



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
April 28, 2021, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Wiebold called the meeting, which was continued from the previous night, to order at 6:00 p.m. Council members Mike Henry, Craig Overstreet, Dwain Mathers and Terry Williams were all present. Jim Hemby was not in attendance. City staff members Ben White, Sandra Green, Rick Ranspot, Kim Morris, Daphne Hamlin and City Attorney Michael Martin were also present.
- Prayer was led by Craig Overstreet followed by the pledges to the United States and Texas flags.
 - Calendar of upcoming holidays and meetings.
 - Applications for Boards and Commissions are now being accepted. An application can be downloaded on the website or picked up at City Hall.
 - Citywide Clean Up Day will be held on Saturday, June 26th from 7 a.m. to 1 p.m.
 - Bois D'Arc Lake is starting to fill up. See flyer in agenda packet for more information.
 - Mayor Wiebold said May 1st is Election Day.
 - Mayor Wiebold stated the Council would like to remember Mr. Hemby and to let him know their thoughts and prayers are with him while he is recovering.
 - Mayor Wiebold explained that on May 8th there will be a Sister City signing ceremony at Collin College starting at 10:00 a.m.

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

- Allison Mathers who resides at 109 College Street addressed Council and stated the recommendation from the Historic Preservation Ad Hoc Committee was to

continue with the current sign ordinance until they have time to go through the changes to the ordinance. They need time to discover the historical aspects and pros and cons on whether it is safe to paint signs on buildings downtown.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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. City Financial Report
 - Motion to approve made by Mike Henry
 - 2nd made by Terry Williams
 - All council members voted in favor

V. INFORMATIONAL ITEMS

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

Consideration and discussion regarding the following matters, minutes and reports, which consideration and discussion may also include or pertain to individual items and projects set forth in such matters, minutes and reports, as well as related

background information and plans for future completion, performance or resolution as may be necessary to understand such individual items and projects and the City's related operation:

- A. City Amenities Board
 - 1. Possible Council Liaison Report

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

- C. FEDC Farmersville Economic Development Board (Type A)
 - 1. Possible Council Liaison Report
 - Dwain Mathers stated the consultant they hired, Mr. Last, came and gave a briefing regarding hiring an EDC Director. At the next meeting they will discuss budget and what hiring might involve.

- D. Main Street Board
 - 1. Possible Council Liaison Report

- E. Parks & Recreation Board
 - 1. Possible Council Liaison Report

- F. Planning & Zoning Commission
 - 1. Minutes
 - 2. Possible Council Liaison Report
 - Mike Henry stated there was a public hearing to discuss the zoning change that is on the City Council agenda. He said they passed the zoning 4-1.

- G. TIRZ Board
 - 1. Possible Council Liaison Report

VI. PUBLIC HEARING

- A. Public hearing to consider, discuss and act upon Ordinance #O-2021-0427-001 regarding an application requesting a change in zoning on approximately 37 acres of land, more or less, from A – Agricultural District Uses to PD – Planned Development District with a base zoning designation of C – Commercial District Uses on approximately 15.26 acres of land and a base zoning designation of MF-2 -- Multifamily Residence-2 District Uses on approximately 21.74 acres of land. The property is generally situated along the south side of County Road 611 and the north side of the access road between State Highway 78 and westbound Audie Murphy Parkway (U.S. Highway 380) and the northwestern side of a portion of State Highway 78, in the W.B. Williams Survey, Abstract A-952, in the City of Farmersville, Collin County, Texas.

- **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 2018-0508-001, AS AMENDED, BY CHANGING THE ZONING ON APPROXIMATELY 37 ACRES OF LAND SITUATED ALONG THE SOUTH SIDE OF COUNTY ROAD 611 AND THE NORTH SIDE OF THE ACCESS ROAD BETWEEN STATE HIGHWAY 78 AND WESTBOUND AUDIE MURPHY PARKWAY (U.S. HIGHWAY 380) AND THE NORTHWESTERN SIDE OF A PORTION OF STATE HIGHWAY 78 IN THE W.B. WILLIAMS SURVEY, ABSTRACT NO. 952, IN THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS, FROM A - AGRICULTURAL DISTRICT USES TO PD - PLANNED DEVELOPMENT DISTRICT (PD#2021-0427-001) WITH A BASE ZONING DISTRICT CLASSIFICATION OF C - COMMERCIAL DISTRICT ON APPROXIMATELY 15.26 ACRES OF SUCH LAND AND A BASE ZONING DISTRICT OF MF-2 - MULTIFAMILY RESIDENCE-2 ON APPROXIMATELY 21.74 ACRES OF SUCH LAND USES IN ACCORDANCE WITH THE SPECIFIC REQUIREMENTS STATED HEREIN AND EXHIBITS ATTACHED HERETO; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

This ordinance shall take effect immediately from and after its passage and publication as provided by law.

- Mayor Wiebold opened the public hearing at 6:11 p.m.
- Matt Moore with Clay Moore Engineering stated he was in attendance on behalf of Brown & Griffin Real Estate. They are requesting rezoning for the property at the northwest quadrant of State Highway 78 and U.S. Highway 380 from Agricultural to a Planned Development District with commercial and multi-family. He said the property is unique because it will have challenging access off of State Highway 78 and Farmersville Parkway on the north. He explained there is existing industrial uses to the west of the property, but their approach is to set up office/flex space to buffer the multi-family from the industrial. He said the requested uses are compatible with the Comprehensive Plan and they have met with city staff regarding the site. He said they have some site constraints that will affect how many apartments units they will be able to build. He explained currently they do not have a plan for the multi-family and it will be something they will do down the road. He stated if the size of the property for the multi-family was a concern they could maybe cap the number of units they could have. He said that 350 units would be typical for the property size.
- Mayor Wiebold asked if anyone else wanted to speak for or against the zoning change.

- No one came forward so he closed the public hearing at 6:14 p.m.
- Mike Henry asked about the entrances to the property.
- Matt Moore stated they have not planned it yet, but they are looking at probably three entrances.
- Mike Henry stated one thing he liked about the layout is the buffer zone from the industrial.
- Dwain Mathers asked what the office space would be.
- Matt Moore stated it would be for the service industry for office spaces and smaller warehouses.
- Dwain Mathers asked what the concerns of the Planning & Zoning Commission were.
- Matt Moore stated they were concerned about the density of the multi-family tract and truck traffic.
- Craig Overstreet said he was a little concerned about the density. He also indicated that if they were to develop the multi-family soon it would have a great impact on the school district.
- Leaca Caspari stated the zoning fits within the future land use plan and it does make sense. Her only concern was access to the property. She said the fact that there are a lot of easements on the property will put limitations on the site. She indicated the traffic was a concern for Mr. Hesse on the Planning & Zoning Commission.
- Dwain Mathers asked if Council thought there would be traffic issues for the site.
- Craig Overstreet stated they have not submitted a site plan, so who could say at this point.
- The Council wanted to limit the units of the apartment complex in order to control the density.
 - Motion to approve the zoning change with a restriction of 350 units on the MF-2 tract made by Mike Henry
 - 2nd was made by Terry Williams
 - All council members voted in favor, except Craig Overstreet who voted no

VII. READING OF ORDINANCES

- A. Consider, discuss and act upon the first reading of Ordinance #O-2021-0511-001 regarding an amendment to the Sign Ordinance pertaining to painted signs on walls.

- **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING CHAPTER 56, "SIGNS AND ADVERTISING," THROUGH THE AMENDMENT OF ARTICLE II**

“DEFINITIONS AND REGULATIONS,” OF THE CITY’S CODE OF ORDINANCES BY AMENDING SECTION 56-31, “DEFINITIONS; SIGN REGULATIONS AND REQUIREMENTS,” BY AMENDING THE DEFINITIONS FOR THE FOLLOWING WORDS OR PHRASES “CENTRAL AREA (CA) ZONING DISTRICT OR CA – CENTRAL AREA DISTRICT,” “GRAFFITI,” “MURAL,” “REAR WALL SIGN,” AND “WALL SIGN,” BY AMENDING SECTION 56-32, “PROHIBITED SIGNS” BY AMENDING SUBPARAGRAPH (L) TO PROHIBIT A SIGN TO BE PAINTED DIRECTLY ON TO THE EXTERIOR WALL OR FACADE OF A BUILDING OR STRUCTURE IN THE CENTRAL AREA (CA) ZONING DISTRICT SAVE AND EXCEPT A MURAL (IF OTHERWISE PERMITTED), A REAR WALL SIGN, AND/OR A WALL SIGN, AND BY AMENDING SECTION 56-53, “SIGNS FOR THE CENTRAL AREA (CA) ZONING DISTRICT” TO ALLOW A MURAL (IF OTHERWISE PERMITTED), A REAR WALL SIGN, AND/OR A WALL SIGN, TO BE PAINTED DIRECTLY ON TO THE EXTERIOR WALL OR FACADE OF A BUILDING OR STRUCTURE IN THE CENTRAL AREA (CA) ZONING DISTRICT; REPEALING ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

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

- Ben White stated he had another business downtown that painted a sign on the wall of their building. He explained he had the Building Official, Charles Kirk, conduct a survey of the buildings downtown that already had paint on the bricks. He said there are clear indications from others in the city that from historical purposes they do not want people to paint on the brick. He said he will have to enforce the current sign ordinance if Council does not make a determination to change the ordinance. If Council does not want to approve the ordinance he will give everyone two weeks to remove the signs.
- Craig Overstreet stated that it is very important for the city to enforce the ordinances we have in place. We have a process and we need to honor it. He said right now the ordinance says businesses cannot have signs painted on the buildings. He said the law needs to be enforced.
- Ben White stated the last sign that was put up was done without a permit. The inspector told them to stop painting the sign and the owner refused.
- Dwain Mathers wanted to speak on the topic.

- Ben White indicated that one of the buildings he owns was the topic of discussion so he should recuse himself.
- Dwain Mathers would not recuse himself. He stated the Historic Preservation Ad Hoc Committee was supposed to have meetings to discuss the signs being painted on the walls and they have not had enough meetings yet. He said the signs need to be done historically correct.
- Leaca Caspari stated the Planning & Zoning Commission was asked to appoint this committee. She indicated city staff did not do much to get the meetings started. It is not the committee's fault the topic has not been discussed and decisions have not been made on sign ordinance changes.
- Donna Williams who resides at 1985 State Hwy. 78 stated she went to the Main Street Board Historical Society meeting and they stated you should not paint on the buildings.
- Allison Mathers requested that Council not approve the ordinance and wait until the Historic Preservation Ad Hoc Committee could review it and make a determination.
 - Motion to deny the changes and amendments to the current sign ordinance and to enforce the current sign ordinance made by Craig Overstreet
 - 2nd was made by Mike Henry
 - Council Members voted as follows:
 - Dwain Mathers did not vote
 - Mike Henry voted yes
 - Terry Williams voted no
 - Craig Overstreet voted yes

VIII. REGULAR AGENDA

A. Consider, discuss and act upon an agreement with the Farmersville Historic Society agreement for the Bain-Honaker House.

- Ben White stated the changes requested by Council were made in relation to liability to the city.
 - Motion to approve made by Craig Overstreet
 - 2nd was made by Terry Williams
 - All council members voted in favor

- B. Consider, discuss and act upon Resolution #R-2021-0427-001 regarding Texas-New Mexico Power Company's application to amend its distribution cost recovery factor to increase distribution rates within the city.
- Motion to approve made by Terry Williams
 - 2nd was made by Mike Henry
 - All council members voted in favor
- C. Consider, discuss and act upon Resolution #R-2021-0427-002 regarding Oncor Electric Delivery Company LLC's application to amend its distribution cost recovery factor to increase distribution rates within the city.
- Motion to approve made by Craig Overstreet
 - 2nd was made by Mike Henry
 - All council members voted in favor
- D. Consider, discuss and act upon a development agreement with Lakehaven Municipal Utility District.
- Ben White went over the development agreement and highlighted some major points in the agreement.
 - Dwain Mathers asked about the shortage of police and fireman within the city and asked if Lakehaven would help pay for additional staff that would house the fire station in Lakehaven.
 - Ben White stated it would be based on a pro rata of the population being protected.
 - Eddy Daniel stated the development is in the city's fire district and whether we get money or not we have to respond to calls in Lakehaven.
 - Ben White stated the county pays us per run for fire service in the county. He went on to discuss the wastewater treatment plant information in the agreement.
 - Craig Overstreet asked if right-of-way has been obtained for the sewer line from the city to Lakehaven.
 - Eddy Daniel said we have the interceptor line location chosen, but the right-of-way has not been acquired yet because it is expensive.
 - Ben White stated there are still items being negotiated and the agreement would be on the next agenda for approval.
- E. Update regarding the actual vs. budget.
- Daphne Hamlin went over the major expenditures that have taken place and compared those to the budget.

VIII. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Craig Overstreet wanted street maintenance and repairs, update on the home improvement incentive program, and boundary agreements on the agenda.
- Mike Henry wanted an update on Collin Parkway.


IX. ADJOURNMENT

Meeting was adjourned at 8:10 p.m.

APPROVE:


Bryon Wiebold, Mayor

ATTEST:


Sandra Green, TRMC
City Secretary

