Money Market Acct. (FNB 092)	\$ 13.50		\$ 73,888.77	
<b>TOTAL:</b>	<b>\$ 3,958.91</b>	<b>\$ 2,279,678.61</b>	<b>\$ 73,888.77</b>	<b>\$ 2,353,567.38</b>

<b>Contractor Managed Accounts Nonspendable</b>				
<b>(SEE NOTE ATTACHED)</b>				
NTMWD Sewer Plant Maint. Fund	\$ -			
<b>TOTAL APPROPRIATED SURPLUS</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL CASH &amp; INVESTMENT ACCOUNTS</b>	<b>\$ 7,612,988.78</b>	<b>\$ (101,987.75)</b>	<b>\$ 920,201.03</b>	<b>\$ 7,511,001.03</b>

## SUMMARY OF CASH BALANCES OCTOBER 2019

FEDC 4A Board Investment & Checking Account					
FEDC 4A Checking Account(Independent Bank 7909)	\$	4.17	\$	118,700.46	
FEDC 4A Investment Account (Texpool 0001)	\$	1,724.60	\$	1,064,022.22	
FEDC 4A Certificate of Deposit (Independent Bank)			\$	500,000.00	
<b>TOTAL:</b>	<b>\$</b>	<b>1,728.77</b>	<b>\$</b>	<b>1,682,722.68</b>	<b>\$ - \$ 1,682,722.68</b>

FCDC 4B Board Investment & Checking Account					
FCDC 4B Checking Account (Independent Bank 3035)	\$	7.21	\$	164,260.54	
FCDC 4B Investment Account (Texpool 0001)	\$	557.35	\$	343,895.42	
<b>TOTAL:</b>	<b>\$</b>	<b>564.56</b>	<b>\$</b>	<b>508,155.96</b>	<b>\$ - \$ 508,155.96</b>

TIRZ Account					
County Tax Deposits (FNB 01276)	\$	218.86	\$	129,817.05	
TIRZ Texpool Account ( )	\$	562.22	\$	315,755.35	
<b>TOTAL:</b>	<b>\$</b>	<b>781.08</b>	<b>\$</b>	<b>445,572.40</b>	<b>\$ - \$ 445,572.40</b>

Note: Salmon color used to indicate an item dedicated to a specific project or need

**Note: Standard & Poor's Rating Service assigned A+/long-term stable rating to Farmersville, Texas, 11-2018**

I hereby certify that the City of Farmersville's Investment Portfolio is in compliance with the City's investment strategy as expressed in the City's Investment Policy (Resolution 99-17, and with relevant provisions of the law.

The Public Funds Investment Act (Sec.2256.008) requires the City's Investment Officer to obtain 10 hrs. of continuing education each period from a source approved by the governing body. Listed below are courses Daphne Hamlin completed to satisfy that requirement:

Daphne Hamlin  
Daphne Hamlin, City Investment Officer

10-2019 NCTCOG - Public Funds Inv Act



*Regional. Reliable. Everyday.*

October 31, 2019

Mr. Ben White  
City Manager  
City of Farmersville  
205 South Main Street  
Farmersville, Texas 75442

RE: Farmersville Wastewater Treatment Plant  
2018-19 Billing Adjustment

Dear Mr. White:

Please find enclosed our invoice in the amount of \$25.06 and a Budget Summary regarding final fiscal year 2018-19 accounting for the Farmersville Wastewater Treatment Plant based on total charges of \$373,195.06 compared to the budgeted charges of \$373,170.00.

Thank you for your cooperation during the year. Should you have any questions or need additional information, please contact Drew Farris, Finance Manager, by e-mail at [dfarris@ntmwd.com](mailto:dfarris@ntmwd.com). You may also visit our website to view past presentations, important upcoming dates, informational fact sheets and other NTMWD news.

Sincerely,

  
THOMAS W. KULA  
Executive Director

TWK/EAF/dtf  
Enclosures

cc: George Crump, Director, NTMWD  
Daphne Hamlin, Finance Director

Regional Service Through Unity...Meeting Our Region's Needs Today and Tomorrow

501 E. Brown Street, P.O. Box 2408, Wylie, Texas 75098-2408 | Phone 972 442 5405 | Fax 972 295 6440 | [www.ntmwd.com](http://www.ntmwd.com)

**SEWER SYSTEM  
DETAIL LISTING  
313 FARMERSVILLE WASTEWATER TREATMENT PLANT  
October 31, 2019**

	<u>2016-17 ACTUAL</u>	<u>2017-18 ACTUAL</u>	<u>2018-19 BUDGET</u>	<u>2018-19 AMENDED</u>	<u>2018-19 ACTUAL</u>	<u>BALANCE</u>
<b><u>Revenues:</u></b>						
Sewer Sales						
Water Facilities	-	-	-	-	-	
Sewer Facilities	\$ 315 827 02	\$ 317,881 11	\$ 373,170 00	\$ 370 935 00	\$ 373 195 06	\$ 25 06
Interceptor Facilities	-	-	-	-	-	
Total	<u>315 827 02</u>	<u>317,881 11</u>	<u>373 170 00</u>	<u>370 935 00</u>	<u>373 195 06</u>	
Other Charges						
Effluent	-	-	-	-	-	
License	-	-	-	-	-	
Pretreatment	-	-	-	-	-	
Debt Acquisition	-	-	-	-	-	
Tfr from Escrow	-	-	-	-	-	
Other	1 253 24	709 52	-	-	14 700 00	
Total	<u>1 253 24</u>	<u>709 52</u>	<u>-</u>	<u>-</u>	<u>9 208 65</u>	
Interest Income	<u>454 25</u>	<u>1,373 87</u>	<u>1,185 00</u>	<u>1,185 00</u>	<u>23 908 65</u>	
					<u>2 183 14</u>	
Total	<u>\$ 317,534 51</u>	<u>\$ 319,944 50</u>	<u>\$ 374,355 00</u>	<u>\$ 372,120 00</u>	<u>\$ 399 286 85</u>	
<b><u>Expenditures:</u></b>						
Personnel						
Salaries & Wages	57 844 16	78 461 27	98 580 00	98 735 00	101,262 80	
Other	<u>25 204 60</u>	<u>34 321 23</u>	<u>42,960 00</u>	<u>44,110 00</u>	<u>45 233 08</u>	
Total	<u>83 048 76</u>	<u>112 782 50</u>	<u>141 540 00</u>	<u>142 845 00</u>	<u>146 495 88</u>	
Supplies						
Fuel	-	-	-	-	-	
Chemicals	8 927 50	10 199 55	14 465 00	13,505 00	11 438 68	
Other	<u>38 867 34</u>	<u>36,078 78</u>	<u>46,915 00</u>	<u>44 570 00</u>	<u>57 410 20</u>	
Total	<u>45 794 84</u>	<u>46 279 33</u>	<u>61 380 00</u>	<u>58 075 00</u>	<u>68 848 88</u>	
Services						
Consulting	3 388 06	2 597 76	3 500 00	250 00	244 50	
Insurance	2 764 14	2 602 96	2 675 00	2 775 00	2 744 86	
Landfill Service Fees	7 545 95	8 384 54	8,100 00	9 120 00	12 410 41	
Maintenance	8 047 12	8 140 48	14 450 00	7 455 00	7 142 44	
Power	47,372 40	49 206 89	42 800 00	41 800 00	40 958 92	
Support	71 811 27	49 801 89	61,975 00	88 120 00	95 855 24	
Other	<u>21 867 36</u>	<u>24 829 60</u>	<u>37 935 00</u>	<u>21,680 00</u>	<u>24,585 72</u>	
Total	<u>162 796 40</u>	<u>145 564 10</u>	<u>171,435 00</u>	<u>171 200 00</u>	<u>183 942 09</u>	
Capital Outlay	25 894 49	15 318 57	-	-	-	
Escrow						
Reserve for Maintenance	-	-	-	-	-	
Equipment Replacement	-	-	-	-	-	
Total	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	
Capital Improvement Fund	-	-	-	-	-	
Debt Service	-	-	-	-	-	
Special Projects	-	-	-	-	-	
Total	<u>\$ 317 534 51</u>	<u>\$ 319 944 50</u>	<u>\$ 374 355 00</u>	<u>\$ 372,120 00</u>	<u>\$ 399 286 85</u>	
Revenues Over(Under) Expenditures	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	



## **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	November 26, 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	November 26, 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.C
Subject	FEDC Farmersville Economic Development Board (Type A)
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 26, 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.D
Subject	Main Street Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 26, 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.E
Subject	Planning & Zoning Commission
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 26, 2019
Attachment(s)	1. Minutes 2. 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>



**CITY OF FARMERSVILLE  
PLANNING AND ZONING COMMISSION MINUTES  
SPECIAL SESSION MEETING  
NOVEMBER 4, 2019, 6:30 P.M.  
COUNCIL CHAMBERS, CITY HALL  
205 S. Main Street**

**I. PRELIMINARY MATTERS**

- Chairman Michael Hesse presided over the meeting which was called to order at 6:30 p.m. Commissioners Lance Hudson, Luke Ingram, Rachel Crist, John Klostermann and Brian Brazil were in attendance. Leaca Caspari was not in attendance. Also, in attendance were staff liaison, Sandra Green; City Manager, Ben White; and Council liaison Craig Overstreet.
- Craig Overstreet led the prayer and the pledges to the United States and Texas flags.

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

- No one came forward.

**III. ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

- A. Consider, discuss and act upon minutes from October 7, 2019.
- Motion to approve made by John Klostermann
  - 2<sup>nd</sup> to approve made by Brian Brazil
  - All members voted in favor
- B. Consider, discuss and act upon a recommendation to the City Council for the final plat of the Farmersville Plant Addition, Lot 1, Block 1.

- Michael Hesse stated the plat was recommended for approval if they made the changes recommended by DBI Engineering.
  - Rachel Crist asked what they would needed to address.
  - Michael Hesse read off the letter from DBI with the changes that were required.
  - Sandra Green explained that some items that make it a Minor Plat would be that it is four or fewer lots, all lots front onto an existing public street and the plat does not require the extension of any municipal facilities.
  - Ben White stated that he could technically approve the plat since it is a Minor Plat but he always likes for the plats to come before the Planning & Zoning Commission and City Council for approval.
  - Sandra Green explained that a Minor Plat is usually a simple, straight forward plat.
  - Ben White explained this was the plat for Nelson Brothers Ready Mix. He said they have not filed for annexation yet, but the city could not hold the plat up because of that. He indicated that he would contact them because they have an agreement with the city to file a petition for annexation.
- Motion made by John Klostermann to conditionally approve the final plat of the Farmersville Plant Addition, Lot 1, Block 1 subject to the applicant's correction of the following deficiencies or flaws in their plat submittal together with any subsequent flaws; and withholding recording thereof with the County until the applicant's completion of all required public improvements necessary, if any, to serve the proposed development:
    1. The type of plat identified on the face of the plat should be changed from "Final Plat" to "Minor Plat" in accordance with Farmersville Code Section 65-35;
    2. The reference in the Title Block on the Plat to "Lots1, Block 1" should be changed from "Lots" in the plural to the singular to hereafter read "Lot 1, Block 1";
    3. The plat needs to be corrected to show the dedication of road right-of-way that is identified on the City's Master Thoroughfare Plan in accordance with Farmersville Code Sections 65-28(a) and 65-44(c)); and
    4. The Property Owner's Certificate on the plat needs to be replaced with the correct Property Owner's Certificate identified in the attachment to the October 21, 2019, correspondence from Daniel & Brown, Inc. regarding Farmersville Plant Addition – Preliminary Plat Dated October 10, 2019.
  - 2<sup>nd</sup> to approve made by Lance Hudson
  - All members voted in favor



C. Consider, discuss and act upon a recommendation to the City Council for the replat of the Howell Addition, Lost 30R & 31R, Block 1.

- Michael Hesse and Rachel Crist recused themselves due to conflicts of interest.
- Lance Hudson stated that DBI recommended conditional approval pending a few changes being made.
- Ben White explained there were just a few minor things the applicant needed to fix on the plat.
- Sandra Green stated it met the required width and depth for the zoning district.
  - Motion made by Brian Brazil to conditionally approve the final plat the Howell Addition, Lots 30R and 31R, Block 1 subject to the applicant's correction of the following deficiencies or flaws in their plat submittal together with any subsequent flaws; and withholding recording thereof with the County until the applicant's completion of all required public improvements necessary, if any, to serve the proposed development:
    1. Remove the additional ten feet of road right-of-way designation that is not required by the Subdivision Ordinance and the City's Master Thoroughfare Plan;
    2. Add the right-of-way for North Rike Street in accordance with Farmersville Code Section 65-32(a) by and through the requirements of Farmersville Code Sections 65-30(b), 65-29(c)(2) and 65-29(c)(5) and the City's Master Thoroughfare Plan; and
    3. The Title Block on the plat needs to be corrected to match the Title Block requirements for a replat in accordance with Farmersville Code Section 65-32(e).
  - 2<sup>nd</sup> to approve made by Lance Hudson
  - All members voted in favor
- Michael Hesse and Rachel Crist entered the room and rejoined the meeting.

D. Consider, discuss and act upon a recommendation to the City Council for the final plat of the Tran 557 Addition.

- Sandra Green stated the property was located in the ETJ and they will require a variance for fire flows. They have not applied for the variance at this time and the city still needed a "Will Serve" letter from their utility company. Since they are still lacking a few major items staff is recommending denial of the plat.
  - Motion made by Lance Hudson to disapprove the final plat of the Tran 557 Addition because of the following deficiencies or flaws in their plat submittal together with any subsequent flaws; withholding recording thereof with the County until the plat has been resubmitted for consideration with all deficiencies and flaws corrected and the

applicant's completion of all required public improvements necessary, if any, to serve the proposed development:

1. The type of plat identified on the face of the plat should be changed from "Final Plat" to "Minor Plat" in accordance with Farmersville Code Section 65-35;
2. The reference in the Title Block on the Plat to "Lots 1, Block 1" should be changed from "Lots" in the plural to the singular to hereafter read "Lot 1, Block 1";
3. The applicant must submit a letter from Copeville SUD stating that said water utility company has reviewed the final plat and stating any requirements, including easements, which the utility company may require of the applicant to provide potable water to the proposed subdivision in accordance with the requirements of Farmersville Code Section 65-29(h);
4. The applicant must submit a letter requesting a variance from the requirements that the applicant design, construct and install such potable water improvements as may be necessary to provide water in such quantity and at such pressure as is required to provide fire-flow water service to establish a fire protection system for the proposed subdivision in accordance with the requirements of Farmersville Code Section 65-48(a);
5. The plat needs to be corrected to show the dedication of road right-of-way that is identified on the City's Master Thoroughfare Plan in accordance with Farmersville Code Sections 65-28(a) and 65-44(c); and
6. The Property Owner's Certificate on the plat needs to be replaced with the correct Property Owner's Certificate identified in the attachment to the October 21, 2019 correspondence from Daniel & Brown, Inc. regarding Tran 557 Addition Lot 1 Block 1 Review Dated October 10, 2019.

- 2<sup>nd</sup> to disapprove made by John Klostermann
- All members voted in favor

E. Consider, discuss and act upon a recommendation to the City Council for the replat of the College Heights Addition, Lots 1R & 2R.


- Sandra Green stated this plat was in the city's Extra Territorial Jurisdiction (ETJ) so the city could not regulate the size of the lots. She stated staff was recommending approval as long as they address the conditions as stated in DBI's letter.
- Michael Hesse was concerned about the lot size.

- Sandra Green stated the city could not enforce zoning in the ETJ. She indicated the only thing the city could regulate in the ETJ was the city's Subdivision Ordinance.
  - Ben White stated they have utilities to the lots.
  - Michael Hesse said the applicant, according to the letter from DBI, needed to label the streets correctly, show the right-of-way dedication and add city required easements.
  - Rachel Crist was concerned about the size of the property and that she could not find the property when she went to view the lots before the meeting.
  - Ben White stated those were not reasons to disapprove the plat at this time.
- Motion made by John Klostermann to conditionally approve the replat of the College Heights Addition, Lots 1R & 2R subject to the applicant's correction of the following deficiencies or flaws in their plat submittal together with any subsequent flaws; and withholding recording thereof with the County until the applicant's completion of all required public improvements necessary, if any, to serve the proposed development:
    1. The streets adjacent to the proposed subdivision need to be correctly identified and labeled in accordance with Farmersville Code Section 65-32(a) by and through the requirements of Farmersville Code Sections 65-30(b), 65-29(c)(2) and 65-29(c)(5);
    2. The plat needs to be corrected to show the dedication of road right-of-way that is identified on the City's Master Thoroughfare Plan in accordance with Farmersville Code Sections 65-28(a) and 65-44(c); and
    3. The plat needs to have a missing city easement added in accordance with Farmersville Code Section 65-53.
  - 2<sup>nd</sup> to approve made by Lance Hudson
  - All members voted in favor, except Rachel Crist who voted no.
- Michael Hesse stated the motion was approved.

#### IV. ADJOURNMENT

Meeting was adjourned at 7:05 p.m.

ATTEST:

  
Sandra Green, City Secretary

APPROVE:

  
Michael Hesse, Chairman





October 21, 2019

RE: Farmersville Plant Addition – Preliminary Plat  
Dated October 10, 2019

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The comments listed below will need to be addressed:

- Submit as a "Minor Plat" (Section 2.15)
- Fix Title, Lot 1 Block 1 (not Lots)
- Property is located adjacent to road on City Thoroughfare Plan, add dedicated R.O.W. (Section 2.8.1)
- Use correct Property Owner's Certificate. See attached.

If you should have any questions, please contact Sandra Green at the City of Farmersville at 972-782-6151.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jacob Dupuis".

Jacob Dupuis, P.E.

## Information Required on Plat

The plat shall provide a place for the County Clerk of Collin County to stamp the date and location where the plat will be filed in the lower right hand corner of the plat drawing.

Plats shall contain the following certificates and approval/acceptance language:

- Property Owner's Certificate:

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

WHEREAS, [\_\_\_\_\_] Name(s) [\_\_\_\_\_] is (are) the Owner(s) of a tract of land situated in the [\_\_\_\_\_] Survey, Abstract No. [\_\_\_\_\_] Collin County, Texas and being out of a [\_\_\_\_\_] acre tract conveyed to him/her (them) by [\_\_\_\_\_] and a [\_\_\_\_\_] acre tract conveyed to him/her (them) by [\_\_\_\_\_] and being more particularly described as follows:

*(Enter accurate metes and bounds property description here)*

NOW, THEREFORE, KNOW ALL MWN BY THESE PRESENTS:

That \_\_\_\_\_, acting herein by an through his (its) duly authorized officers, does hereby adopt this plat designating the herein above described property as \_\_\_\_\_, an addition to the City of Farmersville, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements-shown thereon. The streets and alleys, if any, are dedicated for street purposes and any and all related necessary appurtenances. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Farmersville. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits

the use to particular utilities, said use by public utilities being subordinate to the public's and City of Farmersville's use thereof.

The City of Farmersville and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Farmersville and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Farmersville, Texas.

WITNESS, m y hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By:

\_\_\_\_\_  
Authorized Signature of Owner

\_\_\_\_\_  
Printed Name and Title

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_ Owner, 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 purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
My Commission Expires On:

- Surveyor's Certificate:

KNOW ALL MEN BY THESE PRESENTS:

That I, \_\_\_\_\_, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Farmersville.

(seal)

\_\_\_\_\_  
Signature of Registered Public Land Surveyor  
Registration No. \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this \_\_\_\_\_ day personally appeared \_\_\_\_\_, Land Surveyor, 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 purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
My Commission Expires On:

- Approval Block:

"RECOMMENDED FOR APPROVAL"

\_\_\_\_\_  
Chairman, Planning & Zoning Commission  
City of Farmersville, Texas

\_\_\_\_\_  
Date

"APPROVED FOR CONSTRUCTION"

\_\_\_\_\_  
Mayor, City of Farmersville, Texas

\_\_\_\_\_  
Date

"ACCEPTED"

\_\_\_\_\_  
Mayor, City of Farmersville, Texas

\_\_\_\_\_  
Date

The undersigned, the City Secretary of the City of Farmersville, Texas, hereby certifies that the foregoing final plat of the \_\_\_\_\_ subdivision or addition to the City of Farmersville was submitted to the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the Council, by formal action, then and there accepted the dedication of streets, alley, parks, easements, public places, and water and sewer lines as shown and set forth in and upon said plat and said Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
City Secretary  
City of Farmersville, Texas



- Special Notice:

NOTICE: Selling a portion of this addition by metes and bounds is a violation of City ordinance and State law, and is subject to fines and withholding of utilities and building permits.



October 21, 2019

RE: Tran 557 Addition, Lot 1 Block 1 Review  
Dated October 10, 2019

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The comments listed below will need to be addressed:

- Submit as a "Minor Plat" (Section 2.15)
- Fix Title, Lot 1 Block 1 (not Lots)
- Provide will serve letter from Copeville SUD (Section 2.9.8)
- Will need to request a Variance from Fire Protection (Section 3.8.1)
- Property is located adjacent to road on City Thoroughfare Plan, add dedicated R.O.W. (Section 2.8.1)
- Use correct Property Owner's Certificate. See attached.

If you should have any questions, please contact Sandra Green at the City of Farmersville at 972-782-6151.

Sincerely,

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

Jacob Dupuis, P.E.

## Information Required on Plat

The plat shall provide a place for the County Clerk of Collin County to stamp the date and location where the plat will be filed in the lower right hand corner of the plat drawing.

Plats shall contain the following certificates and approval/acceptance language:

- Property Owner's Certificate:

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

WHEREAS, [\_\_\_\_ Name(s) \_\_\_\_] is (are) the Owner(s) of a tract of land situated in the [\_\_\_\_\_] Survey, Abstract No. [\_\_\_\_], Collin County, Texas and being out of a [\_\_\_\_\_] acre tract conveyed to him/her (them) by [\_\_\_\_], and a [\_\_\_\_] acre tract conveyed to him/her (them) by [\_\_\_\_], and being more particularly described as follows:

*(Enter accurate metes and bounds property description here)*

NOW, THEREFORE, KNOW ALL MWN BY THESE PRESENTS:

That \_\_\_\_\_, acting herein by an through his (its) duly authorized officers, does hereby adopt this plat designating the herein above described property as \_\_\_\_\_, an addition to the City of Farmersville, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements-shown thereon. The streets and alleys, if any, are dedicated for street purposes and any and all related necessary appurtenances. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Farmersville. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits

the use to particular utilities, said use by public utilities being subordinate to the public's and City of Farmersville's use thereof.

The City of Farmersville and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Farmersville and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Farmersville, Texas.

WITNESS, m y hand, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By:

\_\_\_\_\_  
Authorized Signature of Owner

\_\_\_\_\_  
Printed Name and Title

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_, Owner, 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 purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_, day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
My Commission Expires On:

- Surveyor's Certificate:

KNOW ALL MEN BY THESE PRESENTS:

That I, \_\_\_\_\_, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Farmersville.

(seal)

\_\_\_\_\_  
Signature of Registered Public Land Surveyor  
Registration No. \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_, Land Surveyor, 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 purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
My Commission Expires On:

- Approval Block:

"RECOMMENDED FOR APPROVAL"

\_\_\_\_\_  
Chairman, Planning & Zoning Commission  
City of Farmersville, Texas

\_\_\_\_\_  
Date

"APPROVED FOR CONSTRUCTION"

\_\_\_\_\_  
Mayor, City of Farmersville, Texas

\_\_\_\_\_  
Date

"ACCEPTED"

\_\_\_\_\_  
Mayor, City of Farmersville, Texas

\_\_\_\_\_  
Date

The undersigned, the City Secretary of the City of Farmersville, Texas, hereby certifies that the foregoing final plat of the \_\_\_\_\_ subdivision or addition to the City of Farmersville was submitted to the City Council on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the Council, by formal action, then and there accepted the dedication of streets, alley, parks, easements, public places, and water and sewer lines as shown and set forth in and upon said plat and said Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Secretary  
City of Farmersville, Texas

- Special Notice:

NOTICE: Selling a portion of this addition by metes and bounds is a violation of City ordinance and State law, and is subject to fines and withholding of utilities and building permits.

Agenda Section	Informational Items
Section Number	V.F
Subject	City Manager's Verbal Report
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 26, 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	<ul style="list-style-type: none"> <li>• Update on City Hall hours</li> <li>• Update on the NTMWD contract</li> <li>• Update on Lakehaven MUD</li> <li>• Update on Boundary Agreements</li> <li>• Update on Hamilton Street</li> </ul> <p>City Council discussion as required.</p>
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>



## **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 and Ordinance #O-2019-1126-001 regarding a text amendment to Chapter 65, "Subdivision Ordinance," of the Code of Ordinances of the City of Farmersville, Texas, that will amend various sections of, and add certain new sections to, said Chapter regarding the timing and process to receive a determination on certain development applications to bring such provisions into conformity with new state laws adopted by and through House Bill 3167.
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 26, 2019
Attachment(s)	O-2019-1126-001
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 NO. 2019-121\_\_\_\_-00\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, BY AMENDING CHAPTER 142, "SUBDIVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, THROUGH THE AMENDMENT OF VARIOUS SECTIONS OF, AND THE ADDITION OF CERTAIN NEW SECTIONS TO, SAID CHAPTER REGARDING THE TIMING AND PROCESS TO RECEIVE A DETERMINATION ON CERTAIN DEVELOPMENT APPLICATIONS TO BRING SUCH PROVISIONS INTO CONFORMITY WITH NEW STATE LAWS ADOPTED BY AND THROUGH HOUSE BILL 3167, ALL AS SET FORTH HEREIN BELOW; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Farmersville, Texas, (the "City") is a Type A General – Law Municipality located in Collin County having a population of less than 5,000 persons as determined by the most recent federal census, created in accordance with the provisions of Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City adopted the Code of Ordinances, City of Farmersville, Texas ("Farmersville Code"), for the protection of the public health and general welfare of the people of the City; and

**WHEREAS**, the City Council of the City of Farmersville, Texas (the "City Council") originally adopted the Subdivisions Ordinance pursuant to the authority granted by Texas Local Government Code Chapter 212 to provide for the safe, efficient, and orderly development of the city, and the provision of adequate streets, utilities, services, and facilities, all in accordance with the comprehensive plan for the city; and

**WHEREAS**, the Texas Legislature adopted House Bill 3167 during the 86<sup>th</sup> Regular Session to impose stricter time frames and requirements on municipal and county review and subsequent approval or disapproval of plats in favor of a property owner developing land – both previously developed and undeveloped land; and

**WHEREAS**, House Bill 3167 requires the City to make numerous changes to its Subdivisions Ordinance to conform to the new legislation; and

**WHEREAS**, the City Council finds and determines that it is in the best interest of the public health, safety and general welfare of the citizens of Farmersville, Texas, to amend

1  
certain provisions of Chapter 65, "Subdivisions," of the Farmersville Code as provided herein below to conform to such new state legislation.

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

**Section 1. FINDINGS**

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if set forth in their entirety.

**Section 2. AMENDMENTS TO SECTION 65-9, "VARIANCES"**

From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended by deleting Section 65-9, "Variances," in its entirety and replacing said section with a new Section 65-9, also entitled "Variances," to read as follows:

**"Sec. 65-9. – Variances.**

(a) *Variances.* Where the City Council, after a recommendation from the Planning and Zoning Commission (Commission) or, in some circumstances described below, the Planning and Zoning Commission upon a good and sufficient showing by the owner, finds that undue hardship will result from strict compliance with a certain provision(s) of this Chapter, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, the City Council may approve a variance from any portion of these regulations so that substantial justice may be done and the public interest is secured, provided that the variance shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the City Council shall not approve a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) Granting the variance will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the variance will not prevent the orderly subdivision of other property in the vicinity;
- (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as

distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

(4) The variance will not in any manner vary the provisions of the zoning ordinance or comprehensive plan or any other adopted plan(s) of the city; and

(5) An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

Such findings of the City Council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which a variance is considered. A variance from any provision of this Chapter may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Economic hardship to the property owner or developer alone shall not be deemed to constitute undue hardship or otherwise justify a variance from the requirements of this Chapter.

If the suspension of any of the rules and regulations of this Chapter is sought, said variance request will usually and primarily be considered by the City Council. In the event, however, that a City Council meeting will not occur within the timelines required pursuant to Texas Local Government Code chapter 212, the City Manager or designee shall have the authority to send the variance request to the Planning and Zoning Commission for its approval or disapproval.

(b) *Conditions.* In approving a variance, the City Council may require such conditions as will, in its judgment, secure substantially the purposes described in section 65-2.

(c) *Procedures.* A petition for a variance shall be submitted in writing by the property owner to the Commission before or contemporaneously with the plat or replat submitted for the Commission's consideration. The application shall state fully the grounds for the variance, and all of the facts relied upon by the applicant. The Commission shall hold a hearing on the requested variance from this Chapter and after having heard from the applicant and all other interested persons the Commission shall forward a recommendation regarding the requested variance to the City Council, together with the Commission's recommendation regarding the plat or replat. The City Council shall similarly hold a hearing on the requested variance from this Chapter, and after public testimony and giving due consideration to the recommendation of the Commission, the City Council shall approve or disapprove the requested variance. The City Council shall

also approve or disapprove the subject plat or replat in accordance with this chapter and the laws of the state.

(d) The property owner or applicant of the tract of land under consideration who is aggrieved by the Planning and Zoning Commission's final disapproval of a plat under Texas Local Government Code § 212.0095 for which plat the Planning and Zoning Commission is the final decision maker may appeal such disapproval to the City Council within 21 days of the date that the decision to disapprove was made by the Planning and Zoning Commission. All requests for appeals must be made in writing, identify the specific basis for the appeal, and be submitted to the City Manager or designee. Any appeal to City Council under this provision shall not be considered a filing under Texas Local Government Code chapter 212, and thus shall not require Council action within 30 days or 15 days, respectively. The City Manager or designee shall prepare a report and place the plat on the agenda for consideration by the City Council."

### **Section 3. AMENDMENTS TO SECTION 65-10, "WAIVERS FROM DEVELOPMENT EXACTIONS"**

From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended by deleting Section 65-10, "Waivers from Development Exactions," in its entirety and replacing said section with a new Section 65-10, "Waivers from Development Exactions," to read as follows:

#### **"Sec. 65-10. – Waivers from Development Exactions.**

(a) *Waivers from development exactions.* It is the City's intent that any required development exactions shall be roughly proportional to the impact that any proposed development or redevelopment creates on the city's infrastructure and resources. The property owner or applicant for plat approval may file a petition for relief from a dedication or construction requirement that is applied or imposed as a condition of approval of a preliminary plat or final plat in accordance with the following procedures:

(1) *Petition for relief.* The property owner or applicant must submit a written petition for relief to the City Manager at least ten days prior to the Planning and Zoning Commission's consideration of a preliminary plat or final plat. The petition shall state the reasons for the waiver request and must indicate the dedication or construction requirements from which relief is being requested. An applicant may also submit a petition for relief from conditions of plat approval added by the Commission through its consideration of a preliminary plat or final plat. This petition must be submitted no later than ten days following the Commission's action.

|

(2) *Consideration of plat.* Upon filing an appeal, the City will re-evaluate the applicant's submittal to determine whether the subject plat application remains administratively complete. If the plat application has lost its status of being administratively complete, the City will postpone consideration of the plat application by the Planning and Zoning Commission pending preparation of the study required by subsection (a)(3).

(3) *Study requirements.* The City shall provide a study in support of the dedication or construction requirements. The petitioner may provide a study in support of the waiver request. The City's study shall include the following information:

a. Total capacity of the City's public infrastructure system or improvements to be dedicated to the City to be utilized by the proposed subdivision, employing standard measures of capacity and equivalency tables that relate the type of development proposed to the quantity of system capacity. If the proposed subdivision is to be developed in phases, such information shall be provided for the entire development.

b. Total capacity to be supplied to the City's infrastructure system by the proposed dedication of an interest in land or construction of capital improvements.

c. Comparison of the capacity of the City's public facilities system to be consumed by the proposed subdivision with the capacity to be supplied by the proposed dedication of an interest in land or construction of capital improvements. In making this comparison, the impacts on the City's public facilities system from the entire development shall be considered.

d. The effect of any City participation in the costs of oversizing the capital improvements to be constructed.

(b) *City Engineer's recommendations.* The City Engineer shall evaluate the petition and any supporting study provided by the petitioner and make a recommendation to the Planning and Zoning Commission based upon the City's study, any submitted petitioner's study and his/her own analysis. The City Engineer may utilize any reasonable methodology and information in evaluating the petition.

(c) *Consideration of petition.* Based upon the petition, any study submitted by the petitioner and the City Engineer's recommendation, the Planning and Zoning Commission shall make a recommendation to the City Council as to

whether the application of the regulations for dedication or public improvements is roughly proportional to the nature and impact created by the development. The Commission, and subsequently the City Council in making its final decision, shall consider one of the following recommendations regarding the petition for relief:

- (1) Denial of the petition and imposition of the standard or condition requiring dedication or construction of capital improvements in accordance with the regulations contained within this Chapter.
- (2) Granting of the petition and waiver in whole or in part regarding any dedication or construction requirement necessary to meet the criteria for approval.
- (3) Accepting alternative designs for the public infrastructure system or improvements to be dedicated to the City.
- (4) Delaying the imposition of the requirement until a future phase of development. If a delay is recommended, the future phase of development must be clearly defined.
- (5) Reduction in the applicant's cost of the dedication or construction requirement.

(d) *Criteria for approval.* The City Council shall will usually and primarily determine whether the application of the regulations requiring dedication of an interest in land for public improvements or construction of capital improvements is roughly proportional to the nature and extent of the impacts created by the proposed development on such water, wastewater, roadway or drainage system, and reasonably benefits the development. In the event, however, that a City Council meeting will not occur within the timelines required pursuant to Texas Local Government Code chapter 212, the City Manager shall have the authority to send the waiver request to the Planning and Zoning Commission for its approval or disapproval

(e) *Lapse of plat approval.* If relief is granted to the petitioner, it shall remain in effect for the time period specified in section 65-27 for each type of plat, and shall end upon expiration of the plat. Plat approvals may be extended as provided in section 65-27.

(f) *Plat modification.* If a plat for which relief was granted is modified to increase the number of residential units or the intensity of non-residential uses, the City Engineer may prepare a new study to validate the relief. The petitioner may file for relief, and the new application and study shall be submitted and processed in accordance with this section.



(g) *Effect on other ordinances.* No waiver granted pursuant to this Section shall waive any dimensional requirement of the City's Zoning Ordinance including but not limited to lot depth, lot width, lot area, lot coverage, setbacks, landscaping and buffers. Any waiver from the literal interpretation and application of the City's Zoning Ordinance shall be strictly governed by the City's Zoning Ordinance and state law. Additionally, a waiver granted pursuant to this Chapter shall not relieve the property owner from compliance with any other statute, ordinance, rule or regulation imposed by the city, county, state or federal government upon the development of the subject property.

#### **Section 4. AMENDMENTS TO SECTION 65-11, "DEFINITIONS"**

From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended by amending Section 65-11, "Definitions," in part, as follows:

- A. The definition of the phrase "City Council" is hereby deleted in its entirety and replaced with a new definition for such phrase that also includes the word "Council" to read as follows:

*"City Council or Council means the duly elected governing body of the City of Farmersville, Texas."*

- B. The definition of the phrase "City Manager" is hereby deleted in its entirety and replaced with a new definition for said phrase to read as follows:

*"City Manager means the person holding the position of city manager, as appointed by the City Council, or their duly authorized representative."*

- C. A definition for the phrase "Filing Date" is hereby added in alphabetical order to hereafter read as follows:

*"Filing Date means the date on which the submittal is deemed administratively complete."*

- D. The definition of the phrase "Preliminary Plat" is hereby deleted in its entirety and replaced with a new definition for that phrase to read as follows:

*"Preliminary plat means the graphic expression of the proposed overall plan for subdividing, improving and developing a tract, showing in plan view the proposed street and lot layout, easements, dedications and other pertinent features, with such notations as are sufficient to substantially identify the general scope and detail of the proposed development, as well as its compliance with all requirements of the development codes of the city. Engineering plans for all public improvements shall be submitted along with*

the preliminary plat. The preliminary plat is subject to approval by the Planning and Zoning Commission and City Council. This type of plat is required when property is being subdivided into more than four lots, a new public street is being created or when municipal infrastructure must be extended to serve any proposed lot.

E. The definition of the phrase "Public Improvements" is hereby deleted in its entirety and replaced with a new definition of the phrase "Public Improvements" that also includes "Public Facilities" and "Public Infrastructure" to read as follows:

"The phrases *public improvements* or *public facilities* or *public infrastructure* means facilities, infrastructure and other appurtenances, typically owned and maintained by the City, which serve a public purpose in providing a needed service or commodity, such as wastewater collection and treatment and water storage and distribution, and which protect the general health, safety, welfare and convenience of the City's citizens, including efficiency in traffic circulation and access for emergency services. Required public improvements or public facilities or public infrastructure may include, but shall not be limited to, street and alley paving, including any necessary median openings and left turn lanes on major thoroughfares; water lines and pumping stations; sanitary sewer lines and lift stations; storm drainage structures and storm water management devices; water quality and erosion controls; screening and retaining walls; fire lane paving and fire hydrants; landscaping, where such is used for required screening or other required landscaped area, and associated irrigation system; and any required public sidewalks, street lights and street name signs. The terms "public improvements" or "public facilities" or "public infrastructure" shall not include facilities or infrastructure of private providers of utility services other than water and wastewater, but shall be deemed to include facilities and infrastructure that the city would normally require of a development but which will be owned and maintained by an entity such as a homeowner's association, as in the case of private streets."

F. The definition of the phrase "Submission Date" is hereby deleted in its entirety.

**Section 5. AMENDMENTS TO SECTION 65-22, "OFFICIAL SUBMISSION DATE AND COMPLETENESS OF APPLICATION"**

From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended by deleting Section 65-22, "Official Submission Date and Completeness of Application Definitions," in its entirety and replacing said section with a new Section 65-22, entitled "Administratively Complete" to read as follows:

**"Sec. 65-22. – Administratively complete application and submission dates.**

(a) *Administratively Complete.* The filing date of a full and complete plat submittal ("plat application") is the date on which the application for a preliminary plat, final plat, development plat, replat, minor plat, minor replat, amending plat, or record plat is considered administratively complete. An application for a preliminary plat, final plat, development plat, replat, minor plat, minor replat, amending plat, conveyance plat or record plat shall be considered administratively complete when the correct application has been submitted together with the completed corresponding plat and all of the fully completed supporting documents and information, which documents and information are generally set out in the submittal checklist published by the City, necessary for the City Manager, City Secretary and/or City Engineer or their designee(s) to review the application for conformity with the requirements identified by and through the Code of Ordinances, City of Farmersville, Texas, and all applicable statutes, ordinances, rules and regulations of the State of Texas and the United States plus the payment of the full amount of the applicable application fees required for the processing of such application."

(b) *Rejection of incomplete plat applications.* Submitted plat applications not deemed to be administratively complete shall be returned to the applicant without any further action by the City. The fact that a City employee reviewed a plat application to determine whether it is administratively complete shall not be binding on the City as the official acceptance of the application for filing.

(c) *Disagreement regarding administrative completeness.* If an applicant disagrees with the City Manager or the City Engineer or their designee(s) that their plat application is not administratively complete, the applicant shall provide the City Manager with written notice of their challenge to administrative completeness, pay the applicable fees, and demand a technical review of the plat application with the understanding that the plat application will be reviewed in accordance with the requirements of Texas Local Government Code § 212.009, or any successor statute.

(d) *Right to refile application.* After it is determined that a plat application is not administratively complete and returned to the applicant, the applicant may make the changes to the defective plat application required to make it administratively complete and submit a new plat application.

(e) *Submission Dates.* An administratively complete application for approval of any plat shall be submitted to the City at least 16 calendar days but no more than 30 calendar days, prior to the Commission meeting at which the applicant desires the plat to be considered.

(f) *Expiration of application.* An application for approval of a plat or plan for development shall be deemed to expire on the forty-fifth (45th) day after the application is submitted to the City for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this Ordinance as specified in the determination provided to the applicant. No vested rights accrue solely from the filing of a plat application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied."

**Section 6. AMENDMENTS TO SECTION 65-23, "FEES, APPLICATION FORMS AND PROCEDURES."**

From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended by deleting Section 65-23, "Fees, Application Forms and Procedures," in its entirety and replacing said section with a new Section 65-23, entitled "Fees, Application Forms and Procedures" to read as follows:

**"Sec. 65-23. – Fees, Application Forms and Procedures.**

(a) *Fees, policies and procedures.* City Council shall establish a schedule of fees as required to recoup costs related to the administration of this Chapter. In addition to the requirements outlined herein for each type of development application, the City Manager is hereby authorized to maintain policies and procedures applicable to the submission and processing of applications including, but not limited to, application forms, compliance checklists, dedication language blocks for plats, tax certificate requirements and other similar items that must be used and submitted by the applicant(s).

(b) *Payment of fees.* All application fees as outlined in Appendix A (Master Fee Schedule) of the Farmersville Code, as may be amended from time to time, shall be paid prior to action being taken on the plat application. If any required fees are not paid as specified herein for any plat application such plat application shall be rejected ~~shall be rejected~~ as being an incomplete plat application and shall not be determined to be found administratively complete until all such applicable application fees have been paid in full and the plat application has met all other requirements of this ordinance.

**Section 7. AMENDMENTS TO SECTION 65-24, "SUBMISSION PROCEDURES AND CITY REVIEW PROCESS."**

From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended by deleting Section 65-24, "Submission procedures and city review process," in its entirety and replacing said section with a new Section 65-23, entitled "Submission procedures and city review process" to read as follows:

**"Sec. 65-24. – Submission procedures and city review process.**

(a) *Pre-development meeting.* Prior to applying for a plat, the subdivider should consult with the City Manager and the City Engineer or their duly authorized representatives concerning the ultimate land use of the proposed development, the most advantageous subdivision plan, the suitability of the location of the proposed subdivision, the arrangement of streets, alleys, and lots, the layout of utility lines and availability of service from trunk mains and other regulations and policies of the City regarding development.

(b) *Submission Materials.*

(1) *Letter of intent.* The subdivider shall submit a letter to the City Manager showing his name and address and that of his land planner, engineering consultant and/or surveyor and stating his intent to subdivide a particular property, briefly describing the location, amount of land, particulars as to the intended use of the property and any variances, if requested. Such letter of intent shall be accompanied by a completed application for plat approval, the appropriate fee and drawings of the plat, as indicated herein.

(2) *Completed Application Form.* The application shall include a written application form that bears the signature(s) of the property owner(s) of the subject property, along with the appropriate submission fee, (inspection fees may be paid at the time the actual inspection is made of the project), copies of the plat in a size and format specified by the City, a copy of any applicable development agreement pertaining to the subject property (if any), and any other applicable information and materials required by the City. The City requires proof of land ownership prior to approval of any development application involving real property.

(3) *Tax Certificates and Proof of No Outstanding City Fees, Debts, Obligations or Assessments.* The application shall be accompanied by an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the subject property. Documentation shall also be included that shows there exists no delinquent assessments, fees, or other debts or obligations to the city and which are directly attributable to the subject property. It shall be the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts or

obligations have been paid at the time of submission for any application for approval under this chapter.

(4) *Engineer's Summary Report.* The application shall also be accompanied by an engineer's summary report which describes, in as much detail as necessary, the following: the overall nature and scope of the proposed development including, but not limited to, the following: the current approved zoning of the property, proposed use(s) and acreage of each proposed use, minimum lot sizes, widths and depths, number of lots to be created, and special amenities or facilities that will be included in the development; how the property will be served with required utilities and services; how storm water drainage will be handled; and, an itemization and description of any variance or waiver from the provisions of this chapter that will be sought.

(5) *Approved Driveway Spacing, Utility Service Provider Letters and School District Letter.* If the proposed development will have access points onto a major thoroughfare, the application shall also include a letter from the appropriate governmental entity, such as TxDOT or Collin or Hunt Counties, acknowledging and approving proposed driveway locations and corresponding median openings and left turn lanes, if applicable. Letters shall also be provided, together with the application, from each of the applicable utility service providers for basic utility services specifically including water, wastewater, gas, electricity, ~~telephone, cable TV~~ and solid waste, verifying their ability to provide an adequate level of service for the proposed development. If the proposed development is located in the ETJ and will have wastewater served by on-site septic facilities ("OSSF") or some other wastewater facility ("Alternate Wastewater Service") rather than being served by and through the City's underground sanitary sewer the applicant shall obtain approval of, and provide City with evidence of approval of the Alternate Wastewater Service from the appropriate governmental entity, such as the Texas Commission on Environmental Quality (TCEQ) or Collin or Hunt Counties before the plat application will be considered administratively complete. The application shall also be accompanied by a letter from the Farmersville Independent School District that addresses the district's ability to accommodate the additional number of school-age children that will be generated by the proposed development, and that expresses any desire the district may have to obtain a future school site within any portion of the subject property.

(6) *Size, Format and Scale.* All plat drawings and other corresponding plans and drawings, including engineering plans and

landscape and screening plans, shall be submitted in a size, format and engineering scale as approved by the City, and in a format that will be acceptable for eventual filing at Collin County or Hunt County. The City may deny a hearing and any approval if the applicant does not submit the complete information and fees required by this Chapter in a timely manner.

(7) It shall be a violation of this chapter for any person to knowingly or willfully misrepresent, or fail to include, any information required by this Chapter in any plat application or during any public hearing or meeting of the Planning and Zoning Commission or City Council. Such a violation shall constitute grounds for denial of the plat.

(8) *Request to Extend 30-Day Requirement.* After the plat has been scheduled on an agenda (or at any time prior), the applicant may request, in writing, an extension of the 30-day approval requirement specified in Texas Local Government Code § 212.009 for a period not to exceed 30 days, in order to allow more time to correct deficiencies, address concerns, or otherwise improve the plat pursuant to the City's regulations. A request to extend the 30-day time period an additional 30 days must be submitted to the Planning and Zoning Commission or the City Council as determined appropriate by the City Manager.

(9) *Simultaneous submission of plats.* In the event that an applicant submits preliminary and final plat applications simultaneously, as provided in section 65-29(d), the City Manager shall schedule both plat applications for action by the Commission within 30 calendar days of the plats being determined administratively complete, unless the applicant has voluntarily executed a written request for extension of the 30-day review period for one or both plats and the request is approved by the Commission or City Council. If the preliminary plat has not received approval prior to consideration of the final plat by the Commission, then the Commission shall approve with conditions or disapprove (deny) the final plat if not withdrawn by the applicant. The City Council shall take action on either one or both plat applications, as applicable, within 30 calendar days of the Commission's action. Affirmation of, or minor modifications to, the Commission's recommendation to approve the plat(s) with conditions shall require a simple majority vote of the Council members present and voting.

**Section 8. AMENDMENTS TO SECTION 65-25, "ACTION BY THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL."**



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From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended by deleting Section 65-25, "Action by the planning and zoning commission and city council," in its entirety and replacing said section with a new Section 65-25, entitled "Approval Process" to read as follows:

**"Sec. 65-25. – Approval Process.**

(a) At such time as the City Manager or the City Engineer, or their respective designee(s), determine that a plat application is administratively complete, City staff will begin its technical review of the plat application for the preliminary plat, final plat, development plat, replat, minor plat, minor replat, amending plat, or record plat (collectively "Plat"), and shall submit the plat application together with the Plat to the City Manager, the Planning and Zoning Commission or the City Council, as appropriate, together with the City Manager's recommendation regarding the plat application and Plat so as to allow the Planning and Zoning Commission or the City Council to approve, approve with conditions, or disapprove the plat application and affiliated plat within 30 days in accordance with Section 212.009(a) of the Texas Local Government Code, as amended.

(b) *Action on initial submittal.*

1. *By the City Manager.* In the event the City Manager conditionally approves an amended plat or minor plat or minor replat, the City Manager shall provide the applicant a written statement of the conditions for the conditional approval in accordance with Section 212.0091 of the Texas Local Government Code, as amended.

2. *By the Commission or Council.* In the event the Planning and Zoning Commission or City Council conditionally approves a plat or disapproves a plat, the Commission or Council shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval in accordance with Section 212.0091 of the Texas Local Government Code, as amended.

(a) *Action on written response remedying conditions/reasons for disapproval.* After the conditional approval of a plat or disapproval of a plat, an applicant may submit to the City a written response that satisfies each condition for the conditional approval or remedies each reason provided for the disapproval, in accordance with Section 212.0093 of the Texas Local Government Code, as amended.

1. *By the City Manager.* In the event the City receives such a response from an applicant regarding an amended plat or minor plat or minor replat, the City Manager shall determine whether to



approve the applicant's previously conditionally approved amended plat or minor plat or minor replat not later than the 15th day after the date the response was submitted, in accordance with Section 212.0095 of the Texas Local Government Code, as amended. If, however, the City Manager is unable to approve the same, the City Manager shall cause the applicant's previously conditionally approved amended plat or minor plat or minor replat to be considered and ruled upon by the Commission or Council either of which may also disapprove the applicant's previously conditionally approved amended plat or minor plat or minor replat not later than the 15th day after the date the response was submitted, in accordance with Section 212.0095 of the Texas Local Government Code, as amended.

2. *By the Commission or Council.* In the event the City receives such a response from an applicant, the Commission, or Council shall determine whether to approve the applicant's previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted, in accordance with Section 212.0095 of the Texas Local Government Code, as amended. The commission or council may also disapprove the applicant's previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted, in accordance with Section 212.0095 of the Texas Local Government Code, as amended."

## **Section 9. AMENDMENTS TO SECTION 65-26, "APPEALS."**

From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended by deleting Section 65-26, "Appeals," in its entirety and replacing said section with a new Section 65-26, entitled "Appeals" to read as follows:

### **"Sec. 65-26. – Appeals.**

(a) *Reasons for disapproval.* If the Commission recommends disapproval (denial) of a plat application or denies a concept plan application, the Commission shall state such disapproval and the specific technical reasons therefore.

(b) *Process.* The property owner or applicant of the tract of land under consideration who is aggrieved by the Planning and Zoning Commission's final disapproval of a plat under Texas Local Government Code § 212.0095 for which plat the Planning and Zoning Commission is the final decision maker may appeal such disapproval to the City Council within 10 days of the date that the decision to disapprove was made by the Planning and

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Zoning Commission. All requests for appeals must be made in writing, identify the specific basis for the appeal, and be submitted to the City Manager. Any appeal to City Council under this provision shall not be considered a filing under Texas Local Government Code chapter 212, and thus shall not require Council action within 30 days or 15 days, respectively. The City Manager or designee shall prepare a report and place the plat on the agenda for consideration by the City Council.

(c) *Action of City Council.* The Council may change the decision of the Commission by a three-fourths majority vote of the Council members present and voting. The Council may also, where appropriate, remand the plat back to the Commission for reconsideration if it believes that there is a compelling reason to do so, such as the introduction of significant new facts or testimony. The City Council shall be deemed to have concurred in the disapproval or denial of any plat application that is disapproved or denied by the Commission until such time as the City Council specifically overrules the Commission's decision as provided herein."

**Section 10. AMENDMENTS TO SECTION 65-27, "LAPSE OF APPROVAL, REINSTATEMENT AND DORMANT PROJECTS."**

From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended by adding a new paragraph (b), entitled "Preliminary Plats," to read as follows, and re-lettering existing paragraphs (b) through (g) as paragraphs (c) through (h):

"(b) When a preliminary plat has been approved by the Commission or Council or is otherwise deemed approved, a final plat for all or a part of the area shall be submitted within six months thereafter; otherwise the approval shall terminate and shall be void. However, prior to the expiration of said approval, the time for filing of the application for the record plat may be extended at the written request of the subdivider. The first filing extension (not to exceed 90 days) may be granted by the City Manager or referred to the Planning and Zoning Commission or City Council. Any further requests for extensions shall be considered by the Planning and Zoning Commission or City Council.

If a preliminary plat expires, the general development plan and/or concept plan, if one was approved, that underlies and forms the basis for the preliminary plat shall also expire contemporaneously with the expiration of the preliminary plat.

Following the expiration of the preliminary plat, the subdivider at any time thereafter may submit a new general development plan and/or concept plan, if required, and/or preliminary plat for Commission or Council approval following the procedures and regulations then in effect."

## **Section 11. AMENDMENTS TO SECTION 65-29, "PRELIMINARY PLAT."**

From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended by deleting Section 65-29, "Preliminary Plat," in its entirety and replacing said section with a new Section 65-29, also entitled "Preliminary Plat," to read as follows:

### **"Sec. 65-29. – Preliminary Plat.**

(a) *Purpose and applicability.* A preliminary plat allows the Commission and the City Council to evaluate the proposed plat for conformity with requirements and conditions identified at the time of concept plan approval and to evaluate construction plans for public improvements or to provide adequate security for construction of the same. A preliminary plat is required for all subdivisions prior to the construction of public improvements; however, the City Manager may allow an applicant to proceed to a final plat without filing of a preliminary plat based on the size and nature of the proposed development. If an applicant does not submit a preliminary plat, a facilities agreement in accordance with section 65-75 must be submitted and approved by the City Council to guarantee the installation of required public improvements.

(b) *Phasing.* The preliminary plat shall constitute only that portion of the approved concept plan which the applicant proposes to construct and record initially, provided however, that such portion conforms to all the requirements of this chapter and with any other applicable regulations and codes of the City.

(c) *Information required upon or with preliminary plat.* The proposed preliminary plat and associated engineering plans shall show the following information (detailed engineering information may be shown on a separate plan or document if approved by the City Engineer):

(1) A vicinity, or location, map that shows the location of the proposed preliminary plat within the City (or within its ETJ) and in relationship to existing roadways;

(2) Boundary lines, abstract or survey lines, corporate or other jurisdictional boundaries, existing or proposed highways and streets (including right-of-way widths), bearings and distances related to state plane coordinates and sufficient to locate the exact area proposed for the subdivision, and all survey monuments (identified and labeled; see section 65-43 for specifications); the length and bearing of all straight lines, radii, arc lengths, tangent lengths and central angles of all curves shall be indicated along the lines of each lot (curve and line data may be placed in a table format); accurate

reference ties via courses and distances to at least one recognized abstract or survey corner or existing subdivision corner shall be shown;

(3) The plat shall also include a note describing the corner tie as required above and further tie at least one corner of the subdivision that is being developed or redeveloped to the City's approved vertical control monumentation, the details of which monumentation are contained in appendix 1 attached hereto and incorporated herein by reference for all purposes allowed by law; the developer shall establish two permanent monuments per development (at points approved by the city engineer) that shall be tied to said vertical control monumentation; and, the boundary line description of the tract being subdivided shall close to an accuracy of one in 10,000;

(4) The name, location and recording information of all adjacent subdivisions (or property owners of adjacent un-platted property), including those located on the other sides of roads or creeks, shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, alleys, building setbacks, lot and block numbering, easements, and other features that may influence the layout of development of the proposed subdivision; adjacent un-platted land shall show property lines, the names of owners of record, and the recording information;

(5) The location, widths and names of all streets, alleys and easements (the applicant must coordinate with appropriate utility entities for placement of necessary utility easements and for location of all streets and median openings on highways or arterial roadways), existing or proposed, within the subdivision limits and adjacent to the subdivision. A list of proposed street names shall be submitted for all new street names (street name approval is required at the time the preliminary plat is approved);

(6) The location of all existing property lines, existing lot and block numbers and date recorded, easements of record (with recording information), buildings, existing sewer or water mains, gas mains or other underground structures, or other existing features within the area proposed for subdivision;

(7) Proposed arrangement and square footage of lots (including lot and block numbers) and proposed use of same including:

(a) For nonresidential uses, the location and size of buildings (this information may be provided on a separate

sheet, such as on a voluntary concept plan or preliminary site plan (see the zoning ordinance); and,

(b) For single family residential developments, a separate table of all lots' sizes including the mean and median lot size (excluding common areas);

(8) A title block within the lower right hand corner of the plat (and engineering plans) which shows the title or name under which the proposed subdivision is to be recorded, the name and address of the property owner and the name of the land planner, licensed engineer or registered public surveyor who prepared the plat or plans, the scale of the plat, the date the plat was prepared, and the location of the property according to the abstract or survey records of Collin County or Hunt County, Texas. The subdivision name shall not duplicate (or phonetically replicate) the name of any other platted subdivision in the city or its ETJ unless required to identify separate phases of the development. The city may require a different subdivision name if there is potential for confusion by public safety officials or the general public;

(9) Sites, if any, to be reserved or dedicated for parks, schools, playgrounds, other public uses or for private facilities or amenities;

(10) Scale, date, north arrow oriented to the top or left side of the sheet, and other pertinent informational data;

(11) Contours with intervals of two feet or less shown for the area, with all elevations on the contour map referenced to the city's approved vertical control monumentation contained in appendix 1 or a subsequent control monument set as part of a development or re-development and approved for such use by the city engineer;

(12) Areas contributing drainage to the proposed subdivision shall be shown in the engineering plans; locations proposed for drainage discharge from the site shall be shown by directional arrows;

(13) All physical features of the property to be subdivided, including the location and size of all water courses, the 100-year flood plain according to Federal Emergency Management Agency (FEMA) information, any U.S. Army Corps of Engineers flowage easement requirements, ravines, bridges, culverts, existing structures, drainage area in acres of area draining into subdivisions, the outline of major wooded areas or the location of major trees, six inches in diameter and larger when measured four feet above ground level, and other features pertinent to the subdivision;

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(14) Engineering plans of water and sewer lines and other infrastructure (including sizes) to be constructed in the subdivision; the proposed connections to distribution mains shall be indicated;

(15) Proposed phasing of the development; where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the preliminary plat, shall provide a schedule of development; the dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision; the City Council shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for the entire project or for such phases as the City Council determines to be necessary to adjudge whether the subdivision will be served by adequate streets and thoroughfares;

(16) Proposed or existing zoning of the subject property and all adjacent properties, as well as a tabulation of site development information and the intended manner of compliance with the design standards of the zoning ordinance including the required points for optional standards.

(17) Minimum finished floor elevations of building foundations shall be shown for lots adjacent to a flood plain or within an area that may be susceptible to flooding;

(d) *Concurrent review.* The applicant may choose to submit a final plat for review concurrently with the preliminary plat. In such case, the city may schedule concurrent review of both plats, provided that all required information and other items are submitted for both plats, including full engineering plans and the appropriate assurances for the completion of all improvements, as per article VI, and provided that adequate review can be achieved by the city and commission.

(e) *Standards for Approval.* The City Manager shall be furnished with a drawing of the preliminary plat together with the number of copies of the plan deemed necessary by the City to complete the required reviews or staff reports, and any necessary supporting documents describing the type of development, provision of services, development procedure and timing, and engineering studies. No plat shall be considered submitted or filed with the City until it is determined to be administratively complete by the City.

No preliminary plat shall be recommended for approval by the Commission or approved by the City Council unless the following standards have been met:

(1) The plat substantially conforms with the approved concept plan, or other studies and plans approved by the city, as applicable;

(2) The layouts and engineering plans for required public improvements and city utilities have been submitted by the applicant for approval by the city engineer (whether specifically stated or not, preliminary plat approval shall always be subject to any additions or alterations to the engineering plans as deemed necessary by the engineer, as needed, to ensure the safe, efficient and proper construction of public improvements within the subdivision); and

(3) The plat conforms to applicable zoning (if situated within the City's corporate limits) and all other pertinent development regulations and the requirements of state and federal law.

(f) *Effect of approval.* Approval of a preliminary plat by the city council shall be deemed general approval of the street and lot layout shown on the preliminary plat (approval for construction of the necessary streets, water lines, sewer lines, and other required improvements and utilities shall be authorized only through the city engineer's approval of the engineering plans), and to the preparation of the final plat. Except as provided for herein, approval of the preliminary plat shall constitute conditional approval of the final plat when all conditions of approval and when all procedural requirements set forth in this chapter have been met.

(g) *Engineering plans.* Along with the preliminary plat application, the applicant shall submit complete engineering plans for streets, alleys, storm sewers and drainage structures, water and sanitary sewer facilities, screening and retaining walls, landscaping and irrigation, and any other required public improvements for the area covered by the preliminary plat. The engineering plans shall also contain any plans deemed necessary to show or document compliance with the city's ordinances pertaining to non-point source pollution control, on-site sewage facility rules, and any other applicable codes and ordinances of the city that are related to development of a land parcel. Cost estimates shall also be submitted with the engineering plans. A complete sets of engineering plans shall include the following plans or sheets (generally in this order), as well as any additional plans or sheets deemed necessary and requested by the city engineer:

(1) Cover or title sheet — Preliminary plat.

(2) Final site plan (for nonresidential and multi-family projects only  
- See the zoning ordinance for specific requirements and approval

procedures) — Existing conditions plan, which shows existing topography, vegetation, tree inventory, existing natural and man-made physical features, etc. — Grading, erosion control, and water quality control plans — Paving and storm drainage plans — Utility plans for water, sanitary sewer, etc. — Traffic control plans (if necessary) — Screening and retaining wall plans — Landscaping and irrigation plans.

The city engineer shall review, or cause to be reviewed, the plans and specifications and if approved, shall mark them approved and shall return one set to the applicant. If not approved, one set shall be marked with the objections noted and returned to the applicant for correction, whereupon the applicants engineer shall correct the plans as requested and shall resubmit the corrected plans back to the city engineer for re-review.

The applicant shall have engineering plans prepared by or under the direct supervision of a professional engineer licensed in the state, as required by state law governing such professions and in accordance with this chapter and the city's design manuals and standard construction details. All engineering plans submitted for city review shall be dated and shall bear the responsible engineer's registration number, his or her designation of "professional engineer" or "P.E.", and the engineers seal and signature. The city engineer shall approve engineering plans when such plans meet all of the requirements of this chapter and the design manuals and standard construction details.

Engineering plans shall be in conformance with the design manuals and standard construction details and with the requirements set forth herein. Engineering plans showing paving and design details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers, sidewalks, screening and retaining walls, landscape and irrigation plans (if appropriate), and other engineering details of the proposed subdivision shall be prepared at a legible scale and shall be submitted to the city engineer (or designee) along with a copy of the preliminary plat of the subdivision.

As part of the engineering plans, a drainage plan showing how the drainage of each lot relates to the overall drainage plan for the plat under consideration shall be submitted. The drainage plan shall be made available to each builder within the proposed subdivision and all builders shall comply with the drainage plan.

Once the engineering plans are approved by the city engineer, the property owner shall provide additional sets of the approved plans as required by the city engineer, for use during construction. A full set of the



city-approved engineering plans must be available for inspection on the job site at all times.

(h) *Additional Studies and/or Technical Analyses.* It is generally understood and accepted that additional studies or analyses may be necessary prior to the consideration of a plat, as determined by the City Engineer. This may include, but not be limited to flood studies, drainage analyses, and/or traffic impact analyses, the results of which may have significant impacts regarding the final layout of the plat. As a result, said studies and technical analyses shall be submitted and approved prior to the submittal of a plat.

(i) *Utility company review.* The applicant shall also provide copies of letters from applicable local utility companies stating that each utility company has reviewed the preliminary plat and stating any requirements, including easements, they may have. This requirement may be deferred until the time of final plat submittal by the city engineer.

(j) *Timing of public improvements.*

(1) Public improvements shall be installed and accepted by the city following approval of the preliminary plat and release of construction by the city engineer. However, the city engineer may permit all or some of the public improvements to be installed, offered for dedication, or accepted by the city after approval of the final plat by the city council if there exists a compelling reason that is consistent with the public health, safety or welfare to do so (also see article V).

(2) The city council may permit or require the deferral of the construction of public improvements if, in its judgment, deferring the construction would not result in any harm to the public or would offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. The deferred construction of any required public improvement(s) must be approved by the city council at the time of final plat approval, and the necessary assurances for completion of the improvements, in accordance with article V, shall be a stipulation, or condition, of approval of the preliminary or final plat.

(3) If the city council does not require that all public improvements be installed, offered for dedication, or accepted by the city prior to approval of the final plat, the applicant shall provide assurances or security for the completion of the improvements or escrowed funds, as provided in article V and article VI.

(k) *Revisions to approved preliminary plat.* Minor revisions to the preliminary plat may be needed before the final plat can be filed of record. Such minor revisions as slight enlargement or shifting of easements or lot lines, addition of private or franchise utility easements, correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, etc. may occur on the final plat without having to re-approve the preliminary plat. Major revisions, such as reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation, addition or deletion of any public improvement (including corresponding easements), shall necessitate re-submission and re-approval of the plat as a revised preliminary plat. The procedures for such re-approval shall be the same as for a preliminary plat, and such re-approval may constitute a new project thus necessitating submission of a new application form, payment of new fees, and other requirements."

## **Section 12. AMENDMENTS TO SECTION 65-30, "FINAL PLAT."**

From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended by deleting Section 65-30, "Final Plat," in its entirety and replacing said section with a new Section 65-30, also entitled "Final Plat," to read as follows:

### **"Sec. 65-30. – Final Plat.**

(a) Subsequent to a preliminary plat being approved by the Commission and/or Council as provided in this chapter, the subdivider may submit a final plat for all or a portion of the area reflected on the approved preliminary plat for approval.

(b) *Purpose and applicability.* The purpose of a final plat is to record the subdivision of property including the accurate description of blocks, rights-of-way, easements, building lines and street names. A final plat shall be required for all subdivisions of property and the recording of single lots in accordance with section 65-4. The final plat shall conform to the preliminary plat, as approved, and shall incorporate all applicable conditions, changes, directions and additions imposed by the planning and zoning commission and city council upon the preliminary plat. The final plat shall not be submitted prior to approval of the preliminary plat (see section 65-29(d) for exception). No plat shall be considered submitted or filed with the City until it is determined to be administratively complete by the City.

(c) *Information required on a final plat.* The final plat shall contain all information that is required for a preliminary plat except that physical features of or on the land, such as topography, buildings, structures, water

bodies and tree cover, shall not be shown on the final plat. The final plat shall also provide a place for the county clerk of the respective county to stamp the date and location where the plat will be filed (i.e., volume or cabinet \_\_\_\_\_, page or slide \_\_\_\_\_) in the lower right-hand corner of the plat drawing, and conform to the standards of Collin County or Hunt County for filing of plats.

(d) *Dedication and easement language.* The final plat shall include formal irrevocable offers of dedication to the public of all streets local government uses, utilities, parks and easements, in a form approved by the city attorney. The plat shall include any other applicable language, such as for drainage, floodway or other special types of easements, or such as for a private street subdivision, as deemed appropriate and necessary by the city manager to protect the public health, safety and welfare.

(e) Additional plans and exhibits required.

(1) A plan at the same scale as the plat showing the proposed layout, lot numbers, setback lines, and any existing or proposed easements and rights-of-way for single family and duplex residential subdivisions;

(2) An exhibit showing the entire proposed subdivision layout on a single page will be required if a multiple page record plat is submitted; and

(3) Any study or analysis detailing drainage, flood, traffic, or other miscellaneous impacts deemed necessary by the ~~director of City Engineering~~ shall be submitted and approved prior to the submittal of a record plat.

(f) *Certificates required.* The following certificates shall be included:

(1) Certification by a public surveyor registered in the state, that the plat represents a survey made by him or under their direct supervision, and that all the monuments shown thereon actually exist, and that their location, size and material are correctly shown;

(2) A certificate of ownership and dedication, on a form approved by the ~~director of planning~~ City Manager or designee, of all streets, alleys, parks, open spaces and public ways to public use forever, signed and acknowledged before a notary public by the owner and any and all lienholders of the land, and a complete and accurate description of the land subdivided and dedications made;

(3) An original certificate, signed by the county tax assessor-collector, stating that all taxes and assessments then due and payable on the land contained within the subdivision have been paid;

(4) *Approval certificate.*

a. The following certificate shall be placed on the plat in a manner that will allow the completion of the certificate by the proper party:

**Approved**

\_\_\_\_\_  
Presiding Officer  
City of Farmersville, Texas

\_\_\_\_\_  
Date

**Attest**

\_\_\_\_\_  
Board, Commission or City Secretary  
City of Farmersville, Texas

\_\_\_\_\_  
Date

b. The presiding officer identified on the certificate shall be determined as indicated below:

i. For plats requiring administrative staff approval, the City Manager shall be the presiding officer and the City Secretary shall be the attesting signatory.

ii. For plats requiring Planning and Zoning Commission approval, the chairman of the Commission shall be the presiding officer. However, if the vice-chair presides over a meeting where a plat is approved, the vice-chair shall be authorized to serve as the presiding officer. The Planning and Zoning Commission secretary shall be the attesting signatory.

iii. For plats requiring City Council approval, the mayor, or mayor pro-tem in the mayor's absence,

shall be the presiding officer and the City Secretary shall be the attesting signatory.

(g) The subdivider shall place the following notation on each page of a final plat containing land that is situated within the corporate limits of the City:

1. All proposed lots situated in whole or in part within the city's corporate limits comply with the minimum size requirements of the governing zoning district and the requirements of the subdivision ordinance.

(h) The subdivider shall place the following notation on each page of a record plat containing land that is situated outside the city's corporate limits and within the extraterritorial jurisdiction of the city:

1. All proposed lots situated entirely outside the city's corporate limits and within the city's extraterritorial jurisdiction comply with the requirements of the subdivision ordinance.

(i) The subdivider shall place an owner's dedication certificate in the format approved by the ~~director of City Engineering~~ on at least one page of the record plat.

(j) *Standards for approval.* No final plat shall be reviewed by the planning and zoning commission or approved by the city council unless the following standards have been met:

(1) The plat substantially conforms to the approved preliminary plat and other studies and plans, as applicable;

(2) The construction and installation of required public improvements and city utilities has been completed and the improvements have been accepted by the city as conforming to the city's regulations and design standards (or the proper assurances for construction of the improvements have been submitted and approved by the city, per article V); and

(3) The plat conforms to applicable zoning, subdivision and other development related regulations, including the city's non-point source pollution control ordinance (article 11.100 of the Code of Ordinances, as amended), on-site sewage facility rules (as applicable; article 11.200 of the Code of Ordinances, as amended), and any other applicable codes or ordinances of the city that are related to development of a land parcel.

(k) *Acceptance of improvements.* When all of the improvements are found to be constructed and completed in accordance with the approved plans and specifications and with the city's standards, and upon receipt by the city of a maintenance bond or certificate of deposit in accordance with article V from each contractor, "As Built" plans, in the quantity and format required by the city, shall be submitted with a letter stating the contractor's compliance with this chapter. After such letter is received, the city engineer shall receive and accept for the city the title, use and maintenance of the improvements according to section 65-78. The approved final plat shall not be filed with the county prior to receipt of the above letter and other items, nor prior to acceptance of the improvements by the city.

(l) *Certificate of compliance.* Upon final approval of a final plat required by these regulations, the city council shall issue to the person applying for approval a certificate stating that the final plat has been approved by the council. For purposes of this section, final approval shall not occur until all conditions of approval have been met.

(m) *Effect of approval.* Approval of a final plat authorizes the property owner, upon fulfillment of all requirements and conditions of approval and upon completion of construction of all required improvements (or submission of the proper assurances for construction of same, per article V) to submit the required documents, in a format acceptable to the county clerk, of the plat for filing with Collin or Hunt County. Lots may be sold only when the final plat has been approved by the city council and the plat has been filed. No conveyance or sale of any portion or lot of the property may occur until after the final plat is approved by the city council and filed with the appropriate county.

(n) *Filing of plat.* Subsequent to acceptance of public improvements by the city engineer, the applicant shall return copies of the final plat and a digital plat file, with any other required documents and necessary fees as specified by the city, to the city manager. All necessary filing materials shall bear original signatures and seals. No plat or replat of a subdivision of real property shall be filed for record or have recorded in the county clerk's office a plat or replat unless the plat or replat has attached to it an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property. The city manager shall secure the signatures of city authorities, and return the signed original plats to the applicant within 30 days of receipt. The applicant shall file the final plat at the office of the county clerk of Collin County or Hunt County within 30 calendar days following signature by the city. The applicant shall return to the city manager both mylar and paper copies in the quantity and format specified by the city."

### **Section 13. AMENDMENTS TO SECTION 65-32, "REPLATTING."**

From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended by deleting Section 65-32, "Replatting," in its entirety and replacing said section with a new Section 65-32, also entitled "Replatting," to read as follows:

**"Sec. 65-32. – Replatting.**

(a) *Replat required.* Unless otherwise expressly provided for herein, a property owner who proposes to replat all or any portion of an already approved final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the final platting of land by this chapter. All improvements shall be constructed in accordance with the same requirements as for a preliminary or final plat, as provided herein. The City Manager may waive or modify minor requirements for a preliminary replat under certain circumstances where the proposed replat does not involve a large parcel of land or an existing structure or business on the subject property, and where the proposed plat revisions are relatively simple in nature. A public hearing must be conducted by the planning and zoning commission and city council prior to consideration and action on a replat. No replat shall be considered submitted or filed with the City until it is determined to be administratively complete by the City.

(b) *Replatting without vacating preceding plat.* A replat of a subdivision or portion of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) Is signed and acknowledged by only the owners of the property being replatted;
- (2) Is approved by the planning and zoning commission and/or the city council as required by this Chapter 65; and
- (3) Does not attempt to amend or remove any covenants or restrictions imposed on the property in question.

(c) *Additional requirements for certain replats.* In addition to compliance with subsection (b), a replat without vacating the preceding plat must conform to the requirements of this section if:

- (1) During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or

- (2) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

If a proposed replat described by this subsection (c) requires a variance or an exception from any of the requirements of this Chapter 65, a public hearing must be held by the Commission and/or the City Council with notice of the public hearing being given before the 15th day before the date of the hearing by:

- (1) Publication in the city's officially designated newspaper or a newspaper of general circulation in Collin County; and

- (2) By written notice, with a copy of subsection (c)(3) attached, forwarded by the City to the owners of lots within the original subdivision that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision with the extraterritorial jurisdiction of the city, the most recently approved county tax roll of the property upon which the replat is requested. The notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.

- (3) If the proposed replat requires a variance, as defined in section 65-9, and is protested in accordance with this provision the approval of the proposed replat will require the affirmative vote of at least three-fourths of the members present of the Commission or the City Council, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the city prior to action by the Planning and Zoning Commission or the City Council, or both prior to the close of the public hearing. In computing the percentage of land area subject to the 20 percent rule described above, the area of streets and alleys shall be included. Compliance with this provision is not required if the area sought to be replatted was designated for other than single or duplex family residential use by notation on the last legally recorded plat or in the last legally recorded restrictions applicable to the plat.

If a proposed replat described by this subsection (c) does not require a variance or an exception from any of the requirements of this Chapter 65, and is approved by the Council or Commission, the City will deliver a written notice by mail regarding the approval of the replat no later than the 15th day after the date the replat is approved to each owner of a lot in the original subdivision that is within 200 feet of the lots that were replatted according to the most recent city tax roll. The notice will also include the zoning



designation of the property after the replat as well as a telephone number and email address for the City that an owner of a lot may use to contact the City about the replat.

(d) *Addition or deletion of lots.* Any replat which adds or deletes lots must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information, and must state on the replat the specific lots sought to be changed.

(e) *Additional requirements.*

(1) If the previous plat is vacated as prescribed in V.T.C.A., Local Government Code § 212.013, as amended, a public hearing is not required for a replat of the area vacated.

(2) The replat of the subdivision shall meet all the requirements for a final plat for a new subdivision that may be pertinent, as provided for herein.

(3) The title shall identify the document as a final plat of the \_\_\_\_\_ addition, block \_\_\_\_\_, lot(s) \_\_\_\_\_, being a replat of block \_\_\_\_\_, lot(s) \_\_\_\_\_ of the \_\_\_\_\_ addition, an addition to the city, as recorded in volume/cabinet \_\_\_\_\_, page/slide \_\_\_\_\_ of the records of (the appropriate) county of record.

(4) An application submittal for a replat shall be the same as for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property in accordance with section 65-24(a).

(5) The replat shall be filed at the county in the same manner as prescribed for a final plat, and approval of a replat shall expire if all filing materials are not submitted to the city, and if the replat is not filed at the county within the time periods specified for a final plat.

#### **Section 14. AMENDMENTS TO SECTION 65-33, "AMENDED PLATS."**

From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended by deleting Section 65-33, "Amended Plats," in its entirety and replacing said section with a new Section 65-33, also entitled "Amended Plats," to read as follows:

**"Sec. 65-33. – Amended Plats.**

(a) No plat shall be considered submitted or filed with the City until it is determined to be administratively complete by the City. An amended plat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property in accordance with section 65-24(a).

(b) The city manager may approve an amending plat, which may be recorded and is controlling over the preceding or final plat without vacation of that plat, if the amending plat is signed by the applicants only and if the amending plat is solely for one or more of the following purposes:

(1) Correct an error in a course or distance shown on the preceding plat;

(2) Add a course or distance that was omitted on the preceding plat;

(3) Correct an error in a real property description shown on the preceding plat;

(4) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

(5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(6) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

(7) Correct an error in courses and distances of lot lines between two adjacent lots if:

a. Both lot owners join in the application for amending the plat;

b. Neither lot is abolished;

- c. The amendment does not attempt to remove recorded covenants or restrictions; and
  - d. The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- (8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (9) Relocate one or more lot lines between one or more adjacent lots if:
- a. The owners of all those lots join in the application for amending the plat;
  - b. The amendment does not attempt to remove recorded covenants or restrictions; and
  - c. The amendment does not increase the number of lots;
- (10) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
- a. The changes do not affect applicable zoning and other regulations of the City;
  - b. The changes do not attempt to amend or remove any covenants or restrictions; and
  - c. The area covered by the changes is located in an area that the city council has approved, after a public hearing, as a residential improvement area;
- (11) Replat one or more lots fronting on an existing street if:
- a. The owners of all those lots join in the application for amending the plat;
  - b. The amendment does not attempt to remove recorded covenants or restrictions; and
  - c. The amendment does not increase the number of lots; and

d. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

(c) The city manager may, at his or her discretion and for any reason, elect to present the amending plat to the planning and zoning commission and city council for consideration and approval, approval with conditions, or disapproval in accordance with the provisions of section 65-25. The city manager is not authorized to disapprove an amending plat and shall refer any amending plat which the city manager refuses to approve to the commission and the city council for approval, approval with conditions, or disapproval within the time period required by state law.

(d) Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

(e) The amended plat shall be entitled and clearly state that it is an "amended plat." It shall also state the specific lots affected or changed as a result of the amended plat, and shall include the original subdivision plat boundary. All references to "final plat" or "replat" shall be removed.

(f) Other than noted above, the procedure for approval of plat amendment(s) shall be the same as in section 65-32.

(g) The amending plat shall be filed at the county in the same manner as prescribed for a final plat, and approval of an amending plat shall expire if all filing materials are not submitted to the city secretary, and if the plat is not filed at the county within the time periods specified for a final plat.

#### **Section 15. AMENDMENTS TO SECTION 65-34, "MINOR PLATS."**

From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended by deleting Section 65-34, "Minor Plats," in its entirety and replacing said section with a new Section 65-34, also entitled "Minor Plats," to read as follows:

##### **"Sec. 65-34. – Minor Plats.**

(a) A minor plat will be approved, approved with conditions, or disapproved in accordance with the provisions of sections 65-24 and 65-25 except as such process is modified herein-below.

(b) *General requirements.* A minor plat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed

application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property in accordance with section 65-24. No minor plat shall be considered submitted or filed with the city until it is determined to be administratively complete by the city.

(c) *Applicability.* An application for approval of a minor plat may be filed only in accordance with state law, when all of the following circumstances apply:

- (1) The proposed division results in four or fewer lots;
- (2) All lots front onto an existing public street and the construction or extension of a street is not required to meet the requirements of this chapter; and
- (3) Except for right-of-way and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

(d) *Additional requirements.* Private wells and private wastewater treatment facilities shall be considered adequate when existing public water and wastewater lines are not within 500 feet of the proposed lots.

(e) *City manager action.* The city manager may approve a minor plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities, or may, for any reason, elect to present the minor plat to the planning and zoning commission and city council for consideration and approval, approval with conditions, or disapproval in accordance with the provisions of section 65-25. The city manager is not authorized to disapprove a minor plat and shall refer any minor plat which the city manager refuses to approve to the planning and zoning commission and/or city council for consideration and approval, approval with conditions, or disapproval in accordance with the provisions of section 65-25 within the time period required by state law.

(f) *Title.* The minor plat shall be entitled and clearly state that it is a "minor plat."

(g) *Filing of minor plat.* The minor plat shall be filed at the county in the same manner as prescribed for a final plat, and approval of a minor plat shall expire if all filing materials are not submitted to the city and if the plat is not filed at the county within the time periods specified for a final plat.

## **Section 16. REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

## **Section 17. SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

## **Section 18. RESERVATION OF EXISTING RIGHTS AND REMEDIES**

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

## **Section 19. IMMUNITY**

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Farmersville in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.

## **Section 20. INJUNCTIONS**

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Farmersville in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Farmersville.

## **Section 21. PENALTY**

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Farmersville, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$ 2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

#### **Section 22. PUBLICATION**

The City Secretary of the City of Farmersville is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

#### **Section 23. ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

#### **Section 24. SAVINGS**

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

#### **Section 25. EFFECTIVE DATE**

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 \_\_\_\_ day of \_\_\_\_\_, 2019, and second reading on the \_\_\_\_ day of \_\_\_\_\_, 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.

CITY OF FARMERSVILLE, TEXAS

\_\_\_\_\_  
JACK RANDALL RICE  
Mayor

ATTEST:

|

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SANDRA GREEN  
City Secretary

APPROVED AS TO FORM:

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ALAN D. LATHROM  
City Attorney

REDLINE FROM P&Z