



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION AGENDA  
November 8, 2022, 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."

**I. PRELIMINARY MATTERS**

- Call to Order, Roll Call, Prayer and Pledge of Allegiance
- Announcements
  - Calendar of upcoming holidays and meetings.
  - Informational Flyer US 380 Farmersville from County Road (CR 560 to CR 699 (Hunt County Line).

**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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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 (10-25-2022)
- B. Finance Report
- C. Public Works Report
- D. City Manager 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 and Financials.

- C. FEDC Farmersville Economic Development Board (Type A)
  - 1. Possible council Liaison Report and Financials.
- 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. Possible Council Liaison and Financials.

## **VI. REGULAR AGENDA**

- A. Presentation, consider and discuss a request from FISD presented by Michael Hesse, regarding a road closure at Windom Street during certain daytime hours.
- B. Consider, discuss, and act upon an update by Matt Crowder, Chairman of the Farmersville Economic Development Board.
- C. Consider, discuss and act upon a budget adjustment to increase revenue and expenses by \$65,000.00, making the budget for revenue and expenses \$75,000.00 for Farmersville Lights and accepting donation to be used for Farmersville Lights.
- D. Consider, discuss and act upon Resolution, R-2022-1108-001, authorizing the Mayor to execute an interlocal agreement with Collin County and the City of Farmersville regarding 2018 Parks and Open Space Bond Project (City Park Acquisition Project #OI18PG26).
- E. Consider, discuss and act upon direction from City Council regarding the average monthly payment (AMP) system for utility payments.
- F. Consider, discuss and act upon membership of the Charles J. Rike Memorial Library to the Northeast Texas Digital Consortium

## **VII. WORK SESSION**

Consider and discuss the operation of a Municipal Development District (MDD), in Farmersville and direction from the City Council.

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

**IX. ADJOURNMENT**

**Dated this the 3<sup>rd</sup> day of November 2022.**

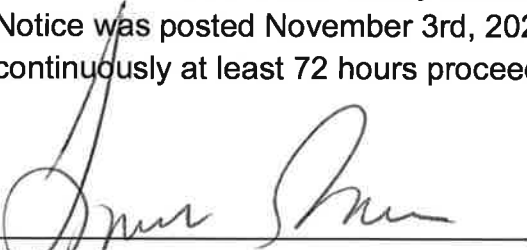


Bryon Wiebold, Mayor

*The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advise necessitated by the deliberation or discussion of said items (as needed) listed on the agenda, as authorized by Texas Government code Section 551.071(a) ("Consultation with Attorney, Closed Meeting").*

*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 November 3<sup>rd</sup>, 2022, by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.



Tabatha Monk  
City Secretary



## **I. Preliminary Matters**

# NOVEMBER 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3 Parks & Recs Board Meeting 5:00 pm	4	5 Farmersville Market 9:00 am
6	7	8 City Council Meeting 6:00 pm	9	10	11 City Hall Closed – Veterans Day	12
13	14 Main Street Meeting 4:30 pm FCDC (4B) Meeting 6:00 pm	15 P&Z Meeting 6:00 pm	16	17 FEDC (4A) Meeting 6:00 pm	18	19
20	21	22 Regular City Council Meeting Cancelled	23	24 City Hall Closed - Thanksgiving City Amenities Board Meeting 4:00 pm (Cancelled)	25 City Hall Closed - Thanksgiving	26
27	28	29	30			

# DECEMBER 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 Parks & Recs Board Meeting 5:00 pm	2	3 Farmersville Market 9:00 am
4	5	6	7	8	9	10
11 Main Street Meeting 4:30 pm FCDC (4B) Meeting 6:00 pm	12	13 City Council Meeting 6:00 pm	14	15 FEEDC (4A) Meeting 6:00 pm	16	1
18	19	20 P&Z Meeting 6:00 pm	21	22 City Amenities Board Meeting 4:00 pm (Cancelled)	23 City Hall Closed – Christmas	24
25	26 City Hall Closed – Christmas	27 Regular City Council Meeting Cancelled	28	29	30	31

# US 380 Farmersville

From County Road (CR) 560 to CR 699 (Hunt County Line)

CSJs: 0135-05-028, 0135-04-038, 0135-17-002, 0135-06-038



The US 380 Farmersville Project proposes a new location realignment of United States Highway (US) 380 from County Road (CR) 560 to CR 699 (Hunt County Line) south of the City of Farmersville, in Collin County. The new location facility would be constructed as a six-lane divided roadway with 12-foot lanes that includes an as-needed additional auxiliary lane and minimum 10-foot shoulders. The proposed project would also include continuous, one-way frontage roads with 12-foot lanes and a 10-foot shared use path on both sides of the roadway.



The purpose of the project is to improve mobility, to provide a facility that will accommodate future traffic demand and to comply with current roadway design standards. The proposed project is needed to meet future increase in traffic demands stemming from projected population growth and current design standards.

**Liang Ding, P.E.**  
**TxDOT Project Manager**  
**Phone:** (214) 320-6625  
**Email:** liang.ding@txdot.gov



You can also review previous meeting materials, summaries, and current project information by visiting:  
[www.KeepItMovingDallas.com/projects/us-highways/us-380-from-cr-560-to-cr-699-hunt-county-line-farmersville-area](http://www.KeepItMovingDallas.com/projects/us-highways/us-380-from-cr-560-to-cr-699-hunt-county-line-farmersville-area)

**KEYWORDS:** US 380 Farmersville

## Previous Public Involvement

**Public Meeting 1 - Jan. 28, 2022 - Virtual (due to COVID-19 pandemic)**

**Public Meeting 2 - April 28, 2022 - Virtual & in-person at the Farmersville Campus of Collin College. See details below:**



## Status Update

Since the April 2022 public meeting, the project team has:

- Read through and developed responses to all comments received at the second public meeting
- Coordinated with stakeholders and property owners
- Responded to emails and phone calls regarding the project
- Incorporated feedback into the project design
- Minimized impacts to proposed right of way
- Progressed engineering analysis, including traffic, drainage and railroad coordination
- Drafted environmental technical reports
- Updated the project schedule (see below)

## Project Timeline\*

**WE ARE HERE**

Fall 2020	January 28, 2021	Fall 2021	April 28, 2022	Fall 2022	Late 2022	January 2023	February 2023	Summer 2023	2023 - 2025	2026
Conceptual Alternatives	First Public Meeting	Draft Schematic/ Preliminary Engineering & Environmental Analysis	Second Public Meeting	Preliminary Schematic/ Draft Environmental Technical Reports	Revise Schematic/ Environmental Technical Reports	Final Schematic/ Draft Environmental Assessment (EA)	Public Hearing **	Final EA and Environmental Clearance Anticipated	Advanced Engineering, ROW Acquisition, Utility Relocation	Anticipated Ready to Let Date

\*Timeline subject to change \*\*Legal notice/public hearing notification will be sent out 15-days in advanced of public hearing



# US 380 Farmersville

Desde CR 560 hasta CR 699 (Línea del Condado de Hunt)

CSJs: 0135-05-028, 0135-04-038, 0135-17-002, 0135-06-038



El Proyecto propuesto de la autopista estatal de los Estados Unidos (US) 380 en Farmersville incluye una nueva carretera para la realineación de US 380, desde la carretera del condado (CR) 560 hasta CR 699 (Línea del Condado de Hunt), al sur de la Ciudad de Farmersville, en el Condado de Collin. La nueva carretera consistiría en una carretera dividida de seis carriles de 12 pies de ancho, incluyendo un carril auxiliar adicional según sea necesario y bordes de un mínimo de 10 pies de ancho. El proyecto propuesto también incluiría carreteras de servicio de una vía con dos carriles de 12 pies de ancho y una acera de uso compartido de 10 pies a ambos lados de la carretera.



El propósito del proyecto es el de mejorar la movilidad, brindar una carretera que se adapte a la demanda futura de tráfico y que cumpla con los estándares de diseño de carretera actuales. Se necesita que el proyecto propuesto cumpla con el aumento futuro de las demandas de tráfico, causado por el aumento de la población y las normas de diseño actuales.

**Liang Ding, P.E.**

**Gerente de Proyecto de TxDOT**

**Teléfono:** (214) 320-6625

**Correo Electrónico:** liang.ding@txdot.gov

Puede revisar los materiales de las reuniones anteriores, los resúmenes y la información actual del proyecto visitando:

[www.keepitmovingdallas.com/projects/us-highways/us-380-from-cr-560-to-cr-699-hunt-county-line-farmersville-area](http://www.keepitmovingdallas.com/projects/us-highways/us-380-from-cr-560-to-cr-699-hunt-county-line-farmersville-area)

**PALABRAS CLAVE:** US 380 Farmersville



## Participación pública previa

**Reunión Pública 1 – 28 de enero del 2022 - Virtual (debido a la pandemia de COVID-19)**

**Reunión Pública 2 – 28 de abril del 2022 - Virtual y en persona en el Farmersville Campus de Collin College. Vea los detalles abajo:**

**EN LÍNEA @** [Keepitmovingdallas.com](http://Keepitmovingdallas.com)  
Sitio web de la reunión pública

**273**

visitas de la información del proyecto en línea



Asistencia de reunión pública en persona:

**128**

**13**  
comentarios recibidos

**TEMAS COMUNES**

- Diseño
- Derecho de Vía (ROW)
- Cronología
- Desarrollo Económico



**108**

visitas de presentaciones en Youtube

## Actualización de la Situación

Desde la reunión pública de abril del 2022, el equipo del proyecto:



Ha leído y desarrollado respuestas a todos los comentarios recibidos durante la segunda reunión pública



Ha coordinado con las partes interesadas y los propietarios



Ha respondido a correos electrónicos y llamadas telefónicas sobre el proyecto



Ha incorporado comentarios públicos en el diseño del proyecto



Ha minimizado impactos al derecho de vía propuesto



Ha avanzado análisis de ingeniería incluyendo coordinación de tráfico, drenaje y ferrocarril



Ha completado borradores de informes técnicos ambientales



Ha actualizado la cronología del proyecto (vea más abajo)

## Cronología del Proyecto\*

**ESTAMOS AQUÍ**

Otoño 2020	28 de enero del 2021	Otoño 2021	28 de abril de 2022	Otoño 2022	Finale de 2022	Enero 2023	Febrero 2023	Verano 2023	2023 - 2025	2026
Alternativas Conceptuales	Primera Reunión Pública	Borrador Esquemático/ Ingeniería Preliminar & Análisis Ambiental	Segunda Reunión Pública	Esquemático Preliminar/ Borradores de Informes Técnicos Ambientales	Revisión de Informes Técnicos Esquemáticos/ Ambientales	Esquemático final/ Borrador de la evaluación ambiental (EA)	Audiencia Pública **	Se anticipan la finalización del EA y Aprobación Ambiental	Ingeniería Avanzada, Adquisición de ROW, Reubicación de Servicios Públicos	Anticipado listo para alquilar para construcción

\*Esta cronología está sujeta a cambios \*\*El aviso legal/notificación de audiencia pública se enviará 15 días antes de la audiencia pública

DEPARTAMENTO DE TRANSPORTE DE TEXAS

OTOÑO 2022

**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	November 8, 2022
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 ITEMS NOT ON THE 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	November 8, 2022
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	Minutes (10-25-22)
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 8, 2022
Attachment(s)	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  
October 25, 2022, 6:00 P.M.  
Council Chambers, City Hall  
205 S. Main Street**

**I. PRELIMINARY MATTERS**

- Mayor, Bryon Wiebold, called the meeting to order at 6:00 p.m. Council members, Craig Overstreet, Terry Williams, Mike Henry and Lance Hudson were in attendance. Councilmember Ted Wagner was absent. City staff members in attendance were City Manager, Ben White, Assistant City Manager, Mike Sullivan; City Secretary, Tabatha Monk, Police Chief Marsha Phillips, Warrant Officer Rick Ranspot and City Attorney, Alan Lathrom.
- Prayer was led by Councilmember Mike Henry and the pledges to the United States and Texas flags were led by Mayor Wiebold.
- City Calendar for any upcoming closings for holidays and meetings.

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

- No one spoke under this item.

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

- No one spoke under this item.

**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. Councilmember Overstreet asked to withdraw for discussion the Financial Budget Report, Public Works Report and City Manager Report.



**A. City Council Minutes (10-11-2022)**

**Councilmember Henry** made a motion to approve the consent agenda.

**Councilmember Williams** seconded the motion to approve.

The motion was approved unanimously (4-0).

**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: (**Councilmember Wagner** not at meeting to give a report.)
- B. Farmersville Community Development Board (Type B)**
  - 1. Possible Council Liaison Report: (**Councilmember Henry** advised no meeting.)
- C. FEDC Farmersville Economic Development Board (Type A)**
  - 1. Possible Council Liaison Report: (**Councilmember Williams** advised no meeting.)
- D. Main Street Board**
  - 1. Possible Council Liaison Report: (**Councilmember Overstreet** advised no meeting.)
- E. Parks & Recreation Board**
  - 1. Possible Council Liaison Report: (**Councilmember Wagner** not at meeting to give a report.)
- F. Planning & Zoning Commission**
  - 1. Possible Council Liaison Report: (**Councilmember Hudson** advised no meeting.)

**G. TIRZ Board**

1. Possible Council Liaison Report: (**Councilmember Overstreet** advised no meeting.

**VI. PUBLIC HEARING**

**A.** “Public Hearing to consider discuss and act upon an application requesting an amendment to Ordinance #2021-0928-001 to make certain amendments to the Site Plan, Elevations, and Landscape Plan adopted by and made a part of said Ordinance thereby allowing certain structures and facilities identified on the Site Plan to be constructed of different materials, expanded or reduced in size, and/or moved or relocated within the approximately 5.050 acres of land, more or less, that is zoned HI – 2 - Heavy Industrial District– 2 Uses with a Specific Use Permit to allow a Concrete/Asphalt Batching (Not Temporary) which land is also subject to the Highway Commercial (HC) Overlay District based on its location. The property is generally situated at 91 County Road 699, and located in the W.B. Williams Survey, Abstract A - 954, of Farmersville, Collin County, Texas.”

- Mayor Wiebold opened the public hearing at 6:03 p.m.
- Tristyn Trantham with Trident Structures spoke in favor of this item.
- Mayor Wiebold closed the public hearing at 6:05 p.m.

**B.** “Public Hearing to consider, discuss and act upon text amendments to Chapter 77, “Zoning,” of the Farmersville Code, as previously amended, by amending Section 77-49, “Use Specific Regulations,” to add a new Subparagraph (n) entitled “Food Trucks and Operation Sites,” establishing regulations governing “food trucks,” “operation sites” for food trucks, and the use of property or a tract of land for use as a “food truck court.”

- Mayor Wiebold opened the public hearing at 6:06 p.m.
- No one came forward to speak on this item.
- Mayor Wiebold closed the public hearing at 6:06 p.m.

**VII. ORDINANCES**

**A.** “Consider, discuss, and act upon Ordinance #O-2022-1025-001, amendment of Chapter 77 “Zoning”, by adopting a new section entitled “Food Trucks and Operation sites.” that establishes regulations governing “Food Trucks or Mobile Food Establishments.”

- Mr. White updated the City Council on this item.
- Mr. Lathrom answered the questions the City Council had.
- **Councilmember Henry** made the following motions:
  1. Add the phrase “CA – Central Area District” to the list of zoning district classifications identified in Section 77-49(n)(2)i.1.; and
  2. Delete the phrases “The City’s designated Main Street area”and “The City’s Central Area zoning district and particularly the Downtown Square” from Section 77-49(n)(2)l.

- **Councilmember Hudson** seconded the motion.
- The motion was passed unanimously (4-0).

## **VIII.REGULAR AGENDA**

**A.** “Consider, discuss and act upon certain amendments to the Site Plan, Elevations and Landscape Plan of approximately 5.050 acres (Nelson Bros Concrete).”

- Mr. White answered any questions the City Council had on this item.
- **Councilmember Hudson** made a motion to approve this item.
- **Councilmember Henry** seconded the motion to approve.
- The motion passed unanimously (4-0).

**B.** “Consider, discuss and act upon an interlocal agreement with Collin County and the City of Farmersville regarding Ambulance Services Agreement.”

- Mr. White updated the Council on this item.
- **Councilmember Overstreet** made a motion to approve.
- **Councilmember Henry** seconded the motion.
- The motion passed unanimously (4-0).

**C.** “Consider, discuss and act upon Resolution R-2022-1025-001, regarding denial of Oncor Electric Company’s proposed rate and approving cooperation with the Steering Committee of Cities served by Oncor.”

- Mr. Latham updated the Council on this item.
- **Councilmember Williams** made a motion to approve.
- **Councilmember Hudson** seconded the motion to approve.
- The motion passed unanimously (4-0).

**D.** “Consider, discuss and act upon Resolution, R-2022-1025-002, authorizing the Mayor to execute an interlocal agreement with Collin County and the City of Farmersville regarding 2018 Parks and Open Space Bond Project (Rambler Park Project #OI18PG27).”

- Mr. White updated the Council on this item and answered their questions.
- City Engineer, Eddy Daniel, spoke to the Council and answered their questions regarding this project.
- **Councilmember Henry** made a motion to approve.
- **Councilmember Overstreet** seconded the motion.
- The motion passed unanimously (4-0).

**E.** “Consider, discuss and act upon Resolution, R-2022-1025-003, authorizing the Mayor to execute an interlocal agreement with Collin County and the City of Farmersville regarding 2018 Parks and Open Space Bond Project (Onion Shed Improvements Project #OI18PG28).”

- Mr. White updated the Council on this item.
- Mr. White answered questions from the City Council.

- City Engineer, Eddy Daniel, spoke to the Council regarding this item as well.
- **Councilmember Williams** made a motion to approve.
- **Councilmember Hudson** seconded the motion to approve.
- The motion passed unanimously (4-0).

F. “Consider, discuss and act upon a development agreement between the City of Farmersville and Lake Haven MUD).”

- Mr. White updated the City Council on this item.
- Mr. Lathrom answered Council’s questions.
- **Councilmember Henry** made a motion to approve.
- **Councilmember Overstreet** seconded the motion.
- The motion passed unanimously (4-0).

G. “Update and discussion regarding Southlake and the prairie grass project.”

- Mr. White updated the City Council on this item and answered questions.
- No motion was needed.

## **IX. REQUESTS TO BE PLACED ON FUTURE AGENDA**

### **X. ADJOURNMENT**

**Mayor Wiebold** adjourned the meeting at 6:47 p.m.

APPROVE:

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

ATTEST:

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

Agenda Section	Consent Agenda
Section Number	IV.B
Subject	Finance Report
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 8, 2022
Attachment(s)	<b>This report will be emailed to you from the Finance Director on Monday, November 7th</b>
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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Agenda Section	Consent Agenda
Section Number	IV.C
Subject	Public Works Report
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 8, 2022
Attachment(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>



## 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 2022-2023: 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. For the last month the following streets received repairs:
    - Maple
    - Washington at Candy
    - Rike at Santa Fe intersection
  - b. Stripe curb as no parking along Onion Alley (Backlog)
  - c. Upcoming sign updates:
    - Main Street at Candy Street
    - South Washington at Farmersville Parkway
  - d. Texas Community Development Block Grant, Community Development Fund
    - Reconstruction and drainage improvements, Davis (Prospect) between Rike and Austin, North Rike: Houston to Davis, Austin: Davis to Houston
    - \$350K grant, \$52.5K match
    - Grant application complete, awaiting award notification. Possible contract Dec 2022.
  - e. Texas Community Development Block Grant, Main Street Development Fund
    - Street and accessibility improvements, Farmersville Parkway South Main to Washington
    - \$350K grant, \$52.5K match

- Currently implementing engineering design review updates. Next step is to get approval from the State.
- 2. Priority backlog items
  - a. US Economic Development Administration (EDA) Grant
    - Project being defined
    - Monetary grant ceiling defined by project
  - b. Develop thoroughfare impact fees
  - c. Institute railroad silent crossings

## **Water System**

1. Currently active projects in priority order
  - a. Replace 2" galvanized waterline on North Rike, south of Murchison to Davis with 8" line.
  - b. Disconnect old water line on South Rike Street. (Complete)
2. Large water leak repairs
  - a. Wilcoxson 2" galvanized
  - b. Houston 2" galvanized/6" PVC
  - c. Rike 2" galvanized
  - d. Maple Street 6" PVC
3. Priority backlog items
  - a. Recoat/rehab north elevated water tank.
  - b. Increase pumping capacity at underground storage tank to 1500 GPM pumps.
  - c. Update AMI/meter system with Utility Hawk software to display customer usage.
  - d. Replace cast iron/galvanized water lines:
    - Rolling Hills galvanized water lines
    - Windom Street from 7th Street alley to Sycamore
    - Hill Street between Orange and Bois D' Arc
    - Lee Street
  - e. Chlorine injection system.
  - f. Security cameras at water system focal points.

## **Wastewater System**

1. Currently active projects in priority order
  - a. Continued thorough review of the trickling arm filter operation. Bacteriological growth seems to be occurring to some extent as the ammonia numbers have gone down but not to a passing level yet. Biological Oxygen Demand (BOD) sampling is still inconsistent, but NTMWD is working on getting that fixed. Consensus among the engineering staff is to continue letting the plant operate to facilitate continued bacteriological growth before taking any action to make additional changes. We are meeting about every three weeks to evaluate and make adjustments.
  - b. Remove East Audie Murphy Parkway old lift stations. (complete)
  - c. Develop possible financial plans for interceptor line.



2. Large wastewater collection system repairs
  - a. Raymond street 6" main repair.
3. Priority backlog items
  - a. Floyd Road lift station reconstruction with force main.
  - b. 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.
  - c. Infiltration project: Point Repair, 1746 Rike Street.
  - d. South side lift station construction
  - e. North side lift station SCADA installation
  - f. Infiltration project: Replace floor and top of MH119. Install bolt-down top. Pipe to south may be bad.

### **Storm Water System**

1. Relocate storm water line between Main Street and City Park drainage ditch. (Backlog)
2. Repair City Park storm water ditch retaining wall. (Backlog)

### **Property and Buildings**

1. Currently active projects in priority order
  - a. Stock carp in South Lake and fix morning glory outflow structure. (in progress)
  - b. Stripe library parking lot. (completed)
  - c. Stripe city hall parking lot. (completed)
  - d. Stripe parking lot at Senior Center.
  - e. Strip north downtown parking lot.
  - f. Onion Shed improvements. (Collin County Open Space Grant/FCDC)
  - g. Install Big Bertha emergency siren at Farmersville Heritage Museum. (phase: construction, completion percentage: 55%).
  - h. Chaparral Trail Improvements (Grant: 4 X \$200K grant/\$50K match).
  - i. Rambler Park: ADA swing set and non-ADA swing set installation. (Collin County Open Space Grant/FCDC)
2. Priority backlog items
  - a. Install remaining banner mounts downtown.
  - b. Riding Arena: greeting sign with rules
  - c. Southlake Park: playground equipment repair

### **Electrical System**

1. Currently active projects in priority order
  - a. Repaired Tantalus Wi-Fi network transceiver.
  - b. Pole replacements
    - 100 block of North Hamilton
  - c. Replaced burned out ballfield lights on field 1.
  - d. High School indoor practice facility.
  - e. High School remodel.
2. Substation and transmission line improvements (phase: concept only, completion percentage: 55%)

3. Priority backlog projects
  - a. Complete circuit 1 open wire secondary replacement.

### **Refuse System**

1. No new news.

### **High Speed Internet Service**

1. Feasibility study is complete. Next step is to develop public/private partnership.
2. CARES Act Broadband Grant
  - a. Received final approval!
  - b. \$2.9M grant, \$730K match
3. American Rescue Plan Grant
  - a. \$899.4K total
  - b. Used as match for CARES Act Broadband Grant, \$899.4K total
  - c. Receiving 2 installments, \$449.7K each. First installment received.

Agenda Section	Consent Agenda
Section Number	IV.D
Subject	City Managers Report
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 8, 2022
Attachment(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. Economic Development
    - i. Hire Economic Development Director.
    - ii. Fiber
    - iii. New sources of ad valorem/sales tax
  - b. Code enforcement
  - c. Streets
  - d. Water/Sewer lines
  - e. Municipal Development District (MDD)
  - f. Employee compensation and benefits
  - g. Farmersville Electric rates

### **Ordinances, Resolutions, and Public Hearings (In Priority Order)**

1. Food Truck/Pop-up vendors ordinance. (complete)
2. Budget amendment for Farmersville Lights. (in-progress)
3. No platting requirement exception for properties over 5 acres. (in-progress)
4. Street ordinance regarding change of traffic flow are the intermediate school. (in-progress)
5. City limit modification and annexation for the following properties: (in-progress)
  - a. North end of South Lake Park including riding arena
  - b. Northern section of Chaparral Trail
6. Adopt new ETJ boundary and related map. (in-progress)
7. MDD election ordinance. (in-progress)
8. Utility average billing ordinance. (in-progress)
9. Impact fee study and related ordinances. (in-progress)
10. Modify zoning ordinance to achieve the following (in-progress)
  - a. Consider deleting SF3 category
  - b. Enhance remaining SF categories to promote quality neighborhoods
11. VFW SUP Ordinance. (backlog)
12. SH 78 speed study resolution. (backlog)
13. Truck weight capacity ordinance. (backlog)

14. Subdivision ordinance change to accommodate increased park land dedication and when a plat is required concerning five acres or less. (backlog)
15. Water design manual change to accommodate rural water pipe designs. (backlog)

#### **Contracts/Agreements/Grants**

1. Lakehaven Development Agreement revision. (complete)
2. Collin County Open Space grant applications have been approved with the exception of one. (complete)
  - a. Approved for funding:
    - i. City Park Land Acquisition (Estimated Project Cost: \$125K, Colling County Grant: \$62.5K, Project Coordinator: FCDC)
    - ii. Rambler Park (Estimated Project Cost: \$100K, Colling County Grant: \$50K, Project Coordinator: H&H Architects)
    - iii. Onion Shed (Estimated Project Cost: \$350K, Colling County Grant: \$175K, Project Coordinator: Dunaway/DBI)
    - iv. Caddo Park Improvements (Estimated Project Cost: \$200K, Colling County Grant: \$100K, Project Coordinator: USACE)
  - b. Not approved for funding:
    - i. City Park Storm Water Retaining Wall
3. Membership contract with the Northeast Texas Digital Consortium for the library.
4. Collin County Ambulance Services ILA. (complete)
5. CDBG Community Development Fund Grant. \$350K grant/\$52.5K match. Applied for in May 2021. Awaiting award which will likely be Fall 2022. Contract expected in December 2022. (in-progress)
6. CDBG Main Street Development Fund Grant. \$350K grant/\$52.5K match. Applied for in May 2021. (in-progress)
  - a. Currently implementing engineering design review updates. Next step is to get approval from the State.
7. Research developer agreements and disposition as necessary: (backlog)
  - a. Steenson
  - b. Camden Park
  - c. Nelson Brothers
  - d. Caddo Park
8. EDA Planning Grant. (backlog)
9. TP&W Small Communities Parks Grant 50% grant/50% match. (backlog)
10. TP&W Outdoor Recreation Grant. (backlog)
11. State of Texas Historical Preservation Grant. (backlog)

#### **Planning/Plats/Site Plans/Zoning/Variances**

1. Tatum Elementary School Plat. (in-progress)
2. High School Plat. (in-progress)
3. Frank Moore minor plat. (in-progress)
4. Nelson Brothers SUP renewal for new site plan. (complete)
5. The Loop at Farmersville apartments development concept plan. (in-progress)
6. Windmill 380 (Bates) property preliminary plat. (in-progress)
7. Lake Haven preliminary plat revision. (backlog)
8. Update comprehensive plan. (backlog)

#### **Policy/Procedural Changes**

1. No new news.

**Customer Service Window**

1. No new news.

**Personnel Related Matters**

1. Filled one Police Department openings.
2. One open requisition for a police officer remaining.
3. Swore in Gregg Massey as new Fire Chief.

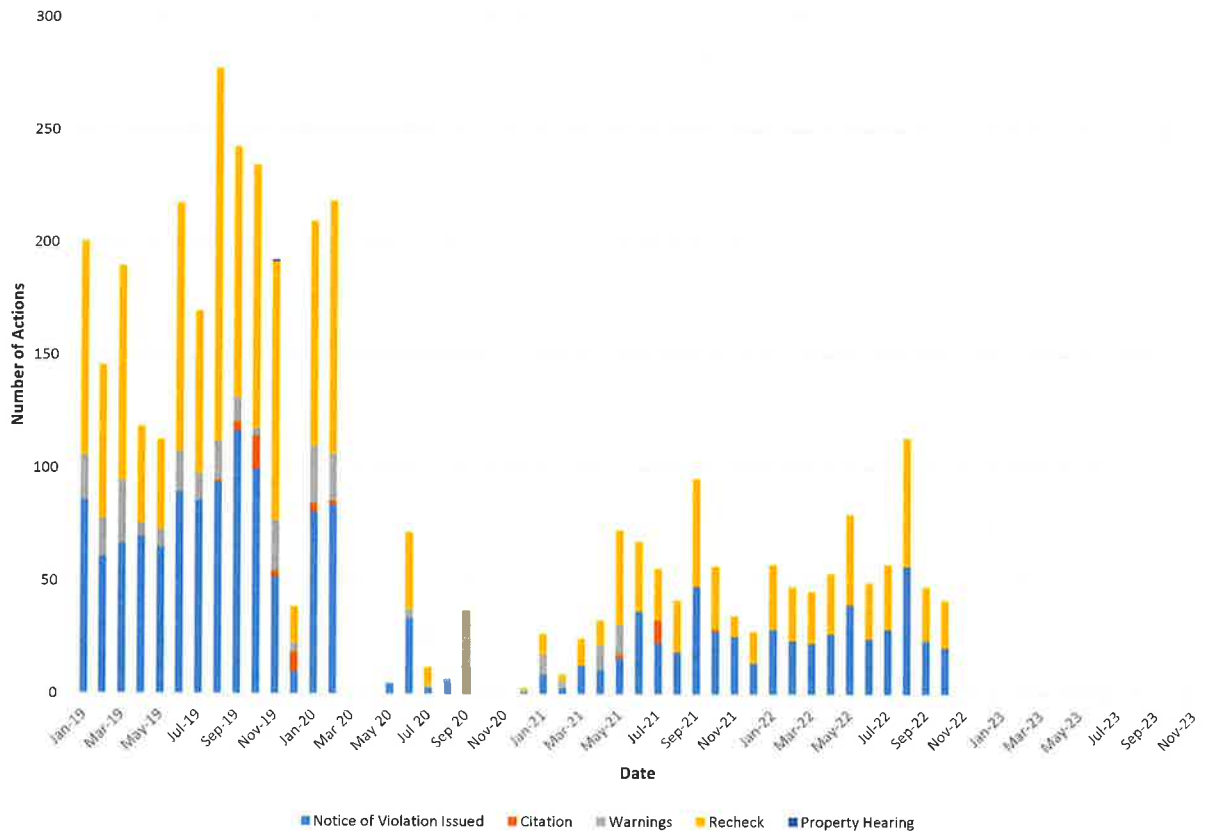
**Budget/Finance**

1. Created budget amendment for Farmersville Lights. This item will be included as an annual item within the normal budget process from now on.

**Development Services**

1. FISD
  - a. High School 2<sup>nd</sup> Floor addition
  - b. High School multipurpose building with practice field
  - c. High School remodel
2. Farmersville Loop Apartments
  - a. Approximately 350 units
  - b. Site Plan is approved, working on concept plan
3. Fountainview Apartments
  - a. 357 apartment units, 7 buildings in phase 1, 3 buildings in phase 2
  - b. Preliminary platting approved, awaiting infrastructure construction
4. Camden Park
  - a. Phase IV infrastructure, 110 total
    - Preliminary platting approved, awaiting infrastructure construction
    - Retire development agreement
5. Code Compliance Update

## Code Enforcement Activity



Case number	Date	Address	Violation	Open/ Close	Revisit
100422-1	10/04/2022	207 Houston St	Grass	Closed	not the owner of 207 Houston
100622-1	10/06/2022	207 Houston St	Grass	Open	Cut Grass ( Believed to be Owner )
101022-1	10/10/2022	106 Cornell	Grass	Closed	Cut Grass
101022-2	10/10/2022	109 Columbia	Grass	Open	Cut Grass
102522-1	10/25/2022	314 Rolling Hills	Debris	Open	Remove debris
102522-2	10/25/2022	305 Rolling Hills	Debris	Open	Remove debris
102522-3	10/25/2022	202 Farr Hill	Vehicles	Open	Remove vehicles and dirt and debris
102522-4	10/25/2022	Hill & Bois D Arc	Vehicle	Open	Vehicle marked for tow
102522-5	10/25/2022	201 S Rike St	Vehicle	Open	Remove from grass
102622-1	10/26/2022	106 A Beech St	Vehicle	Open	Remove from grass
102622-2	10/26/2022	315 Summit	Vehicle	Open	Remove from grass
102622-3	10/26/2022	417 Summit	Vehicle	Open	Remove from grass
102622-4	10/26/2022	411 Mulberry	Vehicle	Open	Remove from grass
102722-1	10/27/2022	121 Murchison	Vehicle	Open	Remove from grass
102722-2	10/27/2022	313 Murchison	Vehicle	Open	Remove from grass
102722-3	10/27/2022	401 Murchison	Vehicle	Open	Remove from grass
103122-1	10/27/2022	Neathery & Marble B 6 L 18C	Grass	Open	Letter written
103122-2	10/27/2022	510 Mimosa St	Grass	Open	Letter written
103122-3	10/27/2022	Neathery & Marble B 6 L 17B	Grass	Open	Letter written
103122-4	10/27/2022	Neathery & Marble B 6 L 17A	Grass	Open	Letter written
103122-5	10/27/2022	Fowler Addition ( CFC ) B 2 L 5B	Grass	Closed	Letter written

## Information Technology

1. Continuing forward with major overhaul of our IT infrastructure especially around aging servers, switch gear, and software. Servers, switches, and software in City Hall are currently being upgraded.

## Special Events/Projects

1. Completed city-related preparations for Trick-It-Up Bike Ride and Scare on the Square.

## **V. INFORMATIONAL ITEMS**



Agenda Section	Informational Item
Section Number	V.A
Subject	City Amenities Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	
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 Item
Section Number	V.B
Subject	Farmersville Community Development Board (Type B)
To	Mayor and Council Members
From	Ben White, City Manager
Date	
Attachment(s)	1. Possible Council Liaison Report t
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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**Farmersville Community Development Corp 4B**  
**September 2022**  
**Financial Report**  
**(unaudited)**

**Daphne Hamlin**  
d.hamlin@farmersvilletx.com

**Farmersville Community Development Corp 4B**  
**September 2022**

**Statement Balance: 09-1-2022**

**\$513,813.45**

Deposits:	\$-
Sales Tax:	\$36,557.03
Checks cleared (3111)	\$(2,000.00)
Now Checking Int. .30%	\$132.05
Wire Fee	\$(10.00)
<b>Balance 8-31-2022</b>	<b>\$548,492.53</b>

**Outstanding Transactions**

Sales Tax (Reimburse State ck 3119)	\$(15,165.72)
Reimburse City (office supplies, music in the Park ck 3120)	\$(1,321.50)
checks	\$(9,319.37)
CD Interest	
<b>Balance 9-9-2022</b>	<b>\$522,685.94</b>

Outstanding checks:		
3108 Brown & Hofmeister	\$	838.50
3109 C&S Media	\$	237.86
3110 City of Farmersville	\$	2,500.00
3112 Mood Media	\$	43.01
3113 Texas Bulletinx	\$	250.00
3114 The Reiss Group	\$	450.00
3115 North Texas Trails	\$	5,000.00
3119 State Comp	\$	15,165.72
3120 City of Farmersville	\$	1,321.50
<b>Outstanding for budget year 2021-2022</b>	<b>\$</b>	<b>25,806.59</b>

Farmersville Community Development Corporation  
Financial Statement  
For the Fiscal Year Ended September 30, 2022

	FY2022 Budget	October	November	December	January	February	March	April	May	June	July	August	September	Actual YTD	%
<b>Revenue:</b>															
Sales Tax Collections	\$300,000	\$25,431	\$33,747	\$30,194	\$32,479	\$34,279	\$29,815	\$27,969	\$42,083	\$35,711	\$33,041	\$33,279	\$36,557.00	\$ 394,585	131.53%
Interest Income	\$ 150	\$ 13	\$ 79	\$ 92	\$ 100	\$ 95	\$ 101	\$ 116	\$ 128	\$ 135	\$ 144	\$ 136	\$132.00	\$ 1,271	
<b>Total Revenue</b>	<b>\$ 300,150</b>	<b>\$ 25,444</b>	<b>\$ 33,826</b>	<b>\$ 30,286</b>	<b>\$ 32,579</b>	<b>\$ 34,374</b>	<b>\$ 29,916</b>	<b>\$ 28,085</b>	<b>\$ 42,211</b>	<b>\$ 35,846</b>	<b>\$ 33,185</b>	<b>\$ 33,415</b>	<b>\$36,689.00</b>	<b>\$395,856</b>	<b>131.89%</b>
<b>Expenses</b>															
Admin Fee		\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 120	
Reimburse State Comptroller													15,166		
Office Supplies													559	\$ 559	
Sound System Monthly Subscription (P-255)	\$ 500		\$ 82	\$ 41				\$ 43			\$ 86	43		\$ 338	67.60%
<b>Total Main Street Program</b>	<b>\$ 500</b>													\$ -	0.00%
<b>Parks and Recreation</b>															
City Park planning and Bridge Repair	\$ 70,000										\$ 63,210			\$ 63,210	90.30%
Chaparral Trail Upgrade Project NMS.1 to MM11.2 (P-246)	\$ 150,000														
Chaparral Trail Upgrade Project MM11.2 to MM13.2 (P-237)	\$ 50,000														
<b>Total Parks and Recreation</b>	<b>\$ 270,000</b>														
Museum															
Bain Honaker Painting	\$ 10,000													\$ -	0.00%
<b>Total Museum</b>	<b>\$ 10,000</b>											8,000	2,000	\$ 10,000	100.00%
<b>Civic Organizations</b>															
COC Events, promotions, and Publications (P-237)	\$ 3,600													\$ -	0.00%
COC Tourism, Infrastructure and Job Retention (P-259)	\$ 21,400										\$ 5,232	16,561		\$ 21,793	101.84%
NETT Grant (P-251)	\$ 5,000												5,000	\$ 5,000	100.00%
Rotary Club	\$ 560													\$ -	0.00%
<b>Total Civic Organizations</b>	<b>\$ 30,560</b>													\$ -	0.00%
<b>Special Events</b>															
Sparks of Freedom (P-238)	\$ 8,000										\$ 8,000			\$ 8,000	100.00%
Music in the Park 2022 (P-265)	\$ 3,900										\$ 1,000		1,000	\$ 2,000	51.44%
Cops & Rodders/National Night Out (P-241/281)	\$ 5,530										\$ 1,158	4,372		\$ 5,530	100.00%
Chaparral Trail Open Day Even (P-266)	\$ 500													\$ -	0.00%
<b>Total Special Events</b>	<b>\$ 17,530</b>													\$ -	0.00%
<b>FDCS Projects</b>															
Billboard Promotion (P-252)															
The Reiss Group	\$ 5,400		\$ 450	\$ 450		\$ 1,350	\$ 450	\$ 450	\$ 450	\$ 450		900	450	\$ 4,950	91.67%
Texas Bulletin	\$ 3,000		\$ -	\$ 500		\$ 500	\$ 500	\$ 250	\$ 250	\$ 500	\$ 250	250	250	\$ 2,500	83.33%
<b>Total FDCS Projects</b>	<b>\$ 8,400</b>													\$ -	0.00%
<b>Maintenance/Professional Services/Marketing</b>															
Reimburse City for Accounting Services	\$ 2,500												2,500	\$ 2,500	100.00%
Legal Services	\$ 7,500													\$ 3,716	49.54%
Mays Building Taxes	\$ 2,000													\$ -	0.00%
<b>Total Maintenance/Professional Svc/Main.</b>	<b>\$ 12,000</b>													\$ -	0.00%
<b>Total Expenses</b>	<b>\$ 348,380</b>	<b>\$ 10</b>	<b>\$ 542</b>	<b>\$ 1,001</b>	<b>\$ 10</b>	<b>\$ 10</b>	<b>\$ 2,683</b>	<b>\$ 460</b>	<b>\$ 1,087</b>	<b>\$ 960</b>	<b>\$ 79,484</b>	<b>\$31,318</b>	<b>\$27,817</b>	<b>\$130,216</b>	<b>37.31%</b>
<b>Excess Revenue Over Expenses</b>	<b>(48,930)</b>	<b>25,434</b>	<b>33,284</b>	<b>29,285</b>	<b>32,569</b>	<b>34,364</b>	<b>27,234</b>	<b>27,625</b>	<b>41,124</b>	<b>34,886</b>	<b>(46,299)</b>	<b>2,097</b>	<b>8,872</b>	<b>285,640</b>	
<b>TEXPOOL Balance</b>		\$ 546,896.10	\$ 546,896.52	\$ 546,913.61	\$ 546,931.03	\$ 546,948.48	\$ 546,974.87	\$ 547,048.33	\$ 547,183.12	\$ 547,272.52	\$ 547,323.10	\$ 548,630.79	\$ 549,638.48		
<b>Interest Income-TEXPOOL</b>		\$ 16.43	\$ 17.09	\$ 17.42	\$ 17.45	\$ 26.40	\$ 71.36	\$ 136.76	\$ 289.40	\$ 459.58	\$ 707.69	\$ 1,007.69	\$ 1,008.65		
<b>Total Available Texpool Funds</b>		\$ 546,896.52	\$ 546,913.61	\$ 546,931.03	\$ 546,948.48	\$ 546,974.87	\$ 547,048.33	\$ 547,183.12	\$ 547,272.52	\$ 547,323.10	\$ 548,630.79	\$ 549,638.48	\$ 550,728.43		

Farmersville Community Development Corporation  
Cumulative Income Statement  
For the Fiscal Year Ended, September 30, 2022

Particulars	FY2021/2022 Budget	October	November	December	January	February	March	April	May	June	July	August	September	Actual YTD	%
<b>Revenue:</b>															
Sales Tax Collections	\$300,000	\$25,431	\$33,747	\$30,194	\$34,278	\$29,815	\$27,969	\$42,083	\$35,712	\$33,041	\$33,279	\$36,557	\$394,586	\$394,586	131.53%
Interest Income	150	13	79	92	95	101	116	128	\$135	\$144	\$135	\$132	\$1,270	\$1,270	
<b>Total Revenue</b>	<b>\$300,150</b>	<b>\$25,444</b>	<b>\$33,826</b>	<b>\$30,286</b>	<b>\$34,374</b>	<b>\$29,916</b>	<b>\$28,085</b>	<b>\$42,211</b>	<b>\$35,847</b>	<b>\$33,185</b>	<b>\$33,414</b>	<b>\$36,689</b>	<b>\$395,856</b>	<b>\$395,856</b>	
<b>Expenses</b>															
Admin Fee		\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 120	
Reimburse State Comptroller													15,166		
Office Supplies													559	\$ 559	
Sound System Monthly Subscription (PJ255)	\$ 500		82	41			43			\$ 86	\$ 43			\$ 338	67.61%
<b>Total Main Street Program</b>	<b>\$ 500</b>													\$ -	0.00%
<b>Parks and Recreation</b>															
City Park planning and Bridge Repair	\$ 70,000									\$ 63,210				\$ 63,210	90.30%
Chaparral Trail Upgrade Project MM4.1 to MM11.2 (PJ246)	\$ 150,000													\$ -	
Chaparral Trail Upgrade Project MM11.2 to MM13.2 (PJ237)	\$ 50,000													\$ -	
<b>Total Parks and Recreation</b>	<b>\$ 270,000</b>													\$ -	
<b>Museum</b>															
Bain Honaker Painting	\$ 10,000													\$ -	
<b>Total Museum</b>	<b>\$ 10,000</b>													\$ -	
<b>Civic Organizations</b>															
COC Events, promotions, and Publications (PJ237)	\$ 3,600													\$ -	
COC Tourism, Infrastructure and Job Retention (PJ259)	\$ 21,400									\$ 5,232	\$ 16,562		\$ 5,000	\$ 21,794	101.84%
NETT Grant (PJ251)	\$ 5,000													\$ 5,000	100.00%
Rotary Club	\$ 550													\$ -	
<b>Total Civic Organizations</b>	<b>\$ 30,550</b>													\$ -	
<b>Special Events</b>															
Sparks of Freedom (PJ238)	\$ 8,000									\$ 8,000				\$ 8,000	100.00%
Music in the Park 2022 (PJ265)	\$ 3,500									\$ 1,000			1,000	\$ 2,000	57.14%
Cops & Rodders/National Night Out (PJ241/281)	\$ 5,530									\$ 1,158	\$ 4,372			\$ 5,530	100.00%
Chaparral Trail Open Day Even (PJ266)	\$ 500													\$ -	
<b>Total Special Events</b>	<b>\$ 17,530</b>													\$ -	
<b>FCDC Projects</b>															
Billboard Promotion (PJ252)															
The Reiss Group	\$ 5,400		\$450.00	\$450.00		1350	450	450	450	\$450	\$ 900	450	\$ 4,950	\$ 4,950	91.67%
Texas Builders	\$ 3,000			\$500.00		500		250	250	\$500	\$ 250	250	\$ 2,500	\$ 2,500	83.33%
<b>Total FCDC Projects</b>	<b>\$ 8,400</b>													\$ -	
<b>Maintenance/Professional Services/Marketing</b>															
Reimburse City for Accounting Services	\$ 2,500					822		334		\$ 538	\$ 1,183	2,500	\$ 5,377	\$ 5,377	71.69%
Legal Services	\$ 7,500												839	\$ 839	
Mays Building Taxes	\$ 2,000													\$ -	
<b>Total Maintenance/Professional Svc./Main.</b>	<b>\$ 12,000</b>													\$ -	
<b>Total Expenses</b>	<b>\$ 348,980</b>	<b>\$ 10</b>	<b>\$ 542</b>	<b>\$1,001</b>	<b>\$ 10</b>	<b>\$2,682</b>	<b>\$ 460</b>	<b>\$1,087</b>	<b>\$ 960</b>	<b>\$ 79,484</b>	<b>\$ 31,319</b>	<b>\$10,039</b>	<b>\$ 127,605</b>	<b>\$ 127,605</b>	36.57%
<b>Excess Revenue Over Expenses</b>	<b>(48,830)</b>	<b>25,434</b>	<b>33,284</b>	<b>29,285</b>	<b>34,364</b>	<b>27,234</b>	<b>27,625</b>	<b>41,124</b>	<b>34,887</b>	<b>\$ (46,299)</b>	<b>\$ (31,319)</b>	<b>(10,039)</b>			



11-03-2022 11:02 AM  
FUND : 250-EDC/CDC  
DEPT : N/A

# DETAILED LISTING

PAGE:

PERIOD TO USE: Sep-2022 THRU Sep-2022

ACCOUNTS: .00.1112.000 THRU .00.1112.000  
NOTE =====AMOUNT=====

# INV/JE #

PACKET=====	DESCRIPTION=====
-------------	------------------

[illegible]

NOTE	=====	TAKS	,00:1112:000
NOTE	=====		=====BALANCE=====
	=====		

.00.1112.000 CASH ACCT #B

# ENGINEERING BALANCE

[illegible]

000 ERRORS IN THIS REPORT!

	*** REPORT TOTALS ***	--- DEBITS ---	--- CREDITS ---
BEGINNING BALANCES:		513,813.49	0.00
REPORTED ACTIVITY:		36,689.08	27,816.59CR
ENDING BALANCES:		550,502.57	27,816.59CR
TOTAL FUND ENDING BALANCE:		522,685.98	

11-03-2022 10:57 AM

FUND : 250-EDC/CDC

DEPT : N/A

POST DATE TRAN #

REFERENCE

PACKET=====

DESCRIPTION=====

VEND INV/JE #

ACCOUNTS: .00.1173.000

THRU .00.1173.000

THRU Sep-2022

PERIOD TO USE: Sep-2022

THRU Sep-2022

THRU Sep-2022

THRU Sep-2022

THRU Sep-2022

THRU Sep-2022

THRU Sep-2022

THRU Sep-2022

THRU Sep-2022

THRU Sep-2022

THRU Sep-2022

.00.1173.000

INVESTMENTS TEXPOOL

BEGINNING BALANCE

JE# 008830

CR: 1,089.95

0.00

1,089.95

549,638.48

550,728.43

9/30/22 11/03 B33880 Deposit 092022 07570 TXPL CDC 092022

SEPTEMBER ACTIVITY DB:

\*\*\*\*\*

000 ERRORS IN THIS REPORT!

\*\*\*\*\*

\*\* REPORT TOTALS \*\*

BEGINNING BALANCES:

REPORTED ACTIVITY:

ENDING BALANCES:

TOTAL FUND ENDING BALANCE:

DEBITS ---

549,638.48

1,089.95

550,728.43

CREDITS ---

0.00

0.00

0.00



Agenda Section	Informational Item
Section Number	V.C
Subject	FEDC Farmersville Economic Development Board (Type A)
To	Mayor and Council Members
From	Ben White, City Manager
Date	
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>



**Farmersville Economic Development Corp 4A**  
**September 2022**  
**Financial Report**  
**(unaudited)**

**Daphne Hamlin**  
d.hamlin@farmersvilletx.com

# ***Farmersville Economic Development Corp 4A***

***September 2022***

<b>Statement Balance 09-01-2022</b>	<b>\$484,671.84</b>
-------------------------------------	---------------------

<b>Deposits:</b>	
<b>Sales Tax:</b>	<b>\$36,557.03</b>
<b>Cking Int .30%</b>	<b>\$124.91</b>
<b>Cleared Checks</b>	<b>\$-</b>
<b>Ending Balance:</b>	<b>\$521,353.78</b>

## **Outstanding Transactions**

<b>Sales Tax</b>	
<b>Reimburse State Comptroler</b>	<b>\$(15,165.72)</b>
<b>CD Interest</b>	
<b>Oustanding checks 1348-1351</b>	<b>\$(4,222.50)</b>
<b>Balance 10-14-2022</b>	<b>\$501,965.56</b>

[illegible]

CASH ACCOUNT									
B E G I N N I N G B A L A N C E									
9/14/22	9/14	A25416	CHK: 001348	07555	BROWN & HOFMEISTER, L.L.	2419		107.50CR	484,564.35
9/14/22	9/14	A25417	CHK: 001349	07555	CITY OF FARMERSVILLE	159		1,000.00CR	483,564.35
9/14/22	9/14	A25418	CHK: 001350	07555	GREGORY D. LAST	8864		615.00CR	482,949.35
9/14/22	9/14	A25419	CHK: 001351	07555	TEX 21	7854		2,500.00CR	480,449.35
9/30/22	10/14	B33658	Deposit 092022	07544	EDC SEPTEMBER 2022		JE# 008802	124.91	480,574.26
9/30/22	10/14	B33661	Deposit 092022	07546	EDC SEPT 2022		JE# 008805	36,557.03	517,131.29
9/30/22	10/14	B33661	Deposit 092022	07546	EDC SEPT 2022		JE# 008805	15,165.72CR	501,965.57
=====									17,293.72
SEPTEMBER ACTIVITY DE:									19,388.22CR

000 ERRORS IN THIS REPORT! \*\*\*\*\*

\*\*\* REPORT TOTALS \*\*\*  
BEGINNING BALANCES: 484,671.85  
REPORTED ACTIVITY: 36,681.94  
ENDING BALANCES: 521,353.79  
TOTAL FUND ENDING BALANCE: 501,965.57

--- CREDITS ---  
0.00  
19,388.22CR  
19,388.22CR

.00.1171.000 TXPL INVESTMENT ACCOUNT 4A		B E G I N N I N G B A L A N C E	
9/30/22 10/14 B33658	Deposit 092022	07544 EDC SEPTEMBER 2022	JE# 008802
9/30/22 11/03 B33884		07573 EDC TXPL 092022	JE# 008833
9/30/22 11/03 B33885		07574 REV DOUBLE ENTRY	JE# 008834
	SEPTEMBER ACTIVITY DB:	288.66 CR:	144.33CR
			144.33
			72,784.02

\*\*\*\*\*  
000 ERRORS IN THIS REPORT!  
\*\*\*\*\*  
\*\* REPORT TOTALS \*\*  
BEGINNING BALANCES: 72,784.02  
REPORTED ACTIVITY: 288.66  
ENDING BALANCES: 73,072.68  
TOTAL FUND ENDING BALANCE: 72,928.35  
DEBITS --- CREDITS ---  
0.00  
144.33CR  
144.33CR

11-03-2022 1:12 PM  
FUND : 255-EDC 4A  
DEPT : N/A  
POST DATE TRAN # REFERENCE

11-03-2022 1:12 PM  
FUND : 255-EDC 4A  
DEPT : N/A  
POST DATE TRAN # REFERENCE

PACKET=====DESCRIPTION===== VENDOR INVOICE # PERIOD TO USE: Sep-2022 THRU Sep-2022  
ACCOUNTS: .00.1173.000 THRU .00.1173.000  
NOTE =====AMOUNT===== BALANCE=====

.00.1173.000 IB NOW ACCOUNT BEGINNING BALANCE 1,919,337.68

9/30/22 10/14 B33658 Deposit 092022 07544 EDC SEPTEMBER 2022 JE# 008802 473.26 1,919,810.94  
===== SEPTEMBER ACTIVITY DB: 473.26 CR: 0.00 473.26

000 ERRORS IN THIS REPORT! \*\*\*\*\*

\*\* REPORT TOTALS \*\*  
BEGINNING BALANCES: 1,919,337.68  
REPORTED ACTIVITY: 473.26  
ENDING BALANCES: 1,919,810.94  
TOTAL FUND ENDING BALANCE: 1,919,810.94  
--- DEBITS ---  
--- CREDITS ---  
0.00  
0.00  
0.00

Agenda Section	Informational Item
Section Number	V.D
Subject	Main Street Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	
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 Item
Section Number	V.E
Subject	Parks & Recreation Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	
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 Item
Section Number	V.F
Subject	Planning & Zoning Commission
To	Mayor and Council Members
From	Ben White, City Manager
Date	
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 Item
Section Number	V.G
Subject	TIRZ Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	
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>



**TIRZ**  
**September 2022**  
**Financial Report**  
**(unaudited)**

**Daphne Hamlin**  
d.hamlin@farmersvilletx.com

**TIRZ**  
**September 2022**

<b>Statement Balance 08-31-2022</b>	<b>\$77,938.31</b>
-------------------------------------	--------------------

<b>Deposits:</b>	<b>\$-</b>
<b>Cking Int CBTX .10%</b>	<b>\$6.41</b>
<b>Bond Payment</b>	
<b>Statement balance 09-30-2022</b>	<b>\$77,944.72</b>

**Outstanding Transactions**

<b>Reimburse City of Farmersville expenses</b>	<b>\$(10,227.10)</b>
<b>Reimburse City of Farmersville Admin Expe</b>	<b>\$(2,000.00)</b>

<b>Balance 11-03-2022</b>	<b>\$65,717.62</b>
---------------------------	--------------------

TIRZ  
Cumulative Income Statement  
For the 12 Months Ended, September 30, 2022

	FY 2021	October	November	December	January	February	March	April	May	June	July	August	September	YTD
<b>Beginning Bank Balance</b>	<b>Budget</b>													
Deposits	\$31,560.81	\$25,033.43	\$25,034.91	\$25,036.12	\$24,286.64	\$1,649.21	\$1,649.21	\$1,649.21	\$77,911.84	\$77,918.67	\$77,925.07	\$77,931.26	\$77,938.31	
Ad Valorem Tax Collection	\$617,200.00							\$ 612,388.81						
County Tax Collection	\$74,737.00							\$ 76,260.71						
Interest Income eling	\$250.00							\$ 1.92						
Misc deposit		\$1.36	\$1.48	\$1.21	\$0.52	\$0.08			\$8.83	\$6.40	\$6.19	\$7.05	\$6.41	\$59.45
wire fee														
Transfer to Texpool														
Transfer From Texpool														
Texpool Interest	\$16.09	\$16.71	\$17.10	\$17.02	\$5,000.00		\$69.17	\$154.19	\$604.25	\$940.73	\$1,477.38	\$1,993.01	\$2,000.00	
<b>Total Revenue</b>	<b>\$692,187.00</b>	<b>\$31,562.17</b>	<b>\$25,034.91</b>	<b>\$25,036.12</b>	<b>\$25,036.64</b>	<b>\$29,312.43</b>	<b>\$1,649.21</b>	<b>\$77,911.84</b>	<b>\$77,918.67</b>	<b>\$77,925.07</b>	<b>\$77,931.26</b>	<b>\$170,575.82</b>	<b>\$77,944.72</b>	<b>\$5,331.36</b>
<b>Expenses:</b>														
Administration	\$2,000.00													
Meeting Expenses	\$2,000.00													
Dues/School/Travel	\$2,000.00													
Office Supplies														
Legal Service	\$7,500.00	\$6,528.74												\$-
<b>Debt Service</b>														
Interest Payment (PJ116)	\$55,275.00													\$9,483.39
Principal Payment (PJ116)	\$65,000.00													\$16,012.13
<b>Directive Business Incentives:</b>														
Street Construction, Concrete, Weldt Drive, Panel Replacement (PJ1122)	\$300,000.00				\$750.00	\$27,637.51						\$27,637.51		\$55,275.02
Economic Development	\$200,000.00											\$65,000.00		
TIRZ General Fund Transfer (PJ2611)	\$40,000.00													
<b>Total Expenditures</b>	<b>\$673,775.00</b>	<b>\$6,528.74</b>			<b>\$750.00</b>	<b>\$27,637.51</b>	<b>\$-</b>	<b>\$-</b>				<b>\$92,637.51</b>	<b>\$12,227.10</b>	<b>\$139,780.88</b>
Revenue vs Expenditures														<b>(\$139,781)</b>
From Reserves														
<b>Ending Bank Balance</b>	<b>\$25,033.43</b>	<b>\$25,034.91</b>	<b>\$25,036.12</b>	<b>\$24,286.64</b>	<b>\$1,674.92</b>	<b>\$1,649.21</b>	<b>\$77,911.84</b>	<b>\$77,918.67</b>	<b>\$77,925.07</b>	<b>\$77,931.16</b>	<b>\$77,938.31</b>	<b>\$65,717.82</b>	<b>\$1,056,923.03</b>	
<b>Texpool Balance</b>	<b>\$534,764.72</b>	<b>\$534,781.43</b>	<b>\$534,798.53</b>	<b>\$534,815.55</b>	<b>\$529,841.26</b>	<b>\$529,910.43</b>	<b>\$1,142,456.43</b>	<b>\$1,143,998.41</b>	<b>\$1,145,475.79</b>	<b>\$1,054,831.29</b>	<b>\$1,056,923.03</b>	<b>\$1,122,640.65</b>	<b>\$1,122,640.65</b>	
<b>Total Available Funds</b>	<b>\$559,798.15</b>	<b>\$559,816.34</b>	<b>\$559,834.65</b>	<b>\$559,102.19</b>	<b>\$531,516.18</b>	<b>\$531,559.64</b>	<b>\$1,220,368.27</b>	<b>\$1,220,976.35</b>	<b>\$1,221,923.48</b>	<b>\$1,223,406.95</b>	<b>\$1,132,769.60</b>	<b>\$1,132,769.60</b>	<b>\$1,122,640.65</b>	

## **VI. REGULAR AGENDA**

Agenda Section	Regular Agenda
Section Number	VI.A
Subject	Presentation Michael Hesse with FISD regarding Windom Street
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 8, 2022
Attachment(s)	Have not received any back up from FISD at time of agenda going out. Will have video presentation at City Council Meeting.
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	VI.B
Subject	Matt Crowder EDC Chairman giving CC update
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 8, 2022
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	Regular Agenda
Section Number	VI.C
Subject	Budget Adjustment and Donation Acceptance for Farmersville Lights
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 8, 2022
Attachment(s)	
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>

## FY 2022-2023 (Budget Amendment (1) (11-08-2022))

MENTAL FUNDS		PROJECTED BEGINNING FUND BALANCE		REVENUES		EXPENDITURES		INTERFUND TRANSFERS IN (OUT)		PROPOSED ENDING FUND BALANCE
General Fund		\$ 1,395,838		\$ 2,834,188		\$ 4,524,311		\$ 1,488,596		\$ 1,194,311
Revenue:										
Farmersville Lights Donations				\$ 48,950						
Total Increased Revenue										
Expenses:										
Farmersville Lights Expenses						\$ 48,950				
Total Increased Expenses:										
General Fund Budget Amend. (1)	\$	1,395,838		\$ 2,883,138		\$ 4,573,261		\$ 1,488,596		\$ 1,194,311

Agenda Section	Regular Agenda
Section Number	VI. <b>D</b>
Subject	CC 2018 Parks and Open Space Project OI18PG26 Land Acquisition
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 8, 2022
Attachment(s)	ILA and Resolution R-2022-1108-001
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  
RESOLUTION #R-2022-1108-001**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, APPROVING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF FARMERSVILLE, TEXAS, AND COLLIN COUNTY, TEXAS FOR THE PURPOSE OF PARTICIPATING IN THE COLLIN COUNTY 2018 PARKS AND OPEN SPACE BOND PROJECT FUNDING ASSISTANCE PROGRAM REGARDING COUNTY PROJECT CODE OI18PG26; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the City of Farmersville, Texas ("City") applied to Collin County, Texas ("County") to participate in and receive assistance under the Collin County Park and Open Space Project Funding Assistance Program ("Program"); and,

**WHEREAS,** the City was selected to participate in the Park Project identified as 2018 Parks and Open Space Bond Project Code OI18PG26; and,

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

**Section 1.** The City Council hereby approves that certain Interlocal Agreement, attached hereto and incorporated herein by reference for all purposes allowed by law, with County for the performance of the Park Project identified as 2018 Parks and Open Space Bond Project Code OI18PG26 and authorizes the Mayor to execute said Interlocal Agreement on behalf of the City.

**Section 2.** This Resolution shall become effective immediately from and after the date of its passage and is so resolved.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS ON THIS 8<sup>TH</sup> DAY OF NOVEMBER 2022.**

APPROVED:

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

ATTEST:

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

**INTERLOCAL AGREEMENT  
BETWEEN  
COLLIN COUNTY  
AND THE  
CITY OF FARMERSVILLE  
2018 PARKS AND OPEN SPACE BOND PROJECT OI18PG26**

**WHEREAS**, the County of Collin, Texas (“County”) and the City of Farmersville (“City”) desire to enter into an Agreement concerning the City Park Acquisition, 112 College Street project in the City of Farmersville, Collin County, Texas; and

**WHEREAS**, the Interlocal Cooperation Act (Texas Government Code Chapter 791) authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

**WHEREAS**, the City and County have determined that the improvements may be constructed most economically by implementing this Agreement; and

**WHEREAS**, the City and the County find that this Agreement will benefit the residents of the County and provide additional park and recreational facilities and open space for all County residents; and

**WHEREAS**, this Agreement will support or advance the mission of the Collin County Parks and Open Space Strategic Plan;

**NOW, THEREFORE**, this Agreement is made and entered into by the County and the City upon and for the mutual consideration stated herein.

**WITNESSETH:**

**ARTICLE I.**

The City shall arrange to purchase the approximately 15,000 square foot parcel of land located at 112 College Street in Farmersville described as the City Park Acquisition, 112 College Street project, hereinafter called the “Project”. The Project shall consist of the acquisition of property identified in Exhibit “A”.

**ARTICLE II.**

Changes to the Project which alter the initial funding set forth in Exhibit “A” must be reviewed by the Parks Foundation Advisory Board and approved by Commissioners Court.

**ARTICLE III.**

The City will not expend assistance funds to acquire easements or real property for use as right-of-way.

#### ARTICLE IV.

The City estimates the total actual cost of the Project to be \$125,000.00. The County agrees to fund a portion of the total cost for items described in Exhibit "A" in an amount not to exceed **\$62,500.00**. The County shall reimburse the City for invoices paid by the City for costs related to the Project on a dollar-for-dollar matching basis. Alternative payment schedules would require Commissioners Court approval.

#### ARTICLE V.

Collin County's dollar-for-dollar matching participation in this Project shall not exceed \$62,500.00 as indicated in Article IV above. The City shall be responsible for any costs that exceed the total estimated project cost.

#### ARTICLE VI.

The City shall also provide **quarterly progress reports** in electronic format to the contact identified on Exhibit "A". Following completion of the Project, the City shall provide **an itemized final accounting of expenditures** including the City's match, in-kind services or donations for the Project. All projects for which the County has provided funds through its 2018 Parks and Open Space Bond Program must remain open and accessible to all County residents. Upon development of the property, the City shall install a **project sign** identifying the Project as being partially funded by the Collin County 2018 Parks and Open Space Bond Program.

#### ARTICLE VII.

The City and County agree that the party paying for the performance of governmental functions or services shall make those payments only from current revenues legally available to the paying party.

#### ARTICLE VIII.

**INDEMNIFICATION.** To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this Agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this Agreement.

#### ARTICLE IX.

**VENUE.** The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement. The parties agree that this Agreement

is performable in Collin County, Texas and that exclusive venue for any disputes arising under this Agreement shall lie in Collin County, Texas.

#### ARTICLE X.

SEVERABILITY. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

#### ARTICLE XI.

ENTIRE AGREEMENT. This Agreement embodies the entire Agreement between the parties and may only be modified in writing executed by both parties.

#### ARTICLE XII.

SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this Agreement without the written consent of the other party.

#### ARTICLE XIII.

IMMUNITY. It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

#### ARTICLE XIV.

EXPENSES FOR ENFORCEMENT. In the event either Party hereto is required to employ an attorney to enforce the provisions of this Agreement or is required to commence legal proceedings to enforce the provisions hereof, the prevailing Party shall be entitled to recover from the other, reasonable attorney's fees and court costs incurred in connection with such enforcement, including collection.

#### ARTICLE XV.

FORCE MAJEURE. No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement, when and to the extent such failure or delay is caused by or results from acts beyond the affected party's reasonable control, including, without limitation: acts of God; flood, fire or explosion; war, invasion,



riot or other civil unrest; actions, embargoes or blockades in effect on or after the date of this Agreement; or national or regional emergency (each of the foregoing, a "Force Majeure Event"). A party whose performance is affected by a Force Majeure Event shall give notice to the other party, stating the period of time the occurrence is expected to continue and shall use diligent efforts to end the failure or delay and minimize the effects of such Force Majeure Event.

#### ARTICLE XVI.

TERM. This Agreement shall be effective upon execution by both parties and shall continue in effect annually until final acceptance of the Project.

#### ARTICLE XVII.

The declarations, determinations and findings declared, made and found in the preamble to this Agreement are hereby adopted, restated and made part of the operative provisions hereof.

#### APPROVED AS TO FORM:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

#### COUNTY OF COLLIN, TEXAS

By: \_\_\_\_\_  
Name: Chris Hill  
Title: County Judge  
Date: \_\_\_\_\_  
Executed on this \_\_\_\_ day of \_\_\_\_\_,  
20 \_\_, by the County of Collin,  
pursuant to Commissioners' Court  
Order No. \_\_\_\_\_.

#### ATTEST:

By: \_\_\_\_\_  
Name: Tabatha Monk  
Title: City Secretary  
Date: \_\_\_\_\_

#### CITY OF FARMERSVILLE

By: \_\_\_\_\_  
Name: Bryon Wiebold  
Title: Mayor  
Date: \_\_\_\_\_  
Executed on behalf of the City of  
Farmersville pursuant to City  
Council Resolution No. \_\_\_\_\_

#### APPROVED AS TO FORM:

By: \_\_\_\_\_  
Name: Alan D. Lathrom  
Title: City Attorney  
Date: \_\_\_\_\_

## EXHIBIT "A"

The County will provide funding assistance for the following:

- ☐ Purchase of approximately 15,000 square foot parcel/112 College Street, Farmersville, TX

<b>Total funding</b>	<b>\$62,500.00</b>
<b>County Project Code OI18PG26</b>	

### Contact Information

Request for reimbursement submitted to:

Collin County Engineering Department  
Dawn Redwine  
4690 Community Avenue, Suite 200  
McKinney, Texas 75071  
972-548-3744

Submission of electronic photos and quarterly reports:

Dawn Redwine  
[dredwine@co.collin.tx.us](mailto:dredwine@co.collin.tx.us)

**Project Manager Contact:** (must be able to answer specific questions regarding project)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Agenda Section	Regular Agenda
Section Number	VI.E
Subject	AMP System for Utility Bills
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 8, 2022
Attachment(s)	Documents
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>

## Average Monthly Payment (AMP)

From our experience AMP is not beneficial to our customers. If they are struggling to pay their bill now, they really will with the AMP program. Some customers would like to come off however to come off the program they have to pay their overage to be removed. Attached are a couple of those examples. Once a customer is on and they use above their average bill then they are responsible for that amount at re-average time or that amount is averaged into their next year's billing average which makes their bill even higher. We feel it is best to no longer offer the AMP program to our customers.

Thank you for your consideration.

Shelly Segovia  
Shelly Segovia

11/2/22

Amy Hanks  
Amy Hanks

11/2/2022

Agenda Section	Regular Agenda
Section Number	VI.F
Subject	Library
To	Mayor and Council Members
From	Ben White, City Manager
Date	November 8, 2022
Attachment(s)	Documents
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>

## Library Participation Form – Northeast Texas Digital Consortium

1. In consideration of participation in the Northeast Texas Digital Consortium ("Consortium"), lending digital materials, Participating Library agrees to abide by the terms and conditions of the Agreement.
2. Participating Libraries shall pay OverDrive an Annual Participation Fee for joining and ongoing services provided to Consortium. The Participation Fee shall include any and all services relating to use of the Application Services including the Digital Library Reserve (DLR) System License, configuration and customization of website services, third party software licenses, hosting, bandwidth, and maintenance of the application services and staff training. The Fee shall be based upon Participating Library's Legal Service Area Population as reported by the then current information available at the Institute of Museum and Library Services (<http://harvester.census.gov/imls/search/index.asp?&LibraryName>).

### Annual Fee for 2021 - 2023\*

			Please check one:
Tier 1	Legal Service Area Population up to 10,000	\$1,500 per year	<input type="checkbox"/>
Tier 2	Legal Service Area Population of 10,001 – 30,000	\$3,000 per year	<input type="checkbox"/>
Tier 3	Legal Service Area Population of 30,001 – 60,000	\$6,000 per year	<input type="checkbox"/>
Tier 4	Legal Service Area Population of 60,001 – 100,000	\$9,000 per year	<input type="checkbox"/>
Tier 5	Legal Service Area Population of 100,001- 150,000	\$12,000 per year	<input type="checkbox"/>

\*The current term is two (2) years. The Agreement shall automatically renew for successive terms of twenty four (24) months unless either party gives written notice ninety (90) days before the expiration of the then current term, of intent not to renew. After the current term of two (2) years the Annual Fee is subject to change. The Annual Fee shall be due and payable within thirty (30) days of receipt of invoice.

3. Texas Public Libraries that are members of the Northeast Texas Library System with Legal Service Area Populations under 150,000 shall be eligible to join Consortium. Any current OverDrive customer (standalone system) shall not be eligible to join Consortium. Notwithstanding the foregoing, OverDrive shall have sole discretion to approve any and all new libraries that seek to join Consortium.
4. The annual Participation Fee collected during each year shall be allocated as follows: one-third (1/3) towards configuration, system fees, and maintenance, and two-thirds (2/3) toward selection of Content for the shared collection. At any time during the term of this Agreement, Consortium and/or Participating Libraries may select additional Content subject to standard terms and pricing. Consortium and/or Participating Libraries shall make payments to OverDrive for Content selections within 30 days of receipt of invoice.
5. This Participation Form is a commitment of the current revenues only of the Participating Library. Participating Library represents and warrants that it has appropriated and budgeted the necessary funds to make all payments required pursuant to this Participation Form for the remainder of the fiscal year in which the payment term commences; and that it currently intends to make payments for the full contract term as scheduled in the applicable payment schedule herein if funds are appropriated for the payment in each succeeding fiscal year by its governing body. Participating Library reasonably believes that monies in an amount sufficient to make all payments can and will lawfully be appropriated. If Participating Library's governing body fails to appropriate sufficient funds in any fiscal year for payments due and if other funds are not legally appropriated for such payment, then a non-appropriation event shall be deemed to have occurred. If a non-appropriation event occurs, (1) Participating Library shall give OverDrive immediate notice of such non-appropriation event and provide written evidence of such failure by Participating Library's governing body; and (2) this Participation Form shall terminate on the first day of the fiscal year in which funds are not appropriated.
6. Each Participating Library will be automatically enrolled in the OverDrive Advantage program at no additional cost.
7. Authorized Patrons and/or Participating Library may access and/or download the Digital Content (i) on Participating Library-issued devices or computers with exclusive and individual unique user accounts; (ii) on Participating Library-issued devices which are circulated in accordance with the OverDrive Test Drive program; (iii) on Authorized Patrons personal devices; (iv) on shared Participating Library computers which employ an application that restores the computer to its original configuration after use by an individual Authorized Patron (e.g. Deep Freeze, Windows SteadyState, or other similar application); and (iv) For any use consistent with the relevant fair use doctrine or similar law in your jurisdiction.
8. Participating Library shall include a direct hyperlink and/or logo linked to the DLR service from Participating Library's home page and other appropriate sub-pages. Such link or logo shall be featured no less prominently than other electronic resources or services including but not limited to EBSCOhost, Ingram and 3M.

9. Participating Library acknowledges it may incur additional license fees or costs related to MARC records, SIP or similar protocol for patron authentication. All such fees shall be at Participating Library's own expense, and are not included in the Participation Fee.
10. Participating Library acknowledges that if Participating Library withdraws from Consortium prior to the expiration of Agreement with OverDrive, all content, products, and services that have been purchased with the Participating Library's monetary and in-kind contributions to Consortium shall remain with Consortium.

Accepted and agreed this \_\_\_\_ day of \_\_\_\_\_ 202\_\_ by:

\_\_\_\_\_  
(“Participating Library”)  
\_\_\_\_\_  
\_\_\_\_\_

By (signature): \_\_\_\_\_

Name (Print): \_\_\_\_\_

Title: \_\_\_\_\_

Email: \_\_\_\_\_

☐ OverDrive sends emails about promotions, new products and services. By checking this box, you consent to receiving OverDrive's communications and promotional emails to your email address. These emails also include an easy method to manage your subscription(s), including unsubscribing to future emails.

*Please fill out the following with the appropriate contacts:*

**Billing Contact**

Name, email address, and billing address of contact to receive billing:

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

**ILS Change Contact(s)**

Names(s) and email address of contacts allowed to request ILS changes for your library:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

**Collection Contact(s)**

Name(s) and email address of contacts who will work on collection management:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

**Promotional Materials Contact(s)**

Name(s) and email address of contacts to work with our Partner Services Team on promotion:

Name: \_\_\_\_\_

Email: \_\_\_\_\_

## Tabatha Monk

---

**From:** Trisha Dowell  
**Sent:** Thursday, October 20, 2022 9:26 AM  
**To:** Tabatha Monk  
**Subject:** FW: OverDrive and Northeast Texas Library Digital Consortium  
**Attachments:** TX OverDrive Participation Form- Northeast Texas Digital Consortium (2021-2023).pdf

Hello Tabatha,

Here is the Northeast Texas Digital Consortium agreement. Thank you for your assistance!

Sincerely,

Trish

---

**From:** Madison O'Callaghan <mocallaghan@overdrive.com>  
**Sent:** Monday, October 17, 2022 9:52 AM  
**To:** Trisha Dowell <t.dowell@farmersvilletx.com>  
**Cc:** Hope Cain <hcain@sulphurspringstx.org>  
**Subject:** OverDrive and Northeast Texas Library Digital Consortium

**External Email: Do not click links or open attachments unless you know the content is safe.**

Hi Trisha!

I am so sorry for the delay in reaching out to you! I would be delighted to help Charles J Rike Memorial Library join the Northeast Texas Library System and begin offering digital services to your patrons. The information below should give you some basic information on offering ebooks and other digital media to your patrons.

Feel free to view the [collection website here](#). When you join, your users will have instant access to that collection, which currently contains over 38,000 digital titles, including ebooks and audiobooks - all of which can be integrated into your catalog. Most community users will choose to read and listen on our Award Winning App, Libby, which is extremely easy to use and intuitive - Click here for more information on the [Libby App](#) - we are also the exclusive provider for Kindle use as well!

Please see the attached order form for pricing information: Pricing tiers are based on the population of your Legal Service Area. **Please note that 2/3 of your annual fee comes back to you as content credit, which is used to purchase titles for the shared collection!**

In addition, the has offered to cover the cost of an Advantage account for each of the libraries in the consortium. So, when you sign up, **you will automatically be added as an Advantage member of the consortium for free!** This gives libraries that are members of the consortium the ability to offer titles exclusively for their own patrons. Click this link to read more about [Advantage Accounts](#).

Feel free to browse our [OverDrive Resources](#), where you'll find more information on what we offer our customers, including Marketing and Outreach Materials, Staff Training, Collection Development, and more.



**OverDrive, Inc.** *Global Digital Distributor of eBooks, audiobooks, & more*  
World Headquarters | One OverDrive Way | Cleveland, Ohio 44125 USA  
[www.overdrive.com](http://www.overdrive.com) Proud to be a [Certified B Corp](#)



Confidentiality Notice: This email and any attachments are OverDrive Confidential for the sole use of the intended recipient. Any review, copying, or distribution of this email and attachments by others is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete any copies of this email.

---

**From:** Trisha Dowell <[t.dowell@farmersvilletx.com](mailto:t.dowell@farmersvilletx.com)>  
**Sent:** Wednesday, October 12, 2022 2:09 PM  
**To:** Jim Monastra <[jmonastra@overdrive.com](mailto:jmonastra@overdrive.com)>  
**Subject:** Northeast Texas Digital Consortium inquiry

Hello Mr. Monastra,

My library is interested in joining the Northeast Texas Digital Consortium for Overdrive services. If you can give me any information, I would greatly appreciate it.

Sincerely,

Trisha Dowell

Rike Memorial  
203 Orange Street  
Farmersville, TX 75442  
972-782-6681

## **VII. WORKSESSION**

## **Legal Q&A**

**Bill Longley, TML Legislative Counsel**

### **Q. What is a municipal development district (MDD)?**

**A.** An MDD is a political subdivision created by a city to plan, acquire, establish, develop, construct, or renovate one or more development projects beneficial to the district. TEX. LOC. GOV'T CODE §§ 377.021 and 377.022. An MDD closely resembles a Type B economic development corporation (EDC), with some key differences (discussed below). The MDD is funded through a dedicated local sales and use tax that must be approved by the voters in an election held within the district. *Id.* § 377.101.

The concept of an MDD was first introduced in a limited capacity in 1999, when the Texas Legislature authorized the City of Aransas Pass to create an MDD. In 2001, legislation passed to provide that any city located in multiple counties could hold an election to adopt an MDD. Finally, in 2005, the Texas Legislature amended Chapter 377 of the Local Government Code to enable any city to establish an MDD. According to the Texas Comptroller at the time of this writing, 40 cities have created MDDs. (Website of Texas Comptroller of Public Accounts, *Special Purpose District Sales and Use Tax*, <https://comptroller.texas.gov/taxes/sales/spd.php>.)

### **Q. What are the authorized rates of the MDD sales tax levy?**

**A.** The rate of an MDD sales tax may be one-eighth, one-fourth, three-eighths, or one-half of one percent of the cost of goods sold within the MDD that are subject to sales taxes. *Id.* § 377.104. The combined rate of all local sales taxes within the district, however, may not exceed two percent. *Id.* § 377.101(c).

### **Q. What may an MDD sales tax be spent on?**

**A.** An MDD sales tax is a dedicated city sales tax, meaning its proceeds can only be spent on certain authorized projects (as distinguished from a general purpose tax which can be spent on any lawful city purpose).

An MDD sales tax is an economic development tax that can be spent on authorized "development projects," which include any of the following:

- (1) Any "project" as that word is defined by Sections 505.051 through 505.158 of the Local Government Code. *Id.* § 377.001(3)(A). In other words, the MDD tax automatically encompasses any project available to a similarly-sized Type B EDC.
- (2) A convention center facility or related improvements such as a civic center or auditorium. *Id.* § 377.001(3)(B).
- (3) Parking lots for such convention or related facilities. *Id.* § 377.001(3)(B).

- (4) Civic center hotels. *Id.* § 377.001(3)(B). This authority can be quite important; funding of civic center hotels with other funds, such as hotel occupancy taxes, can be controversial both legally and politically.

**Q. Can an MDD be created to encompass the city's extraterritorial jurisdiction (ETJ)?**

**A.** Yes. When a city holds the election to create a district, the district may be created in: (1) all or part of the boundaries of the city; (2) all or part of the boundaries of the city and all or part of the boundaries of the city's ETJ; or (3) all or part of the city's ETJ. *Id.* § 377.002.

While the MDD statute authorizes the boundaries of the MDD to include the city's ETJ upon the creation of the district, it should be noted that there is no express statutory authority to later modify the boundaries of the ETJ. In other words, an MDD that is initially created to only include the city limits cannot later be expanded – by election or otherwise – to include the city's ETJ.

**Q. If the MDD so closely resembles an EDC, why not just create a Type A or Type B EDC instead?**

**A.** There are several distinctions between an MDD and an EDC sales tax that might make the MDD preferable to an EDC in a particular city:

- (1) The scope of projects that can be funded with an MDD sales tax is slightly larger than that of a Type B EDC sales tax (see above).
- (2) An MDD sales tax need not be levied over the entire corporate limits of a city, as an EDC sales tax must. This can be useful for cities that straddle county boundaries and are thus "maxed out" at their two-percent local sales tax cap in some areas of the city but not in others. The statute states that the city can create the district (and thus levy the tax) in "all or part of the boundaries of the municipality." *Id.* § 377.002(a)(1).
- (3) As mentioned above, an MDD sales tax may be imposed in a city's ETJ if the voters of the entire district approve the tax. *Id.* § 377.002(a)(2). The MDD sales tax is the only city sales tax that may be levied in the ETJ of a city.
- (4) The MDD statute does not have the same level of detailed restrictions that the EDC statute does. For example, the EDC statute prevents the city from giving aid to an EDC. *Id.* § 501.007(a). The MDD statute contains no such restriction. The MDD statute only references the Type B EDC law to define the permissible projects of an MDD; it does not incorporate the other procedural and substantive aspects of the EDC statutes.
- (5) The board of an MDD consists of a minimum of four persons. *Id.* § 377.051(a). A Type B corporation has a seven-member board. *Id.* § 505.051. Many Type B EDC cities, particularly smaller cities, report difficulty in locating persons willing to serve on the Type B EDC board. The smaller MDD board can help in this regard.

**Q. Can an MDD spend its revenue for authorized projects outside the district?**

**A.** One area where MDDs clearly have less flexibility than an EDC relates to spending on projects located outside the boundaries of the district. An EDC may undertake projects outside of the city limits with permission of the governing body that has jurisdiction over the property. *See Id.* § 501.159. For instance, if a potential project is located completely within the jurisdiction of another city, the corporation would need approval of the city council of that city before funding the project.

An MDD, on the other hand, is only authorized to fund projects located within the boundaries of the district. As a general matter, an MDD may use money in the development project fund only to “pay the costs of planning, acquiring, establishing, developing, constructing, or renovating one or more development projects *in the district*” (Emphasis added.) *Id.* § 377.072(a). So if the boundaries of an MDD include the corporate boundaries of the city, the MDD is not clearly authorized to spend money on projects located in the ETJ.

**Q. Is an MDD required to follow certain procedures when selling or conveying real property owned by the MDD?**

**A.** Yes. Unlike an EDC, an MDD is considered to be a political subdivision of the state. *Id.* § 377.022. As such, an MDD must comply with laws that are generally applicable to political subdivisions. This includes Chapter 272 of the Local Government Code, which establishes a notice and bidding process for the sale of real property by a political subdivision.

**Q. Is an MDD required to have bylaws?**

**A.** No. Chapter 377 of the Local Government code is silent regarding the adoption of MDD bylaws. Because MDDs operate in a similar manner to EDCs, and state statute specifically provides for the creation of EDC bylaws, many cities also adopt MDD bylaws. Unlike EDCs, there is no specific procedure to follow to adopt or amend MDD bylaws.

**Q. The ability of a Type B EDC to fund commercial and retail economic development projects depends on the size and/or Type B revenues of the city. Does this distinction extend to an MDD as well?**

**A.** Likely so. The MDD statute, when listing eligible projects that can be funded by the MDD sales tax, incorporates by reference the section of the Type B laws that contains the population/revenue distinction with respect to commercial and retail projects. *Id.* § 377.001(3)(A).

Thus, a court would likely find that the ability of an MDD to engage in general commercial and retail economic development projects depends on the same population/revenue distinction that is contained in the Type B statute. Specifically, an MDD district with less than 20,000 population, or less than \$50,000 in revenues from the MDD sales tax in each of the two preceding years, may fund commercial and retail economic development projects with the MDD sales tax. *Id.* §§ 505.156 and 505.158.

MDDs that don't meet either of those criteria would be limited to Type B projects other than commercial and retail. These MDDs could fund projects that are of a more "blue collar" variety (the statute uses the term "primary jobs"), such as industry and manufacturing, as well as certain targeted infrastructure projects, and recreational or community facilities, among other things. *Id.* §§ 501.101, 501.103 and 505.152. Such a district would still have the additional MDD projects available to it such as convention centers and civic center hotels.

**Q. If a city wants to replace an EDC sales tax with an MDD sales tax, can it use a combined ballot proposition?**

**A.** Section 321.409 of the Texas Tax Code authorizes a city to repeal or lower one city sales tax, and raise or adopt a different city sales tax, all with one combined ballot proposition. The fact that this can be accomplished by one combined ballot proposition protects the city's interest by eliminating the risk that one tax will be voted out by the citizens without the other tax being voted in. A combined ballot proposition must be worded to contain substantially the same language required by law for each of the two taxes individually. TEX. TAX CODE § 321.409(b).

Although a city is permitted to have a combined ballot proposition to switch from an EDC sales tax to a MDD sales tax, doing so could create a unique problem. If the boundaries of a proposed MDD are to include all or a portion of the city's ETJ, then the MDD would cover a different taxing area than would the EDC. As a result, the combined ballot proposition would either: (1) allow voters living outside the city limits in the ETJ to vote to terminate the EDC sales tax that was never imposed on them in the first place; or (2) would allow voters inside the city limits to impose the MDD sales tax in an area in which the actual residents living in that area did not have the opportunity to vote.

In at least one instance, the comptroller's office refused to honor the results of a combined ballot proposition to replace the EDC sales tax with the MDD sales tax because the city permitted voters in the ETJ to vote on the proposition that would (in part) abolish the EDC sales tax, even though that tax was never imposed in the ETJ. Because the comptroller has taken this position in the past, a city should consider using two separate ballot propositions if the boundaries of the MDD will differ at all from the boundaries of the EDC.

**Q. May MDD sales taxes be pledged to pay off bonds?**

**A.** Yes, MDD sales taxes may be pledged to pay off bonds, including revenue and refunding bonds, or other obligations to pay the costs of a legal MDD development project. TEX. LOC. GOV'T CODE § 377.073.

## Ben White

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**From:** Alan Lathrom <alathrom@bhlaw.net>  
**Sent:** Friday, July 23, 2021 1:32 PM  
**To:** Ben White  
**Subject:** MDDs - Overview

Ben,

Here is the general overview of MDDs from the *Texas Municipal League Economic Development Handbook*, 2020 Edition.

### **Municipal Development Districts**

In 2005, the Texas Legislature passed legislation enabling all cities to establish municipal development districts, which are governed by Chapter 377 of the Local Government Code. Prior to 2005, only cities which were located in two neighboring counties could take advantage of Chapter 377. These districts are financed through an additional sales tax approved by the city's voters, a tax which is similar to the economic development sales tax discussed in Chapter I of this handbook.

There are two possible advantages of a municipal development district sales tax over an economic development sales tax: (1) the municipal development district tax need not be levied over the entire city, which is useful for cities that are at the two-percent sales tax "cap" in some portion of the city but not in others; and (2) it is the only municipal sales tax that may be levied in a city's extraterritorial jurisdiction (ETJ).

### **Creation of a Municipal Development District**

A city may create a municipal development district comprising all or part of its city limits, all or part of its ETJ, or any combination of all or part of these areas.<sup>1282</sup> To create a district, a city must call an election through an order that defines the proposed boundaries of the district.<sup>1283</sup> The ballot at this election must be printed to allow voting for or against the following proposition:<sup>1284</sup>

**Authorizing the creation of the *(insert name of district)* Municipal Development District and the imposition of a sales and use tax at the rate of *(insert one-eighth, one-fourth, three-eighths, or one-half, as appropriate)* of one percent for the purpose of financing development projects beneficial to the district.**

In the order calling the election, the city may provide that the district boundaries will automatically conform to future changes in the city's boundaries, as when increased through annexation, and also to future changes in the city's ETJ, through annexation and population growth.<sup>1285</sup> If the voters turn down creation of the district, a subsequent election to establish a district may not be held within a year of the first election.<sup>1286</sup>

### **Sales Tax**

Chapter 323 of the Tax Code generally governs the specifics of assessing and administering the tax.<sup>1287</sup> The district may not impose a sales and use tax that would result in a combined local tax

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1281 Id. §§ 375.263(b), .264.

1282 Id. § 377.002.

1283 Id. § 377.021(a)-(b).

1284 Id. § 377.021(c).

1285 Id. § 377.021(g).

1286 Id. § 377.021(e) (Currently, this means that cities will have to wait through one election date, either in May or

November, as there are only two uniform election dates).

1287 Id. § 377.102(a).

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rate of more than two percent in any location in the district.<sup>1288</sup> The sales tax rate adopted must be one-eighth, one-fourth, three-eighths, or one-half of one percent.<sup>1289</sup> The rate may be changed at a subsequent election.<sup>1290</sup> The ballot at this election must be printed to allow voting for or against the following proposition:<sup>1291</sup>

**The adoption of a sales and use tax at the rate of *(insert one-fourth, three-eighths, or one-half, as appropriate)* of one percent .**

The adoption of the tax or a change in its rate takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete quarter occurring after the date the comptroller receives notice of the election's results.<sup>1292</sup> Revenue from the sales tax must be deposited in the district's development project fund.<sup>1293</sup>

#### **Rights and Powers of the District and its Board**

The district must establish a development project fund, which may have separate accounts within the fund.<sup>1294</sup> The district must deposit the sales tax proceeds and all revenue from the sale of bonds or other obligations into the fund.<sup>1295</sup> The money in the fund may be used to pay costs associated with development projects in the district, including maintenance and operation costs, as well as to pay costs relating to bonds or other obligations.<sup>1296</sup> A development project may consist of a Type B project as defined by the Development Corporation Act (see Chapter I of this handbook).<sup>1297</sup> Also, a project may include a convention center facility or related improvements, including parking facilities and civic center hotels.<sup>1298</sup>

The district may: <sup>1299</sup>

- accept grants or loans;
- buy, sell, and lease property;
- employ necessary personnel;
- enter into contracts with public and private parties;
- adopt rules to govern its operation; and

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1288 Id. § 377.101(c).



1289 Id. § 377.103.  
 1290 Id. § 377.104(a).  
 1291 Id. § 377.104(c).  
 1292 Id. § 377.106.  
 1293 Id. § 377.108.  
 1294 Id. § 377.072(a).  
 1295 Id. § 377.072(b).  
 1296 Id. § 377.072(c)-(e) (A district located in a county with a population of 3.3 million or more [Harris County] may spend money on development projects in the ETJ of the city where the district is located. Also, a district that is located in a municipality with a population of more than 5,000 and less than 6,000 and that is located wholly in a county with a population of more than 20,000 and less than 25,000 and that borders the Brazos River [Rockdale])).  
 1297 Id. § 377.001(3)(A).  
 1298 Id. § 377.001(3)(B).  
 1299 Id. § 377.071(a)-(b).

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- perform any act necessary to the full exercise of the district's power.

It may not levy an ad valorem tax.<sup>1300</sup> It may issue bonds or other obligations to pay the costs of a development project after approval by the attorney general.<sup>1301</sup> The district is a political subdivision of Texas and the city that created it which makes it subject to the Open Meetings Act and the Public Information Act.<sup>1302</sup> The district must comply with other laws that are generally applicable to political subdivisions, as well. This includes Chapter 272 of the Local Government Code, which establishes a notice and bidding process for the sale of real property by a political subdivision.

The district is governed by a board of at least four directors, although it would be best to have an odd number of directors to prevent tie votes.<sup>1303</sup> The board is appointed by the district-creating city council. Directors serve staggered two-year terms, so the initial terms must have about half the directors serving two-year terms and about half serving one- or three-year terms. Directors may be removed by the city council without cause. Directors must reside in the city or its ETJ.<sup>1304</sup> An employee or officer of the city or a member of the city council may serve as a director, but this person may not have a personal interest in a contract executed by the district.<sup>1305</sup> Board members are not compensated, but may be reimbursed for actual and necessary expenses.<sup>1306</sup> Board meetings must be in the city that created the district, not in the ETJ or elsewhere.<sup>1307</sup>

### **Repeal of the Sales Tax**

By order, the district can repeal the sales tax if a majority of the registered voters in the district vote at an election to repeal the sales tax.<sup>1308</sup> The ballot at this election must be printed to allow voting for or against the following proposition:<sup>1309</sup>

**The repeal of the sales and use tax for financing development projects in the *(insert name of district)* Municipal Development District.**

The repeal of the tax takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete quarter occurring after the date the

comptroller receives notice of the election's results.<sup>1310</sup> However, if the district has outstanding bonds or obligations at the time of the election, then the district continues to collect the tax until these bonds or obligations are paid, at which time the district should notify the comptroller.<sup>1311</sup>

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1300 Id. § 377.071(c).

1301 Id. § 377.073.

1302 Id. § 377.022.

1303 Id. § 377.051.

1304 See id. § 377.051(e) (Rockdale MDD is allowed to appoint directors that resides in the independent school district that serves the majority of the district).

1305 Id. § 377.051(d).

1306 Id. § 377.052.

1307 Id. § 377.053.

1308 Id. § 377.104(a).

1309 Id. § 377.104(d).

1310 Id. §§ 377.106, .107(c).

1311 Id. § 377.107(a)-(b).

Thanks,  
Alan

Alan D. Lathrom  
Brown & Hofmeister, LLP  
Direct: (214) 747-6108

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**Type A - B Development Corporations  
and Municipal Development Districts  
Permitted Projects Summary®**



Information is derived from the Texas Local Government Code (LGC). Please confer with your legal representative prior to engaging in projects.

Type A	Type B	MDD	Project Criteria
na	na	W	[377.001.3] In this Chapter, Development Project means: (A) a "project" as that term is defined by Sections 505.151-505.158; or (B) a <b>convention center facility or related improvement</b> such as a convention center, civic center, civic center building, civic center hotel, or auditorium, including parking areas or facilities that are used to park vehicles and that are located at or in the vicinity of other convention center facilities.
na	na	App	[377.072.c] Except as provided by Subsection 377.072.d ( <i>in County greater than 3.3M in 1990 Census</i> ), the district may use money in the development project fund only to: 1) pay the costs of planning, acquiring, establishing, developing, constructing, or renovating one or more development projects in the district; or 2) pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the district or to refund bonds or other obligations; or 3) pay the costs of operating or maintaining one or more development projects during the planning, acquisition, establishment, development, construction, or renovation or while bonds or other obligations for the planning, acquisition, establishment, development, construction, or renovation are outstanding.
			[501.101] The <i>land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements</i> that are found by the board to be required or suitable for the development, retention or expansion of:
P	P	P	• <b>Manufacturing and industrial facilities</b>
P	P	P	• <b>Research and development facilities</b>
P	P	P	• <b>Military facilities</b> , including closed or realigned military bases
W <sup>2</sup>	W <sup>2</sup>	P	• <b>Transportation facilities</b> , including airports, hangars, railports, rail switching facilities, maintenance and repair facilities, cargo facilities, related infrastructure located on or adjacent to an airport or railport facility, marine ports, inland ports, mass commuting facilities, and parking facilities
W <sup>2</sup>	W <sup>2</sup>	P	• <b>Sewage or solid waste disposal facilities</b>
P	P	P	• <b>Recycling facilities</b>
W <sup>2</sup>	W <sup>2</sup>	P	• <b>Air or water pollution control facilities</b>
W <sup>2</sup>	W <sup>2</sup>	P	• <b>Facilities for furnishing water to the public</b>
P	P	P	• <b>Distribution centers</b>
P	P	P	• <b>Small warehouse facilities</b> capable of serving as decentralized storage and distribution centers
P	P	P	• <b>Primary job training facilities</b> for use by institutions of higher education
P	P	P	• <b>Regional or national corporate headquarters facilities</b>
W	W	W	[501.102] <b>Job training</b> required or suitable for the promotion of development and expansion of business enterprises and other enterprises described by this subtitle, as provided by Section 501.162.
			[501.103] Expenditures that are found by the board of directors to be required or suitable for <b>infrastructure</b> necessary to promote or develop new or expanded business enterprises, limited to:
W	W	W	• <b>Streets and roads, rail spurs, water and sewer utilities, electric utilities, or gas utilities, drainage, site improvements, and related improvements;</b>
W	W	W	• <b>Telecommunications and Internet improvements;</b> or
W	W	W	• <b>Beach remediation</b> along the Gulf of Mexico



Type A	Type B	MDD	Project Criteria
p*	p*	p	<p>[501.104] The <i>infrastructure, improvements, land acquisition, buildings, or expenditures</i> that are for the creation or retention of primary jobs <b>QR*</b> jobs that are included in NAIS sector number 926120, Regulation and Administration of Transportation Programs, for corresponding index entry for Coast Guard (except the Coast Guard Academy); and are found by the board of directors to be required or suitable for:</p> <p>(A) promoting or supporting a <b>military base</b> in active use to prevent the possible future closure or realignment of the base; or</p> <p>(B) attracting <b>new military missions</b> to a military base in active use; or</p> <p>(C) <b>redeveloping a military base</b> that has been closed or realigned, including a military base closed or realigned according to the recommendation of the Defense Base Closure and Realignment Commission under the Defense Base Closure and Realignment Act of 1990.</p>
W	W	W	<p>[501.105] <i>Land, buildings, equipment, facilities, improvements, and expenditures</i> found by the board of directors to be required or suitable for use for a <b>career center</b>, if the area to be benefited by the career center is not located in the taxing jurisdiction of a junior college district.</p>
See LGC for details			[501.106] <b>Airport facilities</b> or other projects by corporations authorized by <b>certain border municipalities</b> .
See LGC for details			[501.107] <b>Infrastructure projects</b> by corporations authorized by municipalities in <b>certain border counties</b> .
App	App	App	<p>[501.152] In this subtitle, "<b>cost,</b>" with respect to a <b>project</b>, means the cost of the acquisition, cleanup, construction, reconstruction, improvement, or expansion of a project, including: the cost of acquiring all land, rights-of-way, property rights, easements, and interests; the cost of all machinery and equipment; financing charges; the cost of inventory, raw materials, and other supplies; research and development costs; interest accruing before and during construction and until the first anniversary of the date the construction is completed, regardless of whether capitalized; necessary reserve funds; the cost of estimates, including estimates of cost and revenue; the cost of engineering or legal services; the cost of plans, specifications, or surveys; other expenses necessary or incident to determining the feasibility and practicability of acquiring, cleaning, constructing, reconstructing, improving, and expanding the project; administrative expenses; and other expenditures necessary or incident to: acquiring, cleaning, constructing, reconstructing, improving, and expanding the project; placing the project in operation; and financing or refinancing the project, including refunding any outstanding obligations, mortgages, or advances issued, made, or given by a person for a cost described by this section.</p>
W	W	W	<p>[501.162] [504.305] A corporation may spend tax revenue received under this subtitle for <b>job training offered through a business enterprise</b> only if the business enterprise has committed in writing to:</p> <ul style="list-style-type: none"> <li>• Create new jobs that pay wages that are at least equal to the prevailing wage for the applicable occupation in the local labor market area; or</li> <li>• Increase its payroll to pay wages that are at least equal to the prevailing wage for the applicable <b>occupation</b> in the local labor market area.</li> </ul>
See LGC for details			[501.163] Use of tax revenue for <b>job-related training by certain corporations</b> .
W	W	-	<p>[502.052] A corporation may, as authorized by the corporation's board of directors, spend tax revenue received under this subtitle for the <i>development, improvement, expansion, or maintenance of facilities</i> relating to the operation of <b>commuter rail, light rail, or motor buses</b>.</p>
App	na	na	<p>[504.101]<sup>4</sup> A Type A corporation has the powers and is subject to the limitations of a corporation created under another provision of this subtitle outside of this chapter (<i>see 501.101</i>). To the extent of a conflict between this chapter and another provision of this subtitle, this chapter prevails.</p>



Type A	Type B	MDD	Project Criteria
			[504.103.c] <sup>4</sup> A project the primary purpose of which is to provide:
W	-	-	• A <b>general aviation business service airport</b> that is an integral part of an industrial park;
W	-	-	• A <b>port-related facility</b> to support waterborne commerce; or
W	-	-	• An <b>airport-related facility</b> , IF the authorizing municipality: A) is wholly or partly located within 25 miles of an international border; and B) has, at the time the project is approved by the corporation as provided by this subtitle: 1) a population of less than 50,000; or 2) an average rate of unemployment that is greater than the state average rate of unemployment during the most recent 12-month period for which data is available that precedes the date the project is approved.
App	na	na	[504.105] (a) Except as provided by Subsection (b), a Type A corporation may spend not more than 10 percent of the corporate revenues for <b>promotional purposes</b> . (b) A Type A corporation may spend not more than 25 percent of the corporate revenues for promotional purposes if the authorizing municipality: is located in two counties; has a population of less than 24,250 according to the 1990 federal census; and is located wholly or partly within 10 miles of a federal military reservation.
App	na	na	[504.171] (a) This section applies <b>only to a Type A corporation</b> the creation of which was authorized by a municipality: (1) that has also authorized the creation of a Type B corporation; and (2) that has a population of 7,500 or less. (b) Notwithstanding Section 504.152, if permitted by ordinance of the authorizing municipality, a <b>Type A corporation</b> to which this section applies <b>may undertake any project that a Type B corporation</b> , the creation of which was authorized by the same municipality, <b>may undertake under Chapter 505</b> .
W <sup>3</sup>	W <sup>3</sup>	-	[504.304.b] <sup>4</sup> [505.305] The cleanup of <b>contaminated property</b> .
na	App	na	[505.103] A Type B corporation may spend not more than 10 percent of the corporate revenues for <b>promotional purposes</b> .
W <sup>1</sup>	W	W	[505.151] In this Chapter, "project" means <i>land, buildings, equipment, facilities, expenditures and improvements</i> included in the definition of "projects" under Chapter 501, including: (1) job training as provided by Section 501.162; and (2) recycling facilities. <i>(Note that 505.151 authorizing projects allowed by Type B corporations only includes those projects under Chapter 501, and does not include "targeted infrastructure" in its authorization.)</i>
W <sup>1</sup>	W	W	[505.152] Land, buildings, equipment, facilities, and improvements found by the board of directors to be required or suitable for use for <b>professional and amateur sports</b> , including children's sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheaters, concert halls, parks and park facilities, open space improvements, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of the items described by this section.
W <sup>1</sup>	W	W	[505.153] Land, buildings, equipment, facilities, and improvements found by the board of directors to be required or suitable for the promotion of development and expansion of <b>affordable housing</b> , as described by 42 U.S.C. Section 12745.





Type A	Type B	MDD	Project Criteria
W <sup>1</sup>	W	W	<p>[505.154] <i>Land, buildings, equipment, facilities, and improvements</i> found by the board of directors to be required or suitable for:</p> <ol style="list-style-type: none"> <li>1) The development or improvement of <b>water supply facilities</b>, including dams, transmission lines, well field developments, and other water supply alternatives; or</li> <li>2) The development and institution of <b>water conservation programs</b>, including incentives to install water-saving plumbing fixtures, educational programs, brush control programs, and programs to replace malfunctioning or leaking water lines and other water facilities.</li> </ol>
p <sup>1</sup>	P	W	<p>[505.155] <i>Land, buildings, equipment, facilities, and improvements</i> found by the board of directors to promote or develop <b>new or expanded business enterprises</b> that <i>create or retain primary jobs</i>, including:</p> <ol style="list-style-type: none"> <li>(1) a <b>project to provide public safety facilities, streets and roads, drainage and related improvements, demolition of existing structures, general municipally owned improvements</b>, and any improvements or facilities related to a project described by this subdivision; and</li> <li>(2) <b>Any other project</b> that the board of directors in the board's discretion determines promotes or develops <b>new or expanded business enterprises</b> that <i>create or retain primary jobs</i>.</li> </ol>
W <sup>1</sup>	W	W	<p>[505.156] <i>Land, buildings, equipment, facilities, and improvements</i> found by the board of directors to be required or suitable for the <b>development, retention, or expansion of business enterprises</b> if the project is undertaken by a Type B corporation authorized to be created by a municipality:</p> <ol style="list-style-type: none"> <li>1) That has not for each of the <b>preceding two fiscal years received more than \$50,000 in revenues</b> from sales and use taxes imposed under this chapter; and</li> <li>2) The <b>governing body of which has authorized the project</b> by adopting a resolution only after giving the resolution at least two separate readings conducted at least one week apart.</li> </ol>
W <sup>1</sup>	W	W	<p>[505.1561] <i>Land, buildings, equipment, facilities, and improvements</i> found by the board of directors to be required or suitable for the development or expansion of <b>airport or railport facilities</b>, including hangars, maintenance and repair facilities, cargo facilities, and related infrastructure located on or adjacent to an airport or railport facility, if the project is undertaken by a Type B corporation authorized to be created by a municipality:</p> <ol style="list-style-type: none"> <li>1) That enters into a <b>development agreement</b> with an entity in which the entity acquires a leasehold or other possessory interest from the corporation and is authorized to sublease the entity's interest for other projects authorized by Sections 505.151 through 505.156; and</li> <li>2) The governing body of which has authorized the development agreement by adopting a resolution at a meeting called as authorized by law.</li> </ol>
See LGC for details			[505.157] Projects in <b>landlocked communities</b> .
W <sup>1</sup>	W	W	<p>[505.158] For a Type B corporation authorized to be created by a municipality with a population of <b>20,000 or less</b>, "project" also includes the <i>land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements</i> found by the corporation's board of directors to <b>promote new or expanded business development</b>. A Type B corporation may not undertake a project authorized by this section that requires an expenditure of more than \$10,000 until the <b>governing body</b> of the corporation's authorizing municipality <b>adopts a resolution</b> authorizing the project after giving the resolution at least two separate readings.</p>
W <sup>1</sup>	W <sup>3</sup>	-	<p>[505.202] A specific <b>sports venue project</b>, including related infrastructure, or for a specific category of sports venue projects, including related infrastructure.</p>

Note: Please advise me of any potential errors in the representation and I will research to resolve. [glast@EDPBestPractices.com](mailto:glast@EDPBestPractices.com)



**Legend / Notes:**

- LGC = Texas Local Government Code
- P = Permitted only with creation or retention of Primary Jobs
- W = Permitted with or without Primary Job requirement
- App = Applies to that section
- Blue text is a comment or observation and not part of the LGC.
- <sup>1</sup>Only permitted after an election has been approved pursuant to Section 504.152 authorizing the Type A corporation to fund certain Type B projects as authorized in Chapter 505. Also see Section 504.171 for cities less than 7,500 in population.
- <sup>2</sup>Except as restricted by Section 504.103 which prohibits this type of project as its primary purpose but allows this type of project when it is intended "to benefit property acquired for a project that has another primary purpose." *(This section is silent to the Primary Job requirement. Summary assumes that the Primary Job requirement is not applicable here because 504 overrides 501 according to 504.101.)*
- <sup>3</sup>Only if the use of tax proceeds for that purpose is authorized by a majority of the voters of the authorizing municipality voting at an election held for that purpose.
- <sup>4</sup>Chapter 504 is limited in applicability to municipalities that meet the requirements noted in Section 504.002.





## COMPARISON OF TYPE A, TYPE B AND MDD ECONOMIC DEVELOPMENT ENTITIES

### Nature of the Entities

<u>Type A</u>	<u>Type B</u>	<u>MDD</u>
Misc. limiting provisions	All Cities	All Cities
A corporation which administers the sales and use tax	A corporation which administers the sales and use tax	Not a corporation - a district and political subdivision of the state and the city
Files Articles of Incorporation	Files Articles of Incorporation	No Articles of Incorporation (not a corporation)
Corporation is governed by the Development Corporation Act of 1979 found now in Chapters 501-505 of the Local Gov't Code ("LGC") and the Texas Non-Profit Corporation Act (Business Organizations Code formerly Art. 1396-1.01. V.T.C.S)	Same as Type A	Created by LGC Ch. 377
Bylaws	Bylaws	Authorized to adopt rules to govern the operation of the district and its employees and property [LGC §377.071(5)]
Not a political subdivision	Not a political subdivision	Political subdivision of the state and the city [LGC §377.022]
Boundaries: City limits	Boundaries: City limits	Boundaries of MDD: (1) within all or part of city limits; (2) within all or part of city limits and ETJ; or (3) within all or part of ETJ
Tax: 1/8, 1/4, 3/8 or 1/2 of 1% of sales and use tax	Same	Same



## Board of Directors

<u>Type A</u>	<u>Type B</u>	<u>MDD</u>
At least 5 members; appointed by the city council  No residency requirements	Seven members exactly; appointed by the city council; three members of the Board must not be employees, officers or city council members Certain residency restrictions apply	Governed by a board of at least four directors; appointed by the city council (All council could be directors. I would recommend at least a 5 member board for purposes of a quorum)
May be removed by city council at will	Same	Same
Terms not to exceed 6 years	2-year terms (not necessarily staggered)	Staggered two-year terms
Qualification are not specified by statute	If City has population less than 20,000, must be a resident of the city; of the county in which the majority of the city is located; or reside within 10 miles of the city in a county which borders the county in which a majority of the city is located.	Director must reside within boundaries of the City or the MDD
All expenditures authorized require approval by City Council	Same	Establishes a Development Project Fund by resolution to pay costs of planning, acquiring, establishing, developing, constructing or renovating a project, and for operating and maintaining a project. [LGC §377.072]
Conflict of Interest: Ch. 171, LGC does not apply; Bylaws apply	Conflict of Interest: Ch. 171, LGC does not apply; Bylaws apply	Conflict of Interest: Ch. 171, LGC does apply; and may not have a personal interest in a contract executed by the district other than as an employee, officer, or member of the city council [LGC §377.051]
Compensation: Reimbursement only	Same	Same [LGC §377.052]
Quorum: Majority of entire membership	Same Majority of entire membership	Quorum: Not specified in LGC Ch. 377, Gov't Code Ch. 551 is applicable

## Administrative Expenses

<u>Type A</u>	<u>Type B</u>	<u>MDD</u>
Authorized to pay the administrative expenses (including staff) to implement the projects.	Same	Employ necessary personnel [LGC §377.071(4)]

## Open Meeting, Public Hearings and Public Information

<u>Type A</u>	<u>Type B</u>	<u>MDD</u>
Subject to TOMA (Gov't Code, Ch. 551) [LGC §501.072]	Same	Subject to TOMA as a political subdivision
Meetings to be held in the city or county in some cases (new law)	Same	Meetings to be held in the city
<b>Public Hearings:</b> Not required for Type A projects.  But they are required for Type B (LGC Ch. 505) projects. Type A can do Type B projects if hold a special election on a uniform election date or for City's under 7, 500 in population, adopt an ordinance. [LGC §504.152 - §504.153]  Plus: two (2) separate readings are required by the City Council <b>if</b> the project expenditure is \$10,000 or more. [ LGC §505.158(b)]	<b>Public Hearings:</b> At least one public hearing is required on a proposed project before spending money to undertake the project <b>unless</b> the project is a project that is defined under Subchapter C, Ch. 501 of the LGC) <b>and</b> if the population of the city is < 20,000. [LGC §505.159]	<b>Public Hearings:</b> None; no publications, public hearings, or performance agreements are required.
60 day waiting period to expend funds following first public notice of a <u>Type B project only</u>	Same	None
Subject to Public Information Act (Gov't Code Ch. 552) [LGC §501.072]	Same	Subject to PIA as a political subdivision

## Projects

### Type A

### Type B

### MDD

Intended for manufacturing and industrial development	For economic development and community development	Very similar to Type B ("for the purpose of finance development projects beneficial to the district") [LGC §377.021]
<p><b><u>Projects that Create or Retain Primary Jobs</u></b></p> <p>A Type "A" economic development corporation may fund the following projects provided the projects create or retain "<b><u>primary jobs</u></b>:"</p> <p>See LGC §501.002 for definition of "<b><u>primary job</u></b>" which means a "job that is ... available at a company for which a majority of the products or services of that company are <u>ultimately exported</u> to regional, statewide, national or international markets <u>infusing new dollars</u> into the local economy"; and that is included in one of nearly sixteen (16) NAICS sector codes.<sup>1</sup></p> <p>See LGC §§501.101 and 504.103 for description of projects authorized under Chapters 501 and 504.</p> <p><b><u>Authorized Projects for "Primary Jobs" under §501.101:</u></b></p> <p>(1) manufacturing and industrial facilities;</p>	<p><b><u>Projects that Create or Retain Primary Jobs</u></b></p> <p>A Type "B" economic development corporation may fund the following projects, <u>provided</u> the projects create or retain "<b><u>primary jobs</u></b>:"</p> <p>Type B corporations may provide land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements (one or more) that are for the creation or retention of primary jobs and that are found by the board of directors to be required or suitable for the development, retention, or expansion of:</p> <p>(1) manufacturing and industrial facilities;</p> <p>(2) research and development facilities;</p> <p>(3) military facilities, including closed or realigned military bases;</p> <p>(4) transportation facilities (including but not limited to airports, ports, mass commuting facilities, and parking facilities);</p> <p>(5) sewage or solid waste disposal facilities;</p>	<p>Same as Type B [LGC §505.151-505.158]</p> <p>Plus:</p> <p>A convention center facility or related improvement such as a convention center, civic center, civic center building, civic center hotel, or auditorium, including parking areas or facilities that are used to park vehicle and that are located at or in the vicinity of other convention center facilities. [LGC §377.001(3)]</p>

<sup>1</sup> The NAICS sector code categories include: crop production; animal production; forestry and logging; commercial fishing; support activities for agriculture and forestry; mining; utilities; manufacturing; wholesale trade; transportation and warehousing; information; securities, commodity contracts, and other financial investments and related activities; scientific research and development services; management of companies and enterprises; telephone call centers; correctional institutions; and a job included within National Security sector number 928110.



<p>(2) research and development facilities;</p> <p>(3) military facilities;</p> <p>(4) recycling facilities;</p> <p>(5) distribution center;</p> <p>(6) small warehouse facilities;</p> <p>(7) primary job training facility by institutions of higher education; and</p> <p>(8) regional or national corporate headquarters; and</p> <p>(9) water distribution facilities.</p> <p>[LGC §501.101]</p> <p><u>LGC § 501.101 projects which are excluded under Chapter 504 – for Type A corporations</u></p> <p>(1) transportation facilities ;</p> <p>(2) sewage or solid waste disposal facilities;</p> <p>(3) air or water pollution control facilities;</p> <p>[LGC §504.103]</p>	<p>(6) recycling facilities;</p> <p>(7) air or water pollution control facilities;</p> <p>(8) distribution centers;</p> <p>(9) small warehouse facilities capable of serving as decentralized storage and distribution centers;</p> <p>(10) primary job training facilities for use by institutions of higher education; and</p> <p>(11) regional or national corporate headquarters facilities.</p> <p>[LGC 505.151; See LGC § 501.101]</p> <p>Type B corporations may provide land, buildings, equipment, facilities, and improvements found by the board of directors to promote or develop new or expanded business enterprises <u>that create or retain primary jobs</u>, including a project to provide:</p> <p>(1) public safety facilities;</p> <p>(2) streets and roads;</p> <p>(3) drainage and related improvements;</p> <p>(4) demolition of existing structures;</p> <p>(5) general municipally owned improvements; and</p> <p>(6) any improvements or facilities that are related to any of those projects and any other project that the board in its discretion determines promotes or develops new or expanded business enterprises <u>that create or retain primary jobs</u>.</p> <p>[LGC §505.155]</p>	
<p><u>Projects that are NOT Required to Create or Retain Primary Jobs</u></p>	<p><u>Projects that are NOT Required to Create or Retain Primary Jobs</u></p>	



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Additionally, Type A corporations may fund the following projects **without creating or retaining primary jobs:**

**Ch. 501 Authorized Projects:**

- (1) job training classes  
[LGC §501.102, See also §501.162];
- (2) **certain targeted infrastructure projects necessary to promote or develop new or expanded business enterprises**, limited to streets and roads, rail spurs, water and sewer utilities, and electric utilities, gas utilities, drainage, **site improvements, and related improvements**, telecommunications and Internet improvements, and beach remediation along the Gulf of Mexico  
[LGC §501.103];
- (3) land, buildings, equipment, facilities, and expenditures required or suitable for a career center not located within the taxing jurisdiction of a junior college  
[LGC § 501.105];

**Ch. 504 (expressly Type A) Projects:**

- (4) a general aviation business airport which is an integral part of an industrial park  
[LGC §504.103(c)(1)];
- (5) port related facilities  
[LGC §504.103(c)(2)];
- (6) airport-related facilities for communities located 25 miles from U.S./Mexico border only  
[LGC § 504.103(c)(3)];

Additionally, Type B corporations may fund the following projects **without creating or retaining primary jobs:**

**Ch. 501 Authorized Projects:**

- (1) job training classes  
[LGC §505.151; See §501.162];
- (2) **certain targeted infrastructure projects necessary to promote or develop new or expanded business enterprises**, limited to streets and roads, rail spurs, water and sewer utilities, and electric utilities, gas utilities, drainage, **site improvements, and related improvements**, telecommunications and Internet improvements, and beach remediation along the Gulf of Mexico  
[LGC §501.103];
- (3) land, buildings, equipment, facilities, and expenditures required or suitable for a career center not located within the taxing jurisdiction of a junior college  
[LGC § 501.105];

**Ch. 505 (expressly Type B) Projects:**

- (4) **land, buildings, facilities, and related improvements that enhance projects** consisting of professional and amateur (including children's) sports, athletic, entertainment, tourist, convention, and public park purposes and events  
[Local Gov't Code § 505.152];
- (5) affordable housing projects  
[LGC §505.153];
- (6) water supply facilities projects, with the requisite voter approval  
[LGC § 505.154(1) and § 505.304];

<p><u>Ch. 502 Projects:</u></p> <p>(7) development, improvement, expansion, or maintenance of facilities relating to the operation of commuter rail, light rail, or motor buses [LGC § 502.052];</p>	<p>(7) water conservation programs, with the requisite voter approval [LGC § 505.154(2) and § 505.304];</p> <p>(8) development or expansion of airport or railport facilities, including hangars, maintenance and repair facilities, cargo facilities, and related infrastructure located on or adjacent to an airport or railport facility, if the project is undertaken by a Type B corporation and enters into a development agreement with an entity who acquires a leasehold or other possessory interest from the Type B corporation and is authorized to sublease the entity's interest for other authorized projects [LGC § 505.1561]; and</p> <p><u>Ch. 502 Projects:</u></p> <p>(9) development, improvement, expansion, or maintenance of facilities relating to the operation of commuter rail, light rail, or motor buses [LGC § 502.052];</p> <p><u>Ch. 505 Certain Small Cities Projects:</u></p> <p><u>(10) Type B corporations with a city population of 20,000 or less, may provide land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the board of directors to promote new or expanded business development, provided projects which require an expenditure of more than \$10,000 the city council must adopt a resolution authorizing the project after giving the resolution at least two (2) separate readings [LGC § 505.158].</u></p>	
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<p><b><u>Ch. 504 Additional Projects</u></b>  <b><u>(8) Type “B” projects with voter approval</u></b>  <b>[LGC § 504.152 - .153]; and</b></p>	<p>Note: LGC §505.158 the operative word here is “<b><u>expenditures</u></b>” versus “<b><u>improvements</u></b>” as found in other provisions.</p>	
<p><b><u>Ch. 504 Promotional Purposes:</u></b>  <b>(9) <u>promotional projects</u></b>  <b>[LGC § 504.105].</b></p>	<p><b><u>Ch. 503 Promotional Purposes:</u></b>  <b>(11) <u>promotional projects</u></b>  <b>[LGC § 505.103].</b></p>	
<p><b><u>Performance Agreements</u></b>  <b><u>(w/ Business Enterprises):</u></b>  Necessary for Projects under §§501.101-501.107 and §§505.151 – 505.161  <b>[See §501.158]</b></p>	<p><b><u>Performance Agreements</u></b>  <b><u>(w/ Business Enterprises):</u></b>  Necessary for Projects under §§501.101-501.107 and §§505.151 – 505.161  <b>[See §501.158]</b></p>	
<p><b><u>HB 3302 – Recently adopted as LGC §504.171</u></b>  <b>(Effective 06/17/11)</b></p> <p><b><u>Type A corporations in Cities with population under 7,500 having both a Type A and a Type B EDC may now, if permitted by ordinance of the authorizing municipality, undertake any project that a Type B corporation may undertake under Chapter 505.</u></b></p> <p>Until this new provision, a Type A could undertake a Type B project only by conducting a special election to gain public approval and conduct a public hearing.</p>	<p><b><u>Payment of Maintenance and Operation Costs:</u></b></p> <p>LGC §505.303 allows payment of M &amp; O costs <u>of a publicly owned and operated project “<b><u>purchased or constructed under this Chapter.</u></b>” (Ch. 505)</u></p>	

Organization	First Name	Last Name	Title	Email	Phone
City of Aubrey	Mark	Kaiser	City Administrator	mkaiser@aubreytx.gov	(940) 440-9343
City of Azle-MDD	Tom	Muir	City Manager / Executive Director	tmuir@cityofazle.org	(817) 444-7076
City of Bangs-EDC-MDD	Carrol	Wells	President	carrolwells@gmail.com	(325) 752-6223
City of Boyd	Greg	Arrington	City Administrator	garrington@cityofboyd.com	(940) 433-5166
City of Brownwood-MDD	Ray	Tipton	Executive Director	rtipton@brownwoodtexas.gov	(325) 646-9600
City of Early-MDD	Larry	McConn	ACM / Director	lmcconn@earlytx.net	(325) 643-5451
City of Fats	Justin	Weiss	ACM, Economic & Community Development	jweiss@cityoffats.com	(972) 771-4601
City of La Vernia-MDD	Yvonne	Griffin	Executive Director	info@laverniamdd.org	(830) 779-2371
City of Murphy-MDD	Jared	Mayfield	Director of E-C Dev.	jmayfield@murphytx.org	(972) 468-4006
City of Oak Point-EDC-MDD	Stephen	Ashley	City Manager	sashley@oakpointtexas.com	(972) 294-2312
City of Ovilla-EDC-B	Glennell	Miller	City Secretary	pwoodall@cityofovilla.org	(972) 617-7262
City of Rockdale-MDD	Rhonda	Wagner	Executive Assistant	rwagner@rockdalemdd.org	(512) 446-2111
Town of Cross Roads	Kristi	Gilbert	Interim Town Administrator	k.gilbert@crossroadstx.gov	(940) 365-9693



## **MUNICIPAL DEVELOPMENT DISTRICT (MDD)**

### **SALES TAX**

#### **What is a municipal development district sales tax?**

An MDD is a political subdivision created by a city to plan, acquire, establish, develop, construct, or renovate one or more development projects beneficial to the district.<sup>274</sup> An MDD closely resembles a Type B economic development corporation (EDC), with some key differences (discussed below). The MDD is funded through a dedicated local sales and use tax that must be approved by the voters in an election held within the district.<sup>275</sup> *Id.* § 377.101.

The concept of an MDD was first introduced in a limited capacity in 1999, when the Texas Legislature authorized the City of Aransas Pass to create an MDD. In 2001, legislation passed to provide that any city located in multiple counties could hold an election to adopt an MDD. Finally, in 2005, the Texas Legislature amended Chapter 377 of the Local Government Code to enable any city to establish an MDD.

#### **How much can the MDD sales tax levy be?**

The rate of an MDD sales tax may be one-eighth, one-fourth, three-eighths, or one-half of one percent of the cost of goods sold within the MDD that are subject to sales taxes.<sup>276</sup> The combined rate of all local sales taxes within the district, however, cannot exceed two percent.<sup>277</sup>

#### **What may an MDD sales tax be spent on?**

An MDD sales tax is a dedicated city sales tax, meaning its proceeds can only be spent on certain authorized projects (as distinguished from a general purpose tax, which can be spent on any lawful city purpose).

An MDD sales tax is an economic development tax that can be spent on authorized “development projects,” which include any of the following:

- (1) Any “project” as that word is defined by Sections 505.051 through 505.158 of the Local Government Code.<sup>278</sup> In other words, the MDD tax automatically encompasses any project available to a similarly-sized Type B economic development corporation.

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<sup>274</sup> TEX. LOC. GOV'T CODE §§ 377.021 and 377.022.

<sup>275</sup> TEX. LOC. GOV'T CODE § 377.101.

<sup>276</sup> TEX. LOC. GOV'T CODE § 377.104.

<sup>277</sup> TEX. LOC. GOV'T CODE § 377.101(c).

<sup>278</sup> TEX. LOC. GOV'T CODE § 377.001(3)(A).

- (2) A convention center facility or related improvements such as a civic center or auditorium.<sup>279</sup>
- (3) Parking lots for such convention or related facilities.<sup>280</sup>
- (4) Civic center hotels.<sup>281</sup> This authority can be quite important; funding of civic center hotels with other funds, such as hotel occupancy taxes, is controversial both legally and politically.

**Can an MDD be created to encompass the city's extraterritorial jurisdiction (ETJ)?**

Yes. When a city holds the election to create a district, the district may be created in: (1) all or part of the boundaries of the city; (2) all or part of the boundaries of the city and all or part of the boundaries of the city's ETJ; or (3) all or part of the city's ETJ.<sup>282</sup>

While the MDD statute authorizes the boundaries of the MDD to include the city's ETJ upon the creation of the district, it should be noted that there is no express statutory authority to later modify the boundaries of the ETJ. In other words, an MDD that is initially created to only include the city limits cannot later be expanded—by election or otherwise—to include the city's ETJ.

**If the MDD sales tax so closely resembles a Type B economic development sales tax, why not just enact a Type B economic development tax instead?**

There are several distinctions between an MDD tax and a Type B tax that might make the MDD tax preferable to a particular city:

- (1) The scope of projects that can be funded with an MDD sales tax is slightly larger than a Type B sales tax (see above);
- (2) An MDD sales tax need not be levied over the entire corporate limits of a city, as a Type B sales tax must. This can be useful for cities that straddle county boundaries and are thus "maxed out" at their two-percent local sales tax cap in some areas of the city but not in others. The statute states that the city can create the district (and thus levy the tax) in "all or part of the boundaries of the municipality."<sup>283</sup> A city might choose to limit the application of the tax to certain areas of the city for other reasons as well, including economic development considerations.

<sup>279</sup> TEX. LOC. GOV'T CODE § 377.001(3)(B).

<sup>280</sup> TEX. LOC. GOV'T CODE § 377.001(3)(B).

<sup>281</sup> TEX. LOC. GOV'T CODE § 377.001(3)(B).

<sup>282</sup> TEX. LOC. GOV'T CODE § 377.002.

<sup>283</sup> TEX. LOC. GOV'T CODE § 377.002(a)(1).

- (3) As mentioned above, an MDD sales tax may be imposed in a city's extraterritorial jurisdiction (ETJ) if the voters of the entire district approve the tax.<sup>284</sup> The MDD sales tax is the only city sales tax that may be levied in the ETJ of a city.
- (4) The MDD statute does not have the same level of detailed restrictions that the Type B statute does. For example, the EDC statute prevents the city from giving aid to an EDC.<sup>285</sup> The MDD statute contains no such restriction. The MDD statute only references the Type B law to define the permissible projects of an MDD; it does not incorporate the other procedural and substantive aspects of the EDC statutes.
- (5) The board of an MDD consists of a minimum of four persons.<sup>286</sup> A Type B corporation has a seven-member board.<sup>287</sup> Many Type B cities, particularly smaller cities, report difficulty in locating persons willing to serve on the Type B board. The smaller MDD board can help in this regard.

#### **Can an MDD spend its revenue for authorized projects outside the district?**

One area where MDDs clearly have less flexibility than an EDC relates to spending on projects located outside the boundaries of the district. An EDC may undertake projects outside of the city limits with permission of the governing body that has jurisdiction over the property.<sup>288</sup> For instance, if a potential project is located completely within the jurisdiction of another city, the corporation would need approval of the city council of that city before funding the project.

An MDD, on the other hand, is only authorized to fund projects located within the boundaries of the district. As a general matter, an MDD may use money in the development project fund only to "pay the costs of planning, acquiring, establishing, developing, constructing, or renovating one or more development projects *in the district*." (Emphasis added.)<sup>289</sup> So if the boundaries of an MDD include only the corporate boundaries of the city, the MDD is not clearly authorized to spend money on projects located in the ETJ.

#### **Is an MDD required to follow certain procedures when selling or conveying real property owned by the MDD?**

Yes. Unlike an EDC, an MDD is considered to be a political subdivision of the state.<sup>290</sup> As such, an MDD must comply with laws that are generally applicable to political subdivisions. This includes Chapter 272 of the Local Government Code, which establishes a notice and bidding process for the sale of real property by a political subdivision.

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<sup>284</sup> TEX. LOC. GOV'T CODE § 377.002(a)(2).

<sup>285</sup> TEX. LOC. GOV'T CODE § 501.007(a).

<sup>286</sup> TEX. LOC. GOV'T CODE § 377.051(a).

<sup>287</sup> TEX. LOC. GOV'T CODE § 505.051.

<sup>288</sup> TEX. LOC. GOV'T CODE § 501.159.

<sup>289</sup> TEX. LOC. GOV'T CODE § 377.072(a).

<sup>290</sup> TEX. LOC. GOV'T CODE § 377.022.

### **Is an MDD required to have bylaws?**

No. Chapter 377 of the Local Government code is silent regarding the adoption of MDD bylaws. Because MDDs operate in a similar manner to EDCs, and state statute specifically provides for the creation of EDC bylaws, many cities also adopt MDD bylaws. Unlike EDCs, there is no specific procedure to follow to adopt or amend MDD bylaws.

### **The ability of a Type B corporation to fund commercial and retail economic development projects depends on the size and/or Type B revenues of the city. Does this distinction extend to an MDD sales tax as well?**

The likely answer is yes. The MDD statute, when listing eligible projects that can be funded by the MDD sales tax, incorporates by reference the section of the Type B laws that contains the population/revenue distinction with respect to commercial and retail projects.<sup>291</sup>

Thus, a court would likely find that the ability of an MDD to engage in general commercial and retail economic development projects depends on the same population/revenue distinction that is contained in the Type B statute.

Specifically, an MDD district with less than 20,000 population, *or* less than \$50,000 in revenues from the MDD sales tax in each of the two preceding years, may fund commercial and retail economic development projects with the MDD sales tax.<sup>292</sup>

MDDs that don't meet either of those criteria would be limited to Type B projects other than commercial and retail. Typically, such projects are of a more "blue collar" variety (the statute uses the term "primary jobs"), such as industry and manufacturing, as well as certain targeted infrastructure projects, and recreational and community facilities, among other things. Such a district would still have the additional projects available to it such as convention centers and civic center hotels.

### **What is the procedure for levying an MDD sales tax?**

Following are the procedures for levying an MDD sales tax.

- (1) **Draft Order of Election.** The city must draft an order that does the following: (a) defines the boundaries of the proposed MDD; (b) calls for an election to be held within those boundaries for the creation of the district and the levy of a sales tax, with the ballot proposition containing the following exact language:

*"Authorizing the creation of the \_\_\_\_\_ Municipal Development District (insert name of district) and the imposition of a sales and use tax at the rate of \_\_\_\_\_ of*

<sup>291</sup> TEX. LOC. GOV'T CODE § 377.001(3)(A).

<sup>292</sup> TEX. LOC. GOV'T CODE §§ 505.156 and 505.158.

*one percent (insert one-eighth, one-fourth, three-eighths, or one-half, as appropriate) for the purpose of financing development projects beneficial to the district.”;*<sup>293</sup> and

(c) provides that the district boundaries automatically conform to any changes in the boundaries of the city or the ETJ (this provision is optional).<sup>294</sup>

- (2) **Call the Election.** The city council calls the election on creation of the MDD and the MDD sales tax by passing the order in step 1 above at a properly noticed public meeting.<sup>295</sup>
- (3) **Conduct the Election.** The city holds the election on the creation of the MDD and the MDD sales tax on one of the two uniform election dates under Section 41.001 of the Texas Election Code (the first Saturday in May, or the first Tuesday after the first Monday in November).<sup>296</sup>
- (4) **Notify Comptroller.** If the election is successful, the city should send a copy of the order and canvass documents to the comptroller’s office, and request that the comptroller begin remitting the MDD sales tax to the city. The new tax won’t officially be in effect until the first day of the first calendar quarter occurring after the expiration of the first complete quarter occurring after the date on which the comptroller receives a notice of the results of the election adopting, changing, or repealing the tax.<sup>297</sup>
- (5) **Appoint the MDD Board.** The city council should next appoint a board of directors to govern the MDD. The board must consist of at least four members, who serve staggered two-year terms.<sup>298</sup> Directors may be removed by the city council at any time without cause. Board members must reside in the city that created the MDD or in the city’s ETJ. City councilmembers, city officers, and city employees may be members of the board, but may not have a personal interest in a contract executed by the district.<sup>299</sup>
- (6) **Establish Development Project Fund.** The board of the MDD then must pass a resolution establishing the “development project fund.”<sup>300</sup> It is into this fund that the sales tax proceeds are deposited and spent on authorized MDD projects (see above).

**If a city wants to replace an EDC sales tax with an MDD sales tax, can it use a combined ballot proposition?**

Section 321.409 of the Texas Tax Code authorizes a city to repeal or lower one city sales tax, and raise or adopt a different city sales tax, all with one combined ballot proposition. The fact

<sup>293</sup> TEX. LOC. GOV’T CODE § 377.021(b).

<sup>294</sup> TEX. LOC. GOV’T CODE § 377.021(g).

<sup>295</sup> TEX. LOC. GOV’T CODE § 377.021(a).

<sup>296</sup> TEX. LOC. GOV’T CODE § 377.021(g).

<sup>297</sup> TEX. LOC. GOV’T CODE § 377.106.

<sup>298</sup> TEX. LOC. GOV’T CODE § 377.051(c).

<sup>299</sup> TEX. LOC. GOV’T CODE § 377.021(d).

<sup>300</sup> TEX. LOC. GOV’T CODE § 377.072(a).

that this can be accomplished by one combined ballot proposition protects the city's interest by eliminating the risk that one tax will be voted out by the citizens without the other tax being voted in. A combined ballot proposition must be worded to contain substantially the same language required by law for each of the two taxes individually.<sup>301</sup>

Although a city is permitted to have a combined ballot proposition to switch from an EDC sales tax to a MDD sales tax, doing so could create a unique problem. If the boundaries of a proposed MDD are to include all or a portion of the city's ETJ, then the MDD would cover a different taxing area than would the EDC. As a result, the combined ballot proposition would either: (1) allow voters living outside the city limits in the ETJ to vote to terminate the EDC sales tax that was never imposed on them in the first place; or (2) would allow voters inside the city limits to impose the MDD sales tax in an area in which the actual residents living in that area did not have the opportunity to vote.

In at least one instance, the comptroller's office refused to honor the results of a combined ballot proposition to replace the EDC sales tax with the MDD sales tax because the city permitted voters in the ETJ to vote on the proposition that would (in part) abolish the EDC sales tax, even though that tax was never imposed in the ETJ. Because the comptroller has taken this position in the past, a city should consider using two separate ballot propositions if the boundaries of the MDD will differ at all from the boundaries of the EDC.

#### **May MDD sales taxes be pledged to pay off bonds?**

Yes, MDD sales taxes may be pledged to pay off bonds, including revenue and refunding bonds, or other obligations to pay the costs of a legal MDD development project.<sup>302</sup>

## **OPEN RECORDS CHARGES**

#### **What are open records charges?**

Open records charges are fees that a city is authorized to charge in order to reimburse the city for the expense of providing copies of public records in compliance with Public Information Act requests.

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<sup>301</sup> TEX. TAX CODE § 321.409(b).

<sup>302</sup> TEX. LOC. GOV'T CODE § 377.073.

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may be dissolved by the board only after any remaining bonded indebtedness has been repaid or defeased in accordance with the order or resolution authorizing the issuance of the bonds.<sup>1281</sup>

### Municipal Development Districts

In 2005, the Texas Legislature passed legislation enabling all cities to establish municipal development districts, which are governed by Chapter 377 of the Local Government Code. Prior to 2005, only cities which were located in two neighboring counties could take advantage of Chapter 377. These districts are financed through an additional sales tax approved by the city's voters, a tax which is similar to the economic development sales tax discussed in Chapter I of this handbook.

There are two possible advantages of a municipal development district sales tax over an economic development sales tax: (1) the municipal development district tax need not be levied over the entire city, which is useful for cities that are at the two-percent sales tax "cap" in some portion of the city but not in others; and (2) it is the only municipal sales tax that may be levied in a city's extraterritorial jurisdiction (ETJ).

### Creation of a Municipal Development District

A city may create a municipal development district comprising all or part of its city limits, all or part of its ETJ, or any combination of all or part of these areas.<sup>1282</sup> To create a district, a city must call an election through an order that defines the proposed boundaries of the district.<sup>1283</sup> The ballot at this election must be printed to allow voting for or against the following proposition:<sup>1284</sup>

**Authorizing the creation of the *(insert name of district)* Municipal Development District and the imposition of a sales and use tax at the rate of *(insert one-eighth, one-fourth, three-eighths, or one-half, as appropriate)* of one percent for the purpose of financing development projects beneficial to the district.**

In the order calling the election, the city may provide that the district boundaries will automatically conform to future changes in the city's boundaries, as when increased through annexation, and also to future changes in the city's ETJ, through annexation and population growth.<sup>1285</sup> If the voters turn down creation of the district, a subsequent election to establish a district may not be held within a year of the first election.<sup>1286</sup>

### Sales Tax

Chapter 323 of the Tax Code generally governs the specifics of assessing and administering the tax.<sup>1287</sup> The district may not impose a sales and use tax that would result in a combined local tax

<sup>1281</sup> *Id.* §§ 375.263(b), .264.

<sup>1282</sup> *Id.* § 377.002.

<sup>1283</sup> *Id.* § 377.021(a)-(b).

<sup>1284</sup> *Id.* § 377.021(c).

<sup>1285</sup> *Id.* § 377.021(g).

<sup>1286</sup> *Id.* § 377.021(e) (Currently, this means that cities will have to wait through one election date, either in May or November, as there are only two uniform election dates).

<sup>1287</sup> *Id.* § 377.102(a).

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rate of more than two percent in any location in the district.<sup>1288</sup> The sales tax rate adopted must be one-eighth, one-fourth, three-eighths, or one-half of one percent.<sup>1289</sup> The rate may be changed at a subsequent election.<sup>1290</sup> The ballot at this election must be printed to allow voting for or against the following proposition:<sup>1291</sup>

**The adoption of a sales and use tax at the rate of (insert one-fourth, three-eighths, or one-half, as appropriate) of one percent .**

The adoption of the tax or a change in its rate takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete quarter occurring after the date the comptroller receives notice of the election's results.<sup>1292</sup> Revenue from the sales tax must be deposited in the district's development project fund.<sup>1293</sup>

### Rights and Powers of the District and its Board

The district must establish a development project fund, which may have separate accounts within the fund.<sup>1294</sup> The district must deposit the sales tax proceeds and all revenue from the sale of bonds or other obligations into the fund.<sup>1295</sup> The money in the fund may be used to pay costs associated with development projects in the district, including maintenance and operation costs, as well as to pay costs relating to bonds or other obligations.<sup>1296</sup> A development project may consist of a Type B project as defined by the Development Corporation Act (see Chapter I of this handbook).<sup>1297</sup> Also, a project may include a convention center facility or related improvements, including parking facilities and civic center hotels.<sup>1298</sup>

The district may:<sup>1299</sup>

- accept grants or loans;
- buy, sell, and lease property;
- employ necessary personnel;
- enter into contracts with public and private parties;
- adopt rules to govern its operation; and

<sup>1288</sup> *Id.* § 377.101(c).

<sup>1289</sup> *Id.* § 377.103.

<sup>1290</sup> *Id.* § 377.104(a).

<sup>1291</sup> *Id.* § 377.104(c).

<sup>1292</sup> *Id.* § 377.106.

<sup>1293</sup> *Id.* § 377.108.

<sup>1294</sup> *Id.* § 377.072(a).

<sup>1295</sup> *Id.* § 377.072(b).

<sup>1296</sup> *Id.* § 377.072(c)-(e) (A district located in a county with a population of 3.3 million or more [Harris County] may spend money on development projects in the ETJ of the city where the district is located. Also, a district that is located in a municipality with a population of more than 5,000 and less than 6,000 and that is located wholly in a county with a population of more than 20,000 and less than 25,000 and that borders the Brazos River [Rockdale])).

<sup>1297</sup> *Id.* § 377.001(3)(A).

<sup>1298</sup> *Id.* § 377.001(3)(B).

<sup>1299</sup> *Id.* § 377.071(a)-(b).



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- perform any act necessary to the full exercise of the district's power.

It may not levy an ad valorem tax.<sup>1300</sup> It may issue bonds or other obligations to pay the costs of a development project after approval by the attorney general.<sup>1301</sup> The district is a political subdivision of Texas and the city that created it which makes it subject to the Open Meetings Act and the Public Information Act.<sup>1302</sup> The district must comply with other laws that are generally applicable to political subdivisions, as well. This includes Chapter 272 of the Local Government Code, which establishes a notice and bidding process for the sale of real property by a political subdivision.

The district is governed by a board of at least four directors, although it would be best to have an odd number of directors to prevent tie votes.<sup>1303</sup> The board is appointed by the district-creating city council. Directors serve staggered two-year terms, so the initial terms must have about half the directors serving two-year terms and about half serving one- or three-year terms. Directors may be removed by the city council without cause. Directors must reside in the city or its ETJ.<sup>1304</sup> An employee or officer of the city or a member of the city council may serve as a director, but this person may not have a personal interest in a contract executed by the district.<sup>1305</sup> Board members are not compensated, but may be reimbursed for actual and necessary expenses.<sup>1306</sup> Board meetings must be in the city that created the district, not in the ETJ or elsewhere.<sup>1307</sup>

### Repeal of the Sales Tax

By order, the district can repeal the sales tax if a majority of the registered voters in the district vote at an election to repeal the sales tax.<sup>1308</sup> The ballot at this election must be printed to allow voting for or against the following proposition:<sup>1309</sup>

**The repeal of the sales and use tax for financing development projects in the (insert name of district) Municipal Development District.**

The repeal of the tax takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete quarter occurring after the date the comptroller receives notice of the election's results.<sup>1310</sup> However, if the district has outstanding bonds or obligations at the time of the election, then the district continues to collect the tax until these bonds or obligations are paid, at which time the district should notify the comptroller.<sup>1311</sup>

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<sup>1300</sup> *Id.* § 377.071(c).

<sup>1301</sup> *Id.* § 377.073.

<sup>1302</sup> *Id.* § 377.022.

<sup>1303</sup> *Id.* § 377.051.

<sup>1304</sup> *See id.* § 377.051(e) (Rockdale MDD is allowed to appoint directors that resides in the independent school district that serves the majority of the district).

<sup>1305</sup> *Id.* § 377.051(d).

<sup>1306</sup> *Id.* § 377.052.

<sup>1307</sup> *Id.* § 377.053.

<sup>1308</sup> *Id.* § 377.104(a).

<sup>1309</sup> *Id.* § 377.104(d).

<sup>1310</sup> *Id.* §§ 377.106, .107(c).

<sup>1311</sup> *Id.* § 377.107(a)-(b).

**VIII. REQUEST TO BE PLACED ON FUTURE  
AGENDAS**

## **IX. ADJOURNMENT**