



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
April 13, 2021, 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, Rick Ranspot, Kim Morris, Daphne Hamlin, Michael Sullivan and City Attorney Alan Lathrom were also present.
- Prayer was led by Mike Henry followed by the pledges to the United States and Texas flags.
  - Calendar of upcoming holidays and meetings.
  - Applications for Boards and Commissions are now being accepted. An application can be downloaded on the website or picked up at City Hall.
  - Early voting will begin on Monday, April 19th for the Farmersville General Election.
  - Celebrate Trails Day will be Saturday, April 24<sup>th</sup>.
  - The City Council Meeting on Tuesday, April 27<sup>th</sup> will begin at 7:30 p.m. due to early voting in the Council Chambers.
    - Mayor Wiebold congratulated the Chamber of Commerce for their annual banquet that was very successful.
    - Ben White stated the Fire Department received an ISO Level 2 rating which is the highest rating without having a full-time fire department. He said that rating is good for 10 years.

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

- No one came forward in person or via teleconference.

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

- No one came forward in person or via teleconference.

### 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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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 Racial Profiling Report
- C. Public Works Report
- D. City Manager’s Report
  - Motion to approve made by Jim Hemby
  - 2<sup>nd</sup> to approve was Mike Henry
  - All council members voted in favor

### V. INFORMATIONAL ITEMS

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

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

- A. City Amenities Board
  - 1. Minutes
  - 2. Possible Council Liaison Report
    - Terry Williams said they are going over the Senior Citizens rules and regulations.
  
- B. Farmersville Community Development Board (Type B)
  - 1. Financials
  - 2. Possible Council Liaison Report
  
- C. FEDC Farmersville Economic Development Board (Type A)
  - 1. Minutes
  - 2. Financials
  - 3. Possible Council Liaison Report
  
- D. Main Street Board
  - 1. Possible Council Liaison Report
  
- E. Parks & Recreation Board
  - 1. Possible Council Liaison Report
  
- F. Planning & Zoning Commission
  - 1. Possible Council Liaison Report
  
- G. TIRZ Board
  - 1. Financials
  - 2. Possible Council Liaison Report
  
- H. City Manager's Verbal Report
  - Update on the contract for the Wastewater Treatment Plant #1 tricking arm filter.
    - Ben White stated the contract documents are signed and a pre-construction meeting was held. He explained the completion date, according to the contract, is the end of year but the contractor believes they can complete it by September.
  - Update on the construction of County Road 699
    - Ben White stated the concrete work is complete.
  - Update on Collin Parkway and Farmersville Parkway

- Ben White stated the utilities are complete, but the concrete is in short supply and it is being rationed. He said he has seen there are nationwide shortages and that fly ash is down as well. He indicated the contractor cannot do lime stabilization until they know when they can get concrete. They have moved the completion date to June.
- Update on boundary agreements
  - Ben White stated they held a meeting with Mayor Holt of Josephine and we are just waiting to hear back from him regarding the documents.
- Update on the Historic Preservation Ordinance
  - Ben White stated the committee is wanting to review the sign ordinance after the Historic Preservation Ordinance. He said they are meeting and currently reviewing other preservation ordinances so they can draft an ordinance that can be recommended to the Planning & Zoning Commission and then Council.

## **VI. PUBLIC HEARING**

- A. Public hearing to consider, discuss and act upon Ordinance #O-2021-0413-001 regarding text amendments to Chapter 77, "Zoning," of the Farmersville Code, as previously amended, by deleting the definition of "High Impact Use" from Section 77-29; by changing the zoning classification names of "Heavy Industrial" and "High Impact Industrial" to "HI-1 - Heavy Industrial-1" and "HI-2 - Heavy Industrial-2," respectively, in Sections 77-41, 77-53(f), 77-53(g), and 77-46; by further amending Sections 77-53(e) through (g) to identify the respective purposes of the "LI - Light Industrial," "HI-1 - Heavy Industrial-1" and "HI-2 - Heavy Industrial-2," zoning classifications together with the permitted and prohibited land uses, the area and yard and bulk requirements, and the development standards applicable to each of those zoning classifications; by further amending Section 77-46 to identify the uses allowed by right, or otherwise, in the "LI," "HI-1" and "HI-2" zoning classifications; by amending Section 77-49 by adding a new Paragraph (m), entitled "Concrete/Asphalt Batching Plant (Not Temporary)," establishing certain standards specific to a Non-Temporary Concrete/Asphalt Batching Plant seeking a Specific Use Permit; by amending Section 77-54(a) as it applies to uses allowed in the "LI," "HI-1," and "HI-2" zoning classifications; by amending Section 77-67(c)(6) to change the references to "Industrial District" to reflect the changes made by this ordinance; and, by amending Section 77-69(b)(1)c to change the references to "HI - Heavy Industrial District" to reflect the changes made by this ordinance;

and make such other and further related changes as may be necessary to the "LI," "HI-1," and "HI-2" zoning classifications as determined by the City Council.

- **AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERSVILLE, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 77, ENTITLED "ZONING," OF THE FARMERSVILLE CODE BY AMENDING SECTION 77-29, ENTITLED "DEFINITIONS," BY DELETING THE DEFINITION OF "HIGH IMPACT USE" IN ITS ENTIRETY, BY AMENDING SECTION 77-41, "ESTABLISHMENT OF ZONING DISTRICTS," AND SECTION 77-53, "NON-RESIDENTIAL AND MIXED-USE ZONING DISTRICT REGULATIONS," TO CHANGE THE ZONING CLASSIFICATION NAMES OF "HEAVY INDUSTRIAL" AND "HIGH IMPACT INDUSTRIAL" TO "HI-1 - HEAVY INDUSTRIAL-1" AND "HI-2 - HEAVY INDUSTRIAL-2," RESPECTIVELY, AND AMEND THE LAND USES AND RELATED LAND DEVELOPMENT STANDARDS ALLOWED IN THE "LI - LIGHT INDUSTRIAL," "HI-1 - HEAVY INDUSTRIAL-1" AND "HI-2 - HEAVY INDUSTRIAL-2," ZONING CLASSIFICATIONS SET OUT IN SECTIONS 77-53(E) THROUGH (G), RESPECTIVELY, OF THE FARMERSVILLE CODE, BY AMENDING SECTION 77-46, ENTITLED "SCHEDULE OF PERMITTED USES," TO CHANGE THE ZONING CLASSIFICATION NAMES OF "HEAVY INDUSTRIAL" AND "HIGH IMPACT INDUSTRIAL" TO "HI-1 - HEAVY INDUSTRIAL-1" AND "HI-2 - HEAVY INDUSTRIAL-2" DISTRICTS, RESPECTIVELY, AND TO IDENTIFY THE USES ALLOWED IN THE "LI - LIGHT INDUSTRIAL DISTRICT," "HI-1 - HEAVY INDUSTRIAL-1 DISTRICT" AND "HI-2 - HEAVY INDUSTRIAL-2 DISTRICT" ZONING CLASSIFICATIONS; BY AMENDING SECTION 77-49, "USE-SPECIFIC REGULATIONS," BY ADDING A NEW PARAGRAPH (M), ENTITLED "CONCRETE/ASPHALT BATCHING PLANT (NOT TEMPORARY)," ESTABLISHING CERTAIN STANDARDS SPECIFIC TO A NON-TEMPORARY CONCRETE/ASPHALT BATCHING PLANT SEEKING A SPECIFIC USE PERMIT; BY AMENDING SECTION 77-54(A), ENTITLED "HIGHWAY COMMERCIAL OVERLAY DISTRICT," AS IT APPLIES TO USES ALLOWED IN THE "LI - LIGHT INDUSTRIAL DISTRICT," "HI-1 - HEAVY INDUSTRIAL-1 DISTRICT," AND "HI-2 - HEAVY INDUSTRIAL-2 DISTRICT" ZONING CLASSIFICATIONS; BY AMENDING SECTION 77-67, ENTITLED "EXTERIOR CONSTRUCTION STANDARDS FOR STRUCTURES," BY AMENDING PARAGRAPH (C), ENTITLED "NON-RESIDENTIAL STRUCTURES," BY AMENDING SUBPARAGRAPH (6) TO CHANGE THE REFERENCES TO INDUSTRIAL DISTRICT TO REFLECT THE CHANGES MADE BY THIS ORDINANCE; AND, BY AMENDING SECTION 77-69, ENTITLED "SCREENING, FENCE AND WALL REGULATIONS," BY AMENDING PARAGRAPH (B), ENTITLED "GENERAL FENCE AND WALL REGULATIONS," BY AMENDING SUBPARAGRAPH (1)C TO CHANGE THE REFERENCES TO "HI -**

**HEAVY INDUSTRIAL DISTRICT” TO REFLECT THE CHANGES MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING 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 6:10 p.m.
- Tony Strickland, with Nelson Bros. Concrete, was on teleconference and stated they have taken over the Patriot Concrete Plant and they plan to cooperate with the city in regards to development. He explained they started operations on that plant approximately three weeks ago.
- Mayor Wiebold asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 6:13 p.m.
- Ben White went over the overall document pointing out how HI-2 – High Industrial 2 would allow batch plants with an approval of a specific use permit. With the SUP they would be allowed an initial 20 year period and an additional 10 year extension to operate.
- Craig Overstreet asked about the time frame spelled out for the SUP. He wanted to know why a 30 year SUP was being proposed.
- Alan Lathrom stated he was just asked to prepare the ordinance with those time frames. He said usually an SUP runs with the land with no time limit attached to it.
- Dwain Mathers asked why we are putting a time frame in the ordinance instead of considering each case on an individual basis.
- Alan Lathrom stated it was added as recommended by the Planning & Zoning Commission.
- Ben White stated in the future if someone would like to receive the HI-2 zoning they would have to apply before they could have a batch plant. The Council could deny the application at that point.
- Alan Lathrom stated they could go into executive session to discuss the term limits set out in the ordinance.
- Mayor Wiebold announced Council would go into executive session at 6:20 p.m. to discuss legal issues with the terms of the timeframes set out for SUP’s in the ordinance.
- Alan Lathrom explained the Council would enter into executive session under Section 551.071 of the Texas Government Code.
- Mayor Wiebold stated Council would reconvene from executive session at 6:45 p.m.

- Mike Henry wanted more discussion on whether to operate batch plants as an SUP with the 20 years and 10 additional years, or consider reducing the timeframe.
- Dwain Mathers stated he did not like the 20 years with a 10 year extension. He said that 15 years with a 5 year extension would make more sense. He explained other cities do not allow the 20 years.
- Craig Overstreet stated he thought the Planning & Zoning Commission did a lot a work on the ordinance and he appreciates it. He believes the time frames were too long as well. He indicated other cities do not allow the SUP's that long either. He thinks 15 years with a 5 year extension would be fine.
  - Motion to approve the ordinance with a change of the SUP timeframe to 15 years with a 5 year extension made by Dwain Mathers
  - 2<sup>nd</sup> was made by Mike Henry
  - All council members voted in favor

**VII. READING OF ORDINANCES**

A. Consider, discuss and act upon the first and only reading of Ordinance #O-2021-0413-002 regarding a budget amendment for Police Department surplus auction items.

- **AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2020 – 2021 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS, APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HERewith; 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.

- Chief Sullivan stated this amendment was for the sale of their surplus items that went to auction. He explained with the money they are replacing all the cameras at the Onion Shed and purchasing other items they need.
  - Motion to approve made by Craig Overstreet
  - 2<sup>nd</sup> was made by Mike Henry
  - All council members voted in favor

**VIII. REGULAR AGENDA**

- Mayor Wiebold wanted to hear Item G first. Item G was to Consider, discuss and act upon a Sub-Recipient Agreement to the Cooperative

Agreement between the U.S. Fish and Wildlife Service and Native Prairies Association of Texas regarding Southlake Prairie.

- Ben White stated we are receiving a grant for a native prairie grassland. He said there are cedar trees and locust trees which need to be cut down to preserve the native prairie grassland. He explained the grant would allow us to receive the money to cut the trees down. He said we would have to have the trees cut down and the area preserved by June of this year to receive the money.
- Mayor Wiebold introduced Professor White to the Council.
- Professor White addressed Council and stated that less than 1% of prairie land remains in the state. Over the last one hundred years the prairies have grown up with trees that ruin the native prairie grassland. He explained that with the growth that is coming they will be wonderful open spaces for the city. He said there will be additional monies to the cities that preserve these areas.
- Craig Overstreet asked if there would be an ongoing maintenance cost the city would have after we cut down the trees.
- Professor White stated that he would not think so.
- Ben White stated he has learned a lot from this experience. He said he found out that we were mowing some of the prairie land which is no longer being mowed at this time.
- Terry Williams asked if this would be something that would bring people to Farmersville.
- Professor White said absolutely.
- Alan Lathrom stated the agreement states the city has the obligation to maintain the restored habitat through March 19, 2031.
- Mayor Wiebold said that essentially we are cutting trees and letting the grass grow.
  - Motion to approve made by Mike Henry
  - 2<sup>nd</sup> was made by Jim Hemby
  - All council members voted in favor

A. Consider, discuss and act upon the engineering proposals received for services associated with the City's 2021/22 TxCDBG Community Development Fund application.

- Ben White said we are trying to apply for two grants. One would be to improve Davis Street because it has flooding issues and because it meets the income levels. He said the street is in poor condition. He indicated the other grant would improve streets and public access around the Best Center and the Historical Museum. He said the David Street match would come out of the general fund street projects, and for Main Street he would get the



match from the general fund or he would go to the FCDC to ask for the funds. He said the scoring committee reviewed two engineering firms for the design of the projects. He said the scoring committee recommended Dunaway/DBI as the engineering firm.

- Motion to approve Dunaway/DBI as the engineering firm for both grants made by Mike Henry
  - 2<sup>nd</sup> was made by Terry Williams
  - All council members voted in favor
- B. Consider, discuss and act upon the engineering proposals received for services associated with the City's 2021 TxCDBG Main Street Fund application.
- See motion above that Council made for both item A and B.
- C. Consider, discuss and act upon Resolution #R-2021-0413-001 authorizing submission of an application to the TDA for the TxCDBG Community Development Fund.
- Mike Henry asked if the city would be able to handle the match amount in the grants if awarded.
  - Ben White indicated we would.
  - Charles Edwards, our grant writer, indicated that the \$17,500.00 stated in the resolution was a typographical error and it should be \$52,500.00.
- Motion to approve the resolution with the revision of the match amount being changed to \$52,500.00 made by Mike Henry
  - 2<sup>nd</sup> was made by Craig Overstreet
  - All council members voted in favor
- D. Consider, discuss and act upon Resolution #R-2021-0413-002 authorizing submission of an application to the TDA for the TxCDBG Main Street Fund.
- Motion to approve made by Craig Overstreet
  - 2<sup>nd</sup> was made by Terry Williams
  - All council members voted in favor
- E. Consider, discuss and act upon Resolution #R-2021-0413-003 identifying blighted areas in the Downtown District related to the TxCDBG Main Street Fund application.

- Charles Edwards stated the program requires the city meet one of HUD's national objectives of blighted areas, which are areas of deteriorated sidewalks and other public safety concerns.
    - Motion to approve made by Terry Williams
    - 2<sup>nd</sup> was made by Jim Hemby
    - All council members voted in favor
- F. Consider, discuss and act upon Resolution #R-2021-0413-004 regarding a Citizen Participation Plan related to TXCDBG funding.
- Ben White stated this resolution points out that we have to have a citizen participation plan.
  - Charles Edwards explained the grants require a citizen participation plan to be on file for the project. He said it offers the public the option to comment on the grant and it gives guidance indicating the application is on file for review.
    - Motion to approve made by Mike Henry
    - 2<sup>nd</sup> was made by Jim Hemby
    - All council members voted in favor
- G. Consider, discuss and act upon a Sub-Recipient Agreement to the Cooperative Agreement between the U.S. Fish and Wildlife Service and Native Prairies Association of Texas regarding Southlake Prairie.
- This item was discussed earlier in the agenda
- H. Consider, discuss and act upon Covid-19 funding for small businesses.
- Alan Lathrom stated he went back through the grant documents and those funds cannot be used to establish grants for business owners.
- I. Consider, discuss and act upon a beneficiary letter for the Bain-Honaker House.
- Ben White stated the Historic Society wanted the city to create a letter that would give the city the ability to take over the property if the Historic Society was ever dissolved.
  - Alan Lathrom stated he created a trust agreement that would have the Historical Society deed over the Bain-Honaker house and property to the city and the city would hold the deed in trust until such time the Historical Society

is dissolved or no longer function. Then, at that point the city would have the ability to step in and record the deed with Collin County. He said there is nothing in the trust agreement that obligates the city to do anything beyond that.

- Craig Overstreet asked about liability insurance and if the Bain-Honaker house is currently handling that.
- Alan Lathrom stated he did not know, but under the agreement the city would not own the property at this time and would have no obligation or responsibility for it until the city would record the deed.
- Dwain Mathers asked if the city would become the beneficiary if the Historical Society dissolves.
- Alan Lathrom explained that if the Historical Society dissolves the city would have the authority to record the deed and then the property would belong to the city.
- Craig Overstreet asked if we established the ownership of the Bain-Honaker house.
- Alan Lathrom stated he has not completed a title search on the property.
- Craig Overstreet asked if we would complete a title search before the deed would be filed.
- Alan Lathrom stated we could add requirements in the agreement to say they own the property, that it is property insured by the Historical Society and that there are no liens on the property.
- Craig Overstreet wanted to make sure it had language that if and when the deed was filed the city could do anything with the property they wanted to.
  - Motion to table made by Mike Henry
  - 2<sup>nd</sup> was made by Jim Hemby
  - All council members voted in favor

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

None


#### **IX. ADJOURNMENT**

Meeting was adjourned at 7:41p.m.

APPROVE:

  
Bryon Wiebold, Mayor

ATTEST:

  
Sandra Green, TRMC  
City Secretary

