



**FARMERSVILLE CITY COUNCIL  
SPECIAL SESSION MINUTES  
December 21, 2021, 7:00 P.M.  
Council Chambers, City Hall  
205 S. Main Street**

**I. PRELIMINARY MATTERS**

- Mayor, Bryon Wiebold, called the meeting to order at 7:00 p.m. Council members, Craig Overstreet, Terry Williams, Ted Wagner and Mike Henry were in attendance. Councilmember Lance Hudson was absent. City staff members Ben White, Tabatha Monk and City Attorney Alan Lathrom were also present.
- Prayer was led by Councilmember, Craig Overstreet, followed by the pledges to the United States and Texas flags.

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

- No one came forward to speak.

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

- No one came forward to speak.

**IV. PUBLIC HEARINGS**

**Mayor Wiebold opened public hearing (A) at 7:01 p.m.**

**A.** Public hearing to consider, discuss and act upon a request to amend the Zoning Ordinance of the City of Farmersville by amending Section 77-29, "Definitions," by amending the definitions for "Artisan's Workshop," "Auto Parts and Accessory Sales (Indoor)," "Automobile Repair, Minor," and "Motorcycle Sales/Service," and adding new definitions for the uses "Custom Handcrafting," "Specialty Food Processing," and "Specialty or Custom Fabrication of Certain Motorcycle Parts"; and by amending Subsection (k), "Retail and Service Uses," of Section 77-46, "Schedule of Uses," by adding the uses "Custom Handcrafting," "Specialty Food Processing," and "Specialty or Custom Fabrication of Certain Motorcycle Parts" as being allowed only in the CA –

Central Area District upon approval of a Specific Use Permit (through the adoption of Ordinance #O-2021-1221-001).

- Elliot Gilinski, owner of the artisan wheel shop introduced himself to the Mayor and City Council and explained a bit about what their shop offers.
- Charles Whitaker, owner of Cello Wrap and seller of the property in discussion. Mr. Whitaker stated he thinks this would be a great business for Farmersville. Mr. Whitaker spoke about how this company wants to be in Farmersville and they have great plans for renovations for the buildings.

**Mayor Wiebold closed public hearing (A) at 7:05 p.m.**

- Elliott came back to the podium at Mayor Wiebold's request to tell the council a little about what his plans are for this building/property. He stated his desire and plan was to take the strip along College St. and halfway down Main and restore it back to storefronts the way it was. He has some old pictures of what it looked like and they plan on taking it back to that time period. He has several other people who are wanting to open up other artisan, hand crafting type shops as well.
- Councilmember Overstreet clarified that this item was for changing of the zoning ordinance and modify some of the definitions.
- Mr. Latham reviewed the definitions with the council.
- Councilmember Henry made a motion to approve adoption of Ordinance O-2021-1221-001.
- Councilmember Williams seconded the motion.
- The motion passed unanimously (4-0).

**Mayor Wiebold opened public hearing (B) at 7:16 p.m.**

**B.** Public hearing to consider, discuss and act upon a request to change the zoning on the property identified as Lots 41 and 42B, Block 11 of the Howell Addition (CFC) more commonly known as 110 N. Main Street, Farmersville, Texas from Central Area (CA) District uses to CA – Central Area District uses subject to a Specific Use Permit for a Specialty or Custom Fabrication of Certain Motorcycle Parts business together with and including Retail Sales allowed by right in the Central Area (CA) District in the front of the building on the Property (through the adoption of Ordinance #O-2021-1221-002).

- Elliott stated to the council he feels very welcome in this town and is very excited to join the community.

**Mayor Wiebold closed public hearing (B) at 7:17 p.m.**

- Councilmember Henry pointed out this SUP goes with the property so this approval tonight will go under Mr. Whitaker's name and will transfer with the property when the property closes.
- Councilmember Overstreet asked if fire suppression needs to be considered and if it will meet the parking requirements since it is retail sales.
- Mr. Latham clarified the conditions of the SUP and that those requirements are met since this is an existing building and is in the CA (Central Area).
- Councilmember Henry made a motion to adopt Ordinance O-2021-1221-002.
- Councilmember Williams seconded the motion.
- The motion was approved unanimously (4-0).

## **V. REGULAR AGENDA**

**A.** Consider, Discuss and Act upon a request for approval of the Minor Plat for Vamvakas Estates, and possibly regarding satisfactory completion of any required public improvements.

- Mr. White advised Mr. Carol, who did this survey is at the meeting if there are any questions for him. There is a letter in the packet on DBI recommending approval conditional on a change to bullet 4 in the health department certification area of the plat. Also included in the packet is a will serve letter from North Farmersville Water Supply Corporation stating they will serve in that area.
- Mr. Latham advised this pass through the P&Z with their conditional recommended approval.
- Councilmember Henry made a motion for the conditional approval of this minor plat.
- Councilmember Wagner seconded the motion.
- The motion was approved unanimously (4-0).

**B.** Consider, discuss, and act upon a request for approval of the Final Plat for the HCG Addition, Lots 1 and 2, Block A, and possibly regarding satisfactory completion of any required public improvements.

- Mr. White advised the engineer has a letter recommending the acceptance of this final plat. This was heard through the P&Z and they recommended approval.
- The owner and engineer are both at the meeting to answer any questions.
- Mr. White advised they moved the property line over and that was part of the platting process, it lines with where the City wanted Hamilton Street to go. It has all been approved.

- Councilmember Henry made a motion to approve the additions lots 1 and 2 of the HCG addition block A and accept the final improvements associated with the plat.
- Councilmember Williams seconded the motion.
- The motion was approved unanimously (4-0).

**C. Consider, discuss, and act upon a Professional Service Agreement with Kimley-Horn regarding final design for of the Influent Lift Station and Headworks Facility to Accommodate the Installation of a Temporary Wastewater Treatment Plant for the Lakehaven MUD agreement, Bidding the Construction of the Influent Lift Station and Headworks Facility, and Construction Contract Administration.**

- Mr. White advised Kyle Kubista, engineer with Kimley-Horn is at the meeting to answer any questions. Mr. White went over this agreement with the council. Mr. White advised approval is recommended by City Staff.
- Councilmember Overstreet asked what the document is as far as any kind of bonding that we're getting from Lakehaven to assure that these costs are indeed reimbursable should the financial condition of that MUD change from now to the completion of the Headworks.
- Mr. Latham stated there is a separate agreement between the City and the MUD that requires them to deposit or escrow cash with the City that covers the cost of the construction work.
- Councilmember Overstreet asked when that is paid.
- Mr. White advised they pay that monthly.
- Councilmember Henry stated he recalled the contract saying they had to put that money up front so that the City did not expend money and not be able to get it reimbursed.
- Mr. White advised all the things with the Headworks are paid for with the up-front cash component of the agreement. Everything associated with a temporary plant are paid on a month-to-month basis.
- Councilmember Henry asked when does Lakehaven MUD put their money up (in the bank) to cover the city?
- Mr. White advised there are 2 ways to go about doing this, we are probably going to elect for them to build it, which means they will put all the cash for the project up front. The total price and the total cost of that will be taken out of the sum brought forward, over \$3 million dollars up front. Then at that time once it is built, then the balance of that cash will come forward to us, if they build it. So, in that agreement we have that

option and I think we are going to opt to go in that direction. It will be more convenient for them to proceed at their pace and becomes their project that I don't necessarily have to run, but we are still responsible for inspecting the project. The other option we have is to go ahead and build it ourselves, we would expect payment up front and if I remember the contract right before we start but we are being reimbursed for that permit part of the facility.

- Councilmember Overstreet advised this is a design service agreement with Kimley-Horn and Lakehaven MUD's money needs to be sitting there before we sign this contract because we are bound once the contract is signed.
- Mr. Latham said or the money needs to be budgeted in the City's current budget because we have to have the funds available for payment of the contract when we approve the contract.
- Mr. White stated he would have to go back and look at the exact wording of the contract but there is a condition by which they build it and a condition by which we build it, and the wording is specific as to when the money comes across on those 2 conditions.
- Mr. White said at this particular time we do not have the up-front money.
- Councilmember Overstreet stated he did not want to further discuss this contract until we have the money because he does not want to obligate the City. If we are budgeting the money from the City budget that money has to come from somewhere and in the absence of their up-front money, he does not want to approve this contract.
- Mr. White went to his office to pull the contract.
- Mr. White recommends delaying discussion on this until a meeting in January, he had found some items that suggest there may need to be a budget amendment in advance in order to have the funds in there for that. The \$3.5 million that was intended to pay for the engineering component of the overall plant is due when the temporary plant and the permanent facility, which is the Headworks in this case, are completed and that will be next year. There is a component in the agreement that in ANY case talk about realigning all cost associated with the permanent plant so that we are reimbursed for everything associated with permanent plant.
- Mr. White recommended this hold till the next City Council meeting in January, to make sure everything is funded correctly, come forward with a budget amendment that goes along with this.
- Councilmember Overstreet asked what the DA said.
- Mr. Latham said the DA states the City is responsible for the design components and when the temporary wastewater treatment plant is final

and accepted by the City the MUD is obligated to pay the City \$3.5 million dollars less the cost of construction if they built it. If the City builds it they get the full \$3.5 million dollars.

- Mr. White said anything associated with the temporary plant is reimbursed monthly.
- This item is tabled until the January 11, 2022, CC Meeting.

D. Consider, discuss and act upon a Professional Service Agreement with Kimley-Horn regarding Design of the Temporary Wastewater Treatment Facilities Associated with the Lakehaven MUD agreement, Bidding the Construction of the Temporary Wastewater Treatment Facilities, and Construction Contract Administration.

- This item is tabled until the January 11, 2022, CC Meeting.

## VI. ADJOURNMENT

Mayor Wiebold adjourned the meeting at 8:15 p.m.

APPROVE:



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

ATTEST:



\_\_\_\_\_  
Tabatha Monk, City Secretary

