



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION AGENDA  
June 9, 2020, 6:00 P.M.  
Council Chambers, City Hall  
205 S. Main Street**

**WATCH THE LIVE BROADCAST**

This meeting will be broadcast live through the City's website and by telephone. Members of the public who wish to watch this meeting, and not speak or participate in the discussion, may watch the live broadcast by

1. Going to the City's website;
2. Clicking on "GOVERNMENT";
3. Clicking on "AGENDAS AND MINUTES";
4. Clicking on the "[click here](#)" link that is located to the right of "LIVE STREAMING."

**SPEAKING DURING PUBLIC COMMENTS**

Members of the public wishing to speak during Public Comments or a public hearing may join the meeting by going online to [www.blizz.com](http://www.blizz.com), and following the online prompts to input the "Dial-in Phone Number" and the "Meeting ID."

Members of the public wishing to speak during Public Comments or a public hearing may also join the meeting by calling-in to the telephone number listed below, and inserting the Meeting ID listed below: Those members of the public calling in will not be able to participate through video and will only have an audio feed of the meeting on their telephone.

1. **Dial-in Phone Number: (646) 769-9101**  
Please note that if you dial a toll number, your carrier rates will apply.
2. You will be prompted to enter the Meeting ID.  
**The Meeting ID for this meeting is 435-552-24**
3. Please listen closely to the directions and follow the directions to gain access to the Blizz meeting.

**I. PRELIMINARY MATTERS**

- Call to Order, Roll Call, Prayer and Pledge of Allegiance
- Announcements

- Calendar of upcoming holidays and meetings.
- There will be a celebration of Audie Murphy's 75<sup>th</sup> Anniversary Homecoming to Farmersville on June 15<sup>th</sup> at 5:30 p.m. at the gazebo on the square.
- Proclamation for Audie Murphy's 75<sup>th</sup> Homecoming Anniversary Celebration

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

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

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

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

## **IV. CONSENT AGENDA**

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

- A. City Council Minutes
- B. Police Department Report (OpenGov)
- C. Code Enforcement/Animal Control Report (OpenGov)
- D. Fire Department Report (OpenGov)
- E. Municipal Court Report (OpenGov)
- F. Warrant Officer Report (OpenGov)
- G. Public Works Report
- H. Library Report (OpenGov)
- I. City Manager's Report

## **V. INFORMATIONAL ITEMS**

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

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

- A. City Amenities Board
  - 1. Possible Council Liaison Report
- B. Farmersville Community Development Board (Type B)
  - 1. Possible Council Liaison Report
- C. FEDC Farmersville Economic Development Board (Type A)
  - 1. Possible Council Liaison Report
- D. Main Street Board
  - 1. Possible Council Liaison Report
- E. Planning & Zoning Commission
  - 1. Possible Council Liaison Report

## **VI. READING OF ORDINANCES**

- A. Consider, discuss and act upon the second reading of Ordinance #O-2020-0609-001 amending Section 65-83 of the Subdivision Ordinance authorizing the City Manager to release building permits for up to six (6) single-family residential lots in a subdivision that is then being platted before all of the required public improvements have been constructed and final accepted by the City and before the final plat is recorded with the county.
- B. Consider, discuss and act upon the first and only reading of Ordinance #O-2020-0609-002 regarding Disaster Declaration.

## **VII. REGULAR AGENDA**

- A. Update on Financial Reports from last meeting.
- B. Consider, discuss and act upon recommendation from DBI Engineers regarding the Collin Parkway/Farmersville Parkway expansion.
- C. Consider, discuss and act upon an Interlocal Cooperation Agreement with Collin County regarding the Coronavirus Aid, Relief, and Economic Security Act (CARES ACT).
- D. Update regarding Reliable Concrete (Listocon).
- E. Update regarding Nelson Bros. Ready Mix (Farmersville Plant, LLC).
- F. Update regarding the Historical Preservation Ordinance and related district boundaries.

## **VIII. EXECUTIVE SESSION**

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

- A. Discussion of Matters Permitted by Texas Government Code Section 551.071(1)(A) Pending or contemplated litigation:
  - 1. Petition of the Cities of Garland, Mesquite, Plano, and Richardson Appealing Wholesale Water Rates Implemented by North Texas Municipal Water District, PUC Docket No. 46662, Public Utility Commission of Texas.

## **IX. RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.**

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

## **XI. ADJOURNMENT**

**Dated this the 5<sup>th</sup> day of June, 2020.**



**Bryon Wiebold, 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 June 5, 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**

# June 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4 City Amenities Board Meeting 4:15 pm (Cancelled)	5	6 Farmers & Fleas 9:00 am (Cancelled)
7	8 Main Street Meeting 4:30 pm FCDC (4B) Meeting 6:00 pm	9 City Council Meeting 6:00 pm	10	11	12	13
14	15 Audie Murphy 75 <sup>th</sup> Anniversary Homecoming 5:30 pm @ gazebo P&Z Meeting 6:30 p.m.	16	17	18 FEDC (4A) Meeting 6:30 pm	19	20
21	22	23 City Council Meeting 6:00 pm	24	25	26	27
28	29	30				

# July 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2 City Amenities Board Meeting 4:15 pm	3 City Hall Closed – Independence Day Observed	4 Independence Day Farmers & Fleas 9:00 am
5	6	7	8	9	10	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 p.m.	21	22	23	24	25
26	27	28 City Council Meeting 6:00 pm	29	30	31	



# August 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
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 P&Z Meeting 6:30 p.m.	18	19	20 FEDC (4A) Meeting 6:30 pm	21	22
23	24	25 City Council Meeting 6:00 pm	26	27	28	29
30	31					

# Proclamation

## City of Farmersville

**Whereas**, Audie Leon Murphy, son of Emmett Berry Murphy and Josie Bell Killian Murphy, was born and raised near Farmersville; and

**Whereas**, Audie Murphy claimed Farmersville as his hometown, and proudly wore our city's name on his dog tags throughout his distinguished military career; and

**Whereas**, Audie Murphy earned a Medal of Honor and 32 other awards while fighting to liberate Europe from tyranny; and

**Whereas**, this year marks the 75<sup>th</sup> anniversary of his return home where the citizens of Farmersville held a great celebration in the town square honoring him, and that celebration received national coverage from a grateful nation; and

**Whereas**, the citizens of Farmersville have continued to honor Audie Murphy since his tragic death in 1972, by dedicating a memorial and a historic marker in our town square, by naming U.S. Highway 380 as Audie Murphy Parkway, by designating the beginning of the Chaparral Trail as the Audie Murphy Trailhead, and by typically using his birthday to hold an annual celebration to honor him and all veterans and active servicemen and women who have taken a vow to protect and serve this nation in times of peace and peril; and

**Whereas**, I extend a humble thank you to all the local veterans, reservist and active duty personnel.

**Now therefore**, I, Bryon Wiebold, Mayor of the City of Farmersville, hereby proclaim Monday, June 15, 2020, as the 75<sup>th</sup> year commemorating

### *Audie Murphy's Homecoming*

to Farmersville and urge all citizens to express their gratitude to those who have unselfishly served or currently serve in defense of our country so that others may be free.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City to be affixed this 9<sup>th</sup> day of June, 2020.



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

**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	June 9, 2020
Attachment(s)	NA
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	If you wish to address the City Council on a posted item on this agenda, please fill out a "Speaker Sign-Up" card and present it to the City Secretary before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the City Council for items listed as public hearings will be recognized when the public hearing is opened. Speakers wishing to address the City Council regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Mayor may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.
Action	NA

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

Agenda Section	CITIZEN COMMENTS ON MATTERS NOT ON AGENDA
Section Number	III
Subject	CITIZEN COMMENTS ON MATTERS NOT ON AGENDA
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	NA
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
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Action	NA

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

Agenda Section	Consent Agenda
Section Number	IV.A
Subject	City Council Minutes
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	Farmersville City Council Meeting Minutes
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>





**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
May 26, 2020, 6:00 P.M.**

**I. PRELIMINARY MATTERS**

- Mayor Wiebold called the meeting to order at 6:00 p.m. Council members, Mike Henry, Craig Overstreet, Jim Hemby, Dwain Mathers and Terry Williams were all present. City staff members Ben White, Sandra Green, Mike Sullivan, Kim Morris, Daphne Hamlin, Rick Ranspot, Oscar Mejia and City Attorney Alan Lathrom were also present.
- Prayer was led by Rick Ranspot followed by the pledges to the United States and Texas flags.
  - Calendar of upcoming holidays and meetings.
  - City Boards will resume meeting in June.
  - There will be a celebration of Audie Murphy's 75<sup>th</sup> Anniversary Homecoming to Farmersville on June 15<sup>th</sup> at 5:30 p.m. at the gazebo.
  - The City would like to thank the Farmersville Boy Scout Troop for cleaning up the Chaparral Trail between Houston Street and J.W. Spain.
    - Mayor Wiebold stated he wanted to thank Chief Sullivan for working with the school district regarding the 2020 graduating seniors' drive-by parade.

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

- Due to the pandemic of Covid-19, no citizens were allowed in the Council Chambers. No one came forward on the teleconference to speak.

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

- Due to the pandemic of Covid-19, no citizens were allowed in the Council Chambers. No one came forward on the teleconference to speak.

### **IV. CONSENT AGENDA**

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A. City Council Minutes

B. City Council Special Minutes

C. City Financial Report

- Craig Overstreet asked to pull the City Financial Report.
  - Motion to approve items A & B made by Jim Hemby
  - 2<sup>nd</sup> to approve was Mike Henry
  - All council members voted in favor
- Craig Overstreet stated he wanted to know why the number of meters were showing lower than what it was last year on OpenGov.
- Ben White stated he was not sure, but they would take a look at it.
- Craig Overstreet asked about capital expenditures and wanted to know if the \$150,000.00 was for the pole truck and another expenditure for \$298,000.00.
- Daphne Hamlin stated the \$298,000.00 was for the Palladium wastewater line that we were using the impact fees from last year on.
- Craig Overstreet said the \$150,000.00 was under the line item of equipment replacement.
- Ben White stated the equipment replacement fund has not been used for years. He explained the last time that category was used was to fund police cars back in 2012-2013. He said for the pole truck they did a lease/purchase. He stated they would research what the \$150,000 was for and report back to Council at the next meeting.
- Craig Overstreet stated the impact fee amount was significantly down this year.
- Ben White stated he expects the impact fees to go up when Camden Park Phase 3 starts building homes.
  - Motion to approve the City Financial Report made by Craig Overstreet

- 2<sup>nd</sup> to approve was Dwain Mathers
- All council members voted in favor

## V. INFORMATIONAL ITEMS

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- A. City Amenities Board
  - 1. Possible Council Liaison Report
- B. Farmersville Community Development Board (Type B)
  - 1. Financials
  - 2. Possible Council Liaison Report
- C. FEDC Farmersville Economic Development Board (Type A)
  - 1. Financials
  - 2. 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. Financials
2. Possible Council Liaison Report

G. City Manager's Verbal Report

1. Update on Hamilton Street
  - Ben White stated the contractor has been clearing trees and working on storm water installation from the top of the project all the way to the creek.
2. Update on Martin Marietta
  - Ben White stated there is no communication between Martin Marietta and the city at this time. He said he has noticed they have been working on drive approaches on to U.S. Highway 380.
3. Update on Development Agreement punch list for Reliable Concrete
  - Ben White stated the following list is the remaining items that they have to do as part of their Development Agreement: a Certificate of Occupancy for their operations building has to be issued, complete platting of the property, improvements on CR 699 (joint effort from city and Reliable Concrete – they supply materials and city supplies labor and engineering design), pay tap and impact fees (which they have done, he said), they have to complete the screening wall (he stated that is 75% complete), they have to complete the planting of the trees, irrigation system for the trees, they have not connected the internal driveways to CR 699, they have completed the paperwork that stated the sales tax form as FOB Farmersville (but the city has not seen the paperwork for this as of yet, he said), they have to meet the capacity requirements of the performance criteria.
  - Craig Overstreet asked about the platting and what was still lacking.
  - Sandra Green stated they have not submitted a plat of any kind to the City.
  - Craig Overstreet asked if Ben White was staying on them regarding the platting.
  - Ben White stated he had a meeting with them prior to the Covid crisis and they are staying in touch. He said he called them about two or three weeks ago and they talked over some items, especially the sales tax issue and whether or not they have turned the paperwork in. He said they have got to get that done or they will not get their money back that is in escrow. He explained the city has a good sum of

money, over \$100,000.00, in escrow waiting to be released back to them once all the items are completed.

- Terry Williams asked if they have a timeline.
  - Ben White stated they do, but in reality they have not met the timelines in the Development Agreement. He said they are moving forward and they have been slow in completing things, but it is getting done.
  - Terry Williams asked how much of the \$100,000.00 is at risk.
  - Ben White stated all of it.
  - Craig Overstreet said if they are not in the city they would not have to pay us sales tax.
  - Ben White stated they are in the city, because they did complete the annexation process.
  - Mayor Wiebold asked what Ben White's recommended course of action would be.
  - Ben White stated just working with them and reminding them of the items.
  - Mike Henry wanted an update regarding the platting process at the next meeting and why it has taken them so long to get that completed.
  - Sandra Green stated the site was released to the county for permitting before they had to plat the property and ever since then they have started building on the site, but have never submitted the plat per the Development Agreement.
4. Update on Development Agreement punch list for Nelson Brother's Concrete
- Ben White stated they have items to complete as stated in their Development Agreement. He said they have to complete the platting of their property. He explained they have improvements of their own to complete on CR 699. They will have to pay their applicable tap fees and impact fees once water meters are installed. He stated they have to complete their screening wall and planting of trees and grass on the lot. He said they also have to complete their internal driveways and they have to execute their paperwork to indicate FOB Farmersville. He indicated that Tony Strickland sent him an email that said he would like to get with him to talk about things.
5. Update on the construction of County Road 611
- Ben White explained the engineering design package is completed and has been approved by the college. The driveway interfaces have been

approved as well. Our engineering firm has worked with Texas-New Mexico Power regarding the relocation of the electrical utilities along the right-of-way. He stated the bid package is complete and it has been advertised. He indicated the bid opening date is June 4<sup>th</sup>. He said he expects work to start in July.

## **VI. PUBLIC HEARING**

- A. Public hearing to consider, discuss and act upon the first reading of Ordinance #O-2020-0609-001 amending Section 65-83 of the Subdivision Ordinance authorizing the City Manager to release building permits for up to six (6) single-family residential lots in a subdivision that is then being platted before all of the required public improvements have been constructed and final accepted by the City and before the final plat is recorded with the county.

- Mayor Wiebold read the caption of the Ordinance.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, BY AMENDING CHAPTER 65 "SUBDIVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, THROUGH THE AMENDMENT OF ARTICLE V, "REQUIREMENTS FOR COMPLETION, ACCEPTANCE AND MAINTENANCE OF IMPROVEMENTS," BY DELETING SECTION 65-83 "ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY," IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 65-83 THAT IS ALSO ENTITLED "ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY"; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE**

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

- Mayor Wiebold opened the public hearing at 6:24 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 6:25 p.m.
- Ben White stated he was receiving a request from the developer of Camden Park to build a few houses in advance of finalizing the preliminary plat requirements. Those requirements would be all the infrastructure being in and accepted by the city. He said that our ordinances did not allow for them

to build houses before the infrastructure was in, but other cities do allow it. He explained the ordinance would allow them to construct six houses or 10% whichever is greater. The ordinance would put restrictions on them, like having all required public improvements in place for fire access for the area of the development for which the early release lots are situated. He said they could not connect to the sanitary sewer or convey a title until all the public infrastructure was in place. He explained they did have a provision in the ordinance that would allow the developer to enter into a facilities agreement to complete the infrastructure at a later time.

- Mike Henry asked about subparagraph (d) in regards to the temporary certificate of occupancy and facilities agreement.
- Ben White stated that if a facilities agreement is in place then the city would have the ability to issue a temporary certificate of occupancy.
- Alan Lathrom stated they had a prohibition in subparagraph (c) that you could not receive a certificate of occupancy unless all the public improvements for the full development have been constructed and accepted by the city. He said in subparagraph (d) it would allow a developer to go ahead and request a facilities agreement for the deferral of the public improvements. They would be required to post a bond or cash deposit for the improvements. If that were the case, then the City Manager would have the ability to grant a conditional or temporary certificate of occupancy, or green tag. He said that would allow someone to conditionally occupy the structure until all the other public improvements are in place.
- Mike Henry stated he did not like that portion of the ordinance.
- Craig Overstreet stated he did not like that part of the ordinance either. He said he did not feel we need the option for the facilities agreement.
- Jim Hemby stated it is a single family home and if we allow someone to move in, then they are there.
- Mike Henry stated he was good with everything except the conditional or temporary certificate of occupancy. He said everything else like access, fire and sewer were covered.
- Alan Lathrom stated the Council could remove subparagraph (d) and it would not impact the other parts of the ordinance at all. He explained that developers already have the right to come in and request a facilities agreement, but a certificate of occupancy would not be granted until all public infrastructure was in place and accepted by the city. He said this ordinance gives developers an option to build some of their spec homes so they have something they can market and be ahead of the curve before the subdivision is complete.

- Dwain Mathers stated he liked the idea of being business friendly. He asked about the sewer connection.
- Alan Lathrom stated they would not be allowed to tie in to the sewer system until they complete all the other infrastructure. We would allow them to have water to go to the fire outlets, but they would not be able to have a place for the water to go inside the house.
- Dwain Mathers asked for a clarification of what Mike Henry was concerned about regarding subparagraph (d).
- Mike Henry stated that subparagraph (d) would allow the City Manager to issue a conditional certificate of occupancy without them having to finish the rest of the infrastructure at that point. He explained that if they were not given a conditional certificate of occupancy then their feet would be to the fire to finish the rest of the infrastructure.
  - Motion made by Mike Henry to move forward with the first reading but to remove subparagraph (d) before second reading.
  - 2<sup>nd</sup> to approve was Terry Williams
  - All council members voted in favor

## **VII. REGULAR AGENDA**

- A. Consider, discuss and act upon personnel policy changes.
  - Ben White stated he wanted to update the policy manual regarding attendance. He said that Daphne Hamlin had a back log regarding other changes that were needed as well.
  - Craig Overstreet asked if the policy changes had been reviewed by the city attorney.
  - Daphne Hamlin stated she did not send it to Alan Lathrom.
  - Jim Hemby agreed the city attorney should review it.
  - Mayor Wiebold asked how staff would learn of the changes to the policy.
  - Ben White stated he discusses the changes in administrative staff meetings and it would filter down from there.
    - Motion to table the item until the city attorney can review the changes made by Craig Overstreet
    - 2<sup>nd</sup> to approve was Jim Hemby
    - All council members voted in favor
- B. Consider, discuss and act upon the assignment of Council liaisons to City boards and commissions.



- Mayor Wiebold stated he would like to suggest liaisons for the Council and receive their feedback.
- Craig Overstreet asked when the Main Street meetings were held.
- Sandra Green stated Main Street meeting were held on the 2<sup>nd</sup> Monday of the month at 4:30 p.m.
- Mayor Wiebold gave explanations of why he choose each Council member for the boards indicated.
- Mayor Wiebold assigned the liaisons as follows:
  - Mike Henry – Capital Improvement/Planning & Zoning
  - Craig Overstreet – Main Street
  - Dwain Mathers – FEDC (4A)
  - Jim Hemby – Building & Property Standards
  - Terry Williams – FCDC (4B) & City Amenities Board
- Mike Henry made a motion to accept the Council liaison assignments as the Mayor indicted.
- Craig Overstreet asked Jim Hemby if he was okay with the Building & Property Standards assignment since they do not meet very often.
- Jim Hemby explained he was okay with that.
- Mayor Wiebold stated he believes the city needs a Council liaison to the school board as well.
- Dwain Mathers stated Jim Hemby would be passionate about the school.
- Ben White stated he believes it would create a good relationship with the school district.
- Craig Overstreet explained the Council would eventually need a liaison to Collin College as well.
- Jim Hemby indicated he did not have any issues being the liaison to the school board.
  - Mike Henry changed his previous motion to state the Council accept the board assignments and include Mr. Hemby as the school board liaison.
  - 2<sup>nd</sup> to approve was Dwain Mathers
  - All council members voted in favor

- C. Consider, discuss and act upon appointing new members to City boards.
- Mayor Wiebold stated he spoke with several citizens about who would want to serve the city. He showed a picture of the Farmersville ultimate boundary proposal from the Comprehensive Plan from 2013. He stated he believes it is a great plan. He said we want people to live here, work here and play here. He indicated the city has great lakes, great roads and his top priority is to revise the Comprehensive Plan. He stated that in the

course of discussions with citizens he received the response of "why bother" when discussing serving on the boards. He said most felt they would not have a chance to serve. He said he would like to talk about changing the application process of the boards and commissions. He suggested they form a subcommittee of the Mayor, Council liaison to the board, and the board President to interview the applicants.

- Terry Williams stated he believes that was a great idea. He said he does not know a lot of people and interviewing them would help.
- Craig Overstreet wanted to know what the Council's role would be.
- Mayor Wiebold stated the Council liaison would be in the interview and then the subcommittee would make a recommendation to Council of who they want to sit on the board. He said then Council would make the appointment.
- Dwain Mathers stated he likes the idea, but wanted to know if there were any legal issues with the whole idea.
- Alan Lathrom stated there are not any guidelines or legal requirements that are set out in the city's codes or ordinances. He said right now we have it in the codes of how the boards were established. He indicated that term limits and residency requirements are either set up by city codes and ordinances or state statute.
- Mayor Wiebold asked what the Council would need to do if they agreed to handle the board assignments this way.
- Alan Lathrom stated it could be a motion or the Council could create a Resolution.
- Mike Henry asked what time frame the Mayor was looking at for the appointments to take place.
- Alan Lathrom stated the current board members would stay in place until they had time to get through the process.
- Craig Overstreet stated it has always been tough to fill the positions and he hoped people would still apply.
- Mayor Wiebold stated the Council would have to get out and talk to people.
- Dwain Mathers agreed with the Mayor and stated it raises the level of the boards. Another important point is that they can discuss with the person what the board does.
- Mayor Wiebold stated they would let everyone know about the boards by word of mouth and social media.
- Terry Williams stated he believes it is a great way to meet people and teach people how the Council wants the city to grow.
- Mike Henry asked about timeline again
- Dwain Mathers stated the 1<sup>st</sup> meeting in July would be enough time to conduct interviews and then conduct the appointments.
- Council decided to have a deadline for the applications at the close of business on June 9th and then appoint the new board members on June 23<sup>rd</sup>.

- Motion to move forward with the idea made by Terry Williams
- 2<sup>nd</sup> to approve was Dwain Mathers
- All council members voted in favor

**VIII. EXECUTIVE SESSION**

- Alan Lathrom indicated that there was not need to hold executive session if all the Council's questions were answered in relation to the board appointments.
- Mayor Wiebold indicated no executive session would be held.

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

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

1. Possible consultation with City Attorney regarding the City Council's authority to determine and change the composition of appointed boards and commissions.

**VI. RECONVENE FROM EXECUTIVE SESSION AND DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION PERMITTED BY SECTION 551.071 OF THE TEXAS GOVERNEMENT CODE.**

- No action was taken since Council did not go into executive session

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

- Craig Overstreet wanted an update on Reliable Concrete and Nelson Bros.
- Mike Henry wanted to discuss the Historical Preservation Ordinance and historical district boundaries.

**X. ADJOURNMENT**

Meeting was adjourned at 8:02 p.m.

APPROVE:

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

ATTEST:

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Sandra Green, City Secretary

Agenda Section	Consent Agenda
Section Number	IV.B
Subject	Police Department Report (OpenGov)
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	None
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Consent Agenda
Section Number	IV.C
Subject	Code Enforcement/Animal Control Report (OpenGov)
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	None
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Consent Agenda
Section Number	IV.D
Subject	Fire Department Report (OpenGov)
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	Activity summary
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

**FARMERSVILLE FIRE DEPARTMENT  
MONTHLY CITY COUNCIL REPORT  
MAY 2020**

1. Due to COVID-19 restrictions the fire department has not conducted its normal meetings or training times for the month.
2. In regards to Governor Abbotts request for fire departments to test all nursing home residents and staff members for COVID-19, Chief Morris and Chief Sullivan did arrange for outside help to complete the tests and 100% have been tested.
3. The fire department did assist along with the police department intersection blockage and escort for the 2020 Senior Parade.
4. The department will begin its next Emergency Technicians Class beginning June 02, 2020 for 7 applicants.

**KIM R. MORRIS**  
Farmesville Fire Department Chief



Agenda Section	Consent Agenda
Section Number	IV.E
Subject	Municipal Court Report (OpenGov)
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	None
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Consent Agenda
Section Number	IV.F
Subject	Warrant Officer Report (OpenGov)
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	None
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Consent Agenda
Section Number	IV.G
Subject	Public Works Report
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	Public Works Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> </ul> <p>No motion, no action</p>



## Public Works Monthly Report

### Metrics

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

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

### Public Works General

1. Lost time accidents for the year.
  - a. Total Number for 2019-2020: 0
  - b. Accidents in Month: 0
2. Project progress below uses the following terminology in order of maturity: concept, engineering, preconstruction, construction, completed. Completion percentages shown are tracking overall project progress through all phases.

### Street System

1. Currently active projects in priority order
  - a. Farmersville Parkway, 4 lane divided (phase: engineering, completion percentage: 9%)
    - Bid opening completed. Council approval date is expected to be June 9<sup>th</sup>.
    - Construction will likely begin July 2020.
  - b. Hamilton Street reconstruction (phase: preconstruction, completion percentage: 19%)
    - 40% complete with storm water sewer installation.
    - Started water line installation.
  - c. Main Street area/bad and faded signs
    - Upcoming sign updates:
      - Washington Street at Candy Street
      - Washington Street at McKinney Street
      - Main Street at Candy Street
      - Main Street at Farmersville Parkway
2. Priority backlog items
  - a. Institute railroad silent crossings
  - b. Maintenance resurfacing and panel replacement
    - Farmersville Parkway at South Washington Street intersection
    - North Washington Street by intermediate school
    - Beene Street

## **Water System**

1. Currently active projects in priority order
  - a. Install waterline for Pieville/Sugar Hill/Main Street Antiques fire suppression systems (phase: preconstruction, completion percentage: 90%)
  - b. Rolling Hills galvanized water line replacement
    - i. Ordered parts for automatic flushing valve.
2. Priority backlog items
  - a. Replace cast iron/galvanized water lines:
    - i. Windom Street from 7<sup>th</sup> Street alley to Sycamore
    - ii. Hill Street between Orange and Bois D' Arc
    - iii. Lee Street
  - b. Chlorine injection system.
  - c. Recoat/rehab north elevated water tank.

## **Waste Water System**

1. Currently active projects in priority order
  - a. WWTP #1 trickling filter arm redesign. (phase: engineering, completion percentage: 1%)
  - b. WWTP #3 collector line design (phase: engineering only, completion percentage: 90%)
  - c. East side lift station with gravity main and force main (phase: construction, completion percentage: 92%)
    - i. Awaiting installation of electrical power to the site.
  - d. Wastewater line reconstruction Houston to College. (phase: preconstruction, completion percentage: 7%)
  - e. 10" waste water line pipe bursting project to increase line size east of Collin College manhole on Audie Murphy Parkway (US 380). (phase: construction, completion percentage: 30%)
  - f. Floyd Road lift station reconstruction with force main. (phase: engineering, completion percentage: 5%)
2. Priority backlog items
  - a. Infiltration project: North of WWTP #1/#2, Replace crushed clay tile line between MH119 and MH129. Downstream of MH129, between 150 and 200 feet. Recommend replacing 200 feet of line downstream of MH129. This is a 15" line.
  - b. Infiltration project: Point Repair, 1746 Rike Street.
  - c. South side lift station construction
  - d. North side lift station SCADA installation
  - e. Infiltration project: Replace floor and top of MH119. Install bolt-down top. Pipe to south may be bad.

## **Storm Water System**

1. No new news.

## **Property and Buildings**

1. Currently active projects in priority order

- a. JW Spain west parking lot construction (phase: construction, completion percentage: 55%)
- b. Remodel Civic Center kitchen. This item will be funded by the Centennial Committee. (phase: construction only, completion percentage: 90%)
2. Priority backlog items
  - a. Rambler Park: ADA swing set and non-ADA swing set installation
  - b. Downtown: repair/paint gazebo
  - c. Install remaining banner mounts downtown.
  - d. City Hall: sidewalk replacement where old generator was housed
  - e. Riding Arena: greeting sign with rules
  - f. Southlake Park: playground equipment repair
  - g. Rambler Park: gazebo relocation

### **Electrical System**

1. Currently active projects in priority order
  - a. Replace broken re-closer at substation. 100% complete
  - b. Substation and transmission line improvements (phase: concept only, completion percentage: 40%)
2. Priority backlog projects
  - a. Charlie's Hamburger service connection.
  - b. Aston States electrical distribution network build.
  - c. Tree Trimming (active intermittently)
  - d. Open wire secondary removal (active intermittently)

### **Refuse System**

1. No new news.

### **High Speed Internet Service**

1. No new news.

Agenda Section	Consent Agenda
Section Number	IV.H
Subject	Library Report (OpenGov)
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	None
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
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Agenda Section	Consent Agenda
Section Number	IV.I
Subject	City Manager's Report
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	City Manager's Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>





## City Manager Monthly Report

### Metrics

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2. Select <OPENGOV> button
3. Navigate within OpenGOV menu to select the metric of choice

### City Manager General

1. Top priority items:
  - a. Make Collin College successful.
  - b. Complete Hamilton Street.
  - c. Create/support “Keep Farmersville Beautiful” Program
  - d. Be ready for and promote growth.
    - i. Thoroughfare Map planning
    - ii. Land Use Map Planning
    - iii. Comprehensive Plan Update
    - iv. New Waste Water Treatment Plant
  - e. Fiber optic network business case decision.
  - f. Keep the Police and Fire Department running optimally.
  - g. Electrical system substation relocation.

### Ordinances and Resolutions

1. New
  - a. Revised and approved Disaster Declaration related to COVID-19 (complete).
  - b. Subdivision ordinance changes for early release lots (complete).
  - c. Create preservation ordinance. Preliminary version complete and first pass P&Z review complete. Due for second pass P&Z review. (backlog)
2. Change
  - a. Zoning ordinance, accessory building requirements. (backlog)
  - b. Zoning ordinance, zoning map. (backlog)
  - c. Thoroughfare design manual. (backlog)
  - d. Storm water design manual. (backlog)
  - e. Water and Sewer design manual. (backlog)

### Contracts/Agreements

1. Collin County CARES Act Interlocal Agreement. (complete)
2. Farmersville/Collin Parkway contract. (in-progress)
3. Boundary agreements with the Josephine and Caddo Mills. (in-progress)
4. Review and make changes as necessary to the Riding Club ILA. (backlog)

## **Planning**

1. Update comprehensive plan. A great deal of emphasis is being placed on reconfiguring the Land Use Map and the Thoroughfare Map. (in-progress)
  - a. Board/Committee review complete: August 2018
  - b. Land Use Map and Thoroughfare Map redevelopment: July 2020
  - c. Interim rewrite: October 2020
  - d. Planning and Zoning review and Public Workshop: December 2020
  - e. City Council review: February 2021
  - f. Planning and Zoning Public Hearing: March 2021
  - g. Public hearing and Council approval: April 2021

## **Policy/Procedural Changes**

1. Employee attendance policy. (in-progress)
2. Employee Records Policy. (in-progress)
3. Website development and maintenance policy. (backlog)

## **Customer Service Window**

1. All capabilities are operational at the Customer Service area!!

## **Personnel Related Matters**

1. All staff is back at work and the front door is open for business.
2. Job is posted on TML and interviews are continuing to be conducted for Main Street Manager.

## **Budget/Finance**

1. Working on application for financial transparency award through the State Comptroller's office. Target is second quarter 2020.
2. Awaiting auditor's annual report in June 2020.
3. Continued work on OpenGov budget book. Initial version is complete and on the City website.
4. Continued work on the 2020/2021 proposed budget.

## **Development Services**

1. Collin College
  - a. Construction continues. Construction completion target is Aug 2021.
  - b. DBI has completed engineering changes to the 4 lane street supporting the college. The bid package is being created. Anticipate bids will be returned by June 2020 and project will start July of 2020.
2. Reliable Concrete
  - a. Below is list of remaining items that need to be finished regarding the development agreement:
    - Establish \$150K escrow account and \$95K lien. A specific priority lien was not established however the development agreement is structured to give us lien capability should the terms of the development agreement not be met (complete)
    - Extension of water line with meter (complete)
    - Petition for annexation (complete)
    - Issue CO for batch plant (complete)
    - Plant exceeds 25% capacity (6,000 yards per month, 197 yards per day) per month. Currently at 300-500 yards per day (complete)
    - Execute paperwork so materials sold are FOB Farmersville (19 Jun 2020)

- Pay applicable tap fees and impact fees (12 Jun 2020)
  - Reimburse \$37.5K to Reliable from escrow (12 Jun 2020)
  - Install lighting with no light pollution (complete)
  - Complete planting of trees and grass on perimeter. Install irrigation system. Complete ground cover (17 Jul 2020)
  - Complete minimum eight foot screening wall (30 Jun 2020)
  - Complete platting of property. Establish use as industrial high impact (11 Aug 2020)
  - Issue CO for operations building and maintenance building (14 Aug 2020)
  - Construct impervious internal driveways (31 Aug 2020)
  - Improvements to CR 699 (31 Aug 2020)
  - Meet all requirements of performance criteria and development agreement (31 Aug 2020)
3. Nelson Brothers
- a. Below is list of remaining items that need to be finished regarding the development agreement:
- Petition for annexation (complete)
  - Complete platting of property (need wording for OSSF, signatures and file)
  - Establish use as industrial high impact
  - Improvements to CR 699
  - Pay applicable tap fees and impact fees
  - Install minimum eight foot screening wall
  - Complete planting of trees and grass on perimeter
  - Install irrigation system
  - Install ground cover
  - Complete internal driveways with impervious surface
  - Install lighting with no light pollution
  - Execute paperwork so materials sold are FOB Farmersville
4. Camden Park
- a. Phase III infrastructure continues construction.
- b. Phase I/II housing construction continues.
- Camden
    - Permitted: 52
    - Models: 2
    - Completed: 49
    - Sold: 43
    - Under Construction: 1
  - DR Horton
    - Permitted: 88
    - Models: 2
    - Completed: 80
    - Sold: 78
    - Under Construction: 6
5. Pieville
- a. 107 South Main Street is under construction.
- b. Water line for fire suppression system is currently nearing completion. Section under small outside patio area is the only part that remains to get to the outside wall penetration point.

**Information Technology**

1. Established budget items for the 2020/2021 budget.
2. Replaced broken credit card reader at customer service window.
3. Worked on COVID-19 teleconferencing upgrade estimate.

**Special Events/Projects**

1. Supported FISD High School graduation parade celebration.

## COVID-19 Activity Statement 8 April 2020

Our overall strategy is to keep services critical to the health and safety of every Farmersville citizen viable. These critical services are: Police, Fire, EMS, electrical, water, sewer, information technology, meals on wheels, and streets. Other City services may be diminished in the interest of public health and safety to make sure the critical services are maintained. I have asked Chief Sullivan as our Emergency Manager to lead the way in making sure this strategy is successful. Chief and I meet twice a day to go over the events of the day and make appropriate course corrections as we are faced with new challenges. Chief and I are also meeting with the Mayor on an as needed basis to get the latest information and react to his leadership.

In order to implement the strategy the following actions have been taken:

1. Non-critical City buildings and some parks have been closed to the public and appointments have been moved. This includes the following buildings: Best Center, Library, Civic Center, Spain Complex, Farmersville Historical Museum, Senior Citizens Center.
2. Playground equipment has been rendered inoperable at the following parks: Rambler Park, City Park, South Lake Park. The parks however remain open.
3. City Hall is closed to normal patron traffic except via the drive thru window. Business may be conducted by telephone, mail, drive-thru, or email. Appointments may be granted on a limited basis by contacting City Hall via phone.
4. Library operations are currently closed to the public. No curbside service is being offered at this time.
5. The following city operations are being conducted remotely by personnel via computer/telephone at their home to the maximum extent possible: Municipal Court, Finance, Human Resources, City Secretary, Main Street, Library, Code Compliance, Animal Control, Police/Fire Department Administration.
6. The following city operations continued to be offered at City Hall using the drive-thru window, mail, email, and telephone: General Customer Support, Utility Billing, Development Services, City Manager, Municipal Court (to the extent possible), Information Technology.
7. Only one Customer Service Associate is attending Customer Service operations and the drive-thru window each day. The other Customer Service Associate is on-call at their residence. On a daily basis the only personnel conducting business at City Hall is: City Manager, Assistant to the City Manager, one Customer Service Associate.
8. Inspection services will be conducted by personnel on an "as needed" basis only. Otherwise personnel associated with this task are operating from home.
9. Public Works will go back to full coverage on 4 May 2020. However social distancing will be observed.
10. The City Manager and the Emergency Manager will continue to be in close contact with public health officials and closely monitor updates provided by official Federal, State, and County agencies.
11. Updates will be provided through our Nixel public alert system, social media platforms, and the city website.
12. Information Technology personal have been asked to put systems in place to allow work at home.
13. Building office areas are being wiped down daily including restrooms.

14. Staff dealing with outside customers and money are asked to wear gloves and disinfect as necessary. Washing hands often is encouraged.
15. Staff is monitoring temperature with a non-contact thermometer twice a day.
16. The Emergency Manager is providing daily situation reports.
17. The Emergency Manager has been asked to stay current with situations as they exist in close-by communities such as Wylie, Rockwall, Greenville, and Princeton.
18. Develop and install emergency declarations and ordinances as necessary.
19. All boards are cancelled except for Planning and Zoning when required by law.
20. All special events have been cancelled.
21. Expenses are being tracked related to the disaster for possible reimbursement:
  - a. Late fees
  - b. Reconnect Fees
  - c. Unpaid revenue
  - d. Sales Tax
  - e. Employees not working at their normal station
  - f. Coronavirus related expenses

## **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	June 9, 2020
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>



Agenda Section	Informational Items
Section Number	V.B
Subject	Farmersville Community Development Board (Type B)
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Informational Items
Section Number	V.C
Subject	FEDC Farmersville Economic Development Board (Type A)
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Informational Items
Section Number	V.D
Subject	Main Street Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Informational Items
Section Number	V.E
Subject	Planning & Zoning Commission
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

## **VI. Reading of Ordinances**

Agenda Section	Reading of Ordinances
Section Number	VI.A
Subject	Consider, discuss and act upon the second reading of Ordinance #O-2020-0609-001 amending Section 65-83 of the Subdivision Ordinance authorizing the City Manager to release building permits for up to six (6) single-family residential lots in a subdivision that is then being platted before all of the required public improvements have been constructed and final accepted by the City and before the final plat is recorded with the county.
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	O-2020-0609-001
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

**CITY OF FARMERSVILLE  
ORDINANCE # O-2020-0609-001**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, BY AMENDING CHAPTER 65 "SUBDIVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, THROUGH THE AMENDMENT OF ARTICLE V, "REQUIREMENTS FOR COMPLETION, ACCEPTANCE AND MAINTENANCE OF IMPROVEMENTS," BY DELETING SECTION 65-83 "ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY," IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 65-83 THAT IS ALSO ENTITLED "ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY"; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE**

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

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

**WHEREAS**, the City Council of the City of Farmersville, Texas (the "City Council") adopted the Subdivisions Ordinance, which is codified as Chapter 65 of the Farmersville Code, pursuant to the authority granted by Texas Local Government Code Chapter 212 to provide for the safe, efficient, and orderly development of the city, and the provision of adequate streets, utilities, services, and facilities, all in accordance with the comprehensive plan for the city; and

**WHEREAS**, Section 65-41, "Adequate Public Facilities Policy," of the Farmersville Code requires as a condition of plat or replat approval that any "land proposed for subdivision must be adequately served by essential public facilities and services" including street access, water, waste water disposal and stormwater drainage; and

**WHEREAS**, Section 65-83, "Issuance of Building Permits and Certificates of Occupancy," of the Farmersville Code prohibits the issuance of a building permit for a lot, building site, building or use of a lot or building unless the lot or building site has been officially recorded by a final plat approved by the city council, and unless all public

improvements, as required by the Subdivisions Ordinance for final plat approval have been completed; and

**WHEREAS**, the City does not accept any of the required public improvements within a subdivision before all of the public improvements necessary to serve the subdivision have been constructed; and

**WHEREAS**, the City does not record the final plat with the county until all of the public improvements necessary to serve the subdivision have been constructed and final accepted by the City; and

**WHEREAS**, Section 65-75, Guarantee of Public Improvements,” of the Farmersville Code provides a mechanism that allows a developer to enter into a facilities agreement with the City, subject to the City Council’s approval, that allows the plat to be filed for record with the county before the developer has completed constructing, and before the City has final accepted all of the public improvements required to serve the subdivision if the developer provides the City with security in an amount equal to 120% of the estimated cost of completing the required public improvements and lot improvements that are being postponed or deferred; and

**WHEREAS**, some residential developers have requested that the City consider adopting a process that would allow them to begin constructing single-family houses in a subdivision before all of the required public improvements have been constructed and final accepted by the City and before the final plat is recorded with the county; and

**WHEREAS**, the City Council finds and determines that it is in the best interest of the public health, safety and general welfare of the citizens of Farmersville, Texas, to amend certain provisions of Chapter 65, “Subdivisions,” of the Farmersville Code as provided herein below to establish such a process.

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

**Section 1. FINDINGS**

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

**Section 2. AMENDMENT OF ARTICLE V, “REQUIREMENTS FOR COMPLETION, ACCEPTANCE AND MAINTENANCE OF IMPROVEMENTS,” BY DELETING CURRENT SECTION 65-83 “ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY,” IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW SECTION 65-83 THAT IS ALSO ENTITLED “ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY”**



From and after the effective date of this Ordinance, Chapter 65, "Subdivisions," of the Farmersville Code, is hereby amended through the amendment of Article V, "Requirements for Completion, Acceptance and Maintenance of Improvements," by adding a new Section 65-84 entitled "City Manager Exception" to read as follows:

**"Sec. 65-83. – Issuance of Building Permits and Certificates of Occupancy.**

- (a) *General requirements.* No building permit shall be issued for a lot, building site, building or use of a lot or building unless the lot or building site has been officially recorded by a final plat approved by the city council, and unless all public improvements, as required by this chapter for final plat approval have been completed.
- (b) *Exception for Up to Six (6) Single-Family Residential Lots.* Notwithstanding the requirements of Paragraph (a) of this Section, the City Manager (or Building Official) may release building permits for a portion of a residential subdivision then being platted not to exceed the lesser of six (6) single-family residential lots or ten percent (10%) of the new single-family residential lots in that phase of the subdivision then being platted (individually and collectively the "Early Release Lots"), provided that:
  - (1) A final plat and the construction plans for the required public improvements for the entire phase of the subdivision then being platted have been approved by the City; and
  - (2) All required public improvements necessary to provide fire and emergency protection have been completed for that portion of the development in which the Early Release Lots are situated. More particularly, the following required public improvements must be constructed in accordance with the City's Subdivisions Ordinance and Engineering Design Manual:
    - a) The full width of all streets (concrete with curb and gutter) on which each of the Early Release Lots is situated, including at least two points of access or other approved full width street feature that allow emergency vehicles to turn around and meets the minimum requirements of the *International Fire Code*, as adopted by the City; and
    - b) The full width of all streets (concrete with curb and gutter) extending the entire length of the roadways between each of the Early Release Lots and the nearest collector roadway to allow emergency vehicles safe and prompt ability to provide emergency services; and

- c) Fire hydrants located within such proximity of each Early Release Lot as is required to meet the minimum requirements of the then adopted editions of the *International Building Code*, *International Fire Code*, and *International Residential Code* together with potable water lines sized to meet the minimum requirements of the Subdivisions Ordinance connected to such fire hydrants and actively providing fire-flow water service.
- (3) No sanitary sewer connection will be provided to any of the Early Release Lots until such time as all of the required public improvements that are necessary to serve the proposed development have been constructed and final accepted by the City.
- (4) No Early Release Lot may be sold nor title conveyed until all of the required public improvements that are necessary to serve the proposed development have been constructed and final accepted by the City and the final plat has been approved by the City and recorded at the County.
- (c) *No Certificate of Occupancy.* No certificate of occupancy shall be issued for a building or the use of property unless all required public improvements have been completed and final accepted by the City and the final plat has been approved by the City and recorded with the County."

### **Section 3. REPEALER CLAUSE**

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

### **Section 4. SEVERABILITY CLAUSE**

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

## **Section 5. RESERVATION OF EXISTING RIGHTS AND REMEDIES**

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

## **Section 6. IMMUNITY**

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

## **Section 7. INJUNCTIONS**

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

## **Section 8. PENALTY**

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

## **Section 9. PUBLICATION**

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

## **Section 10. 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 11. 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 12. EFFECTIVE DATE**

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

**PASSED** on first reading on the 26th day of May, 2020, and second reading on the 9th day of June, 2020 at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

CITY OF FARMERSVILLE, TEXAS

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BRYON WIEBOLD  
Mayor

ATTEST:

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SANDRA GREEN  
City Secretary

APPROVED AS TO FORM:

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ALAN D. LATHROM  
City Attorney

Agenda Section	Reading of Ordinances
Section Number	VI.B
Subject	Consider, discuss and act upon the first and only reading of Ordinance #O-2020-0609-002 regarding Disaster Declaration.
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	O-2020-0609-002
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

**CITY OF FARMERSVILLE  
ORDINANCE #O-2020-0609-002**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING AND SUPERSEDING ORDINANCE #O-2020-0512-001 IN RESPONSE TO THE COVID-19 VIRUS OUTBREAK, PURSUANT TO THE TEXAS DISASTER ACT OF 1975, CHAPTER 418, TEXAS GOVERNMENT CODE AND CHAPTER 122 OF THE TEXAS HEALTH AND SAFETY CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF**

**WHEREAS**, beginning in or about December 2019, a novel coronavirus, now designated COVID-19, spread through the world and has now been declared a global pandemic by the World Health Organization; and

**WHEREAS**, symptoms of COVID-19 can range from mild to severe illness including fever, coughing, and shortness of breath and, in some cases, the virus has caused death; and

**WHEREAS**, the COVID-19 virus appears to spread mainly between people who are in close contact with one another; and

**WHEREAS**, the City of Farmersville has established emergency protective measures, mitigation procedures, and emergency response plans for this type of health emergency; and

**WHEREAS**, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in response to COVID-19; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the COVID-19 outbreak a national health emergency beginning on March 1, 2020; and

**WHEREAS**, on March 13, 2020, Texas Governor Greg Abbott declared a state of disaster in all Texas counties, and thereafter Collin County Judge Chris Hill declared a local state of disaster due to a public health emergency; and

**WHEREAS**, on Monday, March 16, 2020, Mayor Jack Randall Rice issued a Declaration of Local State of Disaster Due to Public Health Emergency for the City of Farmersville pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health as set forth in Texas Government Code Chapter 418 commencing on March 17, 2020 (the "Mayoral Disaster Declaration"); and

**WHEREAS**, on March 19, 2020, Texas Governor Greg Abbott issued Executive Order No. GA-08 (hereinafter "GA-08") relating to COVID-19 preparedness and mitigation; and

**WHEREAS**, on March 19, 2020, the Commissioner of the State Health Services issued a Declaration of a Public Health Disaster in the State of Texas in response to the rapid spread of COVID-19; and

**WHEREAS**, on March 19, 2020, the Mayor later issued a First Revised Declaration of Local State of Disaster Due to Public Health Emergency (the "First Revised Mayoral Disaster Declaration") incorporating Texas Governor Greg Abbott's Executive Order No. GA-08 prohibiting all dine-in service at restaurants and bars, while encouraging drive-thru, delivery, pick-up, or carry-out services, and further closing all bars, indoor recreation facilities, and public venues; and

**WHEREAS**, on Monday, March 23, 2020, Mayor Jack Randall Rice extended and continued the March 16 Declaration for another seven (7) day period; however, such Extension of Declaration provided that "in the event the City Council of the City of Farmersville shall declare a local state of disaster, this Extension of Declaration shall expire on its own terms upon the effective date of any Declaration of the City Council of the City of Farmersville"; and

**WHEREAS**, on March 24, 2020, Collin County Judge Chris Hill issued his Order regarding COVID-19 to protect the citizens of Collin County; and

**WHEREAS**, the Texas Disaster Act authorizes the governing body of the City of Farmersville to continue or renew a declared local state of emergency for a period of more than seven (7) days; and

**WHEREAS**, prudence dictates that extraordinary measures must continue to be taken to contain COVID-19 and prevent its spread throughout the City of Farmersville; and

**WHEREAS**, on March 30, 2020, the City Council of the City of Farmersville ("City Council") adopted Ordinance #O-2020-0330-001 ratifying, amending, and extending the First Revised Mayoral Disaster Declaration.

**WHEREAS**, on March 31, 2020, Texas Governor Greg Abbott issued Executive Order No. GA-14 (hereinafter "GA-14") superseding GA-08 relating to COVID-19 to, among other things, require that every person in Texas, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household; and

**WHEREAS**, Governor Abbott's Executive Order No. GA-14 adopts and incorporates the list of "Essential services" identified by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, that were adopted by the City Council in Ordinance #O-2020-0330-001 plus religious services conducted in churches, congregations, and houses of worship; and extends such restrictions through at least April 30, 2020; and

**WHEREAS**, on March 31, 2020, Collin County Judge Chris Hill rescinded his Order of March 24, 2020; and

**WHEREAS**, on April 14, 2020, the City Council adopted Ordinance #O-2020-0414-001 extending Ordinance #O-2020-0330-001 through May 15, 2020 and incorporating Mayor Rice's First Revised Mayoral Disaster Declaration under Section 122.005 of the Texas Health and Safety Code, the Texas Constitution, the Disaster Act and other applicable state law; and

**WHEREAS**, on April 17, 2020, the Governor of the State of Texas issued Executive Order No. GA-16 (hereinafter "GA-16") superseding GA-14 and relating to statewide reopening of certain aspects of the Texas economy during the COVID-19 disaster; and

**WHEREAS**, on April 27, 2020, the Governor of the State of Texas issued Executive Order No. GA-18 (hereinafter "GA-18") superseding GA-16 and relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster; and

**WHEREAS**, on May 5, 2020, the Governor of the State of Texas issued Executive Order No. GA-21 (hereinafter "GA-21") relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster; and

**WHEREAS**, on May 7, 2020, the Governor of the State of Texas issued Executive Order No. GA-22 (hereinafter "GA-22") amending GA-21, in part, to permit re-opening of cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade retroactive to April 2, 2020, and amending all existing Executive Orders relating to COVID-19 to eliminate confinement in jail as an available penalty for any violation of such Executive Orders; and

**WHEREAS**, on May 12, 2020, the City Council adopted Ordinance #O-2020-0512-001 amending Ordinance #O-2020-0414-001 to incorporate the Governor's Executive Order No. GA-21, as amended by Executive Order No. GA-22, in response to the COVID-19 virus outbreak pursuant to Section 122.005 of the Texas Health and Safety Code, the Texas Constitution, the Disaster Act, and other applicable state law, which Ordinance is in effect through the latter of i) 12:00, midnight, June 12, 2020, or ii) the termination date of any subsequent, related Executive Order of Governor Abbott pertaining to COVID-19; and

**WHEREAS**, on June 3, 2020, the Governor of the State of Texas issued Executive Order No. GA-26 (hereinafter "GA-26") authorizing every business establishment in Texas to operate at no more than 50 percent of the total listed occupancy of such establishment subject to certain specified conditions; and

**WHEREAS**, GA-26 also eliminates occupancy limits for certain types of establishments while imposing varying restrictions for other establishments; and



**WHEREAS**, the City Council finds that it is in the best interest of the City of Farmersville to amend and supersede Ordinance #O-2020-0512-001 by this ordinance to incorporate the Governor's Executive Order No. GA-26, as amended, in response to the COVID-19 virus outbreak pursuant to Section 122.005 of the Texas Health and Safety Code, the Texas Constitution, the Disaster Act, and other applicable state law.

**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 A LOCAL STATE OF DISASTER**

On March 16, 2020, the Mayor of the City of Farmersville, Texas declared a local state of disaster due to a public health emergency in response to the COVID-19 outbreak for the City of Farmersville, Texas effective on March 17, 2020 (the "Mayoral Disaster Declaration"), and was later amended on March 19, 2020 (the "First Revised Mayoral Disaster Declaration") pursuant to section 418.108(a) of the Texas Government Code. The First Revised Mayoral Disaster Declaration was declared for a period not to exceed seven (7) days from the effective date of the declaration pursuant to section 418.108(a) of the Texas Government Code. On March 30, 2020, the City Council of the City of Farmersville ("City Council") adopted Ordinance #O-2020-0330-001. On April 14, 2020, the City Council adopted Ordinance #O-2020-0414-001 extending Ordinance #O-2020-0330-001 through May 15, 2020. On May 12, 2020, the City Council adopted Ordinance #O-2020-0512-001 running through the latter of 12:00, midnight, June 12, 2020, or the termination date of any subsequent, related Executive Order of Governor Abbott pertaining to COVID-19.

**Section 3: PUBLICATION OF ORDINANCE**

Ordinance #O-2020-0512-001 was published in accordance with state law.

**Section 4: ORDINANCE MAY BE EXTENDED**

Ordinance #O-2020-0512-001 may be amended, modified, repealed, rescinded, or superseded under state law and the Texas Disaster Act.

**Section 5: CITY COUNCIL HEREBY AMENDS ORDINANCE #O-2020-0414-001**

The City Council hereby amends and supersedes Ordinance #O-2020-0512-001 effective June 12, 2020 at 11:59 p.m. by and through the adoption of this Ordinance #O-2020-0609-002 authorizing the City to take any actions necessary to promote health and

suppress the virus and insuring compliance for those who do not comply with the City's rules, pursuant to section 122.005 of the Texas Health and Safety Code which provides, as follows:

**"POWERS OF TYPE A GENERAL-LAW MUNICIPALITY.**

(a) The governing body of a Type A general-law municipality may take any action necessary or expedient to promote health or suppress disease, including actions to:

- (1) prevent the introduction of a communicable disease into the municipality, including stopping, detaining, and examining a person coming from a place that is infected or believed to be infected with a communicable disease;
- (2) establish, maintain, and regulate hospitals in the municipality or in any area within five miles of the municipal limits; or
- (3) abate any nuisance that is or may become injurious to the public health.

(b) The governing body of a Type A general-law municipality may adopt rules:

- (1) necessary or expedient to promote health or suppress disease; or
- (2) to prevent the introduction of a communicable disease into the municipality, including quarantine rules, and may enforce those rules in the municipality and in any area within 10 miles of the municipality.

(c) The governing body of a Type A general-law municipality may fine a person who fails or refuses to observe the orders and rules of the health authority."

**Section 6: CITY COUNCIL AND CITY BOARD AND COMMISSION MEETINGS**

The City Council of the City of Farmersville shall continue its in-person public meetings, and all appointed boards and commissions of the City may conduct in-person public meetings, as determined by the respective board/commission. All in-person meetings shall be conducted using best efforts to provide adequate social distancing for members and attendees during the meetings, including their closed sessions. Teleconferencing may also be utilized for public meetings, as determined by the City Council and the respective board/commission, and in conjunction with the provisions of the Texas Open Meetings Act as amended by Executive Order of the Governor.

## **Section 7: GOVERNOR'S EXECUTIVE ORDERS ADOPTED**

Beginning immediately, the provisions of Executive Order GA-26 and any subsequent, related Executive Order of Governor Abbott pertaining to COVID-19 shall govern the conduct of individuals and businesses in the City of Farmersville during the COVID-19 disaster.

## **Section 8: GOVERNOR'S EXECUTIVE ORDER NO. GA-26**

This Ordinance hereby incorporates the Governor's Executive Order No. GA-26, as it may hereafter be modified, amended, rescinded, or superseded by the Governor, relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster for the duration of this Ordinance and it is attached hereto as Exhibit A and made a part hereof. The provisions of GA-26 shall govern in the event of a conflict between the provisions of GA-26 and this Ordinance.

## **Section 9: ENFORCEMENT TOOLS**

This Ordinance hereby authorizes the use of all lawfully available enforcement tools by the City of Farmersville.

## **Section 10: HAZARDOUS DUTY PAY**

The City Council hereby authorizes the continuation of the payment of "hazardous duty pay" to those First Responders employed by the City specifically including the Police Chief and other certified law enforcement officers, the Fire Chief, and the Assistant Fire Chief through July 17, 2020, in the amount of Seven Dollars (\$7.00) per hour plus related employee benefits up to a cumulative monthly amount not to exceed Thirteen Thousand Dollars (\$13,000.00) per month. The City Manager is hereby directed to provide the City Council with a budget amendment addressing the continued funding of such hazardous duty pay for its consideration at the next regular City Council meeting; and, to thereafter seek any grants available to offset the unplanned and unbudgeted increased costs and expenses incurred by the City attributable to, but not limited to, "hazardous duty pay," personal protective equipment, additional cleaning and sanitization, and technology updates and improvements incurred by the City in addressing the COVID-19 pandemic.

## **Section 11: PENALTY**

Any person, firm or corporation violating any of the provisions of this Ordinance commits an offense, punishable by a fine up to \$ 1,000.00 per day, and each and every day such violation shall continue shall be deemed to constitute a separate municipal offense within the jurisdiction of the Municipal Court of the City of Farmersville.

## **Section 12: 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 13: 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 14: EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and shall remain in effect until the latter of i) 12:00, midnight, July 17, 2020, or ii) the termination date of any subsequent, related Executive Order of Governor Abbott pertaining to COVID-19.

**DULY PASSED, APPROVED, AND ADOPTED** on first reading and only reading on the 9<sup>th</sup> day of June, 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 9<sup>th</sup> DAY OF JUNE, 2020.**

**CITY OF FARMERSVILLE, TEXAS**

\_\_\_\_\_  
**BRYON WIEBOLD**  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

---

ALAN D. LATHROM  
City Attorney

**EXHIBIT A**

**EXECUTIVE ORDER GA-26**

*(Consisting of a Cover Letter plus four pages.)*



GOVERNOR GREG ABBOTT

June 3, 2020

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
9am 0'CLOCK

  
Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-26 relating to the expanded opening of Texas in  
response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor  
gsd/gsd

Attachment

POST OFFICE BOX 12425 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
June 3, 2020

## EXECUTIVE ORDER GA 26

*Relating to the expanded opening of Texas in response to the COVID-19 disaster.*

---

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have renewed the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain social-distancing restrictions for Texans in accordance with guidelines promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC); and

WHEREAS, I issued Executive Order GA-14 on March 31, 2020, expanding the social-distancing restrictions for Texans based on guidance from health experts and the President; and

WHEREAS, I subsequently issued Executive Orders GA-16, GA-18, GA-21, and GA-23 over the course of April and May 2020, aiming to achieve the least restrictive means of combating the threat to public health by continuing certain social-distancing restrictions, while implementing a safe, strategic plan to Open Texas; and

WHEREAS, as normal business operations resume, everyone must act safely, and to that end, this executive order and prior executive orders provide that all persons should follow the health protocols recommended by DSHS, which whenever achieved will mean compliance with the minimum standards for safely reopening, but which should not be used to fault those who act in good faith but can only substantially comply with the standards in light of scarce resources and other extenuating COVID-19 circumstances; and

WHEREAS, the "governor is responsible for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code,

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SECRETARY OF STATE  
4PM O'CLOCK

JUN 03 2020



and the legislature has given the governor broad authority to fulfill that responsibility;  
and

WHEREAS, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable under Section 418.173 by a fine not to exceed \$1,000, and may be subject to regulatory enforcement;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, and in accordance with guidance from DSHS Commissioner Dr. Hellerstein and other medical advisors, the Governor's Strike Force to Open Texas, the White House, and the CDC, do hereby order the following on a statewide basis effective immediately:

Every business establishment in Texas shall operate at no more than 50 percent of the total listed occupancy of the establishment; provided, however, that:

1. There is no occupancy limit for the following:
  - a. any services listed by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.1 or any subsequent version;
  - b. religious services conducted in churches, congregations, and houses of worship;
  - c. local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation, and document-filing services, as determined by the local government;
  - d. child-care services;
  - e. youth camps, including but not limited to those defined as such under Chapter 141 of the Texas Health and Safety Code, and including all summer camps and other daytime and overnight camps for youths; and
  - f. recreational sports programs for youths and adults;
2. Except as provided below by paragraph number 5, this 50 percent occupancy limit does not apply to outdoor areas, events, or establishments, except that the following outdoor areas or outdoor venues shall operate at no more than 50 percent of the normal operating limits as determined by the owner:
  - a. professional, collegiate, or similar sporting events;
  - b. swimming pools;
  - c. water parks;
  - d. museums and libraries;
  - e. zoos, aquariums, natural caverns, and similar facilities; and
  - f. rodeos and equestrian events;
3. This 50 percent occupancy limit does not apply to the following establishments that operate with at least six feet of social distancing between work stations:
  - a. cosmetology salons, hair salons, barber shops, nail salons/shops, and other establishments where licensed cosmetologists or barbers practice their trade;
  - b. massage establishments and other facilities where licensed massage therapists or other persons licensed or otherwise authorized to practice under Chapter 455 of the Texas Occupations Code practice their trade; and
  - c. other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment

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JUN 03 2020

and growth services;

4. Amusement parks and carnivals shall operate at no more than 50 percent of the normal operating limits as determined by the owner, except that in counties with more than 1,000 cumulative cases of COVID-19, amusement parks may not begin operating until 12:01 a.m. on June 19, 2020;
5. For any outdoor gathering estimated to be in excess of 500 people, other than those set forth above in paragraph numbers 1, 2, or 4, the county judge or mayor, as appropriate, in consultation with the local public health authority, may impose additional restrictions;
6. For dine-in services by restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages, the occupancy limit shall increase at 12:01 a.m. on June 12, 2020, to permit such restaurants to operate at up to 75 percent of the total listed occupancy of the restaurant;
7. For indoor bars and similar indoor establishments that are not restaurants as defined above and that hold a permit from the Texas Alcoholic Beverage Commission, only those customers who are seated may be served;
8. For any business establishment that is subject to a 50 percent "total listed occupancy" limit or "normal operating limit," and that is in a county that has filed with DSHS, and is in compliance with, the requisite attestation form promulgated by DSHS regarding minimal cases of COVID-19, the business establishment may operate at up to 75 percent of the total listed occupancy or normal operating limit of the establishment starting 12:01 a.m. on June 12, 2020;
9. For purposes of this executive order, facilities with retractable roofs are considered indoor facilities, whether the roof is opened or closed; and
10. Staff members are not included in determining operating levels, except for manufacturing services and office workers.

Except as provided in this executive order or in the minimum standard health protocols recommended by DSHS, found at [www.dshs.texas.gov/coronavirus](http://www.dshs.texas.gov/coronavirus), people should not be in groups larger than ten and should maintain six feet of social distancing from those not in their group. People over the age of 65 are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.

In providing or obtaining services, every person (including individuals, businesses, and other legal entities) should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by DSHS. Nothing in this executive order or the DSHS minimum standards precludes requiring a customer to follow additional hygiene measures when obtaining services. Individuals are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.

People shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible. Notwithstanding anything herein to the contrary, the governor may by proclamation add to the list of establishments or venues that people shall avoid visiting.

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
O'CLOCK

JUN 03 2020

For the remainder of the 2019-2020 school year, public schools may resume operations for the summer as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency (TEA). Private schools and institutions of higher education are encouraged to establish similar standards. Notwithstanding anything herein to the contrary, schools may conduct graduation ceremonies consistent with the minimum standard health protocols found in guidance issued by TEA.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list or scope of services as set forth in this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

All existing state executive orders relating to COVID-19 are amended to eliminate confinement in jail as an available penalty for violating the executive orders. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes Executive Order GA-23, but does not supersede Executive Orders GA-10, GA-13, GA-17, GA-19, GA-20, GA-24, or GA-25. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



ATTESTED BY:

A handwritten signature in black ink, appearing to read "Ruth R. Hughes".

RUTH R. HUGHES  
Secretary of State

Given under my hand this the 3rd  
day of June, 2020.

A handwritten signature in black ink, appearing to read "Greg Abbott".

GREG ABBOTT  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4pm O'CLOCK

JUN 03 2020

## **VII. Regular Agenda**

Agenda Section	Regular Agenda
Section Number	VII.A
Subject	Update on Financial Reports from last meeting.
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	<ul style="list-style-type: none"> <li>• March City Financials</li> <li>• April City Financials</li> </ul>
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	<ul style="list-style-type: none"> <li>• City Council discussion as required</li> </ul>
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

## MEMO

To: Benjamin White, City Manager

From: Daphne Hamlin, City Accountant

Date: April 16th, 2020

Subject: March 2020 Budget Report

*New Software for Financial Reporting is available for review on the City website, [www.farmersvilletx.com](http://www.farmersvilletx.com). Press OpenGov button ;> Press Stories button at the top under City logo; Press City of Farmersville March 2020 Financial Report.*

### Sales Tax Information:

City	Net Payment 04-2020	Comparable Payment Prior Year	% Change	Payment YTD	Prior Year Payment YTD	% Change
Farmersville	\$68,719.28	\$75,754.22	-9.28%	\$378,321.86	\$298,566.93	26.71%

### General Fund and Enterprise Fund Budget Summary with (2) year comparison:

	2019-2020 Budget		2019-2020 to Date	2018-2019 Actual	2017-2018 Actual
General Fund Revenue 2019-2020 Budget:	3,653,535	Revenue to Date	2,118,491	2,130,654	2,145,935
General Fund Expense 2019-2020 Budget:	3,653,535	Expenses to Date	1,699,698	1,783,603	1,803,833
Water Fund Revenue 2019-2020 Budget:	1,613,231	Revenue to Date	720,454	644,544	593,781
Water Fund Impact Fee Revenue		Revenue to Date	16,878	97,937	1,574
Water Fund Expense 2019-2020 Budget:	1,613,231	Expenses to Date	992,873	806,331	646,209
Wastewater Fund Revenue 2019-2020 Budget:	1,260,811	Revenue to Date	568,392	490,137	484,467
Wastewater Fund Impact Fee Revenue		Revenue to Date	30,437	280,708	2,400
Wastewater Fund Expense 2019-2020 Budget:	1,853,882	Expenses to Date	694,141	501,422	415,045
Electric Fund Revenue 2019-2020 Budget:	3,888,881	Revenue to Date	1,743,239	1,695,812	1,605,662
Electric Fund Expense 2019-2020 Budget:	3,832,892	Expenses to Date	2,146,304	1,848,941	1,883,433
Refuse Fund Revenue 2019-2020 Budget:	510,058	Revenue to Date	252,135	234,335	230,152
Refuse Fund Expense 2019-2020 Budget:	510,058	Expenses to Date	217,938	208,456	205,080

### Cash Summary

The cash summary is attached.

# SUMMARY OF CASH BALANCES MARCH 2020

ACCOUNT: FNB (0815)

	Interest Earned	Restricted	Assigned	Account Balance
<b>Clearing Accounts</b>				
General Fund			\$ 565,740.00	
Permit Fund			\$ (45,793.40)	
Refuse Fund			\$ 15,267.44	
Water Fund			\$ (317,688.76)	
Wastewater Fund			\$ 614,575.68	
Electric Fund			\$ (748,608.83)	
CC Child Safety	\$ 19,476.83			
2012 Bond	\$ (48,071.91)			
Waterwaste Bond Fund	\$ (19,780.04)			
Law Enf Training	\$ 1,874.31			
Disbursement Fund	\$ 2,143.33			
Library Donation Fund	\$ 2,522.79			
Court Tech/Sec	\$ 18,588.31			
Civic Ctr/Library Repair	\$ (26,498.35)			
JW Spain Grant	\$ 43,646.66			
Rike St. Grant	\$ (111,436.37)			
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	\$ 368.60			
<b>TOTAL:</b>	<b>\$ 368.60</b>	<b>\$ (17,179.83)</b>	<b>\$ 83,492.13</b>	<b>\$ 66,312.30</b>

<b>Debt Service Accounts</b>				
County Tax Deposit (FNB 0807)(Debt Service)	\$ 270.89	\$ 197,027.45		
Debt Service Reserve (Texpool 0014 ) (2 months rsv )	\$ 439.74	\$ 516,450.79		
<b>TOTAL:</b>	<b>\$ 710.63</b>	<b>\$ 713,478.24</b>		<b>\$ 713,478.24</b>

<b>Appropriated Surplus Investment Accounts</b>				
Customer meter deposits (Texpool 0008)	\$ 96.89	\$ 113,794.98		
Water Dev. Board (Texstar 1110)	\$ 900.77	\$ 909,774.15		
2019 C/O Street ( Texstar 0190)	\$ 1,449.26	\$ 1,784,620.05		
Listcon Escrow(Texstar 0300)	\$ 123.79	\$ 152,443.85		
Summit Property Sewer Escrow (fmb 231)	\$ 20.64	\$ 16,703.93		
2012 G/O Bond, streets, water, wastewater (Texstar 0120 )	\$ 934.29	\$ 1,150,494.79		
<b>TOTAL:</b>	<b>\$ 3,525.64</b>	<b>\$ 4,127,831.75</b>	<b>\$ -</b>	<b>\$ 4,127,831.75</b>

<b>Unassigned Surplus Investment Accounts</b>				
Gen Fund Acct. (Texpool 0004)( Reso. 90 Day Reserve)	\$ 861.81	\$ 711,080.34		
Water/WW Fund (Texpool 0003)(Operating 90 day)	\$ 337.48	\$ 396,406.35		
Water/WW Fund (Texpool 00017)(Capital)	\$ 282.25	\$ 331,480.80		
Elec. Fund (Texpool 0005) (Operating)	\$ 42.67	\$ 50,000.00		
Elec. Fund (Texpool 0016)(Capital)	\$ 288.39	\$ 338,767.56		
Elec. Surcharge (Texpool 0015)	\$ 108.90	\$ 127,886.59		
Money Market Acct. (FNB 092)	\$ 9.40		\$ 74,002.64	
<b>TOTAL:</b>	<b>\$ 1,930.90</b>	<b>\$ 1,955,621.64</b>	<b>\$ 74,002.64</b>	<b>\$ 2,029,624.28</b>

<b>Contractor Managed Accounts Nonspendable</b>				
NTMWD Sewer Plant Maint. Fund	\$ -			
<b>TOTAL APPROPRIATED SURPLUS</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL CASH &amp; INVESTMENT ACCOUNTS</b>	<b>\$ 6,779,751.80</b>	<b>\$ 157,494.77</b>	<b>\$ 6,937,246.57</b>	

## SUMMARY OF CASH BALANCES MARCH 2020

FEDC 4A Board Investment & Checking Account					
FEDC 4A Checking Account (Independent Bank 7909)	\$	7.20	\$	188,373.19	
FEDC 4A Investment Account (Texpool 0001)	\$	911.64	\$	1,070,662.63	
FEDC 4A Certificate of Deposit (Independent Bank)			\$	500,000.00	
<b>TOTAL:</b>	\$	<b>918.84</b>	\$	<b>1,759,035.82</b>	\$ - \$ 1,759,035.82

FCDC 4B Board Investment & Checking Account					
FCDC 4B Checking Account (Independent Bank 3035)	\$	9.42	\$	237,901.61	
FCDC 4B Investment Account (Texpool 0001)	\$	294.61	\$	346,041.67	
<b>TOTAL:</b>	\$	<b>304.03</b>	\$	<b>583,943.28</b>	\$ - \$ 583,943.28

TIRZ Account					
County Tax Deposits (FNB 01276)	\$	123.21	\$	99,692.04	
TIRZ Texpool Account ( )	\$	275.14	\$	623,350.17	
<b>TOTAL:</b>	\$	<b>398.35</b>	\$	<b>723,042.21</b>	\$ - \$ 723,042.21

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.



## MEMO

To: Benjamin White, City Manager  
From: Daphne Hamlin, City Accountant  
Date: May 18, 2020  
Subject: April 2020 Budget Report

*New Software for Financial Reporting is available for review on the City website.  
[www.farmersvilletx.com](http://www.farmersvilletx.com). Press OpenGov button ;> Press Stories button at the top under City logo;  
Press City of Farmersville April 2020 Financial Report.*

General Fund and Enterprise Fund Budget Summary with (2) year comparison:

	2019-2020 Budget		2019-2020 to Date	2018-2019 Ac- tual	2017-2018 Ac- tual
General Fund Revenue 2019-2020 Budget:	3,653,535	Revenue to Date	2,376,415	2,406,337	2,313,036
General Fund Expense 2019-2020 Budget:	3,653,535	Expenses to Date	2,006,188	2,137,985	2,077,234
Water Fund Revenue 2019-2020 Budget:	1,613,231	Revenue to Date	835,289	767,534	687,500
Water Fund Impact Fee Revenue		Revenue to Date	16,678	107,078	1,574
Water Fund Expense 2019-2020 Budget:	1,613,231	Expenses to Date	1,117,356	926,083	863,238
Wastewater Fund Revenue 2019-2020 Budget:	1,260,811	Revenue to Date	664,215	574,913	565,557
Wastewater Fund Impact Fee Revenue		Revenue to Date	30,437	287,014	5,754
Wastewater Fund Expense 2019-2020 Budget:	1,853,862	Expenses to Date	768,094	573,454	674,038
Electric Fund Revenue 2019-2020 Budget:	3,886,861	Revenue to Date	1,991,934	1,932,740	1,839,029
Electric Fund Expense 2019-2020 Budget:	3,832,692	Expenses to Date	2,474,903	2,138,231	2,197,450
Refuse Fund Revenue 2019-2020 Budget:	510,058	Revenue to Date	294,283	273,673	268,669
Refuse Fund Expense 2019-2020 Budget:	510,058	Expenses to Date	260,010	248,055	244,022

### Cash Summary

The cash summary is attached.

# SUMMARY OF CASH BALANCES APRIL 2020

ACCOUNT: FNB (0815)

	Interest Earned	Restricted	Assigned	Account Balance
<b>Clearing Accounts</b>				
General Fund			\$ 506,483.78	
Permit Fund			\$ (45,793.40)	
Refuse Fund			\$ 13,743.25	
Water Fund			\$ (338,851.92)	
Wastewater Fund			\$ 633,694.21	
Electric Fund			\$ (833,778.52)	
CC Child Safety		\$ 18,676.83		
2012 Bond		\$ (0.30)		
Waterwaste Bond Fund		\$ -		
Law Enf Training		\$ 1,874.31		
Disbursement Fund		\$ 2,143.33		
Library Donation Fund		\$ 2,522.79		
Court Tech/Sec		\$ 18,742.71		
Civic Ctr/Library Repair		\$ (26,498.35)		
JW Spain Grant		\$ 43,646.66		
Rike St. Grant		\$ (111,436.37)		
Radio Note		\$ 6,082.79		
Chapparal 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	\$ 10.49			
<b>TOTAL:</b>	<b>\$ 10.49</b>	<b>\$ 50,026.22</b>	<b>\$ (64,502.60)</b>	<b>\$ (14,476.38)</b>

<b>Debt Service Accounts</b>				
County Tax Deposit (FNB 0807)(Debt Service)	\$ 189.84	\$ 217,562.99		
Debt Service Reserve (Texpool 0014 ) (2 months rsv )	\$ 193.22	\$ 516,644.01		
<b>TOTAL:</b>	<b>\$ 383.06</b>	<b>\$ 734,207.00</b>		<b>\$ 734,207.00</b>

<b>Appropriated Surplus Investment Accounts</b>				
Customer meter deposits (Texpool 0008)	\$ 42.55	\$ 113,837.53		
Water Dev. Board (Texstar 1110)	\$ 332.52	\$ 684,609.23		
2019 C/O Street ( Texstar 0190)	\$ 652.30	\$ 1,785,272.35		
Listcon Escrow(Texstar 0300)	\$ 55.71	\$ 152,499.56		
Summit Property Sewer Escrow (fmb 231)	\$ 0.68	\$ 16,704.61		
2012 G/O Bond, streets, water, wastewater (Texstar 0120 )	\$ 418.96	\$ 989,690.81		
<b>TOTAL:</b>	<b>\$ 1,502.72</b>	<b>\$ 3,742,614.09</b>	<b>\$ -</b>	<b>\$ 3,742,614.09</b>

<b>Unassigned Surplus Investment Accounts</b>				
Gen Fund Acct. (Texpool 0004)( Reso. 90 Day Reserve)	\$ 266.00	\$ 711,080.34		
Water/WW Fund (Texpool 0003)(Operating 90 day)	\$ 148.28	\$ 396,554.63		
Water/WW Fund (Texpool 00017)(Capital)	\$ 124.01	\$ 331,604.81		
Elec. Fund (Texpool 0005) (Operating)	\$ 18.76	\$ 50,000.00		
Elec. Fund (Texpool 0016)(Capital)	\$ 126.72	\$ 338,894.28		
Elec. Surcharge (Texpool 0015)	\$ 47.84	\$ 127,934.43		
Money Market Acct. (FNB 092)	\$ 17.09		\$ 74,019.94	
<b>TOTAL:</b>	<b>\$ 748.70</b>	<b>\$ 1,956,068.49</b>	<b>\$ 74,019.94</b>	<b>\$ 2,030,088.43</b>

<b>Contractor Managed Accounts Nonspendable</b>				
NTMWD Sewer Plant Maint. Fund	\$ -			
<b>TOTAL APPROPRIATED SURPLUS</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL CASH &amp; INVESTMENT ACCOUNTS</b>	<b>\$ 6,482,915.80</b>	<b>\$ 9,517.34</b>	<b>\$ 6,492,433.14</b>	

## SUMMARY OF CASH BALANCES APRIL 2020

FEDC 4A Board Investment & Checking Account					
FEDC 4A Checking Account(Independent Bank 7909)	\$	7.80	\$	208,555.80	
FEDC 4A Investment Account (Texpool 0001)	\$	400.59	\$	1,071,063.22	
FEDC 4A Certificate of Deposit (Independent Bank)			\$	500,000.00	
<b>TOTAL:</b>	<b>\$</b>	<b>408.39</b>	<b>\$</b>	<b>1,779,619.02</b>	<b>\$ - \$ 1,779,619.02</b>

FCDC 4B Board Investment & Checking Account					
FCDC 4B Checking Account (Independent Bank 3035)	\$	9.79	\$	254,476.22	
FCDC 4B Investment Account (Texpool 0001)	\$	129.47	\$	346,171.14	
<b>TOTAL:</b>	<b>\$</b>	<b>139.26</b>	<b>\$</b>	<b>600,647.36</b>	<b>\$ - \$ 600,647.36</b>

TIRZ Account					
County Tax Deposits (FNB 01276)	\$	4.61	\$	137,805.85	
TIRZ Texpool Account ( )	\$	233.20	\$	623,583.37	
<b>TOTAL:</b>	<b>\$</b>	<b>237.81</b>	<b>\$</b>	<b>761,389.22</b>	<b>\$ - \$ 761,389.22</b>

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

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

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

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

Daphne Hamlin  
Daphne Hamlin, City Investment Officer

10-2019 NCTCOG - Public Funds Inv Act.

Agenda Section	Regular Agenda
Section Number	VII.B
Subject	Consider, discuss and act upon recommendation from DBI Engineers regarding the Collin Parkway/Farmersville Parkway expansion.
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	None (will receive via email by Tuesday)
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

Agenda Section	Regular Agenda
Section Number	VII.C
Subject	Consider, discuss and act upon an Interlocal Cooperation Agreement with Collin County regarding the Coronavirus Aid, Relief, and Economic Security Act (CARES ACT).
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	<ul style="list-style-type: none"> <li>• Direct Expense Interlocal Agreement CARES ACT Court Final</li> <li>• Direct Expense Order CARES ACT – Court Approved</li> <li>• Final Direct Payment Distribution 5-11</li> </ul>
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>

INTERLOCAL COOPERATION AGREEMENT  
[MUNICIPAL DIRECT EXPENSE FUNDING]

As provided for by Chapter 791 of the Texas Government Code, this Interlocal Cooperation Agreement ("Agreement") is entered into by and between Collin County, Texas (hereinafter "County") and the City of Farmersville, Texas (hereinafter "City") under the County's Emergency Program for Direct Costs Expended by Municipalities located in Collin County to address and respond to COVID-19.

1. Program Description. The County has received federal funding under the Coronavirus Aid, Relief, and Economic Security Act (hereinafter "CARES ACT") to address and respond to the effects of the COVID-19 emergency. Assisting municipalities within the County in recovering their costs directly incurred in responding to the COVID-19 emergency is a legitimate and lawful use of the CARES ACT funding.
2. Incorporation of Program. The Order of the Collin County, Texas Commissioners Court establishing a COVID-19 Emergency Program for Direct Costs Expended by Municipalities located in Collin County to Address and Respond to COVID-19 (hereinafter "Direct Costs Program") is attached hereto and incorporated by reference herein.
3. Grant and Funding to City. Subject to the terms and conditions of this Agreement, the County agrees to grant and transfer to the City the sum of \$ 168,644.68 of its CARES ACT funding ("Municipal Funds"). The City agrees to deposit these Municipal Funds into a separate, segregated account created solely for holding and dispersing these Municipal Funds. The account must be an interest-bearing account and similarly insured and protected as the City's other funds.
4. Use of Municipal Funds. The City may use its Municipal Funds for reimbursing itself for COVID-19 expenditures already paid and incurred, and for expenditures to assist it with its ongoing responses to COVID-19 as detailed in the CARES ACT, the Direct Costs Program and this Agreement. Municipal Funds may be used for all expenditures that municipalities are eligible to recover under the CARES ACT as described under said Act and the U.S. Department of the Treasury's Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments as applies to municipalities. Payments for the performance of governmental functions or services shall be made from current revenues available to the paying party.
5. City's Obligations relating to its Use of the Municipal Funds. The City agrees to:
  - a) only use the Municipal Funds in compliance with this Agreement and for eligible expenditures related to the COVID-19 emergency;
  - b) reimburse and return to the Municipal Funds account within thirty days any portion of the Municipal Funds that the County, the U.S. Department of Treasury, or their designee, deems were not used for COVID-19 purposes, or not used pursuant to the terms of this Agreement, or if the City's Municipal Funds account is already closed out, the reimbursement and return of the ineligible expenditure shall be made to the County;
  - c) document and justify that each expenditure from its Municipal Funds was an eligible expenditure under this Agreement and the CARES ACT. All documentation shall be delivered to the County no later than January 15, 2021, and shall be kept by the City for a minimum of four years from the close of the Direct Costs Program;

- d) allow inspection of all documentation and records related to its expenditure of its Municipal Funds by the County or the U.S. Department of Treasury upon reasonable request;
  - e) use the Municipal Funds only for eligible expenditures made between March 1, 2020 and 11:59 p.m., December 30, 2020;
  - f) return and re-pay within thirty days to the County any Municipal Funds not expended by 11:59 p.m., December 30, 2020;
  - g) acknowledge and recognize that the source of these Municipal Funds is Collin County and its CARES ACT allocation for any public programs or initiatives using these Municipal Funds;
  - h) coordinate with the County any public programs or initiatives so that no duplication of services, initiatives or programs occurs; and
  - i) impose similar terms and conditions upon any sub-recipient of its Municipal Funds.
6. Reports. The City shall provide periodic reports relating to the use of the Municipal Funds as requested or required by the County.
7. Eligibility Issues. If the City is not sure that an expenditure will qualify, it should seek an opinion from its City Attorney prior to making the expenditure.
8. Nature of Funding. The CARES ACT funding is being received from the County to the City as a sub-recipient. As a sub-recipient of CARES ACT funding the City acknowledges that its use of the funds is subject to the same terms and conditions as the County's use of such funds. The City hereby agrees to comply with all terms and conditions of the CARES ACT funding, and to hold the County harmless against any repayments, penalties, or interest incurred as a result of the City's failure to comply with all terms and conditions of the CARES ACT funding. Funds spent in non-compliance with the CARES ACT are subject to recapture by the County for return to the Direct Costs Program or for return to the U.S. Treasury Department.
9. Attorney's Fees and Costs. In accordance with the Program, the County shall be entitled to recover its reasonable and necessary attorney's fees and costs against the City if it is required to undertake litigation to enforce the terms of this Agreement to the extent allowed by law.
10. Law and Venue. The laws of the State of Texas shall govern this Agreement, except where clearly superseded by federal law. Venue of any dispute shall be in a court of competent jurisdiction in Collin County, Texas.
11. No Assignment. The City may not assign this Agreement.
12. Entire Agreement. This Agreement supersedes and constitutes a merger of all prior oral and/or written agreements and understandings of the parties on the subject matter of this Agreement and is binding on the parties and their legal representatives, receivers, executors, successors, agents and assigns.
13. Amendment. Any Amendment of this Agreement must be by written instrument dated and signed by both parties.

14. Severability. No partial invalidity of this Agreement shall affect the remainder unless the public purpose to be served hereby is so greatly diminished thereby as to frustrate the object of this Agreement.

15. Waiver. No waiver by either party of any provision of this Agreement shall be effective unless in writing, and such waiver shall not be construed as or implied to be a subsequent waiver of that provision or any other provision.

16. Signature Authority. The signatories hereto have the authority and have been given any approvals necessary to bind by this Agreement the respective parties for which they sign.

COLLIN COUNTY, TEXAS

By: \_\_\_\_\_  
Chris Hill, County Judge

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
County Clerk

CITY OF \_\_\_\_\_, TEXAS

By: \_\_\_\_\_  
Bryon Wiebold, Mayor

\_\_\_\_\_  
Date

Attest:

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



ORDER OF THE COMMISSIONERS COURT OF COLLIN COUNTY, TEXAS  
ADOPTING A PROGRAM FOR DIRECT COSTS EXPENDED BY MUNICIPALITIES  
TO ADDRESS AND RESPOND TO COVID-19 PUBLIC HEALTH EMERGENCY

1. Purpose. Collin County (hereinafter “County”) has received federal funding under the Coronavirus Aid, Relief, and Economic Security Act (hereinafter “CARES ACT”). Citizens of municipalities located within the County are also citizens of the County. Except for Dallas, no municipalities located in whole or in part in Collin County received CARES ACT funding. The purpose of the program (“Direct Costs Program”) is to assist eligible municipalities within the County with their direct COVID-19 expenditures so that they can continue to be financially ready to address new challenges that may lie ahead as part of the COVID-19 emergency. The financial health of our municipalities is vital to the overall County health and welfare. The creation of this Program is an authorized use of CARES ACT funding. The City of Dallas is not eligible to participate in this program because it has received its own CARES ACT funding.

Eligible Municipalities under this Program are limited to:

Allen	Frisco	Murphy	Richardson
Anna	Lavon	Parker	Wylie
Celina	Lucas	Plano	Royce City
Fairview	McKinney	Princeton	Garland
Farmersville	Melissa	Prosper	Sachse

2. Sole Source of Funding. The sole source of funding for each eligible municipalities’ allocated share of the Direct Costs Program is the CARES ACT funding received by the County.

3. Eligible Expenditures. This Direct Costs Program only covers expenditures made by municipalities between March 1, 2020 and 11:59 PM December 30, 2020. Committing to an expenditure does not qualify. Payment of the expenditure actually has to have been made by 11:59 PM on December 30, 2020; the expenditure must have been or must be for the purpose of addressing or responding to the COVID-19 emergency; and the expenditure must not have already been budgeted for as of March 27, 2020 from municipal funds.

4. Total Funding. The County will make a total of \$50,000,000.00 of CARES ACT funding available for this Direct Costs Program.

5. Individual Municipal Funding. The total funding available for the Direct Costs Program will be allocated between each eligible municipality based on its population within the County. Each municipality receiving a share of these funds (“Municipal Funds”) shall deposit them into a special segregated account created by each municipality solely for holding and dispersing the Municipal Funds. This account must be interest-bearing and similarly insured as the municipality’s other funds.

6. Use of Funds. Each eligible municipality receiving an allocation under the Direct Costs Program may use their Municipal Funds for reimbursing the municipality for COVID-19 expenditures already paid and incurred, and for expenditures to assist it with the ongoing responses to COVID-19 as detailed in an ILA with the municipality. Examples of eligible COVID-19 post 3/1/2020 expenditures include, but are not limited to, past and ongoing sanitation, COVID-19 testing, past or ongoing acquisitions of personal protective equipment for employees, overtime related to COVID-19, employee time dedicated to fielding and answering COVID-19

calls rather than handling their normal work, self-quarantine expenses for homeless, preparing for the future re-emergence of COVID-19 by purchasing and stocking PPE and sanitation supplies, and other expenditures recoverable by municipalities as described in the U.S. Department of the Treasury's Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments.

7. Documentation for all Expenditures. Each municipality receiving Municipal Funds shall be required to document and justify that each disbursement of Municipal Funds was an eligible expenditure under its ILA with the County and the CARES ACT. All documentation shall be due no later than January 15, 2021.

8. Reimbursement and Recapture of Ineligible Expenditures. If the County, or its designee, reasonably determines that a municipality's expenditure of Municipal Funds is not an eligible expenditure, then the municipality shall immediately reimburse its Municipal Funds with an amount equal to the amount of the ineligible expenditure from other of its funds. The municipality shall have 30 days of receipt of the County's, or its designee's, determination of an ineligible expenditure to reimburse the ineligible expenditure to its Municipal Funds. If the County has to enforce its ILA it shall be entitled to recover its reasonable attorney's fees and costs incurred in doing so. If the municipality's Municipal Funds account is already closed out, the reimbursement of the ineligible expenditure shall be made directly to the County.

9. Repayment of Unused Municipal Funds to the County. If any of a municipality's Municipal Funds are not expended as provided in its ILA with the County by 11:59 PM December 30, 2020, the municipality shall return the unspent Municipal Funds to the County within thirty (30) days.

10. Interlocal Agreement. Prior to receiving, and as a condition to receiving, any Municipal Funds, each municipality must enter into an interlocal cooperation agreement with the County which incorporates the terms of this Direct Costs Program and provides for other matters ("ILA"). If the County, in its sole discretion, determines that a municipality has breached its ILA with the County, then the County may declare the ILA to be in default, and it may require the return and repayment to the County of the remaining balance of the Municipal Funds, including any reimbursements for ineligible expenditures.

11. Administration Cost. Because this funding is for the benefit of the municipalities, the municipalities are not entitled to recovery of administrative costs or fees from their Municipal Funds.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

COLLIN COUNTY, TEXAS

By: \_\_\_\_\_  
County Judge

ATTEST:

\_\_\_\_\_  
County Clerk or Designated Deputy Clerk

ORDER OF THE COMMISSIONERS COURT OF COLLIN COUNTY, TEXAS  
ADOPTING A PROGRAM FOR DIRECT COSTS EXPENDED BY MUNICIPALITIES  
TO ADDRESS AND RESPOND TO COVID-19 PUBLIC HEALTH EMERGENCY

1. Purpose. Collin County (hereinafter "County") has received federal funding under the Coronavirus Aid, Relief, and Economic Security Act (hereinafter "CARES ACT"). Citizens of municipalities located within the County are also citizens of the County. Except for Dallas, no municipalities located in whole or in part in Collin County received CARES ACT funding. The purpose of the program ("Direct Costs Program") is to assist eligible municipalities within the County with their direct COVID-19 expenditures so that they can continue to be financially ready to address new challenges that may lie ahead as part of the COVID-19 emergency. The financial health of our municipalities is vital to the overall County health and welfare. The creation of this Program is an authorized use of CARES ACT funding. The City of Dallas is not eligible to participate in this program because it has received its own CARES ACT funding.

Eligible Municipalities under this Program are limited to:

Allen	Frisco	Murphy	Richardson
Anna	Lavon	Parker	Wylie
Celina	Lucas	Plano	Royce City
Fairview	McKinney	Princeton	Garland
Farmersville	Melissa	Prosper	Sachse

2. Sole Source of Funding. The sole source of funding for each eligible municipalities' allocated share of the Direct Costs Program is the CARES ACT funding received by the County.

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calls rather than handling their normal work, self-quarantine expenses for homeless, preparing for the future re-emergence of COVID-19 by purchasing and stocking PPE and sanitation supplies, and other expenditures recoverable by municipalities as described in the U.S. Department of the Treasury's Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments.

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11. Administration Cost. Because this funding is for the benefit of the municipalities, the municipalities are not entitled to recovery of administrative costs or fees from their Municipal Funds.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

COLLIN COUNTY, TEXAS

By: \_\_\_\_\_  
County Judge

ATTEST:

\_\_\_\_\_  
County Clerk or Designated Deputy Clerk

City Name	Population	%	Funding Amount	\$50,000,000.00
Garland	248	0.02%	\$0.000	\$ 11,934.30
Royse City	2,139	0.21%	\$0.002	\$ 102,881.93
Farmersville	3,085	0.34%	\$0.003	\$ 168,644.68
Lavon	4,101	0.45%	\$0.004	\$ 224,171.48
Parker	4,446	0.49%	\$0.005	\$ 243,034.30
Lucas	6,611	0.72%	\$0.007	\$ 361,355.69
Sachse	8,207	0.90%	\$0.009	\$ 448,591.56
Melissa	10,609	1.16%	\$0.012	\$ 579,885.53
Celina	12,012	1.31%	\$0.013	\$ 656,581.94
Fairview	12,091	1.32%	\$0.013	\$ 660,930.59
Princeton	13,261	1.45%	\$0.014	\$ 724,894.87
Anna	13,989	1.53%	\$0.015	\$ 764,646.10
Murphy	16,732	1.83%	\$0.018	\$ 914,613.38
Prosper	20,103	2.20%	\$0.022	\$ 1,098,850.23
Richardson	44,295	4.84%	\$0.048	\$ 2,421,235.13
Wylie	44,382	4.85%	\$0.049	\$ 2,425,994.40
Allen	98,366	10.75%	\$0.108	\$ 5,376,848.82
Frisco	124,125	13.57%	\$0.136	\$ 6,784,894.38
McKinney	184,742	20.20%	\$0.202	\$10,098,347.55
Plano	293,559	32.09%	\$0.321	\$16,046,479.36
<b>Total</b>	<b>914,715</b>	<b>100.00%</b>	<b>\$1.000</b>	<b>\$50,000,000.000</b>

Agenda Section	Regular Agenda
Section Number	VII.D
Subject	Update regarding Reliable Concrete (Listocon).
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	<ul style="list-style-type: none"> <li>• Third Amended and Restated Developer's Agreement</li> <li>• Summary of punch list items</li> </ul>
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to another agenda. _____</li> <li>• No motion, no action</li> </ul>



20190328000327510

03/28/2019 04:07:16 PM AG 1/18

**AFTER RECORDING, RETURN TO:**

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

STATE OF TEXAS       §   **THIRD AMENDED AND RESTATED DEVELOPMENT**  
                                   §   **AGREEMENT BY AND BETWEEN THE CITY OF**  
 COUNTY OF COLLIN   §   **FARMERSVILLE, TEXAS AND LISTOCON GROUP LLC**

This Third Amended and Restated Development Agreement ("Third Listocon Amendment") is made and entered into pursuant to Texas Local Government Code § 212.172 as of this 26<sup>th</sup> day of March, 2019, by and between the CITY OF FARMERSVILLE, TEXAS, ("City") and LISTOCON GROUP LLC, a Texas limited liability company, doing business as RELIABLE READY MIX CONCRETE, (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 previously entered into that certain Second Amended and Restated Development Agreement Applicable to Approximately 5.050 acres of Land Acquired by Listocon Group LLC from an Approximate 31.458 Acre Tract Owned by Anani, LLC, which was recorded as Clerk's Document No. 20181227001563910 in the Official Public Records of Collin County, Texas (the "Second Listocon Amendment"); and

**WHEREAS**, City previously entered into that certain Amended and Restated Development Agreement Applicable to Approximately 5.050 acres of Land Acquired by Listocon Group LLC from an Approximate 31.458 Acre Tract Owned by Anani, LLC, that is Subject to an Existing Development Agreement and which was recorded as Clerk's Document No. 20181130001464790 in the Official Public Records of Collin County, Texas (the "Listocon Amendment"); and

**WHEREAS**, City previously entered into a Development Agreement with Anani, LLC and Big D Concrete Inc regarding the development of the property identified as Tract 9 of the W B Williams Survey, Abstract Number A0954 containing approximately 31.458 ACRES of land, more or less (the "Property") that was recorded as Clerk's Document No. 20180403000409470 in the Official Public Records of Collin County, Texas (the "Agreement"); and

**WHEREAS**, the Agreement, Listocon Amendment and the Second Listocon Amendment all run with the Property; and

**WHEREAS**, Listocon Group LLC purchased approximately 4.878 acres of the Property from Anani, LLC on or about May 9, 2018, by and through that certain special

warranty deed that was recorded as Clerk's Document No. 20180509000568520 in the Official Public Records of Collin County, Texas ("Deed"); and

**WHEREAS**, the Deed was corrected by and through a Correction Instrument executed by and between Listocon Group LLC and Anani, LLC on or about August 1, 2018, that was recorded as Clerk's Document No. 20180801000965750 in the Official Public Records of Collin County, Texas, that increased the area acquired by Listocon Group LLC to approximately 5.050 acres of land out of the Property ("Correction Instrument"); and

**WHEREAS**, Owner and City desire to amend and restate the terms and conditions of the Agreement, Listocon Amendment, and Second Listocon Amendment by and through this Third Listocon Amendment; and

**WHEREAS**, Owner now owns the "Listocon Parcel", defined herein, which is situated in the extra-territorial jurisdiction of the City ("ETJ"); and

**WHEREAS**, the Owner desires to obtain water from the City, plat the Listocon Parcel with the City, and annex the Listocon Parcel into the City's corporate limits; and

**WHEREAS**, this Third Listocon Amendment is entered into pursuant to Section 212.172 of the Texas Local Government Code in order to address the desires of the Owner and the City; and

**WHEREAS**, the Parties acknowledge that this Third Listocon Amendment is binding upon the City and the Owner and their respective successors and assigns for the Term (as defined in Section 7 herein below) of this Third Listocon Amendment; and

**WHEREAS**, this Third Listocon Amendment is to be recorded in the Real Property Records of Collin County; and

**WHEREAS**, the City and Owner agree this Third Amended and Restated Development Agreement shall supersede and replace the December 27, 2018, Second Listocon Amendment and the November 27, 2018, Listocon Amendment in their entirety;

**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. **Land Subject to Third Listocon Amendment.** The land that is subject to this Third Listocon Amendment is that approximately 5.050 acre tract of land, more or less, identified as being a part of Tract 9 of Abstract A0954 of the W.B. Williams Survey (the "Listocon Parcel") which is more particularly described in the Legal Description Correction Instrument attached hereto as Exhibit A and incorporated herein by reference for all purposes allowed by law.



2. **Use of Listocon Parcel.** It is specifically understood that Owner plans to use the Listocon Parcel for a permanent concrete batch plant and any and all appurtenances related to such use.

3. **Petition for Annexation.** Owner hereby agrees to submit a voluntary petition for annexation ("Petition") to the City for consideration by the City Council within thirty (30) days after the execution of this Third Listocon Amendment. The City will consider Owner's Petition and institute annexation proceedings in accordance with the requirements of Texas law.

4. **Platting of, and Permits for Development of, the Listocon Parcel.** It is understood and agreed that the City's Subdivision Ordinance, Ordinance #O-2018-0508-002, adopted May 8, 2018, requires that a development plat ("Plat") be submitted and approved for the Listocon Parcel. It is further understood that Collin County, Texas will not issue any permits required for development of the Listocon Parcel until such time as the Plat of the Listocon Parcel has been recorded with Collin County or the City provides Collin County with information releasing the Listocon Parcel for permitting.

Owner has expressed to City that it is urgent for Owner to begin development of the Listocon Parcel immediately and not be delayed until such time as the Plat has been prepared by Owner's consultants, reviewed by City, recommended for approval by City's Planning and Zoning Commission, approved by the City's governing body and recorded with Collin County, Texas. City hereby agrees to work with Owner to defer the timing within which the Plat for the Listocon Parcel is required and provide Collin County with information that will allow for the issuance of permits prior to the recording of the Plat with Collin County under the assurances set forth in this Third Listocon Amendment.

Owner hereby agrees to promptly submit within ninety (90) days of the execution of this Third Listocon Amendment a Plat of the Listocon Parcel to the City for the City's review and approval and ultimately for recording with Collin County, Texas, that conforms to the requirements of the City's Subdivision Ordinance. As a part of said Plat, Owner hereby agrees to dedicate to the City such on-site easements and rights-of-way as may be necessary and required by the City's Subdivision Ordinance and the Farmersville Code for water, sanitary sewer, storm sewer and roadways to be extended to and across the Listocon Parcel at no cost to City including, but not limited to, sufficient right-of-way to allow County Road 699 to be widened from a two-lane roadway to a three-lane concrete roadway along and across the frontage of the Listocon Parcel and extending to U.S. Highway 380.

As further consideration for the release of the Listocon Parcel for permit issuance prior to the recording of the Plat for the Listocon Parcel, Owner shall provide to City a cash escrow in the amount of Ten Thousand Dollars (\$10,000) assuring the Owner's performance in causing a Plat of the Listocon Parcel that conforms to the requirements of the City's Subdivision Ordinance and this Third Listocon Amendment to

be prepared and timely submitted to the City for approval and ultimately recording with Collin County. The cash escrow assuring performance of the Plat requirement set forth herein may be included in the "Cash Escrow and Priority Lien" for the extension of the Water Line discussed below in further detail or as a separate stand-alone cash escrow.

5. **Design and Construction of Improvements to County Road 699.** City and Owner agree to share in the cost to design and construct County Road 699 as a concrete roadway sufficient to handle the weight of Owner's trucks and equipment as well as the City's emergency fire equipment with up to three lanes from the intersection of County Road 699 and the northern boundary of the Kansas City Southern Railroad right of way in a northerly direction inclusive of the last northern-most driveway of the Listocon Parcel together with the related storm sewer lines and all other appurtenances (the "Roadway Section").

a. Owner agrees to supply the concrete and all necessary construction supplies and materials required for the Roadway Section.

b. City agrees to design and provide the labor to construct the Roadway Section. City makes no representations regarding the timing of City's initiation and/or completion of the design and construction of the Roadway Section.

6. **Extension of Water Line to Listocon Parcel.**

a. Upon Owner's submission of the Petition to the City for annexation and the Owner's provision of a "Cash Escrow and Priority Lien," defined below, in the amount of the anticipated construction cost of such Water Line assuring the Owner's performance of this Third Listocon Amendment and the Performance Criteria, City will begin the process of obtaining any required off-site easements as may be required to extend water to the Listocon Parcel and cause a water line capable of supporting up to one six-inch (6") diameter water meter to be designed and constructed to serve the Listocon Parcel (the "Water Line").

b. Owner also agrees to pay all applicable tap fees and impact fees related to the development of the Listocon Parcel.

7. **Cash Escrow and Priority Lien for Platting and Extension of Water Line.**

a. Owner, in accordance with the requirements established by this Third Listocon Amendment, will tender to the CITY a cash escrow in the amount of One Hundred Fifty Thousand Dollars (\$150,000) ("Cash Escrow") together with a priority lien on the Listocon Parcel in the amount of Eighty-Five Thousand Dollars (\$85,000) (collectively the "Cash Escrow and Priority Lien") assuring Owner's full performance of the requirements of this Third Listocon Amendment and the Performance Criteria.

b. Within ten (10) business days following the date on which a certificate of occupancy is issued for Owner's permanent concrete batch, containing not less than One Million Dollars (\$1,000,000) in plant equipment as required by the Performance Criteria, City will release to Owner Thirty-Seven Thousand Five Hundred Dollars (\$37,500) from the Cash Escrow.

c. The only requirements for City to draw down against the Cash Escrow and assert the Priority Lien against the Listocon Parcel shall be the presentation of a letter from the City, together with an affidavit executed by the City Manager stating that Owner is in default under the terms of this Third Listocon Amendment and/or the Performance Criteria and providing the Owner thirty (30) days' written notice within which to cure such default.

d. The Cash Deposit shall be returned to Owner within ten (10) days after Owner has fully complied with this Third Listocon Amendment and all of the Performance Criteria set out in this Third Listocon Amendment and the acceptance of the Required Improvements and filing of a record plat for the Property identified in this Third Listocon Amendment. At or about the same time, City will release the lien held by City against the Listocon Parcel by and through this Third Listocon Amendment.

e. In the event the Owner shall fail or neglect to fulfill its obligations under this Third Listocon Amendment, the Owner shall be liable to pay for the cost of (i) preparing the Plat in conformity to the City's regulations therefor and this Third Listocon Amendment as well as the payment of all ad valorem taxes and filing fees as required to record the Plat with Collin County, and (ii) construction and installation of the Water Line, including but not limited to, engineering, legal, administrative and contingent costs together with any damages, either direct or consequential, which the City may sustain as a result of the failure of the Owner to carry out and execute all of the provisions of this Third Listocon Amendment and the Performance Standards set out in said Third Listocon Amendment.

f. The Owner further agrees that the City, at its option, shall have the right to enter upon the Property to cause a Plat that conforms to the City's regulations therefor to be prepared and approved by the City and thereafter to pay all ad valorem taxes and fees as may be required to record the Plat on behalf of the Owner with Collin County in the event the Owner fails or refuses to comply with the terms of this Third Listocon Amendment. The Owner shall be liable hereunder to reimburse the City the total cost to prepare and record the Plat plus such other and further costs and expenses enumerated in this Paragraph 7.

g. The Owner further agrees that the City, at its option, shall have the right to enter upon the Property and construct and install, or pursuant to public advertisement and receipt of bids, cause to be constructed and installed the Water Line in the event the Owner fails or refuses to comply with the terms of this Third Listocon Amendment and the Performance Standards set out in said Third Listocon Amendment. The Owner shall be liable hereunder to reimburse the City the total cost to complete the

Water Line plus such other and further costs and expenses enumerated in this Paragraph 7.

h. In the event that City exercises its rights to draw down against the Cash Escrow and assert the Priority Lien against the Listocon Parcel, the Owner shall be entitled to an offset or credit against the costs and expenses enumerated herein for any amount of money used by or otherwise recovered by the City related to the Cash Escrow and Priority Lien.

8. **Screening of Listocon Parcel.** Owner agrees that it will screen the Listocon Parcel along its frontage with County Road 699 as well as the southern and eastern boundaries of the Listocon Parcel that are visible from U.S. Highway 380 with a minimum fifteen-foot (15') wide irrigated green space containing at least one (1) "canopy tree" per forty (40) linear feet, or portion thereof, which green space shall be placed in front of a minimum eight-foot tall brick or masonry fence or a tubular steel fence with an associated "living screen"; or, other suitable screening material acceptable to the City of Farmersville. Screening and landscaping materials shall be consistent with the requirements of Sections 4.8, "Open Storage," and 4.9, "Screening, Fence and Wall Regulations," of the City of Farmersville Comprehensive Zoning Ordinance, Ordinance #O-2018-0508-001, adopted May 8, 2018.

9. **Internal Driveways and Road Surfaces.** Owner agrees that all driveway or road surfaces within the Listocon Parcel shall be constructed using impervious materials that prevent unnecessary dust such as brick pavers, concrete, or asphalt. The impervious driveway and road surface requirement shall not be enforced until construction of the permanent concrete batch plant is complete.

10. **Ground Cover.** Owner agrees that any area within the Listocon Parcel not dedicated to use as an operational area covered by an impervious surface shall be covered and maintained with a living ground cover or other material deemed suitable by the City of Farmersville.

11. **Lighting.** Owner agrees that all plant operational lighting shall prevent light pollution in accordance with City of Farmersville ordinances. The lights on motorized vehicles within the Listocon Parcel are exempt from this requirement.

12. **Third Listocon Amendment to be Signed by All Owners of the Listocon Parcel.** The Owner warrants and represents to City that the Owner has the full right, power and authority to execute and deliver this Third Listocon Amendment without obtaining any further consents and approvals from, or the taking of any other actions with respect to any third-parties regarding the execution of this Third Listocon Amendment. In addition, Owner has read and fully understands this Third Listocon Amendment and its effects and that it is a binding contract. This Third Listocon Amendment, when executed and delivered by the Owner and the City will constitute the valid and binding agreement of the Owner, enforceable against the Owner and the Listocon Parcel in accordance with its terms.

13. **Sales Tax.** All sales taxes on materials, products and services sold or provided by Owner shall be collected FOB Farmersville, Texas.

14. **Term.** This Third Listocon Amendment is an agreement authorized by Section 212.172 of the Texas Local Government Code. This Third Listocon Amendment is effective on the latest date that both the City and the Owner have duly executed this Third Listocon Amendment as reflected by the signatures below ("**Effective Date**"). The term of this Third Listocon Amendment (the "**Term**") is two (2) years from the Effective Date. This Third Listocon Amendment may be renewed upon written agreement of the Parties.

15. **Default.** If any party breaches any of the terms of this Third Listocon Amendment, then that party shall be in default ("**Defaulting Party**") of this Third Listocon Amendment ("**Event of Default**"). If an Event of Default occurs, the non-defaulting party shall give the Defaulting Party written notice of such Event of Default, and if the Defaulting Party has not cured such Event of Default within thirty (30) days of said written notice, this Third Listocon Amendment is breached. Each party is entitled to all remedies available to it at law or in equity.

16. **Notice.** Any notice required or permitted to be delivered hereunder shall be deemed to be delivered, whether or not actually received, when deposited in the United States Mail, postage pre-paid, certified mail, return receipt requested, addressed to either party, as the case may be, at the addresses contained below:

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

With copy to: Alan D. Lathrom, City Attorney  
Brown & Hofmeister, L.L.P.  
740 E. Campbell Road  
Suite 800  
Richardson, Texas 75081

Owner: Listocon Group LLC  
401 Tom Landry Highway #224196  
Dallas, Texas 75260

17. **Third Listocon Amendment Runs with the Listocon Parcel.** This Third Listocon Amendment shall be recorded in the real property records of Collin County, Texas, shall be a covenant running with the land that imposes a Priority Lien on the Listocon Parcel in an amount of Eighty-Five Thousand Dollars (\$85,000), and shall be binding on and inure to the benefit of the Owner's successors and assigns. Owner and City agree to execute any and all additional documents as may be required to perfect

such Priority Lien on the Listocon Parcel. The Owner's successors and assigns shall be considered the "Owner" for the purposes of a portion of the Listocon Parcel owned by such successors or assigns.

**18. Conflict of Interest.** To the extent that this Third Listocon Amendment (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 Third Listocon Amendment 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 Third Listocon Amendment binds all parties to the Third Listocon Amendment. 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](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.

**19. No Boycotting of Israel.** Pursuant to the requirements of Texas Government Code Chapter 2270, Owner hereby affirms and verifies by its signature on this Third Listocon Amendment below that Owner:

- (a) does not boycott Israel; and
- (b) will not boycott Israel during the term of this Third Listocon Amendment.

**20. Entire Agreement.** This Third Listocon Amendment 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 right described above in Section 11.

21. **Venue.** This Third Listocon Amendment 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.

22. **Binding Effect.** This Third Listocon Amendment shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns.

23. **Savings/Severability.** In case any one or more of the provisions contained in this Third Listocon Amendment 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 Third Listocon Amendment shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

24. **Construction.** This Third Listocon Amendment shall be construed fairly and simply, and not strictly for or against any party. Headings used throughout this Third Listocon Amendment 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 Third Listocon Amendment.

25. **Multiple Counterparts.** This Third Listocon Amendment 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 Third Listocon Amendment and caused this Amendment to be effective on the latest date as reflected by the signatures below.


**CITY OF FARMERSVILLE**



By:   
JACK RANDALL RICE  
Mayor

Date Signed: 3-26-19

ATTEST:



Third Amended and Restated Development Agreement  
(Listocon Group LLC and Reliable Ready Mix Concrete)

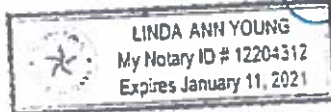
SANDRA GREEN  
City Secretary

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 26<sup>th</sup> DAY OF March, 2019.



Notary Public [Signature] County, Texas  
My commission expires 7/11/21

LISTOCON GROUP LLC, a Texas  
limited liability company

By: [Signature]  
WALTER A. HUERTA  
Director and Member

Date Signed: 3/26/2019

THE STATE OF TEXAS  
COUNTY OF Dallas

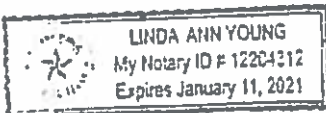
§  
§

This instrument was acknowledged before me on this day by WALTER A. HUERTA, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he is a Director and Member of LISTOCON GROUP LLC, a Texas limited liability company and that he executed the same on behalf of LISTOCON GROUP LLC for the purposes set forth therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 26<sup>th</sup> DAY OF March, 2019.

Third Amended and Restated Development Agreement  
(Listocon Group LLC and Reliable Ready Mix Concrete)

Page 10





*Linda Young*  
Notary Public Dallas County, Texas  
My commission expires 1/11/21



**EXHIBIT A**

20180801000965750 08/01/2018 03:55:24 PM CI 1/5

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**CORRECTION INSTRUMENT**

Date: August 1, 2018

Persons Executing Correction Instrument: ANANI, LLC, a Texas limited liability company,  
and LISTOCON GROUP, LLC, a Texas limited liability company

Mailing Address of Persons Executing Correction Instrument:

ANANI, LLC  
10361 Bickham Road  
Dallas, Texas 75220

LISTOCON GROUP, LLC  
401 Tom Landry Highway #224196  
Dallas, Texas 75260

**Conveyances Being Corrected:**

1. **Special Warranty Deed**

Date: May 9, 2018

Grantor: Anani, LLC, a Texas limited liability company

Grantee: Listocon Group, LLC, a Texas limited liability company

Recording information: Filed for record on May 9, 2018 with the County Clerk of  
Collin County, Texas under Instrument No.  
20180509000568520

2. **Right of First Refusal Agreement**

Date: May 9, 2018

Grantor: Listocon Group, LLC, a Texas limited liability company

Grantee: Anani, LLC, a Texas limited liability company

**CORRECTION INSTRUMENT**

Page 1 of 5

Recording Information: Filed for record on May 9, 2018 with the County Clerk of  
Collin County, Texas under Instrument No.  
20180509000568570

3. Restrictive Covenant Agreement

Date: May 9, 2018

Seller: Arani, LLC, a Texas limited liability company

Buyer: Listocon Group, LLC, a Texas limited liability company

Recording Information: Filed for record on May 9, 2018 with the County Clerk of  
Collin County, Texas under Instrument No.  
20180509000568540

Error Being Corrected: Correction to legal description of real property being conveyed to  
Grantee in original conveyance, requiring corresponding correction to the property descriptions  
attached to the Right of First Refusal Agreement and Restrictive Covenant Agreement.

Correction: The real property described on Exhibit "A" attached hereto shall replace and  
supersede the legal description attached as Exhibit "A" to the above-described Special Warranty  
Deed, Right of First Refusal Agreement, and Restrictive Covenant Agreement, which are hereby  
each amended accordingly.

Facts Relevant to the Correction: Error in the legal description attached as Exhibit "A" to  
Special Warranty Deed, Right of First Refusal Agreement and Restrictive Covenant Agreement  
through mutual mistake by parties. The parties wish to amend the legal description as provided  
herein.

Basis for Personal Knowledge of Facts Relevant to the Correction: Signatories below are  
parties and/or principals of parties to the transaction (i.e. Seller and Buyer).

Persons Executing Correction Instrument changes the Conveyance by this Correction  
Instrument.

Persons Executing Correction Instrument have personal knowledge of the Facts Relevant  
to the Correction.

Persons Executing Correction Instrument have provided a copy of this Correction  
Instrument and notice to each party to the Conveyance and the parties' heirs, successors, or  
assigns. Evidence of notice is attached to this Correction Instrument. Except as specifically set  
forth herein, all terms and conditions of the Conveyance Being Corrected described above  
remain the same.

**CORRECTION INSTRUMENT**

Page 2 of 5

ANANI, LLC, a Texas limited liability company

By: Muhammad Anani  
Muhammad Anani, Sole Member

LISTOCON GROUP, LLC, a Texas limited liability company

By: Walter Huerta  
Walter Huerta, Manager

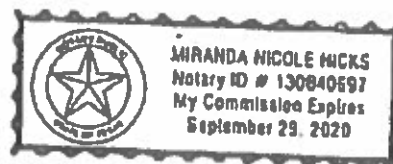
STATE OF TEXAS )

COUNTY OF DALLAS )

BEFORE ME, the undersigned authority, on this day personally appeared Muhammad Anani, proved to me through Texas Driver's License to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act of ANANI, LLC, a Texas limited liability company as its Sole Member, for the purposes and consideration therein expressed.

Given under my hand and seal of office this 1<sup>st</sup> day of August, 2018.

Miranda Nicole Hicks  
Notary Public, State of Texas  
My commission expires: 7/21/2020



CORRECTION INSTRUMENT

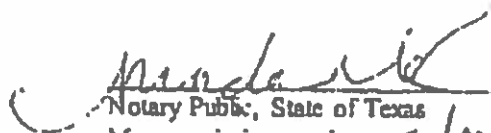
Page 3 of 5

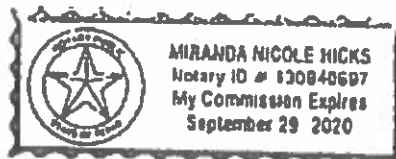
STATE OF TEXAS )

COUNTY OF DALLAS )

BEFORE ME, the undersigned authority, on this day personally appeared Walter Huerta, who proved to me through Texas Driver's License to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act of LISTOCON GROUP, LLC, a Texas limited liability company, as its Manager, for the purposes and consideration therein expressed.

Given under my hand and seal of office this 15<sup>th</sup> day of August, 2018.

  
Notary Public, State of Texas  
My commission expires: 09/29/2020



CORRECTION INSTRUMENT

Page 4 of 5

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

BEING all that tract of land in Collin County, Texas, out of the W.B. Wilham Survey, A-954, and being part of that called 31.458 acres of land described in a deed to Anani LLC as recorded under CC# 20161216001709450 of the Official Public Records of Collin County, Texas, and being further described as follows:

BEGINNING at a point in the center of County Road No. 699, on the North line of the Kansas City Southern Railroad (100'), and at the Southeast corner of said 31.458 acres;

THENCE North 84 degrees 12 minutes 52 seconds West (Directional Control Line), 552.39 feet along the North line of said railroad to a 5/8 inch steel rod set for corner;

THENCE North 00 degrees 21 minutes 00 seconds East, 400.00 feet to a 5/8 inch steel rod set for corner;

THENCE South 84 degrees 12 minutes 52 seconds East, 552.39 feet to a point for corner in the center of said County Road No. 699, from which a 5/8 inch steel rod set bears North 84 degrees 12 minutes 52 seconds West, 30.00 feet for witness;

THENCE South 00 degrees 21 minutes 00 seconds West, 400.00 feet along the center of said County Road No. 699 to the POINT OF BEGINNING, containing 5.050 acres of land.



Filed and Recorded  
Official Public Records  
State of Texas, County of  
Collin County, TEXAS  
08/01/2018 01:55:14 P  
\$42.00 SCAPELA  
20180801000965750

*Signature*

**CORRECTION INSTRUMENT**

**Page 5 of 5**

## **EXHIBIT B**

### *Performance Criteria*

Owner shall comply with the following Performance Criteria to satisfy certain of the conditions and requirements enumerated in this Third Listocon Amendment:

1. A Plat of the Listocon Parcel shall be submitted within ninety (90) days of the execution of this Third Listocon Amendment to the City for the City's review and approval and ultimately for recording with Collin County, Texas, that conforms to the requirements of the City's Subdivision Ordinance.
  - a. As a part of said Plat, Owner shall dedicate to the City such on-site easements and rights-of-way as may be necessary and required by the City's Subdivision Ordinance and the Farmersville Code for water, sanitary sewer, storm sewer and roadways to be extended to and across the Listocon Parcel at no cost to City including, but not limited to, sufficient right-of-way to allow County Road 699 to be widened from a two-lane roadway to a three-lane concrete roadway along and across the frontage of the Listocon Parcel and extending to U.S. Highway 380.
2. The Owner shall submit a voluntary petition for annexation ("Petition") to the City for consideration by the City Council within thirty (30) days after the execution of this Third Listocon Amendment.
3. Plant construction on the Listocon Parcel must be complete within two hundred seventy (270) days after the execution of this Third Listocon Amendment.
4. Invest not less than One Million Dollars (\$1,000,000) in plant equipment must be constructed on the Listocon Parcel within two hundred seventy (270) days after the execution of this Third Listocon Amendment.
5. Plant site on the Listocon Parcel must meet or exceed 6,000 cubic yards (25% capacity) per month continuously during two normal work months within three hundred sixty-five (365) days after the execution of this Third Listocon Amendment.
6. Permanent office on the Listocon Parcel must be in place within three hundred sixty-five (365) days after the execution of this Third Listocon Amendment.

Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
03/28/2019 04 07 16 PM  
\$94.00 DF05TER  
20190328000327510



A handwritten signature in cursive script, reading "Stacey Kemp".



### **Reliable Concrete Developer's Agreement Items**

- Establish \$150K escrow account and \$95K lien. A specific priority lien was not established however the development agreement is structured to give us lien capability should the terms of the development agreement not be met (complete)
- Extension of water line with meter (complete)
- Petition for annexation (complete)
- Issue CO for batch plant (complete)
- Plant exceeds 25% capacity (6,000 yards per month, 197 yards per day) per month. Currently at 300-500 yards per day (complete)
- Execute paperwork so materials sold are FOB Farmersville (19 Jun 2020)
- Pay applicable tap fees and impact fees (12 Jun 2020)
- Reimburse \$37.5K to Reliable from escrow (12 Jun 2020)
- Install lighting with no light pollution (complete)
- Complete planting of trees and grass on perimeter. Install irrigation system. Complete ground cover (17 Jul 2020)
- Complete minimum eight foot screening wall (30 Jun 2020)
- Complete platting of property. Establish use as industrial high impact (11 Aug 2020)
- Issue CO for operations building and maintenance building (14 Aug 2020)
- Construct impervious internal driveways (31 Aug 2020)
- Improvements to CR 699 (31 Aug 2020)
- Meet all requirements of performance criteria and development agreement (31 Aug 2020)

Agenda Section	Regular Agenda
Section Number	VII.E
Subject	Update regarding Nelson Bros. Ready Mix (Farmersville Plant, LLC)
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	Amended and Restated Developer's Agreement
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to a future agenda. _____</li> <li>• No motion, no action</li> </ul>



20190328000327500 03/28/2019 04:07:16 PM AG 1/11

**AFTER RECORDING, RETURN TO:**

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

STATE OF TEXAS        § AMENDED AND RESTATED DEVELOPMENT  
                                 § AGREEMENT APPLICABLE TO APPROXIMATELY  
COUNTY OF COLLIN § 26.408 ACRES OF LAND ACQUIRED BY  
                                 FARMERSVILLE PLANT, L.L.C., FROM AN  
                                 APPROXIMATE 31.458 ACRE TRACT OWNED BY  
                                 ANANI, LLC, THAT IS SUBJECT TO AN EXISTING  
                                 DEVELOPMENT AGREEMENT

This Amended and Restated Development Agreement Applicable to Approximately 26.60 acres of Land Acquired by FARMERSVILLE PLANT, L.L.C., from an Approximate 31.458 Acre Tract Owned by Anani, LLC, that is Subject to an Existing Development Agreement ("Farmersville Plant Amendment") is made and entered into pursuant to Texas Local Government Code § 212.172 as of this 26<sup>th</sup> day of March, 2019, by and between the CITY OF FARMERSVILLE, TEXAS, ("City") and FARMERSVILLE PLANT, L.L.C., a Texas limited liability company ("Owner" or "Farmersville Plant") 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 previously entered into a Development Agreement with Anani, LLC and Big D Concrete Inc. regarding the development of the property identified as Tract 9 of the W B Williams Survey, Abstract Number A0954 containing approximately 31.458 ACRES of land, more or less (the "Property") that was recorded as Clerk's Document No. 20180403000409470 in the Official Public Records of Collin County, Texas (the "Agreement"); and

WHEREAS, the Agreement runs with the Property; and

WHEREAS, Farmersville Plant purchased approximately 26.60 acres of the Property from Anani, LLC on or about September 20, 2018, by and through that certain special warranty deed that was recorded as Clerk's Document No. 20180920001180520 in the Official Public Records of Collin County, Texas ("Deed"); and

WHEREAS, Owner and City desire to amend and restate the terms and conditions of the Agreement by and through this Farmersville Plant Amendment; and

WHEREAS, Owner now owns the "Farmersville Plant Parcel", defined herein, which is situated in the extra-territorial jurisdiction of the City ("ETJ"); and

**WHEREAS**, the Owner desires to obtain water from the City, plat the Farmersville Plant Parcel with the City, and annex the Farmersville Plant Parcel into the City's corporate limits; and

**WHEREAS**, this Farmersville Plant Amendment is entered into pursuant to Section 212.172 of the Texas Local Government Code in order to address the desires of the Owner and the City; and

**WHEREAS**, the Parties acknowledge that this Farmersville Plant Amendment is binding upon the City and the Owner and their respective successors and assigns for the Term (as defined in Section 7 herein below) of this Farmersville Plant Amendment; and

**WHEREAS**, this Farmersville Plant Amendment is to be recorded in the Real Property Records of Collin County;

**WHEREAS**, the City and Owner agree this Amended and Restated Development Agreement shall supersede and replace the November 27, 2018, Listocon Amendment in its entirety;

**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. **Land Subject to Farmersville Plant Amendment.** The land that is subject to this Farmersville Plant Amendment is that approximately 26.60 acre tract of land, more or less, identified as being a part of Tract 9 of Abstract A0954 of the W.B. Williams Survey (the "Farmersville Plant Parcel") which is more particularly described in the Legal Description attached hereto as Exhibit A and incorporated herein by reference for all purposes allowed by law.

2. **Use of Farmersville Plant Parcel.** It is specifically understood that Owner plans to use the Farmersville Plant Parcel for a trailering staging operation (identified as Phase I) and a future permanent concrete batch plant (identified as Phase II) and any and all appurtenances related to such uses.

3. **Petition for Annexation.** Owner hereby agrees to submit a voluntary petition for annexation ("Petition") to the City for consideration by the City Council within one hundred eighty (180) days after the execution of this Farmersville Plant Amendment. The City will consider Owner's Petition and institute annexation proceedings in accordance with the requirements of Texas law.

4. **Platting of, and Permits for Development of, the Farmersville Plant Parcel.** It is understood and agreed that the City's Subdivision Ordinance, Ordinance #O-2018-0508-002, adopted May 8, 2018, requires that a development plat ("Plat") be submitted and approved for the Farmersville Plant Parcel. It is further understood that

Collin County, Texas will not issue any permits required for development of the Farmersville Plant Parcel until such time as the Plat of the Farmersville Plant Parcel has been recorded with Collin County or the City provides Collin County with information releasing the Farmersville Plant Parcel for permitting.

Owner has expressed to City that it is urgent for Owner to begin development of the Farmersville Plant Parcel immediately and not be delayed until such time as the Plat has been prepared by Owner's consultants, reviewed by City, recommended for approval by City's Planning and Zoning Commission, approved by the City's governing body and recorded with Collin County, Texas. City hereby agrees to work with Owner to defer the timing within which the Plat for the Farmersville Plant Parcel is required and provide Collin County with information that will allow for the issuance of permits prior to the recording of the Plat with Collin County under the assurances set forth in this Farmersville Plant Amendment.

Owner hereby agrees to promptly submit within sixty (60) days of the execution of this Farmersville Plant Amendment a Plat of the Farmersville Plant Parcel to the City for the City's review and approval and ultimately for recording with Collin County, Texas, that conforms to the requirements of the City's Subdivision Ordinance. As a part of said Plat, Owner hereby agrees to dedicate to the City such on-site easements and rights-of-way as may be necessary and required by the City's Subdivision Ordinance and the Farmersville Code for water, sanitary sewer, storm sewer and roadways to be extended to and across the Farmersville Plant Parcel at no cost to City including, but not limited to, sufficient right-of-way to allow County Road 699 to be widened from a two-lane roadway to a three-lane concrete roadway along and across the frontage of the Farmersville Plant Parcel and extending to U.S. Highway 380.

5. **Design and Construction of Improvements to County Road 699.** City and Owner agree to share in the cost to design and construct County Road 699 as a concrete roadway sufficient to handle the weight of Owner's trucks and equipment as well as the City's emergency fire equipment with up to three lanes from the southern Farmersville Plant Parcel property boundary along County Road 699 in a northerly direction to the northern boundary of the northernmost driveway entrance of the Farmersville Plant Parcel together with the related storm sewer lines and all other appurtenances (the "Roadway Section").

a. Owner agrees to supply the concrete and all necessary construction supplies and materials required for the Roadway Section.

b. City agrees to design and provide the labor to construct the Roadway Section. City makes no representations regarding the timing of City's initiation and/or completion of the design and construction of the Roadway Section.

6. **Utilities to Farmersville Plant Parcel.** Owner also agrees to pay all applicable tap fees and impact fees related to the development of the Farmersville Plant Parcel and its connection to City's utility systems.

7. **Screening of Farmersville Plant Parcel.** Owner agrees that it will screen the Farmersville Plant Parcel along its frontage with County Road 699 as well as the southern and eastern boundaries of the Farmersville Plant Parcel that are visible from U.S. Highway 380 with a minimum fifteen-foot (15') wide irrigated green space containing at least one (1) "canopy tree" per forty (40) linear feet, or portion thereof, which green space shall be placed in front of a minimum eight-foot tall brick, masonry fence or tubular steel fence with an associated "living screen"; or, other suitable screening material acceptable to the City of Farmersville. Screening and landscaping materials shall be consistent with the requirements of Sections 4.8, "Open Storage," and 4.9, "Screening, Fence and Wall Regulations," of the City of Farmersville Comprehensive Zoning Ordinance, Ordinance #O-2018-0508-001, adopted May 8, 2018.

- a. Screening for the purposes of County Road 699 shall not be required until the completion of Phase I construction.
- b. Screening for the purposes of U.S. Highway 380 shall not be required until the completion of Phase II construction.
- c. Landscaping and irrigation will not be required until ninety (90) days from the date when water is made available to the Farmersville Plant Parcel or two years from the date of this Farmersville Plant Amendment whichever event occurs first.

8. **Internal Driveways and Road Surfaces.** Owner agrees that all driveway or road surfaces within the Farmersville Plant Parcel shall be constructed using impervious materials that prevent unnecessary dust such as brick pavers, concrete, or asphalt. The impervious driveway and road surface requirement shall not be enforced until construction of phase II is complete or two years whichever comes first.

9. **Ground Cover.** Owner agrees that any area within the Farmersville Plant Parcel not dedicated to use as an operational area covered by an impervious surface shall be covered and maintained with a living ground cover or other material deemed suitable by the City of Farmersville.

10. **Lighting.** Owner agrees that all plant operational lighting shall prevent light pollution in accordance with City of Farmersville ordinances. The lights on motorized vehicles within Farmersville Plant Parcel are exempt from this requirement.

11. **Farmersville Plant Amendment to be Signed by All Owners of the Farmersville Plant Parcel.** The Owner warrants and represents to City that the Owner has the full right, power and authority to execute and deliver this Farmersville Plant Amendment without obtaining any further consents and approvals from, or the taking of any other actions with respect to any third-parties regarding the execution of this Farmersville Plant Amendment. In addition, Owner has read and fully understands this

Farmersville Plant Amendment and its effects and that it is a binding contract. This Farmersville Plant Amendment, when executed and delivered by the Owner and the City will constitute the valid and binding agreement of the Owner, enforceable against the Owner and the Farmersville Plant Parcel in accordance with its terms.

12. **Sales Tax.** All sales taxes on materials, products and services sold or provided by Owner shall be collected FOB Farmersville, Texas.

13. **Term.** This Farmersville Plant Amendment is an agreement authorized by Section 212.172 of the Texas Local Government Code. This Farmersville Plant Amendment is effective on the latest date that both the City and the Owner have duly executed this Farmersville Plant Amendment as reflected by the signatures below ("**Effective Date**"). The term of this Farmersville Plant Amendment (the "**Term**") is four (4) years from the Effective Date. This Farmersville Plant Amendment may be renewed upon written agreement of the parties.

14. **Default.** If any party breaches any of the terms of this Farmersville Plant Amendment, then that party shall be in default ("**Defaulting Party**") of this Farmersville Plant Amendment ("**Event of Default**"). If an Event of Default occurs, the non-defaulting party shall give the Defaulting Party written notice of such Event of Default, and if the Defaulting Party has not cured such Event of Default within thirty (30) days of said written notice, this Farmersville Plant Amendment is breached. Each party is entitled to all remedies available to it at law or in equity.

15. **Notice.** Any notice required or permitted to be delivered hereunder shall be deemed to be delivered, whether or not actually received, when deposited in the United States Mail, postage pre-paid, certified mail, return receipt requested, addressed to either party, as the case may be, at the addresses contained below:

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

With copy to: Alan D. Lathrom, City Attorney  
Brown & Hofmeister, L.L.P.  
740 E. Campbell Road  
Suite 800  
Richardson, Texas 75081

Owner: Farmersville Plant, L.L.C.  
721 Main Street  
Lewisville, Texas 75057

16. **Farmersville Plant Amendment Runs with the Farmersville Plant Parcel.** This Farmersville Plant Amendment shall be recorded in the real property

records of Collin County, Texas, shall be a covenant running with the land and shall be binding on and inure to the benefit of the Owner's successors and assigns. The Owner's successors and assigns shall be considered the "Owner" for the purposes of a portion of the Farmersville Plant Parcel owned by such successors or assigns.

**17. Conflict of Interest.** To the extent that this Farmersville Plant Amendment (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 Farmersville Plant Amendment 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 Farmersville Plant Amendment binds all parties to the Farmersville Plant Amendment. 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](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.

**18. No Boycotting of Israel.** Pursuant to the requirements of Texas Government Code Chapter 2270, Owner hereby affirms and verifies by its signature on this Farmersville Plant Amendment below that Owner:

- (a) does not boycott Israel; and
- (b) will not boycott Israel during the term of this Farmersville Plant Amendment.

**19. Entire Agreement.** This Farmersville Plant Amendment 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 right described above in Section 11.

20. **Venue.** This Farmersville Plant Amendment 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.

21. **Binding Effect.** This Farmersville Plant Amendment shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns.

22. **Savings/Severability.** In case any one or more of the provisions contained in this Farmersville Plant Amendment 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 Farmersville Plant Amendment shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

23. **Construction.** This Farmersville Plant Amendment shall be construed fairly and simply, and not strictly for or against any party. Headings used throughout this Farmersville Plant Amendment 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 Farmersville Plant Amendment.

24. **Multiple Counterparts.** This Farmersville Plant Amendment 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 Farmersville Plant Amendment and caused this Farmersville Plant Amendment to be effective on the latest date as reflected by the signatures below.

CITY OF FARMERSVILLE

By:   
JACK RANDALL RICE  
Mayor

Date Signed: 3-26-19

ATTEST:

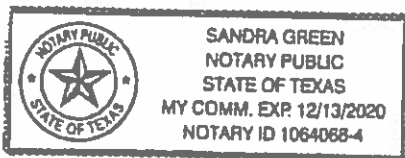
  
SANDRA GREEN  
City Secretary



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 26<sup>th</sup> DAY OF MARCH, 2019.



  
Notary Public Collin County, Texas

My commission expires 12-13-2020

**FARMERSVILLE PLANT, L.L.C.**, a  
Texas limited liability company

By:   
TONY STRICKLAND  
Senior Vice President


Date Signed: 3-26-19

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 Senior Vice-President of **FARMERSVILLE PLANT, L.L.C.**, a Texas limited liability company, and that he executed the same on behalf of said limited liability company for the purposes set forth therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE 26 DAY OF MARCH, 2019.

  
Notary Public Denton County, Texas  
My commission expires 1-8-20



**EXHIBIT A**  
*Description of Property*

Being all that certain tract of land lying in the W.B. Williams Survey, Abstract Number 954, Collin County, Texas, and being a 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 "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 PLACE OF BEGINNING, containing 26.60 acres of land more or less.

Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
03/28/2019 04:07:16 PM  
\$66.00 DFOSTER  
20190328000327500



A handwritten signature in cursive script, reading "Stacey Kemp".

Agenda Section	Regular Agenda
Section Number	VII.F
Subject	Update regarding the Historical Preservation Ordinance and related district boundaries.
To	Mayor and Council Members
From	Ben White, City Manager
Date	June 9, 2020
Attachment(s)	None
Related Link(s)	<a href="http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php">http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php</a>
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> <li>• Motion/second/vote <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Approve with Updates</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve</li> <li><input type="checkbox"/> Disapprove</li> </ul> </li> <li>• Move item to a future agenda. _____</li> <li>• No motion, no action</li> </ul>

## **VIII. EXECUTIVE SESSION**

## **IX. RECONVENE FROM EXECUTIVE SESSION**



## **X. Requests to be Placed on Future Agendas**

## **XI. Adjournment**