



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
For
May 25, 2021, 6:00 P.M.**

I. PRELIMINARY MATTERS

- Mayor Wiebold called the meeting to order at 6:00 p.m. Council members, Craig Overstreet, Ted Wagner and Mike Henry were in attendance. Terry Williams and Lance Hudson were absent. City staff members Ben White, Sandra Green, Rick Ranspot, Kim Morris, Michael Sullivan, Daphne Hamlin, Kevin Lisman and City Attorney Alan Lathrom were also present.
- Prayer was led by Kim Morris, Fire Chief, followed by the pledges to the United States and Texas flags.
 - Announcements
 - 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.
 - City Hall will be closed Monday, May 31st in observance of Memorial Day.
 - Citywide Clean Up Day will be held on Saturday, June 26th from 7 a.m. to 1 p.m.

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

- No one came forward to speak.

III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

- No one came forward to speak.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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. Board of Adjustment Meeting Minutes
- B. City Council Special Meeting Minutes
- C. City Council Regular Meeting Minutes
- D. City Financial Report

- Craig Overstreet pulled the City Financial Report.
 - Motion to approve items A-C made by Craig Overstreet
 - 2nd was made by Mike Henry
 - All council members voted in favor
- Craig Overstreet asked questions regarding the Financial Report. He asked Daphne Hamlin about the city water sales and indicated that it was below budget and wanted to know why.
- Daphne Hamlin stated sales usually increase in July and August.
- Craig Overstreet asked how the Wastewater Treatment Plant 1 repair was going to be handled and if it was coming out of the wastewater account.
- Daphne Hamlin indicated that would be coming from the bond that was through the Texas Water Development Board.
- Craig Overstreet also asked about the impact fees and wanted to know why the amount has gone up.
- Daphne Hamlin explained it was from Camden Park Phase 3 being built.
- Craig Overstreet stated there was a transfer out of the electric fund for \$800,000.00 and asked if that was for.
- Daphne Hamlin stated it was the bond the city received to pay off the cost to Garland Power & Light for the winter storm we had in February.
 - Motion to approve City Financial Report made by Craig Overstreet
 - 2nd was made by 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. 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. Minutes
 - 2. Possible Council Liaison Report
 - Mayor Wiebold said he spoke to Matt Crowder with 4A who stated they are still working with the consultant, Mr. Glass, regarding the possibility of hiring an EDC Director. He said they are continuing to work on their budget.

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

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

F. Planning & Zoning Commission

1. Minutes
2. Possible Council Liaison Report
 - Mike Henry stated they held a public hearing regarding the zoning case for the 12 acres on U.S. Highway 380 from Commercial to Multifamily Residence 2 and it was approved by a 3-2 vote. He said they also reviewed and approved the concept plan for Lakehaven MUD, a preliminary plat for Lakehaven MUD, and a preliminary plat for the HCG Addition, Lot 1 & 2.

G. TIRZ Board

1. Possible Council Liaison Report

VI. **PUBLIC HEARING**

A. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission and Ordinance #O-2021-0525-001 regarding an application requesting a change in zoning on approximately 12 acres of land, more or less, from C – Commercial District Uses to MF-2 – Multifamily Residence-2 District Uses for an apartment complex. The property is generally situated at the back of 2144 West Audie Murphy Parkway., and generally located in the Farmersville West Addition, being a portion of Lot 1, out of the W.B. Williams Survey, Abstract-952, of Farmersville, Collin County, Texas.

- Mayor Wiebold opened the public hearing at 6:08 p.m.
- Traci Gardner stated she is the owner of the property and is requesting a zoning change on the back of her property to multifamily 2. She explained they are wanting to build a 240 unit apartment complex. She stated her vision was to bring in the apartment complex along with medical facilities, restaurants, and commercial businesses on the entire property. She said she already has the zoning in place at the front of the property for those uses because it is zoned HC – Highway Commercial. She explained there was an Atmos pipeline down the middle of her property and she is planning on using that as a nature trail. She stated she has worked with TxDOT and they have three entrances onto the property. She said the zoning is important to her because she wants to bring in the rest of the development. She explained she is asking for MF-2 and not a Planned Development.
- Alex Cavender, with Cavender Homes, stated they are limited to what they can do on the back of the property because of the nature trail and the requirement of a water easement for retention. He explained this project is going to bring \$90 million in infrastructure including doctor's offices, businesses and other items. He indicated that Traci Gardner has been invested in Farmersville for over 30 years and they are not going to change their vision of what they see for the property.

- 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 6:14 p.m.
- Mike Henry asked why she is asking for MF-2 and not a MF-1.
- Traci Gardner stated MF-2 allows 24 units per acre while MF-1 only allows 18 units per acre. She explained that under MF-2 with 12 acres she could have up to 288 units. She said they are proposing 240 units which falls right in between the two.
- Mike Henry reminded Council that in MF-2 a developer could build up to four stories and in MF-1 they could build three stories.
- Craig Overstreet asked if a traffic study has been done.
- Alex Cavender stated they conducted a traffic study and they have been working with TxDOT on their deceleration lanes on U.S. Highway 380. He said the traffic study indicated they could accommodate up to 290 units.
- Craig Overstreet asked if Cavender Homes has built any multifamily complexes before.
- Alex Cavender stated he has built several in Las Vegas, Nevada.
- Craig Overstreet stated his concern was the density. He said he is concerned how residents would handle the traffic.
- Alex Cavender stated they have had discussions with TxDOT about getting a red light at the middle entrance to the property.
- Traci Gardner asked Craig Overstreet what specifically he was so concerned about regarding density.
- Craig Overstreet said that area has a lot of housing and Camden is building over a hundred rental units. He explained Council just recently approved a zoning case for another apartment complex down the road. He stated the property was zoned commercial for a reason and he is concerned about the impact on the school district.
- Traci Gardner said she was very thankful the bond was passed for the school district. She stated she has a team of people that she has been working with at Atmos and she has a three member team at TxDOT working with her on the project. She explained she hired development companies to help her with the due diligence and the planning for the site. She said the development will not happen overnight and it would be a two to four year plan. She explained this has been a passion of hers for some time and she sees the vision and she wants to carry it out.
- Mayor Wiebold asked if they have spoken to the school district.
- Traci Gardner said she has spoken with the ISD and Dr. Diana Hopes at Collin College. She indicated the students would be able to use the development as part of their education.
- Mayor Wiebold asked what they are planning to do with the large easement on their property.
- Traci Gardner said it would be a nature path and she is putting in a lake area with fountains.

- Craig Overstreet stated he is concerned the proposed multifamily zoned property could be sold to someone else and they might want to build more units.
- Traci Gardner explained she has done her due diligence with TxDOT and they are okay with the density.
- Alan Lathrom stated TxDOT does not have anything to do with the density of the project. The City Council has control of the land uses since it is in the city limits.
 - Motion to deny the zoning change due to density concerns made by Craig Overstreet
 - 2nd 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-2021-0525-002 regarding a budget amendment for the Electrical Department.
- Mayor Wiebold read the caption of the ordinance.
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.
 - Ben White stated the ordinance is an amendment for the bond we took out to pay for electrical charges due to the winter storm.
 - Motion to approve made by Mike Henry
 - 2nd was made by Ted Wagner
 - All council members voted in favor

VIII. REGULAR AGENDA

- A. Consider, discuss and act upon the city audit report.
- Louis Breedlove with Brooks Watson stated his firm conducted the city audit. He gave an overview of the audit process and went over the audit results. He stated it was a successful and good audit. He explained the city received an unmodified/clean report which is the highest level of assurance.

- Craig Overstreet asked if the firm looked at the Covid funds to see if they were spent like they were supposed to.
- Louis Breedlove stated they did and they conducted detailed testing on those.
- Craig Overstreet stated in the findings letter there were some repeat findings.
- Louis Breedlove said a few of them were repeats.
- Craig Overstreet stated that nine pages of adjusted entries was a lot.
- Louis Breedlove stated the adjustments were less than last year. A number of them were specialty entries. He said pension entries are common in all cities. He said he works with a lot of cities and Ben White is the most involved City Manager they deal with. He explained Daphne Hamlin wants to get things right and she is constantly trying to fix everything on the recommendation list.
 - Motion to approve made by Craig Overstreet
 - 2nd was made by Ted Wagner
 - All council members voted in favor

B. Consider, discuss and act upon a recommendation from the Parks & Recreation Board regarding changes to the Subdivision Ordinance Section 65-61 Park Land Dedication.

- Miranda Martin, Chairman of the Parks & Recreation Board, stated Farmersville is growing and we have to grow with it and protect our greenspaces. She said we need to get the appropriate land and/or money for parks. She read from the current Subdivision Ordinance as to what is currently required for parkland dedication. She explained the Parks & Recreation Board stated they do not believe enough money is coming to the city for parks. She indicated the City of Princeton takes cash in lieu of land too and they charge \$1,500.00 per unit. She explained the Parks Board wants to start charging per unit and that would allow us to receive funds for purchasing land or updating parks.
- Ben White suggested Sandra Green research other cities and present the results to Council at a later date.
- Alan Lathrom stated a lot of cities make developers donate so many acres for each unit they are building.
- Direction was given by Council to research other cities.

C. Consider, discuss and act upon a business plan for fiber.

- Ben White explained several steps he has taken to learn more about fiber and running it through the city. He stated he applied for a grant in October of 2020 and the city was allocated \$2.9 million in December with a \$730,000.00 match. He explained that before we receive the funds we have to finish some environmental documents for the government. He indicated he formed a City Manager Fiber Advisory Committee in 2020 to discuss the possibility of placing fiber in the city. He said at the beginning of this year the American Rescue Plan (ARP) funding was allocated for the city in the amount of approximately \$800,000.00. He stated a citizen survey was given again in 2021 and there were 187 respondents. He explained his take away was that 56% of the respondents were willing to pay the same or more to get speed and reliability. He said we may need market research to determine if installing fiber is warranted. He said he was predicting the feasibility study to cost \$50,000.00.
- Craig Overstreet stated we have surveyed this to death and there has not been a true feasibility study conducted. He said the wildcards are the Home Rule Charter and President Biden has proposed an infrastructure plan so that rural America has access to broadband. He asked if the ARP funds had anything to do with the infrastructure plans President Biden has proposed.
- Ben White stated that ARP and Cares Act Funding is on top of those programs. He explained that he has heard about two more grants from the USDA that will be coming available soon. He said one of the grants is a partnering grant where the city would partner up with a private entity. He said he has a meeting with Spectrum to see if they have any interest in partnering. He said sometimes private businesses do not like to do that because they will get audited by the federal government.
- Mayor Wiebold stated there is no question that this would help our Economic Development.
- Craig Overstreet stated he is not in favor of spending the city's direct budget money or money from 4A to fund the feasibility study. He indicated he does not mind if we use the ARP funds.
 - Motion to move forward with the feasibility study using the ARP funds up to \$50,000.00 made by Mike Henry
 - 2nd was made by Ted Wagner
 - All council members voted in favor

D. Consider, discuss and act upon the election of Mayor Pro-Tem and Treasurer.

- Mike Henry nominated Craig Overstreet for Mayor Pro-Tem.
 - All council members voted in favor
 - Ted Wagner made a motion to make Mike Henry treasurer.
 - 2nd was made by Craig Overstreet
 - All council members voted in favor

- E. Consider, discuss and act upon Resolution #R-2021-0525-001 regarding signatories for all accounts for the city with Commercial Bank of Texas, Farmersville Branch.
 - Ben White stated we need to have the correct names on the resolution for the bank.
 - Motion to change signatories to be in agreement with those who should be on the accounts now made by Mike Henry
 - Alan Lathrom clarified the signatories would be: Mayor Wiebold, Mike Henry, Paula Jackson, and Sandra Green.
 - Mike Henry stated that was correct.
 - 2nd was made by Ted Wagner
 - All council members voted in favor

- F. Consider, discuss and act upon the assignment of Council liaisons to City boards and commissions.
 - Mayor Wiebold and Council decided on the following assignments:
 - Mike Henry: P&Z, B&PS, and Capital Improvements Committee
 - Craig Overstreet: Main Street, TIRZ
 - Terry Williams: 4A
 - Ted Wagner: Parks & Recs., City Amenities
 - Lance Hudson: 4B
 - Mayor Wiebold: School Board
 - Motion to approve made by Craig Overstreet
 - 2nd was made by Mike Henry
 - All council members voted in favor

- G. Consider, discuss and act upon proposed Hunt County Emergency Services District No. 1.
- Ben White said because of Covid and other issues they have to go back through the notifications and public hearing for the Emergency Services District. They are looking for confirmation the city is okay with them setting up a district.
 - Motion to approve made by Mike Henry
 - 2nd was made by Craig Overstreet
 - All council members voted in favor
- H. Consider, discuss and act upon a concept plan for Lakehaven MUD.
- Ben White stated the original concept plan was expired and had to be resubmitted for consideration. He explained there were a few minor changes from the original version.
 - Motion to approve subject to the recommendations of the City Engineer requiring them to complete a Traffic Impact Analysis (TIA) made by Mike Henry
 - 2nd was made by Ted Wagner
 - All council members voted in favor
- I. Consider, discuss and act upon a preliminary plat for Lakehaven MUD.
- Ben White stated the preliminary plat also expired and they had to resubmit. He said approval should be subject to the developer completing a Traffic Impact Analysis (TIA) as well.
 - Motion to approve subject to the recommendations of the City Engineer requiring them to complete a Traffic Impact Analysis (TIA) made by Mike Henry
 - 2nd was made by Craig Overstreet
 - All council members voted in favor
- J. Consider, discuss and act upon a preliminary plat for the HCG Addition, Lot 1 & 2 Block A.
- Ben White stated the owner had let the preliminary plat expire and they had to resubmit, but the engineer is recommending approval.
 - Motion to approve made by Mike Henry
 - 2nd was made by Ted Wagner
 - All council members voted in favor

- K. Consider, discuss and act upon Resolution #R-2021-0525-002 amending Resolution #R-2021-0413-001 regarding an application to the Texas Department of Agricultural for a sanitary sewer grant to an application for street improvements and ratifying submission thereof to the Texas Department of Agricultural.
 - Ben White stated there was a minor error in the previous resolution the Council approved. He said the previous resolution stated it was for sewer improvements and it is actually for street improvements.
 - Motion to approve made by Craig Overstreet
 - 2nd was made by Mike Henry
 - All council members voted in favor

- L. Discussion regarding the contract for solid waste and recycling.
 - Ben White stated approximately every five years we go through the process of bidding. He just wanted to let the Council know we are going out for bids this year.

IX. EXECUTIVE SESSION

- Mayor Wiebold stated the Council would go into executive session at 8:12 p.m. to discuss the following:

DISCUSSION OF MATTERS PERMITTED BY TEXAS GOVERNMENT CODE CHAPTER 551 AS FOLLOWS:

A. SECTION 551.074, DELIBERATION REGARDING PERSONNEL MATTERS AS FOLLOWS:

1. Discussion regarding the job performance and compensation/benefits package of the City Manager.

X. RECONVENE FROM EXECUTIVE SESSION

- Mayor Wiebold stated the Council would reconvene from executive session at 8:35 p.m.

XI. DISCUSS/CONSIDER/ACT ON MATTERS DISCUSSED IN EXECUTIVE SESSION

- A. Any matters related to and arising out of the discussion of the job performance and compensation/benefits package of the City Manager.

- No action was taken

X. REQUESTS TO BE PLACED ON FUTURE AGENDAS

- Craig Overstreet asked for the following items to be addressed in the next City Manager's Report:
 - Status of the Historical Preservation Ordinance
 - Status of the food court ordinance
 - Street repair workshop status and setting a date
 - Status of boundary agreements
 - Update regarding the enforcement of the sign ordinance
- Ted Wagner wanted an update on code enforcement.
- Mike Henry asked for the following to be placed on the agenda:
 - Review of the Zoning Ordinance regarding the densities and heights of MF-1 and MF-2.
 - Update on Collin Parkway and Farmersville Parkway
 - Update on permit for Nelson Bros. Concrete
 - Update on the sanitary sewer trickling arm filter

XI. ADJOURNMENT

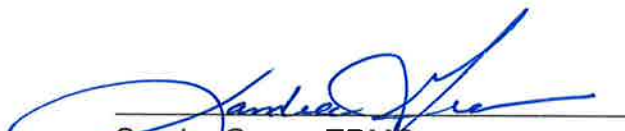
Meeting was adjourned at 8:38 p.m.

APPROVE:



Bryon Wiebold, Mayor

ATTEST:



Sandra Green, TRMC
City Secretary





May 13, 2021

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

RE: Lakehaven MUD, Concept Plan & Preliminary Plat
Dated May 2021

Mr. White:

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The following items will need to be addressed prior to final approval.

A Traffic Impact Analysis (TIA) is required for a development of this size. The developer has indicated a TIA will be provided once they begin working on final engineering plans. Once received, any necessary traffic requirements would be addressed.

It is recommended that the Concept Plan and Preliminary Plat be conditionally approved pending the completion of the above mentioned items. Please contact me if you should have any questions or need additional information.

Sincerely,

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

Jacob Dupuis, P.E.

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