



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
February 25, 2020, 7:30 P.M.**

I. PRELIMINARY MATTERS

- Mayor Rice called the meeting to order at 7:30 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, Kevin Lisman, Oscar Mejia and City Attorney Alan Lathrom were also present.
- Prayer was led by Rick Ranspot, Warrant Officer, followed by the pledges to the United States and Texas flags.
 - 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 AGENA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

- Randy Smith, who resides at 508 CR 610, stated that he would like County Road 699 built since Reliable Concrete was already built and Nelson Bros. Ready Mix was getting annexed into the city. He stated the road was discussed in the Development Agreement with Listocon. He feels it needed to be addressed because it could become a safety issue.

III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

- No one came forward

IV. CONSENT AGENDA

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.

- A. City Council Minutes
- B. City Financial Report

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

V. INFORMATIONAL ITEMS

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

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

- A. City Amenities Board
 - 1. Possible Council Liaison Report
- B. Farmersville Community Development Board (Type B)
 - 1. Possible Council Liaison Report

- C. 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
 - Ben White stated there was information given on a fiber survey, updates on the TIRZ project plan and finance plan, and information was shared on the street project plans. He said there was also an update on the current projects TIRZ is involved with.

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.
 - Mayor Rice read the caption of the Ordinance.
 - Mayor Rice opened the public hearing at 7:43 p.m. and asked if anyone wanted to speak for or against the annexation.
 - No one came forward so he closed the public hearing at 7:43 p.m.
 - Mike Hurst asked if everything was order for the annexation.
 - Ben White stated there were still actions to take care of in the Development Agreement but they are not ready to complete some of those yet.
 - Motion to approve made by Donny Mason
 - 2nd to approve was Jim Hemby
 - All council members voted in favor
- 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.

- Mayor Rice announced that the applicant had pulled the item from the agenda.
- No action was taken.

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.

- Mayor Rice opened the public hearing at 7:46 p.m. and asked if anyone wanted to speak for or against the item.
- Randy Smith, who lives at 508 CR 610, stated he and his brother own property across the street and they do not feel this would impact them negatively. He said he believes it would be a good use of the property.
- Mayor Rice asked if there was anyone else that wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 7:48 p.m.
- Craig Overstreet stated the Planning & Zoning Commission met and discussed the item and their questions centered around the entry into McCloud's to the north that is by the gas pumps. He said according to the discussions the owner would close off that drive area.
- Donny Mason asked if the owner would install a fence to close it off.
- Alan Lathrom explained that typically a fence is required between a commercial and residential property, but in this case the commercial use already exists and currently does not have a fence. He did not believe the current Zoning Ordinance would require the residential property to install a fence. He indicated a fence would be limited in the front yard of the residential property. He said the entry way would need to be closed off and shifted.
- Ben White asked if they could request that the drive be closed off when they apply for a permit.
- Alan Lathrom stated yes and they could not continue to use that driveway because the owner is rezoning to straight SF-2 zoning and it would not be part of the Planned Development anymore. He explained it would be a

standalone zoning.

- Donny Mason was concerned that people would still try to pull in there and park.
- Alan Lathrom stated a lawn would be placed on the residential property.
- Ben White stated once a permit comes in the city would request that a curb be installed at the driveway to close it off.
- 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 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.

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

- Motion to approve made by Jim Hemby
- 2nd to approve was Donny Mason
- All council members voted in favor

- 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.

- Mayor Rice opened the public hearing at 7:57 p.m. and asked if anyone wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 7:57 p.m.
- Craig Overstreet stated the Planning & Zoning Commission discussed the item and voted to approve the plat.
- Ben White stated DBI recommended approval of the plat if the variance was granted for the utilities.
- Alan Lathrom explained the property owners requested waivers because some of the infrastructure is not roughly proportionate for a single house. He said the Facilities Agreement allows the owners to move forward with those waivers and have the plat approved. He stated if there was a change in use of the property that would require reconsideration then the owners would have to come back to the city for further action.
- Craig Overstreet stated one of those variances was they did not meet the fire flows, but if they further subdivided the property they would have to come back and in and possibly provide the fire flows.
- Alan Lathrom stated that was correct.
- Eddy Daniel, from DBI Engineering, stated that all of the cases like this are in the ETJ and they are being served by different water companies. He said in most of these cases the City of Farmersville does not have waterlines anywhere near the property. He explained that it was typical in these situations to ask for the waivers.
 - Motion to approve plat and ETJ Facilities Agreement made by Donny Mason
 - 2nd to approve was Jim Hemby
 - All council members voted in favor

- 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.

- Mayor Rice opened the public hearing at 8:04 p.m. and asked if anyone wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 8:04 p.m.
- Sandra Green stated she gave the Council a copy of the new plat where the 15' utility easement was added as requested by DBI Engineering.
- Craig Overstreet stated the item was heard at the Planning & Zoning Commission meeting and they voted to approve it with the condition that the easement was added to the plat and the owners sign the Facilities Agreement.
- Alan Lathrom stated this was like the previously discussed plat. He said if there was a change in the use the owner's would have to come back to the city for reconsideration.
 - Motion to approve plat and ETJ Facilities Agreement made by Craig Overstreet
 - 2nd to approve was Mike Hurst
 - All council members voted in favor

VII. REGULAR AGENDA

- A. Consider, discuss and act upon the certification of unopposed candidates.
- Sandra Green stated there was only one person per place that applied for the open Council positions and the certification stated the candidates were running unopposed.
 - Motion to approve made by Donny Mason
 - 2nd to approve was Jim Hemby
 - All council members voted in favor
- B. Consider, discuss and act upon Ordinance #O-2020-0225-004 cancelling the May 2, 2020, General Election.
- Mayor Rice read the caption of the Ordinance.
 - Mike Hurst pointed out that not having an election would save the city money and he wanted the citizens to know that.

- Motion to approve made by Mike Hurst
- 2nd to approve was Donny Mason
- All council members voted in favor

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.

- Ben White stated the city was on a wastewater overflow initiative to keep us from going over the flow.
- Eddy Daniel, from DBI Engineering, stated the city has two wastewater tanks. He stated one tank is permitted for 225,000 gallons a day and the other one is permitted for 530,000 gallons a day. He explained that when we have heavy rainfalls we get significant flows because of infiltration.
- Dwain Mathers asked if the city staff knows where the infiltration comes in.
- Eddy Daniel stated it is very difficult to figure out where it is coming from. He explained the city has a lot of old pipes and that is part of the problem. He said they place cameras through the lines and try to find out where it may be coming from.
- Ben White stated the most effective route is using the camera to try and identify the areas that are the problem. He explained the city currently has over 25 projects lined up to fix.
- Eddy Daniel stated that as the city grows we will need to add capacity to the wastewater system.
- Ben White stated that if we can take out infiltration then we would have more capacity.
- Eddy Daniel stated we are stuck with these plants because there is no way the city could afford to build the new site which would cost approximately \$15 million for an interceptor line and then another \$15 million for the plant itself.
- Craig Overstreet asked if the new plant was still five or seven years away.
- Eddy Daniel stated the design is completely done for the third plant, but it costs approximately \$15 million to build. He said it would take a year to build the plant.
- Mike Hurst stated his main concern was if the arm on the plant is still not working how does the city get that fixed. He stated growth is inevitable and he does not want the city in a position to where we cannot handle new businesses.
- Eddy Daniel stated he heard that Lakehaven MUD wanted to put houses on the ground in two years.
- Craig Overstreet asked how many homes would be in the Lakehaven MUD.
- Eddy Daniel stated 2,400 homes.
- Ben White stated the Development Agreement with Lakehaven MUD states they have to pay for the wastewater treatment plant and they reimburse the

city for the engineering and design of the plant. He explained that as part of that Development Agreement the city would get to utilize some of the capacity of the new plant.

- Eddy Daniel stated the interceptor route design was about 90% complete.
- Mike Hurst asked if all the right-of-ways were obtained for the line that would go down to the new facility.
- Eddy Daniel stated no, but the city does have money in the Water Development Board project to obtain right-of-way. He believes it would take at least six months or more to obtain the right-of-ways.
- Dwain Mathers asked how much capacity Lakehaven MUD would add.
- Eddy Daniel stated the first phase of plant 3 would add a half a million in capacity, but there are other phases that could be added on. He said plant 3 would have the ability to handle 12 million gallons a day.
- Dwain Mathers stated our problem is not capacity it is infiltration.
- Eddy Daniel stated plant 1 is a trickling filter plant and plant 2 is a more traditional. He said we had repairs completed on plant 1 at the end of 2019. He explained the North Texas Municipal Water District came in and informed us that we had a problem with our arm on the trickling filter. In August, it was working and it has since stopped working. He stated the city's ammonia levels are too high and they had to run it through the other plant. Some repairs were made by the North Texas Municipal Water District but they could not get it to work and told the city that it had to be rebuilt. The cost of the arm is \$250,000 and the installation would be \$250,000 as well if bought brand new. Eddy Daniel stated he and Kimley-Horn knows a man who can work on the wastewater treatment plant. The man estimated the rebuild and labor and materials for \$100,000. He explained the city needs both plants working full blast. He said we have to keep hoping the new developer will come in south of town and build the third plant.
- Ben White stated we have room in the Water Development Board Contingent Funds to pay for the repairs.
- Craig Overstreet asked how much the most recent repairs that were already completed cost.
- Eddy Daniel stated it was somewhere around \$1 million. He explained the city has spent approximately \$3 million in total on the whole wastewater system.
- Ben White stated the arm was never a part of the repairs because the North Texas Municipal Water District told them it was fine and operational.
- Craig Overstreet asked who designed the repairs.
- Eddy Daniel stated the design and repairs were done by Kimley-Horn.
- Craig Overstreet asked what the city pays the North Texas Municipal Water District for.
- Eddy Daniel stated they conduct the day to day operations of the plant for us.
- Craig Overstreet asked how long the arm worked.

- Ben White stated it operated for approximately 60 days.
 - Eddy Daniel said the arm has to work in order to get the full capacity.
 - Craig Overstreet wanted to know why the issue was falling back on the city. He feels it is a warranty issue and if not that a liability on the design.
 - Eddy Daniel stated the North Texas Municipal District is just there operating the plant and they identified the arm was not working. He said Ben White spoke to Kimley-Horn and they stated they did not work on the arm because they were told by North Texas that it was fine.
 - Ben White pointed out that Kimley-Horn did not repair everything at the plant. He said that even if the arm did not work then the city would still have to pay the cost of repairing it. For the last six months North Texas has been trying different things to make the arm work.
 - Donny Mason asked how long it would take to fix the arm.
 - Eddy Daniel stated it would take a few weeks.
 - Mike Hurst asked if they were sure the arm was the problem.
 - Eddy Daniel stated yes.
 - Craig Overstreet and Mike Hurst want Alan Lathrom to look at the contract to verify that the arm was not a part of the original repairs.
- Ben White continued with the electric system update. He stated we do have some capacity. He explained they could add fans to boost the rating. He said we have room for Collin College, but somewhere along the way we will have to make a change. We only have one transmission line coming into the current substation right now with a distribution back feed from Oncor. He explained that you really want two reliable sources from two locations and that would provide backup. The current substation is in a floodplain and we do not own the land. Texas New Mexico owns the land. He stated Garland has gone to ERCOT for the city to apply for a new substation site with two transmission lines. ERCOT is still considering the need for the new substation. He said he thinks we are in a good position for a couple of years.

VIII. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Mayor Rice wanted to discuss the building of County Road 699.
- Craig Overstreet wanted City of Plano or other cities ordinances about streets and street repairs.
- Mike Hurst wanted information about the grant for Farmersville Parkway.

IX. ADJOURNMENT


Meeting was adjourned at 9:18 p.m.

APPROVE:



Jack Randall Rice, Mayor

ATTEST:



Sandra Green, City Secretary

