



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION AGENDA
February 25, 2020, 7:30 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.
 - Primary Election will be on March 3, 2020, from 7 a.m. – 7 p.m. in the City Council Chambers
 - City Amenities Board will meet on Thursday, March 5, 2020, at 4:15 p.m.
 - Farmers & Fleas will be Saturday, March 7, 2020, starting at 9:00 a.m.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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. Possible Council Liaison Report

- F. TIRZ Board
 - 1. Minutes
 - 2. Possible Council Liaison Report

VI. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon Ordinance #O-2020-0225-001 regarding a petition for annexation into the City's corporate limits of approximately 26.6 acres of land located on the northwest quadrant of U.S. Highway 380 and County Road 699 in Collin County, Texas, in the W. B. Williams. Survey, Abstract No. A-952.
- B. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission and Ordinance #O-2020-0225-002 regarding a requested change in zoning on approximately 2,614 square feet of land identified as Block I, Lot 28B in the Farmersville Original Donation (CFC), which location is more commonly known as 206 McKinney Street, Farmersville, Texas from CA – Central Area District uses to CA – Central Area District uses with a Specific Use Permit ("SUP") for commercial (indoors) amusement uses.
- C. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission and Ordinance #O-2020-0225-003 regarding a request for a change in zoning on approximately 0.234 acres of land that is generally located on the southeast corner of the intersection between Murchison Street and Business State Highway No. 78 (N. Main Street), which land is more particularly identified as Block 10, Lot 53A of the Howell Addition from PD – Planned Development Ordinance #94-24 for Limited Retail/Services Center for expansion of existing retail grocery and related parking together with display of not over four cars for sale at any one time to SF-2 – Single Family Dwelling – 2 district uses.
- D. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding requested variances from the City's Subdivision Ordinance that require the proposed Rolling Hills Phase 2 Addition to construct certain off-site public improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient for both domestic and fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway improvements; and, consider, discuss, and act upon a recommendation to the City Council regarding the replat for the Rolling Hills Phase 2 Addition as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Rolling Hills Phase 2 Addition.
- E. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding requested variances from the City's Subdivision Ordinance that require the proposed Cooper 700 Addition to construct certain off-site public improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient

for both domestic and fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway improvements; and, consider, discuss, and act upon a recommendation to the City Council regarding the minor plat for the Cooper 700 Addition as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Cooper 700 Addition.

VII. REGULAR AGENDA

- A. Consider, discuss and act upon the certification of unopposed candidates.
- B. Consider, discuss and act upon Ordinance #O-2020-0225-004 cancelling the May 2, 2020, General Election.
- C. Discussion regarding the available capacity for the sewer and electrical system and whether all equipment is in working order and how the infrastructure can handle future growth.

VIII. REQUESTS TO BE PLACED ON FUTURE AGENDAS

IX. ADJOURNMENT

Dated this the 21st day of February, 2020.



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 February 21, 2020 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

February 2020

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

March 2020

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

April 2020

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

May 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2 Farmers & Fleas 9:00 am
3	4	5	6	7 City Amenities Board Meeting 4:15 pm	8	9 Cinco de Mayo on the Square
10	11 Main Street Meeting 4:30 pm FCDC (4B) Meeting 6:00 pm	12 City Council Meeting 6:00 pm	13	14	15	16
17	18 P&Z Meeting 6:30 p.m.	19	20	21 FEDC (4A) Meeting 6:30 pm	22	23
24	25 City Hall Closed - Memorial Day	26 City Council Meeting 6:00 pm	27	28	29	30 Yards of Yard Sales
31						

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

Agenda Section	Public Comment on agenda items (FOR NON-PUBLIC HEARING AGENDA ITEMS)
Section Number	II
Subject	Public Comment on agenda items (FOR NON-PUBLIC HEARING AGENDA ITEMS)
To	Mayor and Council Members
From	Ben White, City Manager
Date	February 25, 2020
Attachment(s)	NA
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
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	February 25, 2020
Attachment(s)	NA
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	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.
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	February 25, 2020
Attachment(s)	Farmersville City Council Meeting Minutes
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
February 11, 2020, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Rice called the meeting to order at 6:00 p.m. Council members, Mike Hurst, Craig Overstreet, Jim Hemby, Dwain Mathers and Donny Mason were all present. City staff members Ben White, Sandra Green, Kim Morris, Rick Ranspot, Mike Sullivan, Daphne Hamlin, Oscar Mejia and City Attorney Alan Lathrom were also present.
- Prayer was led by Craig Overstreet followed by the pledges to the United States and Texas flags.
 - Calendar of upcoming holidays and meetings.
 - The last day to apply for a place on the May 2nd Farmersville General Election ballot is Friday, February 14th at 5:00 p.m.
 - City Hall will be closed on Monday, February 17th in observance of President's Day.
 - Early Voting will begin on Tuesday, February 18th and continue through Friday, February 28th.
 - On Monday, February 24th the Planning & Zoning Commission will meet at 7:30 p.m. due to early voting.
 - On Tuesday, February 25th the City Council will meet at 7:30 p.m. due to early voting.
 - Presentation from Citizens Assisting Farmersville Police (CAFP) to Farmersville Police Department
 - A CAFP Board Member, John Klostermann, presented Chief Sullivan with a training weapon for the police department.
 - Ben White introduced Oscar Mejia as the new Building Official that is also going to do Code Enforcement.

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

- No one came forward

III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

- No one came forward

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
 - Motion to approve consent agenda made by Jim Hemby
 - 2nd to approve was Craig Overstreet
 - All council members voted in favor

V. INFORMATIONAL ITEMS

These Informational Items are intended solely to keep the City Council apprised of the actions and efforts of the various boards and commissions serving the City of Farmersville. Council members who serve as a liaison to a particular board or Commission may report to the City Council regarding that body's most recent and/or upcoming meetings and activities. Council members may also deliberate and/or request further information or clarification regarding any one or more of the items contained in this provision. City Council approval of, or action on, these items is not

required or requested. **Matters that require City Council action shall be considered and acted on only if an item related thereto is included in the Consent Agenda or the Regular Agenda.**

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

A. City Amenities Board

1. Possible Council Liaison Report

B. Farmersville Community Development Board (Type B)

1. Financials
2. Possible Council Liaison Report
 - Dwain Mathers stated they approved the request regarding billboard signs.

C. Farmersville Economic Development Board (Type A)

1. Financials
2. Possible Council Liaison Report
 - Mike Hurst stated he reviewed the financials and they seemed in order.

D. Main Street Board

1. Possible Council Liaison Report
 - Donny Mason stated they discussed the billboard and the planning for the subcommittee regarding the 20 year celebration.

E. Planning & Zoning Commission

1. Possible Council Liaison Report

VI. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission and Ordinance #O-2020-0211-001 regarding a requested change in zoning from SF-2 – Single Family Dwelling-2 District uses to SF-2 – Single Family Dwelling-2 District uses with a Specific Use Permit ("SUP") for an owner (or operator) occupied bed and breakfast inn located on Block 7, Lot 39 in the Howell Addition, which location is more commonly known as 109 College Street, Farmersville, Texas.

- Dwain Mathers recused himself and left the room due to a conflict of interest.
- Mayor Rice opened the public hearing at 6:13 p.m.
- Jim Foy who resides at 211 College Street stated he is one block down from the proposed bed and breakfast and explained the neighborhood is historic. He believes the bed and breakfast would be a great asset to Farmersville. He stated that when he has people in for business he has to send them to McKinney for a place to stay and this would eliminate that. He asked the Council approve the item.
- Billie Goldstein who lives at 1453 Highway 78 North stated she was in favor of the bed and breakfast and requested the Council approve the SUP. She explained it would bring people to the city.
- Mike Goldstein who resides at 1453 Highway 78 North addressed Council and wanted to advocate for the City Council to approve the SUP for the bed and breakfast. He said it would be walking distance from the downtown area.
- Mayor Rice asked if anyone else wanted to speak regarding the item.
- No one came forward so he closed the public hearing at 6:17 p.m.
- Mayor Rice read the caption of the Ordinance.
- **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE #O-2018-0508-001, AS AMENDED, BY CHANGING THE ZONING FROM SF-2 – SINGLE FAMILY DWELLING – 2 DISTRICT USES TO SF-2 – SINGLE FAMILY DWELLING – 2 DISTRICT USES SUBJECT TO A SPECIFIC USE PERMIT (SUP) FOR THE OPERATION OF AN OWNER (OR OPERATOR) OCCUPIED BED AND BREAKFAST INN LOCATED ON BLOCK 7, LOT 39 IN THE HOWELL ADDITION, WHICH LOT IS MORE COMMONLY KNOWN AS 109 COLLEGE STREET, FARMERSVILLE, TEXAS 75442; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

- Craig Overstreet asked if the SUP followed the owner or the address.
- Alan Lathrom stated that it followed the owner.

- Craig Overstreet indicated that the SUP came with a recommendation from the Planning & Zoning Commission for approval.
 - Motion to approve made by Craig Overstreet
 - 2nd to approve was Donny Mason
 - All council members voted in favor
- Dwain Mathers came back in to the room and joined the meeting.

VII. REGULAR AGENDA

- A. Yearly update and presentation from Community Waste Disposal (CWD).
- Robert Medigovich from CWD addressed the Council and presented a Power Point that showed the statistics of Farmersville recycling. He presented Mayor Rice with a plaque of the statistics.
 - Ben White asked what major items CWD receives that cannot be recycled.
 - Robert Medigovich stated the plastic bags from stores cannot be recycled at CWD.
 - Ben White asked if there was anything the city could do to help with the problem of nonrecyclible items.
 - Robert Medigovich explained that educating people is the best way to get them to understand what can and cannot be recycled.
 - Mayor Rice asked if they take medical sharps at this time.
 - Robert Medigovich stated they do not.
- B. Consider, discuss and act upon Resolution R-2020-0211-001 authorizing the payment to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.
- Ben White stated this is an annual fee. He explained the Steering Committee keeps the city aware of what is happening in regards to Atmos. He stated that he recommends approval.
 - Motion to approve made by Jim Hemby
 - 2nd to approve was Mike Hurst
 - All council members voted in favor
- C. Consider, discuss and act upon signature authority for the Pipe Bursting Project located on U.S. Highway 380 and Welch Dr.

- Ben White stated he did not request this before when the Council approved the bids. He said he is just asking for the ability to sign the contracts and other documents as they come in to help the process run smooth. He indicated this is something the Council has done in the past with other contracts.
 - Motion to approve made by Donny Mason
 - 2nd to approve was Jim Hemby
 - All council members voted in favor
- D. Consider, discuss and act upon Resolution R-2020-0211-002 supporting renovations for Shady Oaks Apartments.
- Ben White stated the apartments are located at the corner of U.S. Highway 380 and State Highway 78. He stated Belmont Development Company was making plans to renovate the property. He said he did not believe they were adding or taking away any units, but simply renovating them and bringing them up to code.
 - Derrick Hamilton, who is a representative of Belmont Development Company, explained they manage a lot of properties. He said they are currently in the process of buying Shady Oaks. He indicated that at the end of the month they are applying for affordable housing tax credits to conduct a substantial renovation of the property. He said they would use an average of \$40,000 per door to renovate. He explained it is taking the old apartments and making them new again. They would have, just to name a few, new air conditioning units, windows, cabinets, flooring and doors. He stated they would also correct any design flaws and bring the apartments up to ADA compliance. They will be addressing erosion issues with the creek behind the property as well. He said they may expand the offices for community space, but they may not have room. They are submitting the application to the state at the end of the month and one of the requirements is the resolution of support from the city.
 - Donny Mason asked what they were going to do with the tenants that live there during the renovations.
 - Derrick Hamilton stated they use relocation companies and they usually move people out in phases.
 - Mike Hurst asked if the closest property they have to Farmersville was in Plano and stated that was a new facility.
 - Derrick Hamilton stated that most of their properties are USDA rural development and they just now have started new developments instead of renovating older ones. He stated they are supposed to take over management of the Shady Oaks Apartments hopefully March 1, 2020.
 - Dwain Mathers asked how it would affect the people's rent that live there.

- Derrick Hamilton stated the USDA usually does not allow them to increase the rent much or any at all.
- Donny Mason asked how old the apartments were.
- Derrick Hamilton stated he believed they were built in the 70's or earlier 80's. He indicated they would have to maintain ownership of the apartments for a minimum of 15 years, but they usually stay 35 years. He stated that now the USDA requires a large reserve account to be kept so the buildings will not deteriorate again.
 - Motion to approve the resolution made by Craig Overstreet
 - 2nd to approve was Mike Hurst
 - All council members voted in favor
- Motion to approve a letter waiving \$250.00 of the building permit fees made by Donny Mason
- 2nd to approve was Craig Overstreet
- All council members voted in favor

E. Discussion regarding exploratory COPS grant through the Department of Justice.

- Chief Mike Sullivan stated the COPS program funds police officers for law enforcement agencies throughout the county. He said they fund the officer for three years with a 25% match from the city. He went over a Power Point that showed a little about the program and the amount of money the city would have to come up with in order to obtain the 25% match for the program. He explained the deadline for the grant would be March 11, 2020 and he is wanting to see if Council would support him in applying for the grant. He indicated that it costs the police department \$8,034.35 to outfit a police officer. We started a program years ago where we lease to own our vehicles and spread out the payment over a three year period. He said he would like to include the cost of the vehicle in the upfront costs. He stated the police department has nine police officers, but they had been authorized for ten. He said the upfront cost for the police department to pursue the grant would be \$43,508.03 for the first years obligation. He explained the other year's costs. He commented that if they apply for the grant and they receive it then they would be hiring the officer in the summer. He stated that he obviously does not have the \$43,508.03 in his budget, so that would be a consideration if Council wanted him to move forward.

- Ben White stated he told Chief Sullivan that we had to live within our means, but he suggested they go ahead and pursue the grant. He stated he was working on some things with the TIRZ and how they could possibly help purchase equipment. He said he has received some indications from attorneys working on project plans that there is some things we can do on the police and fire front to fund equipment. He said if we received the grant and did not have the money to go forward we would just have to give up the grant.
- Donny Mason wanted to know how long it would take to see if they received the grant.
- Chief Sullivan stated late June or July.
- Craig Overstreet stated he feels like they are looking at the data in a vacuum. He indicated that he does not have enough data to go with as far as police per capita versus a town of similar size and crime rates. He said it could be warranted, but he does not have enough information.
- Ben White stated that he and Chief Sullivan ran some data in relation to similar size towns and the numbers ranged from low 500's up to 600 people per officer. He said that the police department is down one officer right now and this would help with more officers.
- Mayor Rice stated it costs us nothing to apply for the grant and if we are unable to fund it then we do not move forward.
- Donny Mason stated he agreed with that idea.
- Chief Sullivan stated he wanted to reach out to the Bureau of Justice to see if we received the grant and could not accept it if there would be a penalty.
- Mayor Rice asked if any of the Council objected to Chief Sullivan applying for the grant.
- No one objected so they told him to move forward and apply for the grant.

VIII. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Craig Overstreet wanted a discussion on the available capacity of the sewer and electrical system, if all equipment was working and how they could handle future growth.

IX. ADJOURNMENT

Meeting was adjourned at 6:52 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	February 25, 2020
Attachment(s)	City Financial Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ <p>No motion, no action</p>

MEMO

To: Benjamin White, City Manager
From: Daphne Hamlin, City Accountant
Date: February 20, 2020
Subject: January 2020 Budget Report

*New Software for Financial Reporting is available for review on the City website.
www.farmersvilletx.com. Press OpenGov button ; > Press Stories button at the top under City logo;
Press City of Farmersville January 2020 Financial Report.*

Cash Summary

The cash summary is attached.

SUMMARY OF CASH BALANCES JANUARY 2020

ACCOUNT: FNB (0815)

	Interest Earned	Restricted	Assigned	Account Balance
Clearing Accounts				
General Fund			\$ 520,981.31	
Permit Fund			\$ (45,793.40)	
Refuse Fund			\$ 16,157.52	
Water Fund			\$ (273,338.58)	
Wastewater Fund			\$ 569,608.68	
Electric Fund			\$ (652,456.98)	
CC Child Safety	\$ 20,023.94			
2012 Bond	\$ 11,725.79			
Waterwaste Bond Fund	\$ (120,628.57)			
Law Enf Training	\$ 1,874.31			
Disbursement Fund	\$ 2,143.33			
Library Donation Fund	\$ 2,522.79			
Court Tech/Sec	\$ 17,554.17			
Civic Ctr/Library Repair	\$ (26,498.35)			
JW Spain Grant	\$ 43,201.33			
Rike St. Grant	\$ (98,320.72)			
Radio Note	\$ 6,082.79			
Chapparral Grant/Safe Route To School/Sewer/Sidewalk	\$ (41,383.58)			
CC Bond Farmersville Parkway	\$ 180,000.86			
CC Bond Floyd	\$ (49,667.75)			
Equipment Replacement	\$ 5,322.29			
Interest Earned	\$ 421.11			
TOTAL:	\$ 421.11	\$ (46,047.37)	\$ 135,158.55	\$ 89,111.18

Debt Service Accounts				
County Tax Deposit (FNB 0807)(Debt Service)	\$ 470.93	\$ 332,356.27		
Debt Service Reserve (Texpool 0014) (2 months rsv)	\$ 696.08	\$ 515,359.67		
TOTAL:	\$ 1,167.01	\$ 847,715.94		\$ 847,715.94

Appropriated Surplus Investment Accounts				
Customer meter deposits (Texpool 0008)	\$ 153.39	\$ 113,554.57		
Water Dev. Board (Texstar 1110)	\$ 1,553.79	\$ 1,180,828.83		
2019 C/O Street (Texstar 0190)	\$ 2,343.42	\$ 1,780,957.83		
Listcon Escrow(Texstar 0300)	\$ 200.19	\$ 152,131.05		
Summit Property Sewer Escrow (fmb 231)	\$ 20.62	\$ 16,662.69		
2012 G/O Bond, streets, water, wastewater (Texstar 0120)	\$ 1,510.77	\$ 1,148,133.84		
TOTAL:	\$ 5,782.18	\$ 4,392,268.81	\$ -	\$ 4,392,268.81

Unassigned Surplus Investment Accounts				
Gen Fund Acct. (Texpool 0004)(Reso. 90 Day Reserve)	\$ 1,189.70	\$ 1,266,700.00		
Water/WW Fund (Texpool 0003)(Operating 90 day)	\$ 534.29	\$ 395,568.91		
Water/WW Fund (Texpool 00017)(Capital)	\$ 446.78	\$ 330,780.50		
Elec. Fund (Texpool 0005) (Operating)	\$ 67.66	\$ 50,000.00		
Elec. Fund (Texpool 0016)(Capital)	\$ 456.61	\$ 338,051.95		
Elec. Surcharge (Texpool 0015)	\$ 172.38	\$ 127,616.43		
Money Market Acct. (FNB 092)	\$ 63.86		\$ 73,984.66	
TOTAL:	\$ 2,931.28	\$ 2,508,717.79	\$ 73,984.66	\$ 2,582,702.45

Contractor Managed Accounts Nonspendable				
NTMWD Sewer Plant Maint. Fund	\$ -			
TOTAL APPROPRIATED SURPLUS	\$ -	\$ -	\$ -	\$ -
TOTAL CASH & INVESTMENT ACCOUNTS	\$ 7,702,655.17	\$ 209,143.21	\$ 7,911,798.38	

SUMMARY OF CASH BALANCES JANUARY 2020

FEDC 4A Board Investment & Checking Account					
FEDC 4A Checking Account (Independent Bank 7909)	\$	5.04	\$	131,246.48	
FEDC 4A Investment Account (Texpool 0001)	\$	1,443.07	\$	1,068,400.64	
FEDC 4A Certificate of Deposit (Independent Bank)	\$	530.82	\$	500,000.00	
TOTAL:	\$	1,978.93	\$	1,699,647.12	\$ - \$ 1,699,647.12

FCDC 4B Board Investment & Checking Account					
FCDC 4B Checking Account (Independent Bank 3035)	\$	9.54	\$	235,985.41	
FCDC 4B Investment Account (Texpool 0001)	\$	466.42	\$	345,310.58	
TOTAL:	\$	475.96	\$	581,295.99	\$ - \$ 581,295.99

TIRZ Account					
County Tax Deposits (FNB 01276)	\$	160.36	\$	129,570.59	
TIRZ Texpool Account ()	\$	428.22	\$	317,054.65	
TOTAL:	\$	588.58	\$	446,625.24	\$ - \$ 446,625.24

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.

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	February 25, 2020
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

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	February 25, 2020
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

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	February 25, 2020
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Informational Items
Section Number	V.D
Subject	Main Street Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	February 25, 2020
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Informational Items
Section Number	V.E
Subject	Planning & Zoning Commission
To	Mayor and Council Members
From	Ben White, City Manager
Date	February 25, 2020
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Informational Items
Section Number	V.F
Subject	TIRZ Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	February 25, 2020
Attachment(s)	<ol style="list-style-type: none"> 1. Minutes 2. Agenda and documents
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action



**CITY OF FARMERSVILLE
TAX INCREMENT REINVESTMENT ZONE NO.01
Minutes For
September 16, 2019**

Councilman Craig Overstreet, Tommy Ellison, and Bob Collins were all present for the meeting. Darrell Hale and Cheryl Williams were absent. Also present was City Manager Ben White and Paula Jackson and Daphne Hamlin as staff liaison.

I. CALL TO ORDER

- Meeting was called to order by Tommy Ellison at 2:00 pm.

II. Recognition of Citizens and Visitors

Frank Smith from Texas A&M Commerce.

III. Approve the Minutes

August 14, 2019 motion made by Dr. Collins with a second made by Craig Overstreet. Motion carried all in favor.

IV. TIRZ Budget WorkShop.

- A. Tommy opened the Workshop up by asking Daphne Hamlin the Cities Finance Director some questions. Daphne stated the revenues for the Ad Valorem taxes in the proposed budget is missing the County's portion. Daphne stated, it will raise up approximately \$30,000.00. So you can add \$30,000.00 to the \$380,397.00 making that number \$410,397.00. The ratio for the City is 100% and County is 50%. Which would be .75 from the City and .16 from the County. The new houses in Camden and the new apartments will not be on the tax roll until next year.
- Craig ask where the \$299,000.00 for the water line is currently. Daphne stated at this time these finds are still in the TIRZ bank account. Craig also stated who is watching over this project and the fund spent to date. Daphne said Danny Ruff and Ben are looking at everything.
- Dr. Collins ask about the line item for Street Improvement for \$300,000.00. Dr. Collins ask if there was a written plan. Daphne stated Ben had said that the TIRZ were planning on giving the City \$300,000.00 and that she just placed it on the Proposed Budget just in case. Craig made the comment that in the next item on the agenda Ben will talk about a plan for street improvement. Tommy went on to say Ben knows the streets that you would like to see improved and is working on a list to bring, so you can put a

TIRZ Minutes from September 16, 2019

prioritize. Paula stated if they would like to look at the screen this is the list Ben has put together for them to review.

Craig ask the question if it has to be in the TIRZ District. Paula stated yes in the TIRZ district and cannot go out of it.

Attorney Alan Latham stated that it has to be in an project plan approved by the TIRZ and City Council and this plan will have to benefit TIRZ directly.

Tommy stated that it has to have an approved project plan and a finance plan.

B. Ben stated he has a possible list of street to start with. The list includes:
Audie Murphy Parkway:

- Raymond Street going north 600 feet with concrete
- Welch Drive concrete panel replacement
- Orange Street going north 100 feet with concrete
- South Rike going north 190 feet with concrete

From State Hwy 78:

- Water Street from Raymond to SH78

Dr. Collins stated that he would like to see S Hamilton from Audie Murphy to Hasilip Street or maybe all the way to Farmersville Pkwy.

Ben explained to the Board the City has the rest of the Bond money for S Hamilton St. to Hasilip St. and this will reline S Hamilton St from McKinney St to the Parkway.

Dr. Collins stated he would not waste the time to realign the section from McKinney St. to Farmersville Pkwy and finish out all the way to Audie Murphy. Ben stated that the engineering for this has already been done and there is a problem past Hasilip St with a bridge. This will take a little more time to work some issues with realignment for properties owned by Jack Hendricks and the Mount Calvary Church.

Dr. Collins said S Hamilton is a major entrance to the City the other than 380 Farmersville Pkwy.

Tommy - getting back to the street improvements and designs is appropriate for a policy to be written which states when the funds come available and the fund are the \$300,000.00 list here in the budget to incorporate with the City for the streets improvements. Dr. Collins stated he had no issues with that.

Dr. Collins wanted to clarify the amounts list on the budget sheet with Daphne Hamlin the Finance Director. Dr. Collins stated that we have in the budget \$424,000.00 and \$300,000.00 goes to streets improvements. Some of the waterline money in this year's budget may flow over to next year's budget, Ben stated that the waterline made not be finished until the end of October.

Dr. Collins also ask Daphne how much are in the TIRZ reserves. Daphne stated in TexPool there is \$450,000.000 and \$129,000.00 in Captex Bank.

V. Regular Agenda


A. Approve the 2019-2020 TIRZ Budget.

- Motion made by Craig Overstreet to approve
 - Seconded by Bob Collins
 - Motion carried all in favor.
- B. Consider, Discuss and Act upon the Fiber Survey
Dr. Frank Smith with the Texas A&M Commerce stated they have received the surveys and the Students will get to work on them. They will be calling and contacting who they can to get more feed back. The group will then come back in December for followup.

VI. ADJOURNMENT

Meeting adjourned at 3.01PM

ATTEST:



Paula Jackson, Assist to the City Manager

APPROVE:



Tommy Ellison, President



**CITY OF FARMERSVILLE
TAX INCREMENT REINVESTMENT ZONE NO.01
Minutes For
December 11, 2019**

Tommy Ellison, Darrell Hale and Bob Collins were all present for the meeting. Councilman Craig Overstreet and Cheryl Williams were absent. Also present was City Manager Ben White and Daphne Hamlin as staff liaison.

I. CALL TO ORDER

- Meeting was called to order by Tommy Ellison at 12:14 pm.

II. Recognition of Citizens and Visitors

Dr. Muhammad Komacki, Frank Smith, Chris Myers, Blanche Baron, Ogagaoghene Ibagere (IB), Godley Jacob, and Sai Karthik from Texas A&M Commerce and Randy Smith.

III. PUBLIC TESTIMONY REGARDING AGENDA ITEMS

Mr. Smith stated in the charts on the survey on the responses doesn't that mean no response from the people who answered the survey. So that means there is a substantial amount of people who did not respond to the survey. Mr. Smith asked to add cost per mile. Would the City be able to encourage the City of Greenville to provide more information as a reference point? And on page 39 the expected subscription rate of 40% plus 5% annually. Closed public comment section at 1:54

IV. REGULAR AGENDA.

a. CONSIDER, DISCUSS AND ACT UPON THE FIBER SURVEY

Professor Komacki students worked on the project 4 (four) students are here to present study. IB was the first presenter he gave the result of the survey, the feedback survey part. Attached is the presentation (Attachment "A") Mr. Ellison suggest to add an ordinance to require developers to install

fiber optic cable. Mr. Ellison asked how big of building would it take to house for fiber optic. Mr. White stated he not sure at this time, but did see what Mont Belvieu did and it was small size of a medium size house. Mr. Ellison stated in the presentation felt the labor cost was low need to re-evaluate. Mr. White said if you are starting from scratch you need the best. Mr. Ellison asked how may homesteads do we have. Mr. White stated we have approximately 1,500 meters. Mr. Ellison stated if you charge \$70.00/month. You would need 1,000 homes to break even. Mr. Ellison said the challenge is that in the survey most people are happy with current provider. Mr. Hale asked in the survey is there cost for upgrades over the years? Ms. Blanche stated no just standard operation cost. Mr. White stated that he knows Mont Belvieu is looking into how they will upgrade. Mr. Ellison said the fiber optic would be set up like an enterprise fund and it would have to fund itself.

Mr. White asked the board for recommendation. Dr. Collins stated there is a lot to talk about. We cannot plan on what is in Farmersville currently. Or on a perhaps there will be a new subdivision going in south of town. It is imperative that the City passes an ordinance. Dr. Collins stated we have to keep moving forward. Move forward with planning, a lot of issues to explore. Need to review the surveys we have in front of us. Mr. White stated he planned on presenting to Council in January. Dr. Collins stated still too many questions that need to be answered first. Dr. Collins stated he is not sure how good the numbers are for this survey. Mr. Ellison stated we could conclude that we consider high speed internet very important. But no one wants to pay more for service. Mr. Ellison stated not enough in our TIRZ Districts to consider moving forward. Mr. Ellison stated he strongly recommends that Council adopts an ordinance to have developers install fiber optic. Dr. Collins stated as a standalone TIRZ region it's not feasible, but City wide it would make sense to move forward. But the survey we have in front of us Dr. Collins stated we cannot look at this as a TIRZ project but a City wide project. Dr. Collins said we are pushing this back into your court. Mr. White stated he will go before Council though with an ordinance for fiber optic. Mr. Smith asked what is the time frame to bring back the revised report. Mr. White stated he wanted to report to Council soon. Mr. Hale said there is a workable solution for the entire City it is not just TIRZ. Mr. Smith stated he will need the specifics to move forward.

b. **CONSIDER, DISCUSS AND ACT UPON THE STREET PROJECT PLAN**

Mr. White presented a spread sheet with priority of project plan. Mr. Daniel will be done with engineering by first quarter 2020. Will go out for bid first quarter and construction will be complete before College opens. Mr. Ellison asked would you close roads on North Side of College for construction. Mr. White stated there will be alternate paths. Mr. White stated the second project we are working on currently. City had a resolution in place and Collin County. Council came back with a resolution to null and void after 6 months. Currently there is not resolution one way or another. Right now we are in line with Collin County right-of-way. Mr. White stated there is a resolution that will come up on the next line item. I sent package to Collin County, received resolution from EDC supporting Grant. Collin County portion match is 80%. This will complete the road where we left off at the Collin College. If TIRZ comes up with \$229K and EDC has supported \$625k.

Attached is street project plan (Attachment "B") Mr. White stated you do not have to spend money this year. Mr. White stated you can go ahead and pick another project for this year. Mr. Ellison stated maybe would want to continue with the Collin Parkway it would be more cost effective to do whole project at once. Dr. White stated the main reason for these projects is congestion. Mr. White stated if we do not receive county money would Raymond be the next project. Mr. White feels it's the most visible and need have repair. Mr. Hale stated he is for this project. Dr. Collins stated his issue with Raymond it connects into Highway 78 and it also needs repair. Dr. Collins stated what he wanted was TIRZ to do their portion and City completes the rest. Mr. White stated City does not have enough funds for complete street improvements. Mr. White stated another idea which has come up was to extend what we are doing on Hamilton Street. Mr. Ellison stated the County does work from time to time on roads. Have we ever talked to the County have them shoot asphalt until the City can afford re build.

Dr. Collins felt Hamilton is the best alternative. Dr. Collins stated he understands there are a lot of issues on Hamilton you need to start talking through the issues. Mr. White stated what he wants to do is go to Mr. Daniel and get a better number of Raymond Street.

- Motion made by Darrell Hale for engineering cost not to exceed \$5,000.00 to study Raymond Street
- Second by Dr. Collins
- Motion passed all in favor

c. **CONSIDER, DISCUSS AND ACT UPON RESOLUTION
SUPPORTING GRANT MATCH FOR STREET IMPROVEMENTS**

- Motion made by Darrell Hale to approved to accept resolution to obligate \$229K, Second by Dr. Collins
- Motion passed unanimously

d. **CONDISDER, DISCUSS AND ACT UPON THE TIRZ PROJECT
PLAN AND FINANCIAL PLAN**

Mr. White presented bids from firms to update the TIRZ project plan and financial plan. Mr. Hale asked if TML or TAK do this kind of assistance. Mr. White stated he is looking to go forward with this due to the fact we have not updated.

- Motion was made by Dr. Collins amended the budget with the contingency to investigate other firms in the amount of \$15k to develop the TIRZ plan and allow City Manager to move forward.
- Second by Darrell Hale.
- Motion passed unanimously.

e. **CONSIDER, DISCUSS AND ACT UPON THE TIRZ MAP**

Mr. White presented to Proposed TIRZ map. Mr. White stated City tax has not changed since 2012. Possibly decreasing size of the TIRZ when we have full development of the area, once it is built out after 1 to 2 years to remove. Mr. Ellison stated the challenges we have is the bond we have. Dr. Collins stated we need to do a financial analysis. Dr. Collins asked Mr. White to do a financial analysis. Mr. White stated once the financial plan is done it should be able to have a better answer. Darrell Hale stated he had no issue as long it does not affect bond issued

V. ITEMS FOR FUTURE AGENDA

Project plan

Report to state

Broadband study update

Raymond street estimate

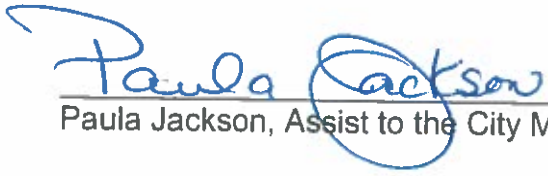
Subdivision ordinance

VI. ADJOURNMENT

Meeting adjourned at 3:25 PM

ATTEST:

APPROVE:


Paula Jackson, Assist to the City Manager


Tommy Ellison, President

VI. Public Hearing

Agenda Section	Public Hearing
Section Number	VI.A
Subject	Public hearing to consider, discuss and act upon Ordinance #O-2020-0225-001 regarding a petition for annexation into the City's corporate limits of approximately 26.6 acres of land located on the northwest quadrant of U.S. Highway 380 and County Road 699 in Collin County, Texas, in the W. B. Williams. Survey, Abstract No. A-952.
To	Mayor and Council Members
From	Ben White, City Manager
Date	February 25, 2020
Attachment(s)	<ol style="list-style-type: none"> 1. Petition for Annexation 2. Map of Property 3. O-2020-0225-001
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

REQUEST FOR ANNEXATION

TO THE MAYOR AND CITY COUNCIL OF FARMERSVILLE, TEXAS:

I, Tony Strickland, in my capacity as Senior Vice President of Nelson Bros Ready Mix and represent the owner of the hereinafter described tract of land (the "Property"), which Property is vacant and without residents, or on which Property fewer than three qualified voters reside, hereby requests that the City of Farmersville, Texas annex the Property into the City's corporate limits so as to include as part of the City of Farmersville, Texas, the following described Property, to wit:

A tract of land situated within the W.B. Williams Survey, Abstract Number 954, Collin County, Texas and being the same tract of land conveyed to Anani LLC by a deed filed for record at Collin County Clerk's Document No. 96-0098597 in the Deed Records of Collin County, Texas and said tract of land being more particularly described by metes and bounds as follows:

"Beginning at wood fence corner post from which a capped iron rod found stamped "ENCOMPASS" bears South 76 Degrees 42 Minutes 57 Seconds East, 2.97 feet, said corner post being in the North line of the Kansas City Southern Railroad and being the Southeast corner of a tract of land described as "Exhibit B" in a deed to JMR Farms, Ltd .. recorded in Volume 4572, Page 3840 and Document Number 99-156397, of said Records, and being the Southwest corner of the herein described tract;
THENCE North 01 Degree 15 Minutes 55 Seconds East with the East line of
said JMR Farms, Ltd. tract, 576.89 feet to a wood fence corner post, being the Southeast corner of a tract of land described as "Exhibit c" in a deed to JMR Farms, Ltd., recorded in Volume 4572, Page 3840 and Document Number
99-156397, of said Records:
THENCE South 89 Degrees 32 Minutes 33 Seconds East, at 2003.87 feet
passing a capped iron rod found stamped "RPLS 4967" and continuing for a total of 2034.84 feet to a point in Collin County Road 699, being the Northeast corner of the herein described tract;
Thence South 00 Degrees 32 Minutes 21 Seconds West along the center of said County Road, 367.05 feet to a point, being the most Northerly Southeast corner of the herein described tract;



THENCE North 84 Degrees 13 Minutes 45 Seconds West,
531.16 feet to a 5/8 inch iron rod found. being a reentrant for
the herein described tract;

THENCE South 00 Degrees 27 Minutes 59 Seconds West,
399.85 feet to a 5/8 inch iron rod found in the North line of
Kansas City Southern Railroad. being the most Southerly
Southeast corner of the herein described tract:

THENCE North 84 Degrees 13 Minutes 27 Seconds West
along said North line, 1520.05 feet to the Point of Beginning.

Said tract of land containing 26.6 acres, more or less."

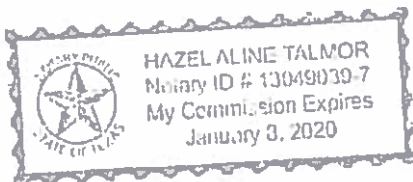
I hereby certify that the Property is contiguous and adjacent to the City of Farmersville,
Texas, and that this Request for Annexation is signed and duly acknowledged by each
and every person having an interest in said land.

By: *Tony Strickland*
Name: Tony Strickland
Title: SR Vice President

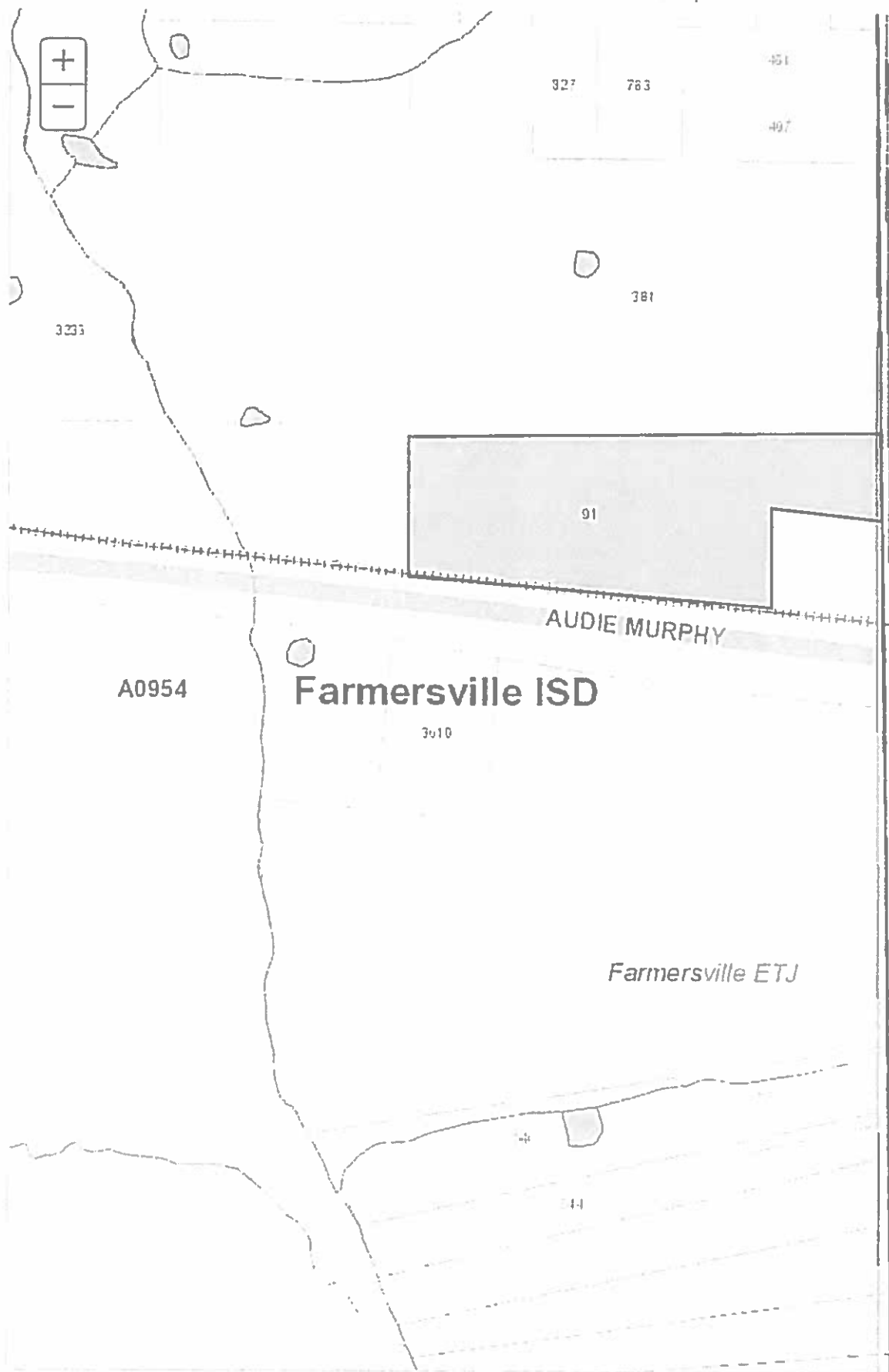
THE STATE OF TEXAS
COUNTY OF DENTON

BEFORE ME, the undersigned authority, on this day personally appeared
Tony Strickland, in his capacity as SR VP of
Nelson Gas Company, a LLP, known to me to be the person whose
name is subscribed to the foregoing instrument and acknowledged to me that he
executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 4 day of DEC,
2019.



Hazel Aline Talmor
Notary Public in and for
DENTON County, Texas.



If you'd prefer to use a standalone version of this map, please [click here](https://www.collincad.org/maps/gis).

**CITY OF FARMERSVILLE
ORDINANCE #O-2020-0225-001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, ANNEXING UPON THE PETITION OF THE PROPERTY OWNERS CERTAIN ADJACENT AND CONTIGUOUS TERRITORY, AS HEREINAFTER DESCRIBED, CONTAINING APPROXIMATELY 26.6 ACRES OF LAND, MORE OR LESS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES OF THE CITY NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; ADOPTING A SERVICE PLAN; FURTHER PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED; PROVIDING THAT THE CITY MANAGER UNDERTAKE CERTAIN ACTIONS RELATIVE TO SAID ANNEXATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.

WHEREAS, the City of Farmersville, Texas ("City") is a Type A General-Law Municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code, and operating pursuant to the enabling Legislation of the State of Texas;

WHEREAS, the City is considered a "Tier 2 Municipality" under Texas Local Government Code Chapter 43, "Municipal Annexation," because Collin County, Texas has a population of more than 500,000;

WHEREAS, the City has received a petition seeking annexation of a certain tract of land (identified below) that has been duly signed and acknowledged by each and every owner of the land proposed to be annexed;

WHEREAS, said tract of land is contiguous to the City and is not more than one-half (1/2) mile in width;

WHEREAS, the City accepted the Petition pursuant to Chapter 43 of the Texas Local Government Code and has instituted annexation proceedings to annex the territory covered by such petition for annexation; and

WHEREAS, the City published notice of the public hearings on said annexation in a newspaper of general circulation in the City and in the territory proposed to be annexed and held two separate public hearings in accordance with Chapter 43 of the Texas Local Government Code; and

WHEREAS, the public hearings were conducted and held in accordance with Chapter 43 of the Texas Local Government Code; and

WHEREAS, all required statutory notices pursuant to the Chapter 43 of the Texas Local Government Code have been accomplished; and

WHEREAS, in accordance with Chapter 43 of the Texas Local Government Code, an agreement regarding the provision of services to the land, attached hereto as Exhibit "B" and incorporated herein for all purposes, was negotiated with the owners of the subject land detailing the services that will be provided by the City; and

WHEREAS, annexation proceedings were instituted and completed relative to the land to be annexed on February 25, 2020, by the introduction and adoption of this annexation ordinance during a Regular Session of the City Council of the City of Farmersville on said date; and

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

SECTION 1: All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2: The following described land shall be and is hereby annexed into the corporate limits of the City of Farmersville, Collin County, Texas:

An approximately 26.6 acre tract of land located on the northwest quadrant of U.S. Highway 380 and County Road 699, Collin County, Texas, and being situated in the W. B. Williams Survey, Abstract No. 954, and being more particularly described in a deed to Farmersville Plant, LLC, a Texas limited liability company, as recorded under Clerk's Document # 20180920001180520 of the Official Public Records of Collin County Texas, and as further described in Exhibit "A" attached hereto and incorporated herein for all purposes allowed by law.

SECTION 3: The municipal services for the herein annexed land will be provided in accordance with the Agreement, attached hereto as Exhibit "B" and incorporated herein by reference for all purposes in accordance with Chapter 43 of the Texas Local Government Code, that is hereby approved as part of this Ordinance, and is made a part hereof.

SECTION 4: The land described in Exhibit "A" shall bear its pro rata share of the taxes levied by the City, and the inhabitants of the land herein annexed shall be entitled to all of the rights, privileges, and responsibilities of other citizens of the City and are hereby bound by all acts, ordinances and all other legal action of the City now in full force and effect and all those which may be hereafter adopted.

SECTION 5: The official map and boundaries of the City heretofore adopted and amended shall be and are hereby amended so as to include the land described in Exhibit "A" as part of the City.

SECTION 6: The City Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to effectuate this Ordinance including, but not limited to, making any corrections to the official map of the City to add the land hereby annexed as required by law.

SECTION 7: The City Manager is hereby directed and authorized to file or cause to be filed a certified copy of this Ordinance with the necessary governmental agencies, including the United States Department of Justice.

SECTION 8: If any section, subsection, sentence, phrase, or word be found to be illegal, invalid or unconstitutional, or if any portion of said properties is incapable of being annexed by the City of Farmersville, Texas, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, sentence, phrase, word, paragraph or provision to any other person or portion of said properties, situation or circumstance, nor shall the adjudication affect any other section, sentence, phrase, word, paragraph or provision of any other ordinance of the City of Farmersville, Texas. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid properties without the invalid part and invalid properties and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9: This Ordinance shall take effect and be in full force from and after its passage, as provided by the laws of the State of Texas.

PASSED on first and only reading on the ____ day of _____, 2020, at a properly scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS ____ DAY OF _____, 2020

Jack Randall Rice, Mayor

ATTEST:

Sandra Green, City Secretary

EXHIBIT "A"

LEGAL DESCRIPTION

BEING all that certain tract of land laying in the W.B. Williams Survey, Abstract Number 954, Collin County, Texas, and being part of a tract of land described in a deed to Anani, LLC, recorded in Instrument Number 2016-121600, Official Public Records, Collin County, Texas, and being more particularly described by metes and bounds as follows;

BEGINNING at a wood fence corner post from which a capped iron rod found stamped "EMCOMPASS" bears South 76 Degrees 42 Minutes 57 Seconds East, 2.97 feet, said corner post being in the North line of the Kansas City Southern Railroad and being the Southeast corner of a tract of land described as "Exhibit B" in a deed to JMR Farms, Ltd., recorded in Volume 4572, Page 3840 and Document Number 99-156397, of said Records, and being the Southwest corner of the herein described tract;

THENCE North 01 Degree 15 minutes 55 Seconds East with the East line of said JMR Farms, Ltd. Tract, 576.89 feet to a wood fence corner post, being the Southeast corner of a tract of land described as "Exhibit C" in a deed to JMR Farms, Ltd., recorded in Volume 4572, Page 3840 and Document Number 99-156397, of said Records;

THENCE South 89 Degrees 32 Minutes 33 Seconds East, at 2003.87 feet passing a capped iron rod found stamped "RPLS 4967" and continuing for a total of 2034.84 feet to a point in Collin County Road 699, being the Northeast corner of the herein described tract;

THENCE South 00 Degrees 32 Minutes 21 Seconds West along the center of said County Road, 367.05 feet to a point, being the most Northerly Southeast corner of the herein described tract;

THENCE North 84 Degrees 13 Minutes 45 Seconds West, 531.16 feet to a 5/8 inch iron rod found, being a reentrant for the herein described tract;

THENCE South 00 Degrees 27 Minutes 59 Seconds West, 399.85 feet to a 5/8 inch iron rod found in the North line of Kansas City Southern Railroad, being the most Southerly Southeast corner of the herein described tract;

THENCE North 84 Degrees 13 Minutes 27 Seconds West along said North line, 1520.05 feet to the PLACE OF BEGINNING, containing 26.60 acres of land more or less.

EXHIBIT "B"

(Consisting of the following 10 pages.)

AFTER RECORDING, RETURN TO:

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

**ANNEXATION SERVICE AGREEMENT BY AND BETWEEN THE CITY OF
FARMERSVILLE, TEXAS AND FARMERSVILLE PLANT, LLC**

This Annexation Service Agreement ("Service Agreement") is made and entered into pursuant to Texas Local Government Code § 43.0672 as of this ____ day of _____, 2020, by and between the CITY OF FARMERSVILLE, TEXAS, ("City") and FARMERSVILLE PLANT LLC, a Texas limited liability company, doing business as NELSON BROS. READY MIX, INC., (hereinafter referred to collectively as "Owner") on the terms and conditions hereinafter set forth. The City and Owner may hereafter be referred to collectively as the "Parties" or individually as a "Party" from time to time.

WHEREAS, City and Owner previously entered into that certain Development Agreement Applicable to Approximately 26.60 acres of Land Acquired by FARMERSVILLE PLANT, LLC from an Approximate 31.458 Acre Tract Owned by Anani, LLC, which was recorded as Clerk's Document No. 20180920001180520 in the Official Public Records of Collin County, Texas on September 20, 2018 (the "Farmersville Plant Agreement"); and

WHEREAS, Owner has submitted a petition for the annexation of the 26.60 acre tract of land, described in Exhibit "A", (the "Land") that has been accepted by City; and

WHEREAS, Texas Local Government Code § 43.0672 now requires the owner of land that petitions for annexation into a city and the city to enter into an agreement that details the manner in which municipal services will be provided to such land upon its annexation;

NOW, THEREFORE, in consideration of the mutual benefits and premises contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Owner agree as follows:

1. **Findings Incorporated.** All of the above premises are found to be true and correct and are incorporated into the body of this Service Agreement as if copied in their entirety.
2. **Development Agreement Incorporated.** Certain City services shall be provided to the Land in accordance with the provisions of the Farmersville Plant Agreement that is incorporated herein by reference for all purposes allowed by law. To the extent that the type and timing and manner of providing municipal services identified in the Farmersville Plant Agreement conflict with the provisions of this Service Agreement, the provisions of the Farmersville Plant Agreement shall control.

3. **Agreed Service Plan for Providing Municipal Services.** Municipal services will be provided to the annexed tract(s) of land, by the City in accordance with the following provisions and Texas Local Government Code Section 43.0672.

A. **Police Protection.**

1. Police personnel and equipment from the Farmersville Police Department will be provided to the area annexed on the effective date of this ordinance.

2. Police protection services will be provided at a level of services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever is applicable.

B. **Fire Protection.**

1. Fire protection and Emergency Medical Services (EMS) from the Farmersville Volunteer Fire Department will be provided to the area annexed on the effective date of this ordinance.

2. Fire protection services will be provided at a level of services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever is applicable.

C. **Fire Prevention.**

The services of the Collin County Fire Marshal, pursuant to a contract with the City, will be provided to the area annexed upon the effective date of this ordinance.

D. **Solid Waste Collection.**

1. Solid waste collection will be provided to the area annexed upon the effective date of this ordinance. However, for the first two years following annexation, a person in the area who used the services of a privately-owned solid waste management service provider prior to the effective date of the annexation may continue to utilize the services of privately-owned solid waste providers in accordance with Texas Local Government Code § 43.0661 rather than immediately converting to the City's provider.

2. Solid waste collection services will be provided at a level of service at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.

3. The collection of refuse from individual properties will be made in accordance with the usual Sanitation Department scheduling.

E. Water Service.

1. For portions of the annexed area within the City's legally certificated area (CCN), the City will provide water services to the area by any of the methods by which it extends the services to any other area of the municipality. For portions of the annexed area within the City's legally certificated area (CCN), water services will be provided at a level of service at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.

2. When new development occurs, the City of Farmersville requires a developer to construct the necessary infrastructure to meet the needs of the development. This requirement may also include the construction of off-site improvements.

3. The responsibility for construction of the infrastructure by a developer is described in the City's Subdivision Regulations.

4. For portions of the annexed area within the City's legally certificated area (CCN), the City will allow the provision of extensions of water facilities to the areas annexed on the effective date of this ordinance. Such extensions shall be in accordance with the Farmersville Code and the City's Design Standards, and as amended.

5. Connection to existing city water mains for water service will be provided in accordance with existing City Policies. Upon connection to existing mains, water will be provided at rates established by City Ordinance.

6. Water mains installed or improved to City standards within the annexed area which are part of the City of Farmersville water system and are located within dedicated easements, rights-of-way, or any other acceptable location approved by the City Engineer, will be maintained by the City upon the effective date of this ordinance.

7. Maintenance of private lines shall continue to be the responsibility of the owner or occupant of property situated within the area annexed.

8. Where other water districts provide water service, any development that occurs will still meet the City of Farmersville standards for the sizing and construction of utilities.

9. For portions of the annexed area which are not solely within the City's legally certificated area (CCN), water services shall continue to be provided in the same manner that is described in an approved Judgment, Agreement, Decree or other legal document as of the effective date of this ordinance and as it may thereafter be adopted or amended.

F. Sanitary Sewer Service.

1. The City will provide sewer services to the annexed area by any of the methods by which it extends the services to any other area of the municipality. Upon annexation, sanitary sewer services will be provided at a level of service at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.

2. When new development occurs, the City of Farmersville requires a developer to construct the necessary infrastructure to meet the needs of the development. This requirement may also include the construction of off-site improvements.

3. The responsibility for construction of the infrastructure by a developer is described in the City's Subdivision Regulations.

4. The City will allow the provision of extensions of sanitary sewer facilities to the areas annexed upon the effective date of this ordinance. Such extensions shall be in accordance with the Farmersville Code, and as amended.

5. Connection to existing city sanitary sewer mains for sewage service will be provided in accordance with existing City Policies. Upon connection to existing mains, sanitary sewer collection will be provided at rates established by City Ordinances.

6. Sanitary sewer mains and lift stations installed or improved to City Standards within the annexed area which are located within dedicated easements, rights-of-way, or any other acceptable location approved by the City Engineer, will be maintained by the City of Farmersville upon the effective date of this ordinance.

G. Streets.

1. Emergency street maintenance will be provided for publicly dedicated streets or roads within the area annexed upon the effective date of this ordinance. Routine maintenance will be scheduled as part of the City's annual street maintenance program in accordance with the then current policies and procedures defined by ordinance.
2. Street services will be provided at a level of services at least equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever may be applicable.

H. Parks and Recreation.

1. The City of Farmersville will provide parks and recreation services to the annexed area by any of the methods by which it extends the services to any other area of the municipality. For new development, the City requires developers to construct hike/bike trails in keeping with the Parks Master Plan. Additionally, new developments must still satisfy the parkland dedication requirements that call for the dedication of land or the payment of fees in lieu of land for park uses.
2. Residents within the areas annexed may utilize all existing park and recreation facilities upon the effective date of this Ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.
3. Additional park and recreation facilities will be constructed based on Park policies defined in the 2013 Comprehensive Plan, as amended, and the Farmersville Code. The general planned locations and classifications of parks will ultimately serve residents from the current city limits and residents from areas being considered for annexation.

I. Environmental Health and Code Enforcement Services.

1. Enforcement of current environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicles ordinances and animal control ordinances, will begin within the area annexed upon the effective date of this annexation ordinance.
2. Inspection services, including but not limited to, the review of building plans, the issuance of permits and the inspection of all buildings,

characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

6. **Amendments.** This Service Agreement shall not be amended unless public hearings are held in accordance with Texas Local Government Code, § 43.052.

7. **Conflict of Interest.** To the extent that this Service Agreement (a) must be approved by the City's governing body before it may be signed or (b) has a value of \$1,000,000, or more, Owner shall comply with the requirements of Texas Government Code § 2252.908 by completing and submitting Form 1295 to the Texas Ethics Commission ("Commission") at the time Owner submits this signed Service Agreement to City, and as follows:

Form 1295 Filing Process: The Commission has made available on its website a new filing application that must be used to file Form 1295. The Owner must use the application to enter the required information on Form 1295 and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. An authorized agent of the Owner must sign the printed copy of the form and complete the "unsworn declaration" which includes, among other things, the date of birth and address of the authorized representative signing the form. The completed Form 1295 with the certification of filing must be filed with the City.

The City must notify the Commission, using the Commission's filing application, of the receipt of the filed Form 1295 with the certification of filing not later than the 30th day after the date the Service Agreement binds all parties to the Service Agreement. The Commission will post the completed Form 1295 to its website within seven business days after receiving notice from the City.

Form 1295 Availability: Certificate of Interested Parties Form is available from the Texas Ethics Commission website at the following address:

https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

For questions regarding and assistance in filling out Form 1295, please contact the Texas Ethics Commission at 512-463-5800.

8. **No Boycotting of Israel.** In accordance with Chapter 2270, Texas Government Code, a Texas governmental entity may not enter into a contract with a company for the provision of goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. Chapter 2270 does not apply to (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) a contract that has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless the CONSULTANT is not subject to Chapter 2270 for the reasons stated herein, the signatory executing this contract on behalf of the CONSULTANT verifies by its

signature on this Contract that the CONSULTANT does not boycott Israel and will not boycott Israel during the term of this contract.

9. **Entire Agreement.** This Service Agreement together with the Farmersville Plant Agreement contains the entire agreement of the parties with respect to the matters contained herein and may not be modified or terminated except upon the mutual written agreement of the parties hereto save and except for the termination rights set forth herein.

10. **Venue.** This Service Agreement shall be construed in accordance with the laws of the State of Texas and shall be performable in Collin County, Texas. Exclusive venue shall be in Collin County, Texas.

11. **Binding Effect.** This Service Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns.

12. **Savings/Severability.** In case any one or more of the provisions contained in this Service Agreement shall for any reason be held by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Service Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

13. **Construction.** This Service Agreement shall be construed fairly and simply, and not strictly for or against any party. Headings used throughout this Service Agreement are for convenience and reference only, and the words contained therein shall in no way be interpreted or held to explain, restrict, modify, amplify or aid in the interpretation or construction of the meaning of the provisions of this Service Agreement.

14. **Multiple Counterparts.** This Service Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Service Agreement and caused this Service Agreement to be effective on the latest date as reflected by the signatures below.

CITY OF FARMERSVILLE

By: _____
JACK RANDALL RICE
Mayor

Date Signed: _____

ATTEST:

SANDRA GREEN
City Secretary

THE STATE OF TEXAS §
COUNTY OF COLLIN §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____
DAY OF _____, 20____.

Notary Public _____ County, Texas
My commission expires _____

FARMERSVILLE PLANT LLC, a Texas
limited liability company

By: _____

Tony Strickland
TONY STRICKLAND
Sr. Vice President

Date Signed: 1-31-2020



THE STATE OF TEXAS §
COUNTY OF Denton §

This instrument was acknowledged before me on this day by TONY STRICKLAND, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he is a Sr. Vice President of **FARMERSVILLE PLANT**

LLC, a Texas limited liability company and that he executed the same on behalf of **FARMERSVILLE PLANT LLC** for the purposes set forth therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 31st
DAY OF JAN, 2020.

Michelle [Signature]
Notary Public Denton County, Texas
My commission expires 1-18-2023

Agenda Section	Public Hearing
Section Number	VI.B
Subject	Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission and Ordinance #O-2020-0225-002 regarding a requested change in zoning on approximately 2,614 square feet of land identified as Block I, Lot 28B in the Farmersville Original Donation (CFC), which location is more commonly known as 206 McKinney Street, Farmersville, Texas from CA – Central Area District uses to CA – Central Area District uses with a Specific Use Permit ("SUP") for commercial (indoors) amusement uses.
To	Mayor and Council Members
From	Ben White, City Manager
Date	February 25, 2020
Attachment(s)	<ol style="list-style-type: none"> 1. Application and Paperwork 2. Zoning Ordinance Definition and Use Chart 3. O-2020-0225-002
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action



Farmersville
DISCOVER A TEXAS TREASURE

**CITY OF FARMERSVILLE
SPECIFIC USE PERMIT APPLICATION**

APPLICANT'S NAME: Martin Paul Garza

APPLICANT'S ADDRESS: 1705 Yale St Farmersville TX 75442

APPLICANT'S CONTACT NUMBERS: 682-730-2797

NAME OF OWNER: 7 Stories

ADDRESS OF OWNER: 109 College St., Farmersville, TX

LOCATION OF PROPERTY: 206 McKinney St., Farmersville, TX

LEGAL DESCRIPTION OF PROPERTY:

LOT NO. 28B TRACT _____ BLOCK NO. I

PLAT _____ ADDITION: Farmersville Original Downtown (CFC)

SURVEY: _____ NUMBER OF ACRES: 2,614 sq ft

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed, and a complete legal field note description.

PROPOSED USE: Amusement Commercial (Indoor)

ATTACH A LETTER describing all processes and activities involved with the proposed uses.

ATTACH A SITE PLAN drawn to scale with the information listed on the back of this sheet.


THE EIGHT CONDITIONS listed on the back of this sheet **MUST** be met before City Council can grant a Specific Use Permit.

ATTACH THE APPROPRIATE FEE:

\$1,000 Retainer Fee to be used for all expenditures in conjunction with the Specific Use Permit. Any amount remaining will be refunded to the owner as designated above.

I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, landscaping and parking areas depicted on the site plan shall be adhered to as amended and approved by the City Council.

SIGNATURE OF APPLICANT:  Date: 1/7/20

SIGNATURE OF OWNER:  Date: 7 Jan 20
(If not applicant)

INCLUDE THE FOLLOWING INFORMATION ON A SITE PLAN. THE PLAN MUST BE DRAWN TO SCALE.

- Boundaries of the area covered by the site plan.
- The location of each existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roof line, gross floor area and location of building entrances and exits.
- The location of existing drainage ways and significant natural features.
- Proposed landscaping and screening buffers.
- The location and dimensions of all curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities, and outside trash storage facilities.
- The location, height and type of each wall, fence, and all other types of screening.
- The location, height and size of all proposed signs.

THE ZONING ORDINANCE REQUIRES THAT THESE EIGHT CONDITIONS MUST BE MET BEFORE A SPECIFIC USE PERMIT CAN BE ISSUED:

- That the specific use will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity; and
- That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property.
- That adequate utility, access roads, drainage and other necessary supporting facilities have been or will be provided.
- The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
- That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration.
- That directional lighting will be provided so as not to disturb or adversely affect neighboring properties.
- That there are sufficient landscaping and screening to insure harmony and compatibility with adjacent property
- That the proposed use is in accordance with the Comprehensive Plan.

To whom it may concern,

I, Martin Paul Garza with Strand of Three LLC, would like to utilize the backspace of our future coffee shop for community based gatherings.

In order to do so I am applying for an *Amusement, commercial (indoors)* Special Use Permit.

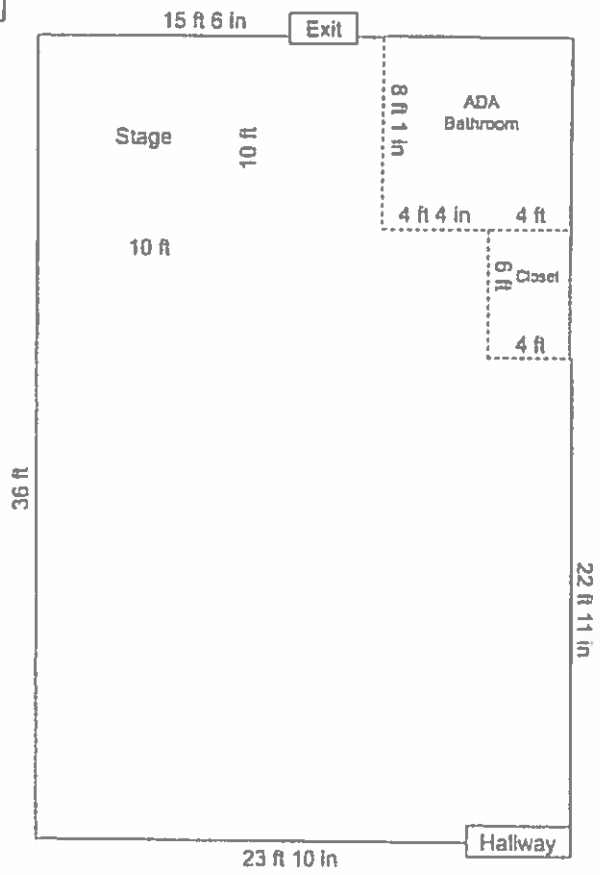
Under this permit I will use the back area for planned social gatherings and background entertainment.

We plan to add a stage in the North West corner of the room accompanied with acoustic panels along the walls in order to acoustically treat the room. These panels are in accordance with the requirements under the *Amusement, Commercial (Indoors)* requirements found in Section 2.9 of the Farmersville Comprehensive Zoning Ordinance.

We also plan to have some tables that will host about 25 guests with sitting space.

Thank you for your time and consideration.

Martin Paul Garza
Co-Owner of Strand of Three LLC



Alternative financial institution means a payday advance/loan business or a motor vehicle title loan business. An alternative financial institution does not include state or federally chartered banks, community development financial institutions, savings and loans, credit unions, or regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code.

Amenity center (private) means a facility or area that is an integral part of a residential project or planned development and that is used by the residents of the project or development for a place of meeting, recreation, or social activity, but not primarily to render a service that is customarily carried on as a business. Such facilities include but are not limited to swimming pools, saunas, hot tubs, game courts, playgrounds, community clubhouse, cabana, pavilion or roofed areas, leasing office, laundry facilities, and other similar uses. This use need not be located on the same lot as the property it serves.

Amusement, commercial (indoors) means an amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to a bowling alley, billiard parlor, or skating rink.

Amusement, commercial (outdoors) means an outdoor area or structure, open to the public, which provides entertainment or amusement primarily by and for participants for a fee or admission charge. Typical uses include batting cages, miniature golf, go-kart tracks, and carnivals.

Antenna means an instrument or device consisting of wires, poles, rods, or reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum.

Antenna, stealth means a commercial antenna that is designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. Stealth Antennas include, but are not limited to:

- (1) Antennas within a building's attic space,
- (2) Antennas on the roof of a minimum three-story building and not visible from the property line of the lot on which the antenna is located,
- (3) Antennas on a public utility structure, such as a water tower or high transmission line support tower, and painted to match the structure,
- (4) Antennas located within a structure such as a flagpole, church steeple, subdivision monument, clock tower, or similar architectural feature, and antennas located on an athletic field light pole

Antenna and/or antenna support structure, commercial means an antenna and its support structure used for commercial broadcasting or telecommunication purposes. This definition shall also include a satellite dish exceeding twelve (12) feet in diameter and a microwave-transmitting tower. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended. Definition includes ancillary ground equipment.

Antenna and/or antenna support structure, non-commercial means an instrument or device consisting of wires, poles, rods, or reflecting discs and its support structure not exceeding forty (40) feet

3.6.9 ENTERTAINMENT AND RECREATIONAL USES

Zoning District Legend		Residential Districts								Non-Residential and Mixed-Use Districts					Use-Specific Regulations
P	S	A - Agricultural District	ED - Estate Development	SF-1 - Single Family Dwelling-1 District	SF-2 - Single Family Dwelling-2 District	SF-3 - Single Family Dwelling-3 District	2F - Two Family Residence (Duplex) District	MF-1 - Multifamily Residence-1	MF-2 - Multifamily Residence-2	NS - Neighborhood Service District	GR - General Retail District	C - Commercial District	LI - Light Industrial District	HI - Heavy Industrial District	CA - Central Area District
Permitted Use	Special Use Permit														
Prohibited Use															
Special Conditions Apply (see Section 3.9, Use-Specific Regulations)															
Type of Use															
Amenity center (private)		P	P	P	P	P	P	P	P						S
Amusement, commercial (indoors)		S									P	P	P	P	S
Amusement, commercial (outdoors)		S										S	S	S	S
Community center (public)		S	S	S	S	S	S	S	S	P	P	P	P	P	P
Dancehall or nightclub											S	S	S	S	S
Day camp		P		S							P	P	P	P	
Fairgrounds/exhibition area		S									S	S	S	S	S
Game room															398
Golf course and/or country club		P		S	S	S	S	S	S	P	P	P	P	P	S
Gun or archery range (indoor)		S									S	S	P	P	
Park or playground (public)		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Play field or stadium (public)		P	S	S	S	S	S	S	S	P	P	P	P	P	P
Recreational vehicle (RV) parks and campgrounds		S										S	P	P	
Swim and tennis club		S	S	S	S	S	S	S	S						S
Theater (drive-in)		S										S	S	S	S
Theater (indoor)		S									S	P	P	P	P

**CITY OF FARMERSVILLE
ORDINANCE #2020-0225-002**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE #O-2018-0508-001, AS AMENDED, BY CHANGING THE ZONING ON BLOCK I, LOT 28B IN THE FARMERSVILLE ORIGINAL DONATION, WHICH LOT IS MORE COMMONLY KNOWN AS 206 MCKINNEY STREET, FARMERSVILLE, TEXAS 75442, FROM CA – CENTRAL AREA DISTRICT USES TO CA – CENTRAL AREA DISTRICT USES SUBJECT TO A SPECIFIC USE PERMIT (SUP) FOR THE OPERATION OF A COMMERCIAL (INDOORS) AMUSEMENT USE; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville, Texas, (the “City”) is a Type A General – Law Municipality located in Collin County created in accordance with the provisions of Chapter 6 of the Texas Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Farmersville, Texas, has recommended a change in zoning classification of the property described herein and has recommended amending the official zoning map of the City of Farmersville, Texas, regarding the rezoning of the property hereinafter described; and

WHEREAS, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the City Council of the City of Farmersville; and

WHEREAS, the City Council of the City of Farmersville, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission of the City of Farmersville and of all testimony and information submitted during said public hearings, has determined that in the public’s best interest and in support of the health, safety, morals, and general welfare of the citizens of the City, the zoning of the property described herein shall be changed and that the official zoning map of the City of Farmersville, Texas, should be amended to reflect the rezoning of the property herein described;

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

SECTION 1: FINDINGS INCORPORATED

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

SECTION 2: PROPERTY REZONED

From and after the effective date of this Ordinance, the property described herein shall be rezoned as set forth in this section, and the Official Zoning Map of the Comprehensive Zoning Ordinance, Ordinance #O-2018-0508-001, as amended, of the City of Farmersville, Texas, is hereby amended and changed in the following particulars to reflect the action taken herein, and all other existing sections, subsections, paragraphs, sentences, definitions, phrases, and words of the City's Zoning Ordinance are not amended but shall remain intact and are hereby ratified, verified, and affirmed, in order to create a change in the zoning classification of the property described herein, as follows:

That Block I, Lot 28B in the Farmersville Original Donation, which lot is more commonly known as 206 McKinney Street, Farmersville, Texas 75442, presently zoned CA – Central Area District uses is hereby changed to CA – Central Area District uses subject to a Specific Use Permit (SUP) for the operation of a commercial (indoors) amusement use in accordance with the specific requirements contained in the City's Master Plan and Zoning Ordinance, and as stated herein and in the exhibits attached hereto.

SECTION 3: Conditions and Requirements Imposed

The grant and extension of the Specific Use Permit granted hereby, as established and described in Section 2 herein, shall be and is hereby made subject to the following conditions and requirements:

1. The Specific Use Permit granted hereby is a personal license that is specific to the commercial (indoor) amusement use located at 206 McKinney Street, Farmersville, TX 75442, and Strand of 3 Coffee Company, LLC, the owner of said commercial (indoors) amusement doing business as Strand of 3 Private Club.
2. The Specific Use Permit granted hereby shall not be transferable to any other named commercial (indoors) amusement or location or owner.
3. The Specific Use Permit granted hereby shall be in full force and effect for as long as Strand of 3 Coffee Company, LLC is the owner of said commercial (indoors) amusement.

SECTION 4: APPROVED SITE PLAN AND LANDSCAPE PLAN

The change in the zoning classification established and described in Section 2 herein shall be and is hereby made subject to compliance at all times with the following conditions and requirements:

1. The attached Site Plan, labeled Attachment "A," shall be an exhibit to the Specific Use Permit (SUP).

SECTION 5: OFFICIAL ZONING MAP TO BE MODIFIED

It is directed that the official zoning map of the City of Farmersville be changed to reflect the zoning classification established by this Ordinance.

SECTION 6: REPEALER

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 7: SEVERABILITY

It is hereby declared to be the intent of the City Council that the several provisions of this Ordinance are severable. In the event that 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 8: PENALTIES FOR VIOLATION

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City of Farmersville from filing suit to enjoin the violation. The City of Farmersville retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 9: INJUNCTIVE RELIEF

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 10: PUBLICATION

The City Secretary 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 11: 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 12: 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 13: EFFECTIVE DATE

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

PASSED on first and final reading on the 25th day of February 2020, at a properly scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 25th DAY OF FEBRUARY, 2020.

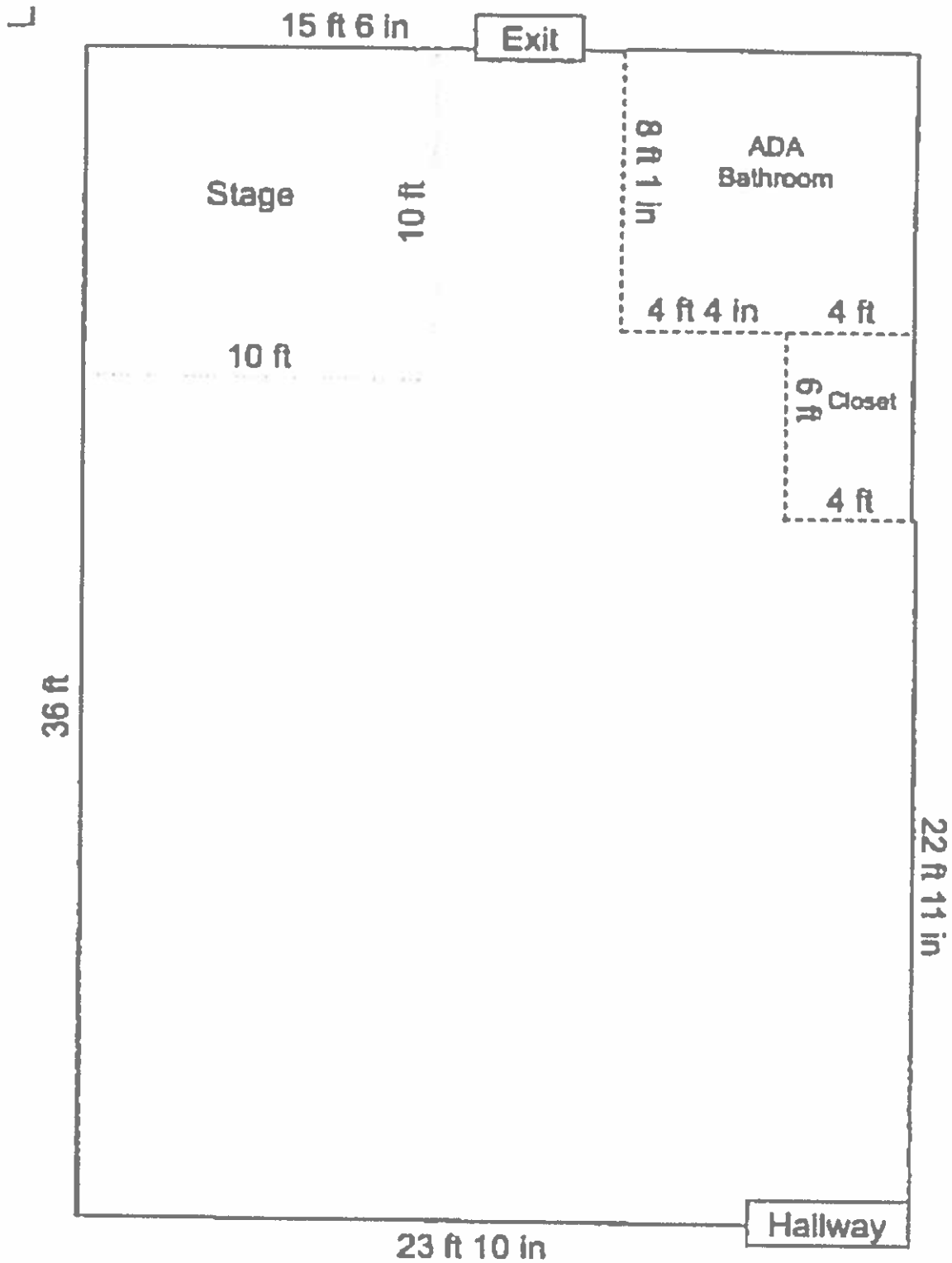
APPROVED:

BY: _____
Jack Randall Rice
Mayor

ATTEST:

Sandra Green
City Secretary

EXHIBIT "A"



Agenda Section	Public Hearing
Section Number	VI.C
Subject	Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission and Ordinance #O-2020-0225-003 regarding a request for a change in zoning on approximately 0.234 acres of land that is generally located on the southeast corner of the intersection between Murchison Street and Business State Highway No. 78 (N. Main Street), which land is more particularly identified as Block 10, Lot 53A of the Howell Addition from PD – Planned Development Ordinance #94-24 for Limited Retail/Services Center for expansion of existing retail grocery and related parking together with display of not over four cars for sale at any one time to SF-2 – Single Family Dwelling – 2 district uses.
To	Mayor and Council Members
From	Ben White, City Manager
Date	February 25, 2020
Attachment(s)	<ol style="list-style-type: none"> 1. Application and paperwork 2. Exhibit 3. O-2020-0225-003
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action



Farmersville
DISCOVER A TEXAS TREASURE

Zoning Change Application

Today's Date: 6-11-19

Contact Information

Property Location: Lot 53, Block 10 N Main Street
(street address)

Subdivision: Howell Addition Lot: 53 Block: 10

Acreage: (if acreage, provide separate metes and bounds description) 0.671

Existing Use and Current Zoning of Property: Pd 9424

Property Owner/Applicant Owner: Amin Ali 316 N Main St Farmersville, TX 75442
(Name) (Address) (City, State, & Zip Code)

Property Owner Signature: [Signature]

AminAli5@shcglobal.net
(Email)

(682)552-3532
(Phone)

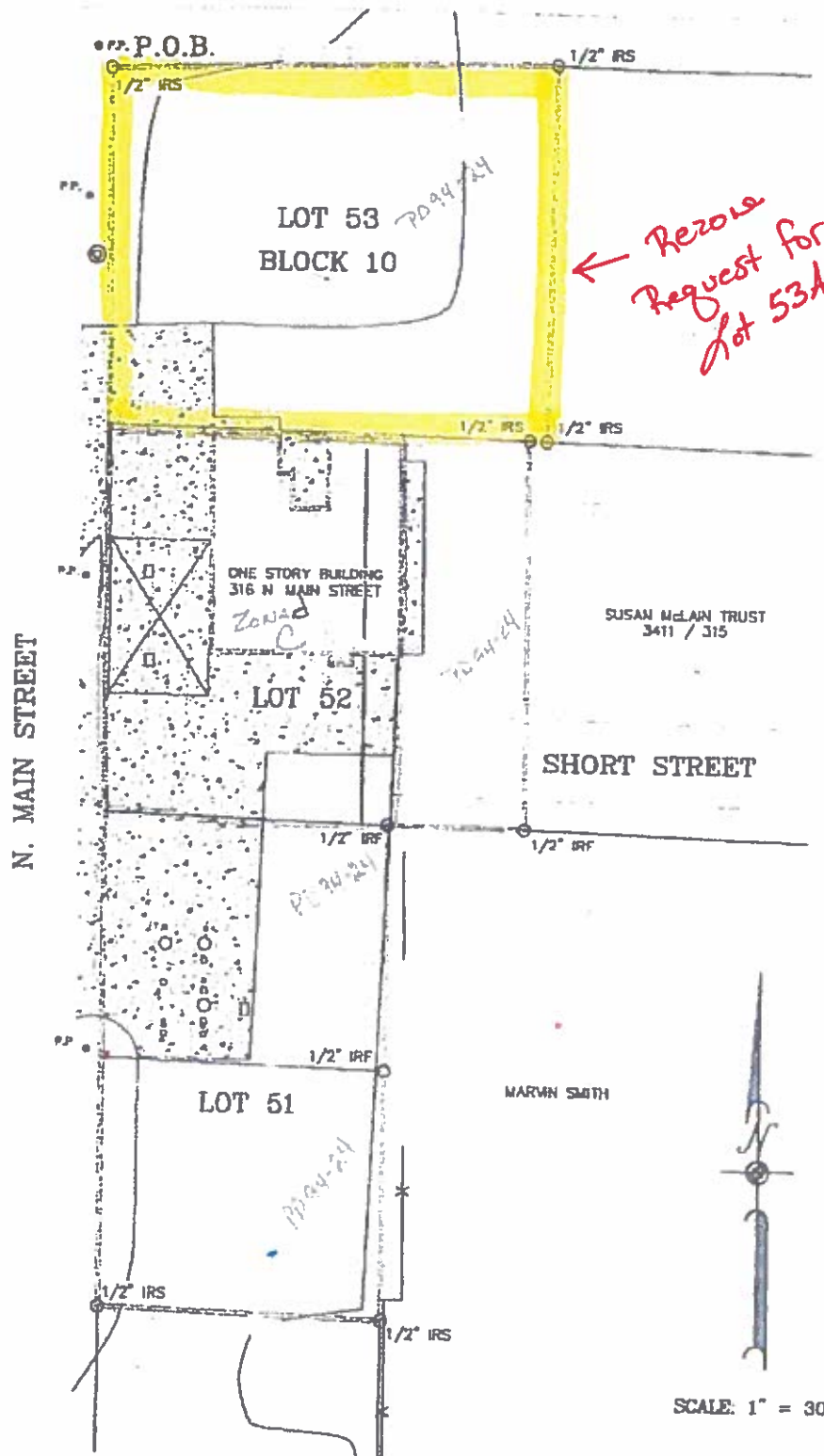
REQUEST

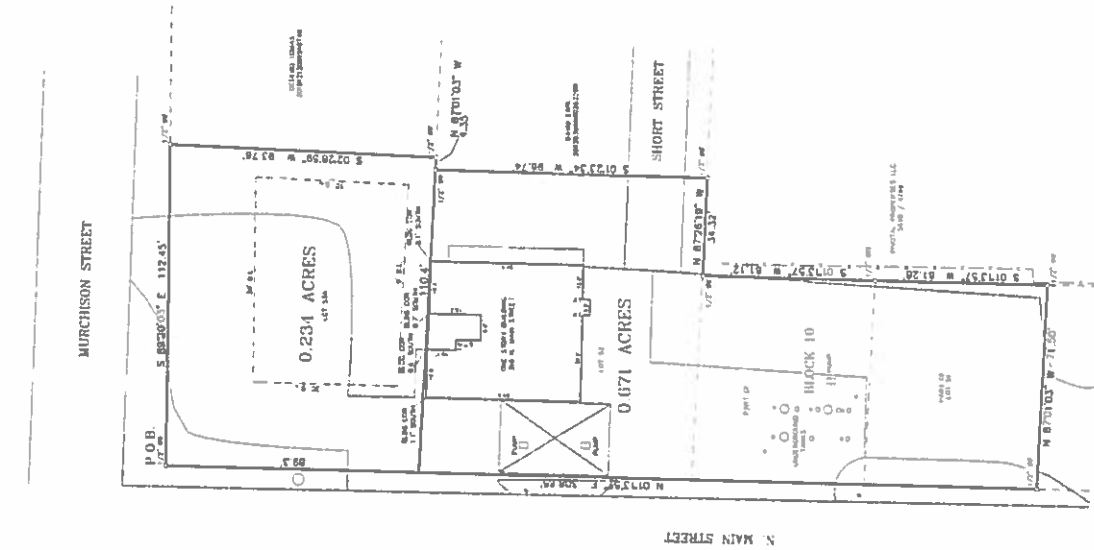
PLEASE DESCRIBE YOUR REQUEST IN DETAIL.

We are requesting to change the zoning on Block 10, Lot 53 into a single family 2. We would like to build 1500-2000 sqft home. The house will be built to fit in on main st. The house will be new but have the charm and look of an old house. Hudson & Hudson Homes LLC will be building the house. They did the house on 410 N Main and will be making a similar house here. We personally think a house would be the best use in this space. My records already show this as a single family but city record shows as PD. Last year I wanted to make this a lot for Uhaul Rentals but found that neighbors did not want that and pulled my request. Thank You.

NOTICE: This publication can be made available upon request in alternative formats, such as Braille, large print, audiotape or computer disk. Requests can be made by calling 972-782-6151 (Voice) or email s.green@farmersville.com. Please allow at least 48 hours for your request to be processed.

MURCHISON STREET





SCALE 1" = 20'

LEGEND

- Survey Line
- Property Line
- Right of Way
- Water
- Other

REVISIONS

NO.	DATE	DESCRIPTION
1	DEC 15, 2019	ORIGINAL
2	DEC 15, 2019	REVISION

Owens Land Surveying

1000 N. MAIN STREET, SUITE 100, CHICAGO, IL 60610

TEL: (773) 462-1000 FAX: (773) 462-1001

PROJECT NO. 190123

DATE: DEC 15, 2019

BY: S. OWENS

REVISION NO. 1

DATE: DEC 15, 2019

BY: S. OWENS

**CITY OF FARMERSVILLE
ORDINANCE #2020-0225-003**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. O-2018-0508-001, AS AMENDED, BY CHANGING THE ZONING ON APPROXIMATELY 0.234 ACRES OF LAND IN THE W. B. WILLIAMS SURVEY, ABSTRACT NO. 952, MORE COMMONLY KNOWN AS BLOCK 10, LOT 53A OF THE HOWELL ADDITION, IN THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS, FROM PD- PLANNED DEVELOPMENT ORDINANCE #94-24 FOR LIMITED RETAIL/SERVICES CENTER FOR EXPANSION OF EXISTING RETAIL GROCERY AND RELATED PARKING TOGETHER WITH DISPLAY OF NOT OVER FOUR CARS FOR SALE AT ANY ONE TIME TO SF-2 – SINGLE FAMILY DWELLING – 2 DISTRICT USES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville, Texas, (the "City") is a Type A General – Law Municipality located in Collin County created in accordance with the provisions of Chapter 6 of the Texas Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Farmersville, Texas, has recommended a change in zoning classification of the property described herein and has recommended amending the official zoning map of the City of Farmersville, Texas, regarding the rezoning of the property hereinafter described; and

WHEREAS, all legal requirements, conditions, and prerequisites have been complied with prior to this case coming before the City Council of the City of Farmersville; and

WHEREAS, the City Council of the City of Farmersville, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission of the City of Farmersville and of all testimony and information submitted during said public hearings, has determined that in the public's best interest and in support of the health, safety, morals, and general welfare of the citizens of the City, the zoning of the property described herein shall be changed and that the official zoning map of the City of Farmersville, Texas, should be amended to reflect the rezoning of the property herein described;

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

SECTION 1. FINDINGS INCORPORATED

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

SECTION 2. PROPERTY REZONED

From and after the effective date of this Ordinance, the property described herein shall be rezoned as set forth in this section, and the Official Zoning Map of the Comprehensive Zoning Ordinance, Ordinance No. O-2018-0508-001, as amended, of the City of Farmersville, Texas, is hereby amended and changed in the following particulars to reflect the action taken herein, and all other existing sections, subsections, paragraphs, sentences, definitions, phrases, and words of the City's Zoning Ordinance are not amended but shall remain intact and are hereby ratified, verified, and affirmed, in order to create a change in the zoning classification of the property described herein, as follows:

That certain tract of land containing approximately 0.234 acres of land in the W. B. Williams Survey, Abstract No. 952, more commonly known as Block 10, Lot 53A of the Howell Addition, and more fully described and depicted on the "Zoning Exhibit" attached hereto as Exhibits "A" and "B," respectively, and incorporated herein by reference for all purposes allowed by law (the "Property"), presently zoned PD- Planned Development Ordinance #94-24 for Limited Retail/Services Center for expansion of existing retail grocery and related parking together with display of not over four cars for sale at any one time, is hereby rezoned to SF-2 – Single Family Dwelling – 2 District uses.

SECTION 3. OFFICIAL ZONING MAP TO BE MODIFIED

It is directed that the official zoning map of the City of Farmersville be changed to reflect the zoning classification established by this Ordinance.

SECTION 4: REPEALER

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 5: SEVERABILITY

It is hereby declared to be the intent of the City Council that the several provisions of this Ordinance are severable. In the event that 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 6: PENALTIES FOR VIOLATION

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City of Farmersville from filing suit to enjoin the violation. The City of Farmersville retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 7: INJUNCTIVE RELIEF

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 8: PUBLICATION

The City Secretary 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 9: 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 10: 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 11: EFFECTIVE DATE

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

APPROVED THIS 25th DAY OF FEBRUARY, 2020.

APPROVED:

BY: _____
Jack Randall Rice, Mayor

ATTEST:

Sandra Green, City Secretary

Exhibit "A"

Description of Property

BEING all that certain lot, tract, or parcel of land situated in the City of Farmersville, Collin County, Texas and being part of Lot 53, Block 10 of HOWELL ADDITION, an addition to the City of Farmersville, Collin County, Texas according to the Plat thereof recorded in Cabinet F on Slides 719 of the Map and Plat Records of Collin County, Texas, being part of the 0.671 acre tract of land as described in a Special Warranty Deed from Bennie B. McCloud and Lonnie Ray McCloud to Effective Enterprises, Inc. as recorded in Volume 6042 at Page 2659 of the Official Records of Collin County, Texas and being further described as follows:

BEGINNING at 1/2 inch iron rod found for a corner at the northwest corner of said 0.671 acre tract, said Point of Beginning at the intersection of the south line of Murchison Street and the east line of North Main Street;

THENCE S 89°20'03" E along the north line of said 0.671 acre tract and the south line of Murchison Street, a distance of 112.45 feet to a 1/2 inch iron rod found for a corner at the northeast corner of said 0.671 acre tract;

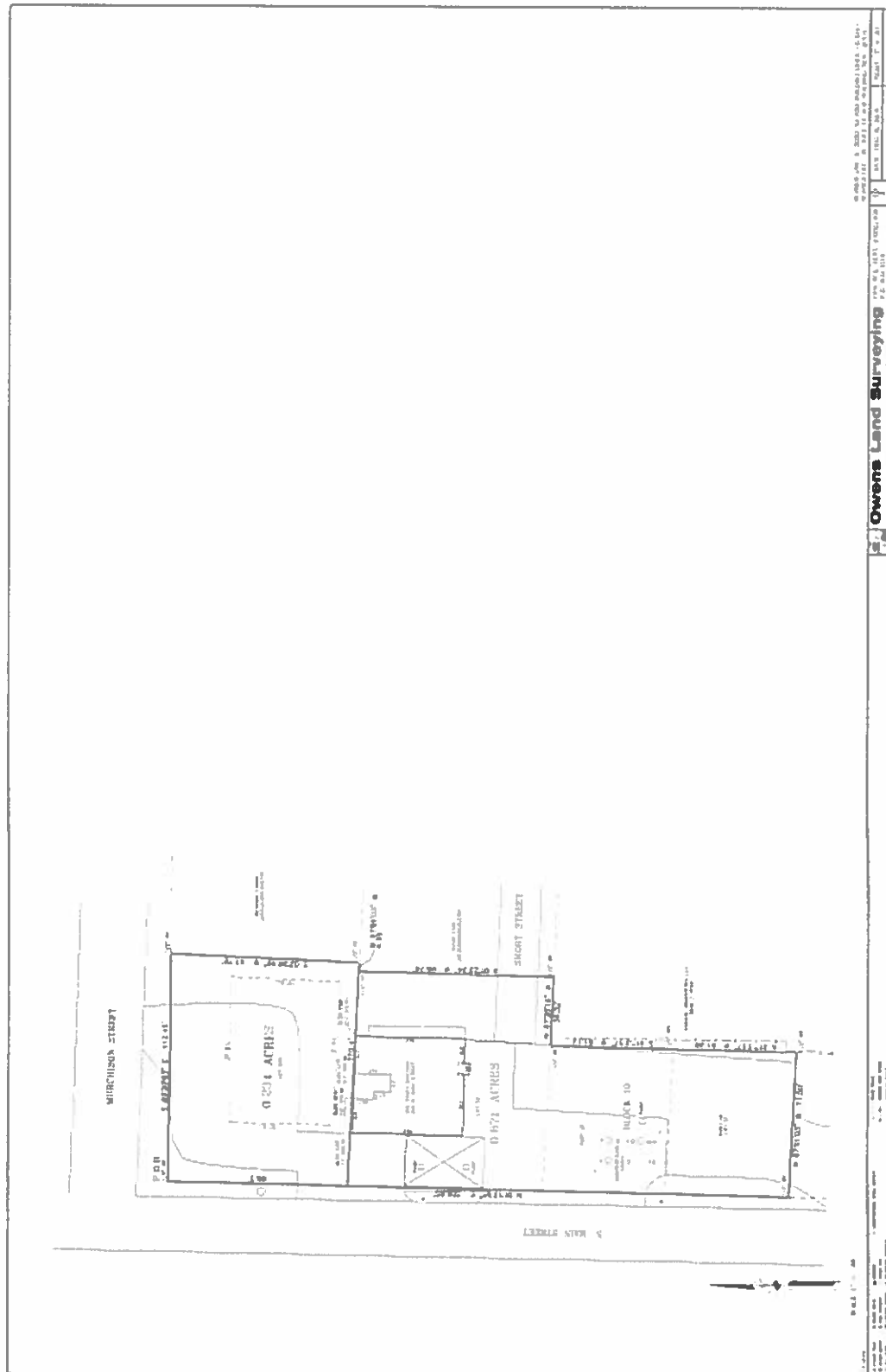
THENCE S 02°28'59" W a distance of 93.76 feet to a 1/2 inch iron rod found for a corner;

THENCE N 87°01'03" W a distance of 110.45 feet to a 1/2 inch iron rod set for a corner on the east line of North Main Street;

THENCE N 01°13'57" E along the west line of said 0.671 acre tract and the east line of North Main Street, a distance of 89.25 feet returning to the Point of Beginning and containing 0.234 acre of land.

EXHIBIT "B"

Depiction of Property



Agenda Section	Public Hearing
Section Number	VI.D
Subject	Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding requested variances from the City's Subdivision Ordinance that require the proposed Rolling Hills Phase 2 Addition to construct certain off-site public improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient for both domestic and fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway improvements; and, consider, discuss, and act upon a recommendation to the City Council regarding the replat for the Rolling Hills Phase 2 Addition as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Rolling Hills Phase 2 Addition.
To	Mayor and Council Members
From	Ben White, City Manager
Date	February 25, 2020
Attachment(s)	<ol style="list-style-type: none"> 1. DBI Review Letter 2. Plat 3. ETJ Facilities Agreement
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action



January 27, 2020

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

RE: Rolling Hills Addition Phase 2, Lot 10R, Block 1 Replat
Dated December 19, 2019

Mr. White:

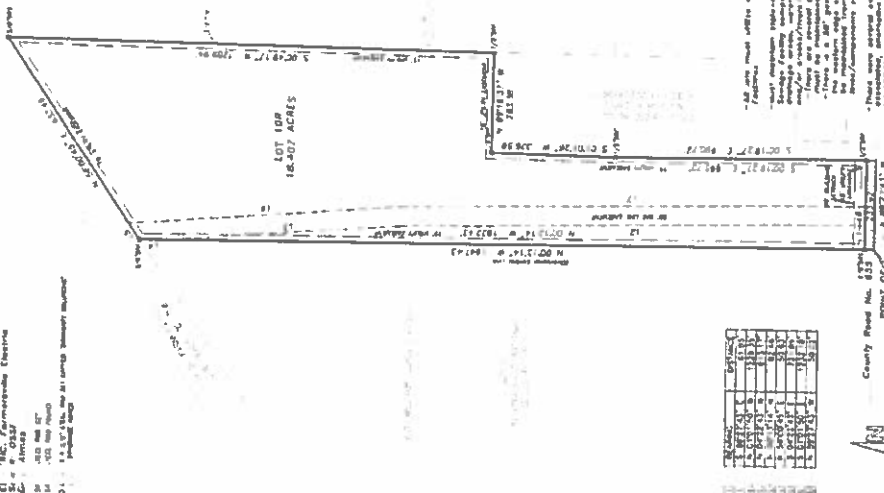
The above referenced plat has been reviewed according to the ordinances of the City of Farmersville and been found to be compliant. A variance will need to be approved for utility services, however.

It is recommended that the Replat be approved pending the approval of a variance and completion of a facilities agreement. Please contact me if you should have any questions or need additional information.

Sincerely,

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

Jacob Dupuis, P.E.

[illegible][illegible][illegible][illegible]

THE STATE OF TEXAS,
COUNTY OF DALLAS.I, _____, County Clerk of said County, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of said County.WITNESS my hand and the seal of said County, at Dallas, Texas, this _____ day of _____, 19____._____
County Clerk.

[illegible]

by G

of City of

1234567	789	
---------	-----	--

[illegible][illegible][illegible]

APPROVAL BLOCK

"RECOMMENDED FOR APPROVAL"

Coordinator, Planning & Training Commission
City of Farmington, Maine

Date

"APPROVED FOR CONSTRUCTION"

Mayor, City of Farmersville, Iowa

Date _____

"ACCEPTED"

Mayor, City of Farmersville, Iowa

Date _____

The undersigned, the City Secretary of the City of Farmersville,

[illegible][illegible][illegible]

WITNESSES MY HAND AND SEAL OF OFFICE this 14th day of February, 1964.

REPLAT
ROLLING HILLS ADDITION
PHASE 2
LOT 10R, BLOCK 1

Being part of that called 23,559 acres of land described in a deed to Aurora Rubber Mines as recorded under CCF 70161/090001526500 of the Official Public Records of Cablin County, Texas.

TOTAL ACRES = 18.541 ACRES
W. B. WILLIAMS SURVEY, A-352
WILLIAM HEMPHILL SURVEY, A-448
CITY OF FARMERSVILLE E.T.J.
COLLIN COUNTY, TEXAS

OWNER:
 Aurora Isabel Gomez
 116 Lee Street
 Farmersville, TX 75442

SURVEYOR:
 Boundary Solutions
 116 McKinley Street
 Farmersville, TX 75442

700-660-11

AFTER RECORDING, RETURN TO:

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

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

Rolling Hills Addition Phase 2, Lot 10R, Block 1

THIS AGREEMENT, entered into effective the ____ day of _____, 2020, by and between **CITY OF FARMERSVILLE**, a Texas municipal corporation and Type A general law city ("CITY"), and **AURORA ISABEL GOMEZ**, whose mailing address is 116 Lee Street, Farmersville, Texas 75442 ("LANDOWNER") witnesseth that:

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

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

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

WHEREAS, the development of the subdivision to be known as ***Rolling Hills Addition Phase 2, Lot 10R, Block 1***, which subdivision is situated in the ETJ of the City of Farmersville, involves certain pro rata payments, city participation in cost, escrow deposits or other future considerations, and/or other nonstandard development regulations, that trigger the requirement for a Facilities Agreement by and between the CITY and the LANDOWNER in accordance with Section 65-82 of the Subdivision Ordinance, as amended; and

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

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

WHEREAS, LANDOWNER has appealed, or requested a waiver or variance, from the requirements that the Public Improvements identified in Paragraph D, below, (the "Appealed Improvements") must be included in the Minor Plat of the subdivision in the ETJ, to be known as ***Rolling Hills Addition Phase 2, Lot 10R, Block 1***, (the "Minor Plat") before said Replat may be approved because the required design and construction of those Appealed Improvements is not roughly proportionate to the impact generated by the development proposed to be constructed on the "Property," defined below, as required by Texas Local Government Code § 212.904; and

WHEREAS, CITY concurs that the construction of one-single family home on the Property that is being platted as ***Rolling Hills Addition Phase 2, Lot 10R, Block 1***, does not generate impacts roughly proportionate to require the design and construction of the Appealed Improvements but cannot unilaterally enforce the City's zoning ordinance in the ETJ to restrict the use of the Property for one single-family home; and

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

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

A. PROPERTY

This Agreement is for Property located in the ETJ of the City of Farmersville, that is situated along the north side of County Road 655 in an area located east of Merit Street and west of Cedar Ridge Court containing approximately 18.541 acres of land, more or less, in the W.B. Williams Survey, Abstract No. 952 and the William Hemphill Survey, Abstract No. 448, Collin County, Texas, and more fully described and depicted in the Replat of the Property attached hereto as Exhibit A and fully incorporated herein by reference for all purposes allowed by law (the "Property").

B. USES ALLOWED ON PROPERTY

The use of the Property shall be limited to one single-family home on the Property, with Lot 1 containing approximately 18.541 acres of land, more or less. Subject to the foregoing restrictions and the specific limitations set forth herein, the use of the Property shall otherwise conform to the requirements of the ED - Estate Development District as set out in Section 77-52(b) of the Farmersville Code, as codified through Ordinance No. 2018-1023-002, enacted on October 23, 2018. However, due to the fact that the Public Improvements required to serve the full development potential of the Property are not being designed and constructed by LANDOWNER the following permitted or accessory uses or uses requiring a special use permit under the ED - Estate Development District as identified in the Schedule of Uses are prohibited:

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

C. DEDICATIONS FOR PUBLIC IMPROVEMENTS

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

1. THOROUGHFARES

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

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

- a. The current dedication to the public at large, at no cost to CITY, of an approximately twenty-five-foot (25') wide right-of-way emanating from the centerline of County Road 655, along the entire length of the southern border of the Property immediately adjacent to County Road 655 that includes and conveys the interest in the existing prescriptive right-of-way to the public use forever.

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

2. UTILITIES

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

- a. The current dedication to CITY, at no cost to CITY, of an approximately fifteen-foot (15') wide Utility Easement running upon, over, along, and across the Property immediately adjacent to all perimeter boundaries of the Property dedicated to the public use forever.
- b. The current dedication to CITY, at no cost to CITY, of an approximately fifteen-foot (15') wide Utility Easement running east-west across the Property adjacent to the northern-most boundary of the twenty-five-foot (25') wide right-of-way dedicated to the the public at large in accordance with Paragraph C.1.a., above.

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

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

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

or deferral afforded to the LANDOWNER by and through Paragraph No. 2 of this Paragraph D provided that there is no other Change in Condition associated with the Property or the additional adjacent raw undeveloped land incorporated into the Property by such replat. In addition, LANDOWNER reserves the right to seek a modification of, or an amendment to, this Agreement in advance of any Change in Conditions proposed by LANDOWNER to avoid the termination of the conditional relief or deferral afforded to the LANDOWNER by and through this Agreement.

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

E. CONDITIONAL VARIANCES ALLOWED UNTIL FURTHER DEVELOPMENT OCCURS

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

protection for the safe, efficient and orderly development of the City to all or any part of the Property.

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

F. CITY DEVELOPMENT ORDINANCES

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

G. NO WAIVER

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

H. VARIANCES

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

I. INDEMNITY AND HOLD HARMLESS AGREEMENT

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

J. WITHHOLDING APPROVALS AND PERMITS

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

K. ROUGH PROPORTIONALITY AND WAIVER OF CLAIMS.

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

Loc. Gov't Code § 212.904 regarding or related to the cost of any municipal infrastructure improvements required for the development of the Property.

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

L. CONTINUITY

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

M. ASSIGNABILITY

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

N. TERM

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

O. GENERAL PROVISIONS

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

CITY OF Farmersville

By: _____
JACK RANDALL RICE
Mayor

Date Signed: _____

ATTEST:

SANDRA GREEN
City Secretary

LANDOWNER

AURORA ISABEL GOMEZ

By: _____
AURORA ISABEL GOMEZ

Date Signed: _____

THE STATE OF TEXAS,
COUNTY OF COLLIN

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ____ DAY OF _____, 2020.

Notary Public _____ County, Texas
My commission expires _____

THE STATE OF TEXAS,
COUNTY OF _____

This instrument was acknowledged before me on the ____ day of _____, 2020, by AURORA ISABEL GOMEZ in her capacity as the Landowner of the Property situated along the north side of County Road 655 containing approximately 18.541 acres of land, more or less, in the W.B. Williams Survey, Abstract No. 952, and the William Hemphill Survey, Abstract No. 448, Collin County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes set forth therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ____ DAY OF _____, 2020.

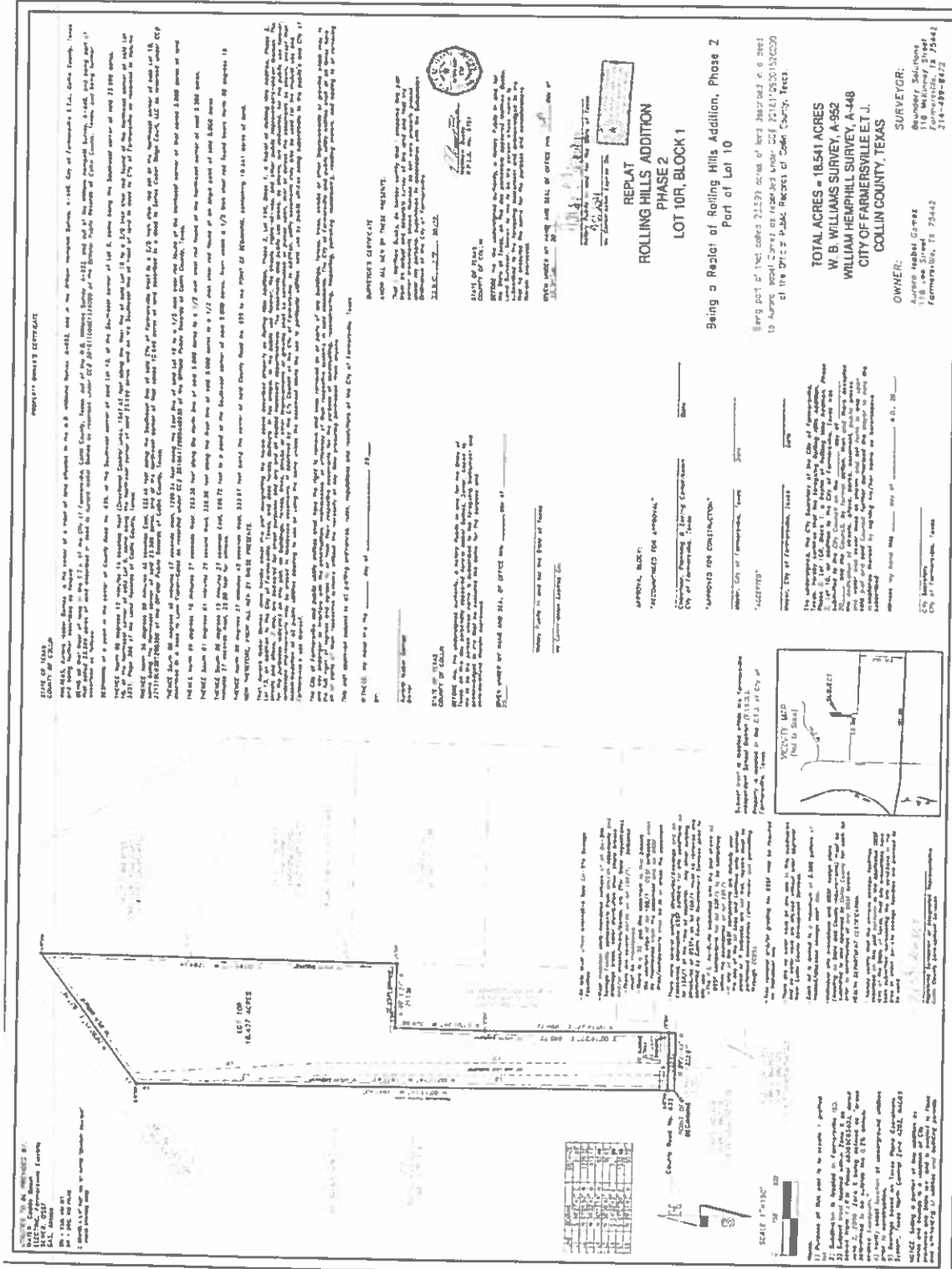
Notary Public _____ County, Texas
My commission expires ____

PREPARED IN THE OFFICES OF:

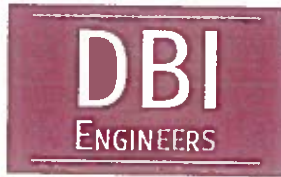
BROWN & HOFMEISTER, L.L.P.
740 East Campbell Road, Suite 800
Richardson, Texas 75081
214/747-6100
214/747-6111 Fax

EXHIBIT A

REPLAT OF PROPERTY



Agenda Section	Public Hearing
Section Number	VI.E
Subject	Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission regarding requested variances from the City's Subdivision Ordinance that require the proposed Cooper 700 Addition to construct certain off-site public improvements as are needed to fully serve the property including (1) water lines and other appurtenant improvements required to provide the water volumes and flows sufficient for both domestic and fire-flow uses, (2) connections and sewer lines together with all other appurtenant improvements to the City's wastewater system required to allow the subdivision to tie in to the City's wastewater system, and/or (3) roadway improvements; and, consider, discuss, and act upon a recommendation to the City Council regarding the minor plat for the Cooper 700 Addition as well as a proposed ETJ Facilities Agreement addressing the variances requested for the Cooper 700 Addition.
To	Mayor and Council Members
From	Ben White, City Manager
Date	February 25, 2020
Attachment(s)	<ol style="list-style-type: none"> 1. DBI Review Letter 2. Plat 3. ETJ Facilities Agreement
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action



February 20, 2020

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

RE: Cooper 700 Addition Minor Plat Review
Dated February 2020

Mr. White:

The above referenced plat has been reviewed according to the ordinances of the City of Farmersville and been found to be compliant. However, a 15' Utility Easement will need to be added to the property frontage and a variance for utility services will need to be approved.

It is recommended that the Minor Plat be approved pending the addition of the Utility Easement, approval of a variance, and completion of a facilities agreement. Please contact me if you should have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Jacob Dupuis". The signature is written in a cursive style with a large initial "J" and a stylized "D".

Jacob Dupuis, P.E.

AFTER RECORDING, RETURN TO:

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

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

Cooper 700 Addition, Lot 1, Block 1

THIS AGREEMENT, entered into effective the ____ day of _____, 2020, by and between **CITY OF FARMERSVILLE**, a Texas municipal corporation and Type A general law city ("CITY"), and **SARAH JON COOPER**, whose mailing address is P.O. Box 143, Farmersville, Texas 75442 ("LANDOWNER") witnesseth that:

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

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

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

WHEREAS, the development of the subdivision to be known as ***Cooper 700 Addition, Lot 1, Block 1***, which subdivision is situated in the ETJ of the City of Farmersville, involves certain pro rata payments, city participation in cost, escrow deposits or other future considerations, and/or other nonstandard development regulations, that trigger the requirement for a Facilities Agreement by and between the CITY and the LANDOWNER in accordance with Section 65-82 of the Subdivision Ordinance, as amended; and

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

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

WHEREAS, LANDOWNER has appealed, or requested a waiver or variance, from the requirements that the Public Improvements identified in Paragraph D, below, (the “Appealed Improvements”) must be included in the Minor Plat of the subdivision in the ETJ, to be known as **Cooper 700 Addition, Lot 1, Block 1**, (the “Minor Plat”) before said Plat may be approved because the required design and construction of those Appealed Improvements is not roughly proportionate to the impact generated by the development proposed to be constructed on the “Property,” defined below, as required by Texas Local Government Code § 212.904; and

WHEREAS, CITY concurs that the construction of one single-family home on the Property that is being platted as **Cooper 700 Addition, Lot 1, Block 1**, does not generate impacts roughly proportionate to require the design and construction of the Appealed Improvements but cannot unilaterally enforce the City’s zoning ordinance in the ETJ to restrict the use of the Property for one single-family home; and

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

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

A. PROPERTY

This Agreement is for Property located in the ETJ of the City of Farmersville, that is situated along the north side of County Road 700 containing approximately 1.50 acres of land, more or less, in the James Ellison Survey, Abstract No. 293, Collin County, Texas, and more fully described and depicted in the Minor Plat of the Property attached hereto as Exhibit A and fully incorporated herein by reference for all purposes allowed by law (the “Property”).

B. USES ALLOWED ON PROPERTY

The use of the Property shall be limited to one single-family home on the Property, with Lot 1 containing approximately 1.50 acres of land, more or less. Subject to the foregoing restrictions and the specific limitations set forth herein, the use of the Property shall otherwise conform to the requirements of the ED - Estate Development District as set out in Section 77-52(b) of the Farmersville Code, as codified through Ordinance No. 2018-1023-002, enacted on October 23, 2018. However, due to the fact that the Public Improvements required to serve the full development potential of the Property are not being designed and constructed by LANDOWNER the following permitted or accessory uses or uses requiring a special use permit under the ED - Estate Development District as identified in the Schedule of Uses are prohibited:

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

C. DEDICATIONS FOR PUBLIC IMPROVEMENTS

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

1. THOROUGHFARES

LANDOWNER shall dedicate, at no cost to the public use forever, that amount of right-of-way along perimeter roadways adjacent to the Property as reflected on the Minor Plat attached hereto as Exhibit A which dedication will yield one-half ($\frac{1}{2}$) of the ultimate right-of-way width that is not already dedicated by plat or legal instrument as road right-of-way at such time as the Property is platted. If platting of the Property is delayed and the perimeter roadway right-of-way described above has not previously been dedicated,

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

- a. The current dedication to the public at large, at no cost to CITY, of an approximately forty-two and one-half foot (42½') wide right-of-way that matches the current width and location of the prescriptive right-of-way for County Road 700 along the entire length of the southern border of the Property that includes and conveys the interest in the existing prescriptive right-of-way to the public use forever.

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

2. UTILITIES

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

- a. The current dedication to CITY, at no cost to CITY, of an approximately fifteen foot (15') wide Utility Easement running east-west across the Property adjacent to the northern-most boundary of the prescriptive right-of-way for County Road 700 identified in Paragraph C.1.a, above.

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

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

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

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

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

E. CONDITIONAL VARIANCES ALLOWED UNTIL FURTHER DEVELOPMENT OCCURS

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

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

F. CITY DEVELOPMENT ORDINANCES

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

G. NO WAIVER

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

H. VARIANCES

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

I. INDEMNITY AND HOLD HARMLESS AGREEMENT

LANDOWNER, their successors, assigns, vendors, grantees, and/or trustees do hereby agree to fully indemnify, protect and hold CITY

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

J. WITHHOLDING APPROVALS AND PERMITS

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

K. ROUGH PROPORTIONALITY AND WAIVER OF CLAIMS.

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

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

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

L. CONTINUITY

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

M. ASSIGNABILITY

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

N. TERM

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

O. GENERAL PROVISIONS

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

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

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

CITY OF FARMERSVILLE

By: _____
JACK RANDALL RICE
Mayor

Date Signed: _____

ATTEST:

SANDRA GREEN
City Secretary

LANDOWNER

SARAH JON COOPER

By: _____
SARAH JON COOPER

Date Signed: _____

THE STATE OF TEXAS,
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared JACK RANDALL RICE, Mayor of the ***CITY OF FARMERSVILLE***, a

Texas Municipal Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he has executed the same on the City's behalf.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ____ DAY OF _____, 2020.

Notary Public _____ County, Texas
My commission expires _____

THE STATE OF TEXAS,
COUNTY OF _____

This instrument was acknowledged before me on the ____ day of _____, 2020, by SARAH JON COOPER in her capacity as the Landowner of the Property situated along the north side of County Road 700 containing approximately 1.50 acres of land, more or less, in the James Ellison Survey, Abstract No. 293, Collin County, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes set forth therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ____ DAY OF _____, 2020.

Notary Public _____ County, Texas
My commission expires ____

PREPARED IN THE OFFICES OF:

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

MINOR PLAT OF PROPERTY



VII. Regular Agenda

Agenda Section	Regular Agenda
Section Number	VII.A
Subject	Consider, discuss and act upon an the certification of unopposed candidates.
To	Mayor and Council Members
From	Ben White, City Manager
Date	February 25, 2020
Attachment(s)	Certification of unopposed candidates
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	<ul style="list-style-type: none"> • City Council discussion as required
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

**CERTIFICATION OF UNOPPOSED CANDIDATES FOR
OTHER POLITICAL SUBDIVISIONS (NOT COUNTY)
CERTIFICACION DE CANDIDATOS UNICOS
PARA OTRAS SUBDIVISIONES POLITICAS (NO EL CONDADO)**

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 2, 2020.

Como autoridad a cargo de la preparacion de la boleta de votacion oficial, por la presente certifico que los siguientes candidatos son candidatos unicos para eleccion para un cargo en la eleccion que se llevara a cabo el 2 mayo, 2020.

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

Office(s) Cargo(s)

Candidate(s) Candidato(s)

Mayor
Alcalde

Bryon Wiebold

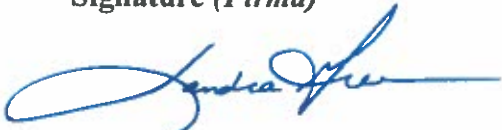
Councilmember Place 2
Lugar 2 de Concejal

Terry Williams

Councilmember Place 4
Lugar 4 de Concejal

Mike Henry

Signature (Firma)



Printed name (Nombre en letra de molde)
Sandra Green

Title (Puesto)
City Secretary



Date of signing (Fecha defirma)
February 19, 2020

(Seal) (sello)

Agenda Section	Regular Agenda
Section Number	VII.B
Subject	Consider, discuss and act upon Ordinance #O-2020-0225-004 cancelling the May 2, 2020, General Election.
To	Mayor and Council Members
From	Ben White, City Manager
Date	February 25, 2020
Attachment(s)	O-2020-0225-004
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

**CITY OF FARMERSVILLE
ORDINANCE #0-2020-0225-004**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, DECLARING AS ELECTED THE UNOPPOSED CANDIDATES FOR THE OFFICES OF MAYOR AND COUNCILMEMBER PLACE 2 AND COUNCILMEMBER PLACE 4; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT THE MAY 2, 2020, GENERAL MUNICIPAL ELECTION SHALL NOT BE HELD; PROVIDING FOR POSTING OF THIS ORDINANCE ON ELECTION DAY, MAY 2, 2020; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Farmersville, Texas, ("City Council"), issued an order on January 28, 2020, directing that a general municipal election be held on May 2, 2020, for the purpose of electing three officials of the City to serve as Mayor, Councilmember Place 2, and Councilmember Place 4; and

WHEREAS, pursuant to Sections 143.007 and 146.054 of the Texas Election Code, the deadlines for filing applications for a place on the ballot and for the declaration of write-in candidacy for the City's general municipal election have expired; and

WHEREAS, the City Secretary, in accordance with Section 2.052 of the Texas Election Code, has certified in writing to the City Council that Bryon Wiebold is unopposed for election to Mayor, and that Terry Williams is unopposed for election to Councilmember Place 2, and that Gary Michael Henry is unopposed for election to Councilmember Place 4; and

WHEREAS, the City Council, upon receipt and review of such written certification, hereby finds and determines that the candidates whose names are to appear on the ballot in said election for Mayor and City Councilmember Place 2 and City Councilmember Place 4 are unopposed, there are no declared write-in candidates, and no propositions to appear on the ballot for said election;

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

Section 1: FINDINGS INCORPORATED

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

Section 2: DECLARING CANDIDATES DULY ELECTED

In accordance with Section 2.053(a) and (c) of the Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective office shown and shall be issued a certificate of election following the date on which the general municipal election for City Council would have been canvassed:

**Bryon Wiebold, Mayor
Terry Williams, Councilmember Place 2
Mike Henry, Councilmember Place 4**

Section 3: CANCELLING GENERAL ELECTION

In accordance with Section 2.053(b) of the Texas Election Code, the general municipal election for the City Council heretofore called and ordered for May 2, 2020 shall not be held and is hereby cancelled.

Section 4: REQUIRING POSTING OF ORDINANCE

In accordance with Section 2.053(b) of the Texas Election Code, the City Secretary is hereby directed to cause a copy of this Ordinance to be posted on Election Day, same being May 2, 2020, at all polling places that would have been used in such election.

Section 5: SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional word, phrase, clause, sentence, paragraph or section.

Section 6: REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 7: EFFECTIVE DATE

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

PASSED on first reading and only reading on the 25th day of February, 2020 at a properly scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 25th DAY OF FEBRUARY, 2020.

CITY OF FARMERSVILLE, TEXAS

JACK RANDALL RICE
Mayor

ATTEST:

SANDRA GREEN
City Secretary

Agenda Section	Regular Agenda
Section Number	VII.C
Subject	Discussion regarding the available capacity for the sewer and electrical system and whether all equipment is in working order and how the infrastructure can handle future growth.
To	Mayor and Council Members
From	Ben White, City Manager
Date	February 25, 2020
Attachment(s)	None
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

VIII. Requests to be Placed on Future Agendas

IX. Adjournment