



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION AGENDA
January 24, 2023, 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.

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 Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually.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the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.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 (01-10-2023)

V. INFORMATIONAL ITEMS

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

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

- A. City Amenities Board
 - 1. Possible Council Liaison Report
- B. Farmersville Community Development Board (Type B)
 - 1. Possible Council Liaison Report.
- C. FEDC Farmersville Economic Development Board (Type A)
 - 1. Possible council Liaison Report.
- 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

VI. PUBLIC HEARINGS AND ORDINANCES

- A. "Public hearing, discussion and possible action on a request to change the zoning on three lots containing approximately 0.77 acres of land, more or less, from SF-2 – Single-Family Dwelling-2 District uses on certain of said lots and HC - Highway Commercial District Uses on certain of said lots to C - Commercial District uses subject to the HC - Highway Commercial Overlay District on the entirety of said property to allow for the platting and development of a commercial project. The property is generally situated on the north side of Audie Murphy Parkway (U.S. Highway 380) and the west side of Orange Street, and located in the W.B Williams Survey, Abstract No. 952, of Farmersville, Collin County, Texas."
- B. Consider, discuss and act upon ordinance O-2023-0124-001 Utility Average Monthly Payment (AMP), plan.

VII. REGULAR AGENDA

- A. Consider, discuss and act upon a Athletic Complex Joint use agreement between the City of Farmersville and the Farmersville Little League Baseball Association.
- B. Update, consider, and discuss the fiber system request for proposal (RFP), schedule and RFP construction associated with grant proceeds beginning and ending dates.
- C. Update, consider, discuss and act upon the bid process for Rambler Park and Onion Shed improvements.
- D. Update, consider, discuss and act upon Farmersville #3 Wastewater plant.
- E. Update, consider, discuss and act upon trickling arm filter.

VIII. WORK SESSION

- A. Consider, discuss, and act upon the possible establishment of a Municipal Development District (MDD) under Texas Local Government Code Chapter 377 including, but not limited to, their: creation; scope; powers; governance; funding; activities; the comparisons and interplay between and among MDDs and Type A and Type B Development Corporations; and the potential impacts on Type A and Type B Development Corporations.

IX. REQUESTS TO BE PLACED ON FUTURE AGENDAS

X. ADJOURNMENT

Dated this the 19th day of January 2023.

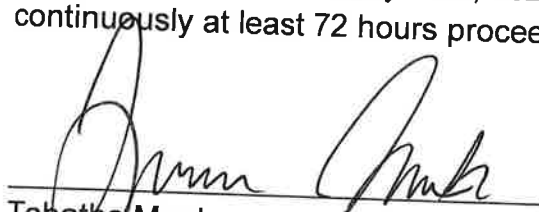


Bryon Wiebold, Mayor

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 January 19th, 2023 by 7:00 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

JANUARY 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 City Hall closed for New Years Holiday	3	4	5 Parks & Recs Board Meeting 5:00 pm	6	7 Farmersville Market 9:00 am
8	9 CC, FCDC (4B) and FEDC (4A) Joint Meeting 6:00	10 City Council Meeting 6:00 pm	11	12	13	14
15	16	17 P&Z Meeting 6:00 pm	18 First Day to file application for a place on the ballot for the May 6 th General Election	19 FEDC (4A) Meeting 6:00 pm	20	21
22	23 City Hall Closed – MLK Day	24 City Council Meeting 6:00 pm	25	26 City Amenities Board Meeting 4:00 pm	27	28
29	30	31				

FEBRUARY 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2 Parks & Recs Board Meeting 5:00 pm	3	4 Farmersville Market 9:00 am
5	6	7	8	9	10	11
12	13 FCDG (4B) Meeting 6:00 pm	14 City Council Meeting 6:00 pm	15	16 FEDC (4A) Meeting 6:00 pm	17 Last Day to file application for place on the ballot for the May 6 th General Election	18
19	20 City Hall Closed – President's Day	21 P&Z Meeting 6:00 pm	22	23 City Amenities Board Meeting 4:00 pm	24	25
26	27	28 City Council Meeting 6:00 pm				

**II. Public Comment on agenda items (FOR NON-
PUBLIC HEARING AGENDA ITEMS)**

III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

IV. Consent Agenda

Agenda Section	Consent Agenda
Section Number	IV.A
Subject	01-10-23 Minutes
To	Mayor and Council Members
From	Ben White, City Manager
Date	January 10-2023
Attachment(s)	Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
January 10, 2023, 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, Ted Wagner and Mike Henry were in attendance. Councilmembers Terry Williams and Lance Hudson were absent. City staff members in attendance were City Manager, Ben White, Assistant City Manager, Mike Sullivan; City Secretary, Tabatha Monk, Police Chief Marsha Phillips, Fire Chief Gregg Massey, Warrant Officer Rick Ranspot and City Attorney, Alan Lathrom.
- Prayer was led by Councilmember Henry and the pledges to the United States and Texas flags were led by Mayor Wiebold.
- Mayor Wiebold announced to check the City Calendar for any upcoming closings for holidays and meetings. The Mayor then announced the MLK upcoming holiday.
- Mayor Wiebold then read a Proclamation into record proclaiming January 15, 2023, Martin Luther King Day in the City of Farmersville.

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

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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 (12-13-2022)
- B. Public Works Report
- C. City Manager Report

Councilmember Overstreet made the following motion regarding Consent Agenda: pull item B (Public Works Report) and item C (City Manager Report) for discussion and approve item A (CC Minutes 12-10-22).

Councilmember Henry seconded the motion.

The motion carried unanimously (3-0).

Councilmember Overstreet made a motion to approve the Public Works Report and City Manager report.

Councilmember Wagner seconded the motion.

The motion carried unanimously (3-0).

V.

INFORMATIONAL ITEMS

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- A. City Amenities Board
 - 1. Possible Council Liaison Report: (**Councilmember Wagner** advised no meeting.)

- B. Farmersville Community Development Board (Type B)
 - 1. Possible Council Liaison Report: (**Councilmember Henry** no quorum, no meeting.)
- C. FEDC Farmersville Economic Development Board (Type A)
 - 1. Possible Council Liaison Report: (**Councilmember Williams** absent.) City Manager, Ben White did make an announcement that 4A have hired an Economic Development Director to start next week.
- 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** advised they discussed Chaparral Trail signage, Gavin Dillion was unable to attend the meeting so they tabled his item. They tabled the cheerleading contract to discuss later. They discussed the new banner signed for Rails to Trails and discussed bands for Music in the Park. Discussed Chaparral trail status funding. Discussed painting the concession stand which they called a special session to discuss on Thursday. Briefly discussed Rambler Park wish list and Little League fees.) Councilmember Wagner asked Mr. White if the concession stand will be finished by the beginning of the season. Mr. White briefed and updated the Council on what is remaining to be done to the concession stand.
- F. Planning & Zoning Commission
 - 1. Possible Council Liaison Report: (**Councilmember Hudson** absent).
- G. TIRZ Board
 - 1. Possible Council Liaison Report: (**Councilmember Overstreet** advised no meeting but request for Mr. White and the Mayor to apply some gentle persuasion for the board to meet. They have not met, he believes, in 3 or 4 months and the City Council has not seen their budget and the reason that is important there was an unofficial partnership on some road improvements, and he thinks it is critical for Mr. White to go forward getting a meeting together. Mr. White advised the biggest item that has to get done are all the project plans for the entirety of what they want to work on. Mr. White continued to update the Council on the varies projects. Mr. White advised this is a top priority for him and he is working on this. Time frame on this is approximately another month.)

VI. REGULAR AGENDA

- A. "Presentation, consider, discuss and act upon a request from Farmersville Independent School District (FISD), presented by Michael Hesse, Auxiliary Director, regarding a road closure at Windom Street during certain daytime hours."

- Mr. Michael Hesse, Auxiliary Director with Farmersville ISD, briefed the City Council regarding the bus route problems they are experiencing.
- After discussion between Mr. Hesse, City Council, Staff and the Mayor, direction was given for a meeting between City Staff and the ISD to come back with some plans for discussion on the school routes.
- No motion was needed.

B. "Update, consider, discuss and act upon a contract between the City of Farmersville and Tyler Technologies (INCODE)."

- Mr. White updated the City Council on questions they had last meeting regarding this contract.
- Mr. Lathrom advised the City Council on this contract.
- **Councilmember Overstreet** made a motion to approved the contract previously discussed in the December 13, 2022 City Council meeting.
- **Councilmember Henry** seconded the motion.
- The motion passed unanimously (3-0).

C. "Consider, discuss, and act upon the possible establishment of a Municipal Development District (MDD) under Texas Local Government Code Chapter 377 including, but not limited to, their: creation; scope; powers; governance; funding; activities; the comparisons and interplay between and among MDDs and Type A and Type B Development Corporations; and the potential impacts on Type A and Type B Development Corporations."

- Mr. White updated the City Council on the timeline of this agenda item.
- Mr. Lathrom updated the Council on the deadline for calling this item on the election.
- Discussion between the Mayor, Council, and staff regarding the benefits of this item for the City.
- Mr. Lathrom gave the Council the timeline and specifics for this item.
- Councilmember Henry asked confirmation from the attorney regarding his questions.
- Work Session next meeting.
- No motion was needed.

D. "Consider, discuss, and provide possible direction regarding the next steps for short term rental properties."

- Mr. White and Mr. Sullivan updated the City Council regarding this item.
- The Council advised they are looking for a program that is very low labor intensive.
- Mr. Sullivan will be looking into programs and will come before the Council at a later date (one of the meetings in March), for discussion.
- No motion was needed.

REQUESTS TO BE PLACED ON FUTURE AGENDA

- **Councilmember Henry:** Update on bid process for Rambler Park. Update on Lakehaven sewer plant.
- **Councilmember Overstreet:** Update on trickling arm filter. Brief update on development agreements still in processed that have not been fulfilled.

VII. ADJOURNMENT

Mayor Wiebold adjourned the meeting at 7:03 p.m.

APPROVE:

Bryon Wiebold, Mayor

ATTEST:

Tabatha Monk, City Secretary

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	January 2023
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

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	January 2023
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

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	January 2023
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Informational Item
Section Number	V.D
Subject	Main Street Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	January 2023
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

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)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Informational Item
Section Number	V.F
Subject	Planning & Zoning Commission
To	Mayor and Council Members
From	Ben White, City Manager
Date	January 2023
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Informational Item
Section Number	V.G
Subject	TIRZ Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	January 2023
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

VI. PUBLIC HEARINGS AND ORDINANCES

Agenda Section	Public Hearing
Section Number	VI.A
Subject	PH Orange Street / Audie Murphy Pkwy. (380)
To	Mayor and Council Members
From	Ben White, City Manager
Date	January 24-2023
Attachment(s)	Documents
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action



Project #
20220386

DEVELOPMENT APPLICATION

- ☐ Preliminary Plat
☐ Amended Plat
☐ Concept Plan
☐ Annexation

- ☒ Zoning
☐ Minor Plat
☐ Specific Use Permit

- ☐ Replat
☐ Development Plat
☐ Site Plan
☐ Rezoning

Fees:

A retainer fee of \$1,000.00 is required for submittal. Once the plans have been reviewed the money will be refunded back to the applicant if all the \$1,000.00 is not used and will be billed if the amount exceeds the initial \$1,000.00. (Note: All engineering inspection fees will be billed at the time of service.)

The application fee of \$ _____, to be paid to the City of Farmersville, is enclosed with this application.

A. Description of Property

1. Addition Name ORANGE 380 ADDITION
2. Total Acreage 0.777
3. Current Zoning Classification(s) HC
4. Proposed Zoning Classification(s) HC
5. Total Number of Lots, by Type 1
6. Proposed Use of Property COMMERCIAL
7. Location of Property ORANGE & HWY. 380
8. Geographic (Tax) ID Number R-1069-004-019A-1 R-1069-004-017D-1

B. Applicants: (List those persons you wish to be contacted about this request.) **PLEASE PRINT**

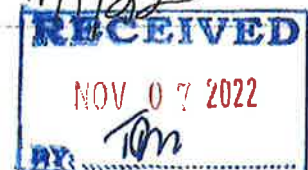
- | | |
|--------------------------------------|--|
| 1. Owner <u>PROPERTIES SLD</u> | 2. Applicant/Representative <u>MATTHEW BUSBY</u> |
| Address <u>2747 C.E. 613</u> | Address <u>116 MCKENNEY ST.</u> |
| City, State, Zip <u>FARMERSVILLE</u> | City, State, Zip <u>FARMERSVILLE</u> |
| Phone _____ | Phone _____ |
| Email _____ | Email _____ |

C. Variance Request: ☐ Yes ☒ No If yes, describe: _____

"I hereby certify that I am the owner, or duly authorized agent of the owner for the purposes of this application, of the property herein described, that all information submitted herein is true and correct."

Applicant/Owner: Paula A. Webb

Date: 11/1/22





20210120000120960 01/20/2021 02:07:44 PM D1 1/3

G.F. No. 20-552563-MM

ADDRESS OF AND RETURN TO:

**Properties S & D, LLC
2747 County Road 613
Farmersville, TX 75442**

SPECIAL WARRANTY DEED

"NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN

That **MIKKI DOUGLAS**, a single person, hereinafter referred to as Grantor, whether one or more, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash in hand to Grantor paid by **PROPERTIES S & D, LLC**, a Texas limited liability company, whose mailing address is 2747 County Road 613, Farmersville, TX 75442, hereinafter referred to as Grantee, the receipt of which is hereby acknowledged, and other good and valuable consideration, the receipt and sufficiency of which is hereby also acknowledged, HAVE GRANTED, SOLD AND CONVEYED and do by these presents GRANT, SELL AND CONVEY unto the said Grantee all the following described real property ("Property"), to-wit: **SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.**

This conveyance is made and accepted subject to validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's heirs, successors and assigns forever.

And Grantor does hereby bind Grantor, Grantor's heirs, successors and assigns, to warrant and forever defend all and singular the said premises unto the said Grantee, Grantee's heirs, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by through or under Grantor, but not otherwise.

Current ad valorem taxes on said Property have been prorated and the payment thereof is assumed by the Grantee.

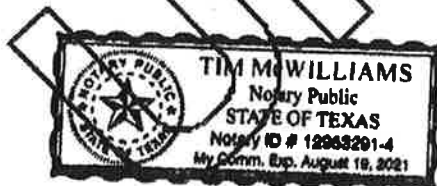
EXECUTED on the dates of the acknowledgments set out below, to be effective, however, on the 19th day of January 2021.

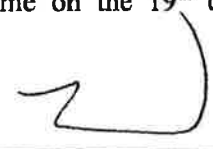

MIKKI DOUGLAS

STATE OF TEXAS

COUNTY OF COLLIN

This instrument was acknowledged before me on the 19th day of January 2021 by
MIKKI DOUGLAS.




Notary Public, State of Texas

PREPARED IN THE LAW OFFICES OF:

McWILLIAMS & McWILLIAMS

2713 Virginia Pkwy, Ste. 100

McKinney, Texas 75071

I:\Rachuel\Files\20-MM\2563 Douglas - Properties S & D\2563.Special.cash.doc

EXHIBIT "A"

BEING all that tract of land in the City of Farmersville, Collin County, Texas, out of the W.B. Williams Survey, A-952, and being part of that called 45,905 Sq.Ft. of land described in deed to Ronnie Douglas and Mikki Douglas as recorded under CC# 95-0082909 of the Land Records of Collin County, Texas, and being further described as follows:

BEGINNING at a TxDot monument found at the intersection of the North line of U.S. Highway No. 380 with the West line of Orange Street, same being the Northeast corner of that called 12,072 Sq.Ft. to State of Texas as recorded under CC# 20090501000520020 of the Official Public Records of Collin County, Texas;

THENCE North 81 degrees 51 minutes 59 seconds West (Directional Control Line), 139.80 feet along the North line of said U.S. Highway No. 380 to a TxDot monument found on the West line of said Douglas tract, and at the Northwest corner of said State of Texas tract;

THENCE North 00 degrees 44 minutes 54 seconds West, 115.98 feet to a point at the Westerly most Northwest corner of said Douglas tract, from which a 1/2 inch steel rod found bears South 00 degrees 44 minutes 54 seconds East, 7.48 feet for witness;

THENCE North 88 degrees 08 minutes 47 seconds East, 73.64 feet to a 1/2 inch steel rod found at an ell corner of said Douglas tract;

THENCE North 00 degrees 15 minutes 53 seconds East, 75.51 feet to a 5/8 inch steel rod set at the Northerly most Northwest corner of said Douglas tract;

THENCE North 88 degrees 06 minutes 01 seconds East, 116.80 feet to a 5/8 inch steel rod set on the West line of said Orange Street, and at the Northeast corner of said Douglas tract;

THENCE South 00 degrees 19 minutes 32 seconds West, 224.59 feet along the West line of said Orange Street to the POINT OF BEGINNING, containing 0.777 acres of land, more or less.

Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
01/20/2021 02:07:44 PM
\$34.00 DFOSTER
20210120000120960



Stacey Kemp

Kenneth L. Maun
Tax Assessor/Collector
Collin County



P.O. Box 8046

McKinney, TX 75070

Ph: 972-547-5020

Metro: 972-424-1460 ext. 5020

TAX CERTIFICATE FOR ACCOUNT : R1069004017D1

AD NUMBER: 2678505

GF NUMBER:

CERTIFICATE NO: 46296640

COLLECTING AGENCY

Collin County

P.O. Box 8046

McKinney TX 75070

DATE: 11/3/2022

FEE: 10.00

PROPERTY DESCRIPTION

WILEY ADDITION (CFC)|BLK 4|LOT
17D

PAGE 1 OF 1

REQUESTED BY

BOUNDARY SOLUTIONS INC

116 MCKINNEY ST

FARMERSVILLE TX 75442

AUDIE MURPHY PKWY

0.198 ACRES

PROPERTY OWNER

PROPERTIES S & D LLC

2747 COUNTY ROAD 613

FARMERSVILLE TX 754425321

THIS IS TO CERTIFY THAT AFTER A CAREFUL CHECK OF THE TAX RECORDS, ALL TAXES DUE THE TAX ASSESSOR COLLECTOR OF COLLIN COUNTY ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN PAID UP TO AND INCLUDING THE CURRENT YEAR TAXES WITH ANY ABOVE LISTED EXCEPTIONS.

THE ABOVE DESCRIBED PROPERTY TAX HAS/IS RECEIVING SPECIAL VALUATION BASED ON ITS USE, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION. SPTB RULE 155.40 (B) PARAGRAPH 6.

CURRENT VALUES			
LAND MKT VALUE:	\$37,777.00	IMPROVEMENT:	\$0.00
AG LAND VALUE:	\$0.00	DEF HOMESTEAD:	\$0.00
APPRAISED VALUE:	\$37,777.00	LIMITED VALUE:	\$0.00
EXEMPTIONS:			
LAWSUITS:			

YEAR	TAX UNIT	LEVY	PEN	INT	DEF INT	ATTY	AMOUNT DUE
2022	COLLIN COLLEGE	\$30.68	\$0.00	\$0.00	\$0.00	\$0.00	\$30.68
2022	Collin County	\$57.59	\$0.00	\$0.00	\$0.00	\$0.00	\$57.59
2022	FARMERSVILLE CITY	\$269.12	\$0.00	\$0.00	\$0.00	\$0.00	\$269.12
2022	FARMERSVILLE ISD	\$486.81	\$0.00	\$0.00	\$0.00	\$0.00	\$486.81
2022 SUB TOTAL							\$844.20

TOTAL CERTIFIED TAX DUE 11/2022 :

\$ 844.20

ISSUED TO :

ACCOUNTNUMBER:

BOUNDARY SOLUTIONS INC

R1069004017D1

CERTIFIED BY:

A handwritten signature in black ink, appearing to read "J. Blaine Jordan", written over a horizontal line.

Collin County Property Tax Off

Kenneth L. Maun
Tax Assessor/Collector
Collin County



P.O. Box 8046

McKinney, TX 75070

Ph: 972-547-5020

Metro: 972-424-1460 ext. 5020

TAX CERTIFICATE FOR ACCOUNT: R1069004019A1

AD NUMBER: 2678506

GF NUMBER:

CERTIFICATE NO: 46296639

COLLECTING AGENCY

Collin County

P.O. Box 8046

McKinney TX 75070

DATE: 11/3/2022

FEE: 10.00

PROPERTY DESCRIPTION

**WILEY ADDITION (CFC)|BLK 4|LOT
19A & 19B**

PAGE 1 OF 1

REQUESTED BY

BOUNDARY SOLUTIONS INC

116 MCKINNEY ST

FARMERSVILLE TX 75442

AUDIE MURPHY PKWY

0.579 ACRES

PROPERTY OWNER

PROPERTIES S & D LLC

2747 COUNTY ROAD 613

FARMERSVILLE TX 754425321

THIS IS TO CERTIFY THAT AFTER A CAREFUL CHECK OF THE TAX RECORDS, ALL TAXES DUE THE TAX ASSESSOR COLLECTOR OF COLLIN COUNTY ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN PAID UP TO AND INCLUDING THE CURRENT YEAR TAXES WITH ANY ABOVE LISTED EXCEPTIONS.

THE ABOVE DESCRIBED PROPERTY TAX HAS/IS RECEIVING SPECIAL VALUATION BASED ON ITS USE, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION. SPTB RULE 155.40 (B) PARAGRAPH 6.

CURRENT VALUES			
LAND MKT VALUE:	\$110,469.00	IMPROVEMENT:	\$0.00
AG LAND VALUE:	\$0.00	DEF HOMESTEAD:	\$0.00
APPRAISED VALUE:	\$110,469.00	LIMITED VALUE:	\$0.00
EXEMPTIONS:			
LAWSUITS:			

YEAR	TAX UNIT	LEVY	PEN	INT	DEF INT	ATTY	AMOUNT DUE
2022	COLLIN COLLEGE	\$89.72	\$0.00	\$0.00	\$0.00	\$0.00	\$89.72
2022	Collin County	\$168.40	\$0.00	\$0.00	\$0.00	\$0.00	\$168.40
2022	FARMERSVILLE CITY	\$786.98	\$0.00	\$0.00	\$0.00	\$0.00	\$786.98
2022	FARMERSVILLE ISD	\$1,423.56	\$0.00	\$0.00	\$0.00	\$0.00	\$1,423.56
2022 SUB TOTAL							\$2,468.66

TOTAL CERTIFIED TAX DUE 11/2022:

\$ 2,468.66

ISSUED TO:

ACCOUNT NUMBER:

BOUNDARY SOLUTIONS INC

R1069004019A1

CERTIFIED BY:

A handwritten signature in blue ink, appearing to read "Ken Maun", written over a horizontal line.

Collin County Property Tax Off

BOUNDARY SOLUTIONS

Professional Land Surveyors

October 31, 2022

**RE: Letter of Intent
Final Plat Orange 380 Addition
City of Farmersville
Collin County, Texas**

The intent of this letter is to submit the attached replat for review and approval to create 1 Lot.

Sincerely,



Matthew Busby, R.P.L.S.

City of Farmersville Notice of Public Hearing

The Farmersville Planning and Zoning Commission will hold a public hearing on Tuesday, January 17, 2023, at 6:00 p.m. in the Council Chambers of City Hall, 205 S. Main Street, Farmersville, TX to consider a request to change the zoning on three lots containing approximately 0.77 acres of land, more or less, from SF-2 – Single-Family Dwelling-2 District uses on certain of said lots and HC - Highway Commercial District Uses on certain of said lots to C - Commercial District uses subject to the HC - Highway Commercial Overlay District on the entirety of said property to allow for the platting and development of a commercial project. The property is generally situated on the north side of Audie Murphy Parkway (U.S. Highway 380) and the west side of Orange Street, and located in the W.B Williams Survey, Abstract No. 952, of Farmersville, Collin County, Texas.

All interested citizens and property owners are hereby notified of their right to appear and be heard on the matter. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing.

~~~~~

## City of Farmersville Notice of Public Hearing

The Farmersville City Council will hold a public hearing on Tuesday, January 24, 2023, at 6:00 p.m. in the Council Chambers of City Hall, 205 S. Main Street, Farmersville, TX to consider a request to change the zoning on three lots containing approximately 0.77 acres of land, more or less, from SF-2 – Single-Family Dwelling-2 District uses on certain of said lots and HC - Highway Commercial District Uses on certain of said lots to C - Commercial District uses subject to the HC - Highway Commercial Overlay District on the entirety of said property to allow for the platting and development of a commercial project. The property is generally situated on the north side of Audie Murphy Parkway (U.S. Highway 380) and the west side of Orange Street, and located in the W.B Williams Survey, Abstract No. 952, of Farmersville, Collin County, Texas.

All interested citizens and property owners are hereby notified of their right to appear and be heard on the matter. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing.

16790  
AVERY  
Easy Peel Address Labels  
Bend along line to expose Pop-up Edge

Samson Holdings LLC  
1612 S Jefferson Ave  
Mount Pleasant TX 75455

Collin NH Realty LTD  
4311 Oak Lawn Ave, Suite 400  
Dallas, TX 75129

Rios Thomas C  
106 Beech St #A  
Farmersville, TX 75442

Adams April  
8818 Foster Ln  
Quinlan, TX 75474

Properties S & D LLC  
2747 County Road 613  
Farmersville, TX 75442

Douglas Mikki  
P.O. Box 1090  
Mabank, TX 75147

Blevins James A & Carolyn Y  
506 S. Rike St  
Farmersville, TX 75442

Grace Fellowship Church Assembly God  
P.O. Box 676  
Farmersville, TX 75442

Saffell Amy Lynn  
416 Orange Ave  
Farmersville, TX 75442

Newell Shawn & Rachel  
507 S. Main St.  
Farmersville, TX 75442

Lomas Magdalena Laura  
106 Beech St  
Farmersville, TX 75442

Dolvin Jerald L  
110 Beech St.  
Farmersville, TX 75442

Watwood Brenda  
7302 Compass Point Dr.  
Rowlett, TX 75089

Ahrend Brent Thomas Jr & Sarah M  
200 Beech St.  
Farmersville, TX 75442

Douglas Scott  
208 Beech St.  
Farmersville, TX 75442

Day Sandy  
2747 County Road 613  
Farmersville, TX 75442

Go to avery.com/templates  
Use Avery Template 5160 or 8160 or 16790

Satl Investments LLC  
1217 Live Oak St.  
Royse City, TX 75189

Barrera Gambino  
511 S. Main St.  
Farmersville, TX 75442

Aguilar Enrique  
108 Beech St.  
Farmersville, TX 75442

Gomez Felipe A  
900 Old Josephine Rd  
Farmersville, TX 75442

Harwood Timothy  
1318 Capstan Dr.  
Allen, TX 75013

Roberts Chris & Stephanie  
P. O. Box 411  
Farmersville, TX 75442

Stevenson James & Sallye  
10178 Burnt Mill Ln.  
Frisco, TX 75035

Farmersville ISD  
Attn: Admin Office  
501 A. Hwy. 78 N.  
Farmersville, TX 75442

mailed 13m  
✓ 01-02-22

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Section               | Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Section Number               | VI.B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Subject                      | AMP Billing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| To                           | Mayor and Council Members                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| From                         | Ben White, City Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Date                         | January 24-2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Attachment(s)                | Ordinance O-2023-0124-001 (Alan is sending this out tomorrow)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 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> |

## **VII. REGULAR AGENDA**

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Section               | Regular Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Section Number               | VII A.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Subject                      | Contract Little League                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| To                           | Mayor and Council Members                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| From                         | Ben White, City Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Date                         | January 24, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Attachment(s)                | Contract                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Related Link(s)              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 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> |

**ATHLETIC COMPLEX JOINT USE AGREEMENT BETWEEN  
THE CITY OF FARMERSVILLE  
AND  
THE FARMERSVILLE LITTLE LEAGUE BASEBALL ASSOCIATION**

This Athletic Complex Joint Use Agreement ("Agreement") is entered into by and between the **CITY OF FARMERSVILLE, TEXAS** ("City") and **FARMERSVILLE LITTLE LEAGUE BASEBALL ASSOCIATION**, an unincorporated entity (the "Little League") (each a "Party" and collectively the "Parties"), acting by and through their authorized representatives.

**WHEREAS** the City of Farmersville owns the athletic facility located at the intersection of Murchison Street and Merit Street that is known as the J. W. Spain Athletic Complex ("Complex"); and,

**WHEREAS** the City of Farmersville wishes to maximize the use of the Complex for the benefit of Farmersville and area citizens by entering into this Agreement with the Farmersville Little League Baseball Association by defining and enumerating the duties and responsibilities of each entity regarding the maintenance and use of the Complex.

**NOW THEREFORE**, the City of Farmersville and the Farmersville Little League Baseball Association agree to the following user regulations regarding the J. W. Spain Athletic Complex:

**Section 1. Designation of Fields and Field Use**

**A. Designation of Playing Fields**

For purposes of clarity in this Agreement, the south field in the Complex (located closest to the intersection of Merit Street and Murchison Street) will be designated Field 1. The middle field of the Complex located immediately adjacent to the third-base side of Field 1 will be designated as Field 2. The north field of the Complex located immediately adjacent to the third-base side of Field 2 and closest to Merit Street will be designated as Field 3. The baseball fields on the northeastern most side of the Complex will be known as Fields 4 and 5, respectively, with the third-base line of Field 4 being adjacent to the outfield of Field 3 and the third-base side of Field 5 being adjacent to the first-base side of Field 4. Fields constructed after the date of this Agreement will be numerically designated at the time of construction. Fields 1 through 5, and any additional fields that may hereafter be constructed will hereafter be referred to singly and collectively as the "Playing Fields."

**B. Scheduling of Playing Fields for Little League Usage**

The Little League Baseball regular season begins in February and runs through November (the "Playing Season"). The Little League will have priority access to

Fields 1 through 5 during all scheduled Little League games and team practices that are approved in advance and calendared on the City's schedule for the Complex by the City Manager or his designee.

At least thirty (30) days prior to the beginning of any Playing Season during which this Agreement is in full force and effect, the Little League shall provide the following information to the City Manager, or his designee, for the City's concurrence and approval:

- (1) The Little League must provide the Little League's game schedule.
- (2) The Little League must also provide the Little League's practice schedule.

It will be the Little League's responsibility to meet with the City to discuss the scheduling of all league games, practices, and league related tournaments, if any.

C. The City's Scheduling Rights and Responsibilities

1. The City Manager, or his designee, has the final authority for scheduling all Complex and Playing Field events, and such decisions by the City are final.
2. The City will work with the Little League to schedule time periods for use of the Complex and the Playing Fields by the Little League for the Playing Season. Any scheduling conflicts should be brought to the attention of the City Manager, or his designee, as soon as practicable after any such conflict is discovered.
3. The City will communicate with the Little League regarding the closure of the Complex due to inclement weather or any outside factor that may hinder the Little League from utilizing the Complex or a specific Playing Field. Decisions by the City are final. The City will work with the Little League, at the Little League's request, to reschedule games, and league related events during the Playing Season for events impacted by the closure of the Complex or one or more Playing Fields under this clause.
4. At all times when the Complex or any of the Playing Fields are not scheduled for Little League use or are not then actually being used by the Little League for a Little League event the Complex and the Playing Fields not so in use shall be open for the public's use on a first-come first-use basis.
5. City specifically reserves the right to remove or exclude any person, group or organization from the Complex or City-owned or operated facilities



based on conduct that the City determines, in its sole discretion, to be objectionable or violative of the City's ordinances, policies, rules or regulations and any State or Federal rule, regulation, law or statute.

D. Preparation of Playing Fields

The Little League may begin preparation of the Playing Fields for the Playing Season at any time before the beginning of the Playing Season after notifying the City Manager, or his designee, of the Little League's intent to begin such work.

## Section 2. City Fees

The Little League shall collect and pay to the City an amount equal to One Hundred Dollars (\$100.00) for each team that signs up to participate in each Little League Playing Season (the "Annual Fee Per Team") during the term and any extension or consensual extension of this Agreement. The Annual Fee Per Team participating in a Playing Season shall be due and owing to the City no later than sixty (60) days after the first regularly scheduled game of the applicable Playing Season. Supporting documentation regarding the participating teams shall be made available to the City no later than sixty (60) days after the first regularly scheduled game of the applicable Playing Season. ***The Annual Fee Per Team identified hereinabove is hereby waived for the Term of this Agreement (beginning on February 1, 2023 and running through January 31, 2025, or such other term as may be identified below in Section 14 of this Agreement).*** Notwithstanding the intended waiver of the Annual Fee Per Team for the term of this Agreement, the City reserves the right to reevaluate this waiver and assess the Annual Fee Per Team for the second year of said term by providing the Little League written notice of any determination to assess the Annual Fee Per Team on or before December 31, 2023.

## Section 3. Grounds and Complex Maintenance

- A. In consideration of the privilege of using the Complex, the Little League agrees to be solely responsible for the inspection of the Complex and the Playing Fields for all Little League events. The Little League shall use its best efforts to prevent damage to any part or portion of the Complex and the Playing Fields. If, however, any part or portion of the Complex and/or the Playing Fields becomes damaged during the Little League's use of the Complex, Little League shall immediately notify the City Manager, or his designee, of such damage and cooperate with the City to arrange for the prompt repair of the Complex and/or the Playing Fields. The Little League shall also promptly notify the City Manager, or his designee, of any existing or developing hazardous or dangerous condition within and about the Complex and/or the Playing Fields.
- B. In further consideration for the privilege of using the Complex, the Little League specifically assumes any and all liability that may arise due to premises defects upon any or all improvements which exist within the Complex and the Playing

Fields that are known to or become known to the Little League or are related to or arise out of Little League's use of the Complex, excluding normal wear and tear. The Little League agrees to accept the Complex in the condition in which it is found. City hereby disclaims and the Little League hereby accepts City's disclaimer of any warranty, express or implied, of the conditions or fitness for use of any portions of the Complex and Playing Fields for other than outdoor recreational activities.

- C. The Little League shall prepare and maintain all Playing Fields for Little League events. All Playing Fields must meet high-quality, safe, and presentable playing conditions from the beginning to the end of the Playing Season.
- D. The Little League shall pick up and remove trash and litter from the Playing Fields and bleacher areas at the end of each day on which the Little League hosts or holds one or more scheduled Little League games and/or team practices (each such day being a "Playing Day"). In addition, periodic cleaning shall be performed by the Little League at intervals between Playing Days, if necessary, to prevent a buildup of trash and litter at and about the Complex. **If the Little League does not comply with these requirements and allows trash and litter to be left on the Playing Fields after any Little League use, the City will impose a charge not to exceed \$200 per incident to the Little League.** The Little League will be responsible to pay said trash and litter removal fees within thirty days after receipt of notice of such charge. If the City charges the Little League a third time for the same incident or a similar type of incident, the City may at its discretion, immediately terminate this Agreement and not allow the Little League to use all or part of the facilities at the Complex for the remainder of the Playing Season and any subsequent Playing Season.
  - 1. The City will provide adequate trash receptacles and trash removal for the purpose of keeping the Complex clean. Little League shall be responsible to have a designated area for trash pickup. The Little League will be billed for labor and materials for any needed follow-up cleaning provided at the Complex by the City.
- E. The City is responsible to provide for mowing, weed control, edging, and watering of the entire Complex including the Playing Fields and common areas.
- F. The Little League shall provide the City Manager a list of organization members with contact information that will be granted keyed lock and combination lock access to the Complex and its facilities (the "Access List"). This Access List will be posted on the City's website to facilitate access to and the use of the Complex. Little League activities shall not be conducted without the presence of at least one member who is identified on the Access List.

#### **Section 4. Concession Stand Operation and Proceeds**

The Little League is responsible to provide concession services during all scheduled Little League events at the Complex. All expenses associated with the operation of the concession stand for scheduled Little League events will be the responsibility of the Little League. The Little League shall retain all proceeds, after expenses, from concession stand sales for all scheduled Little League events. The concession stand must be cleaned by the Little League after each use specifically including, but not limited to, the grill/stove. All cooking oils and grease must be removed from the concession stand by the Little League and disposed of in a proper manner. The grill/stove and grease drip tray(s) and all counters must be totally cleaned and free from any remnants of cooking oils and grease after each use of the concession stand by Little League. The Little League must remove all trash and garbage from the concession stand and placed it in the appropriate trash receptacles provided by the City. The concession stand floors must be swept, mopped and cleaned by the Little League following each Little League use of the concession stand.

#### **Section 5. Restroom and Concession Maintenance**

- A. Restrooms are also under the control and maintenance of the Little League during their Playing Season. The Little League will open the restrooms on Playing Days for games and practice times but must keep the restrooms locked at all other times. The Little League is responsible to the City for safeguarding, supplying, and thoroughly cleaning the restroom facilities after each Little League use of the Complex.

Winterizing of restrooms and the concession stand will be the responsibility of the City. The City will also be responsible for the normal maintenance, repair, and replacement of the City-owned facilities and equipment contained in the concession stand and the restrooms.

- B. The concession stand will be kept clean and sanitary **at all times** by the Little League when it is under the Little League's use and control and all equipment used will meet applicable health and regulatory standards of the City and the County. If conditions exist in the restrooms or concession stand that require work by the City or if the City is required to hire a third-party to repair, maintain or replace any equipment or facilities as a result of ordinary wear and tear, the associated cost of such repair, maintenance, or replacement will be the responsibility of the City. Any costs related to or arising out of any intentional or wrongful conduct during a Little League event shall be the responsibility of the Little League.

#### **Section 6. Equipment, Supplies, and Storage Facilities**

In recognition of the Little League's need to protect and maintain its equipment and supplies, the City grants use of the detached storage facility located next to the south

gate and one storage room inside the concession building to the Little League. The City will share the use of the storage room located on the south side of the concession building with the Little League. The City will have exclusive use of one storage room inside the concession building.

### **Section 7. Modifications or Improvements to Complex**

Any suggested modification or improvements to the Complex must be presented to the City Manager, or his designee, for review and recommendation by the City's Parks & Recreation Board ("Board"). Following the Board's review, the Board will forward a recommendation to the City Council for its consideration and action. The Little League will share the costs of any modifications or improvements as may be agreed upon, and approved by the City Council, prior to the beginning of construction. The City will prepare invoices for the Little League's portion of the costs of such modifications or improvements and submit them to the Little League in advance of the City incurring any costs related to such expenditure. The Little League's payment is due to the City within 15 days. Non-payment will result in a 10% surcharge and possible termination of this Agreement.

### **Section 8. City Utilities**

Until further notice, the City will continue its practice of providing water, sewer, electricity, and information technology services to the Complex at no charge to the Little League. The City retains the right to assess future charges for these services after giving notice at the end of the then current Playing Season and prior to the beginning of the next Playing Season for which such charges will begin to be assessed to and collected from the Little League. **If the City finds that utilities are being wasted because the Little League failed to turn off all of the field lights or failed to turn off any of the water spigots in the Complex following a Little League event, the City may, in the City's sole discretion, charge the Little League for such incident on an hourly basis for each hour on each field that such incident continues after the Little League's last use of the Complex or the Playing Fields on any given day of the Playing Season based on the hourly rates for use of the lights as set forth in Appendix A of this Agreement for each such incident regardless of whether the incident involves field lighting or running water.** Following the third type of this incident during any Playing Season, the City may in its sole discretion terminate this Agreement and not allow the Little League to use all or part of the facilities at the Complex.

### **Section 9. Ancillary Financial Matters**

The Little League shall provide to City copies of the Little League's year-end financial statement ending January 31<sup>st</sup> for each year during the term of, and prior to the renewal of this Agreement and/or any extension of this Agreement. All financial obligations contracted for by the Little League in relation to its use of the Complex must be paid in return for the satisfactory delivery of goods and services, and failure to do so without

just cause will be considered reason for the City to cancel this Agreement with the Little League. In no case will the City be responsible for expenses or obligations contracted for by the Little League for any reason unless by prior and specific agreement approved in writing by the City.

The City will not provide the Little League with any insurance coverage including, but not limited to, contents insurance coverage for the concession building. The Little League will be obligated to determine and provide the types and levels of insurance coverage that it believes to be necessary for Little League's use of the Complex beyond the insurance coverage required hereunder to protect the City.

#### **Section 10. Insurance Required**

- A. Without limiting any of the other obligations or liabilities of the Little League, the Little League shall, at its own expense, procure, pay for and maintain during the term of this agreement the hereinafter stipulated minimum insurance with companies duly licensed to write business in the State of Texas and approved by the City.
1. Commercial General Liability insurance, including, but not limited to Premises/Operations, Personal & Advertising Injury, Products/Completed Operations, Independent Contractors and Contractual Liability, with minimum combined single limits of \$1,000,000 per-occurrence, \$1,000,000 Products/Completed Operations Aggregate and \$1,000,000 general aggregate. Such insurance shall cover, but not be limited to, the liability assumed under the indemnification provisions of this agreement, fully insuring the Little League's liability for injury to or death of owners, employees and third parties, extended to include personal injury liability coverage, and for damage to property of third parties including damage to the Complex. Coverage must be written on an occurrence form.
  2. When applicable by law, Workers' Compensation insurance with statutory limits; and Employers' Liability coverage with minimum limits for bodily injury: a) by accident, \$100,000 each accident, b) by disease, \$100,000 per employee with a per policy aggregate of \$500,000.
  3. Umbrella or Excess Liability insurance with minimum limits of \$1 million each occurrence and annual aggregate for bodily injury and property damage, that follows form and applies in excess of the above indicated primary coverage (1, 2 and 3). The total limits required may be satisfied by any combination of primary, excess or umbrella liability insurance provided all policies comply with all requirements. The Little League may maintain reasonable deductibles, subject to approval by the City of Farmersville.

The Little League shall furnish to the City Manager certificates of insurance on an "ACCORD" form executed by the insurer or its authorized agent stating the

coverages, limits, expiration dates and compliance with all applicable required provisions prior to any use of the Complex by the Little League. Certificates shall reference this agreement and be addressed as follows:

City of Farmersville, Texas  
c/o City Manager  
205 S. Main Street  
Farmersville, TX 75442

- B. With reference to the foregoing required insurance, the Little League shall endorse applicable insurance policies as follows:
1. In the event the Little League is required by law to obtain, or has otherwise obtained, Workers' Compensation insurance and Employers' Liability coverage the Little League and its insurers) shall provide a waiver of subrogation regarding such coverage in favor of the City of Farmersville and its officials, employees, and officers for losses arising from the activities under this contract.
  2. The City of Farmersville and its officials, employees and officers shall be named as additional insureds on the Commercial General Liability policy and all other required insurance policies.
  3. All insurance policies shall be endorsed to the effect that City of Farmersville will receive at least a thirty (30) day notice prior to cancellation, non-renewal, termination, or material change of the policies.
- C. All insurance shall be purchased from an insurance company that meets a financial rating of B+VI or better as assigned by the A.M. BEST Company or equivalent.
- D. Payment of any and all deductibles on each insurance policy shall be the responsibility of the Little League.

### **Section 11. Non-League Events**

City approval is required for all Non-Little League events. Deposits and user fees generated from all non-Little League events will be assessed and collected in accordance with the Fee Schedule as set out in Appendix A of this Agreement and shall be made payable to the City of Farmersville.

Deposits will be returned to the users, provided the Complex has been cleaned to the satisfaction of the City Manager. If the condition of the Complex requires work by City personnel, a charge of \$200 per hour will be deducted from the deposit until the deposit is exhausted. The non-league entity (team or private party) renting the Complex, will be billed for any additional costs that City may incur due to misuse of the Complex and termination of all or partial use of the Complex may be enforced by City.

## Section 12. Personal Conduct at Athletic Events

- A. The City recognizes that crowd noise is a part of any athletic activity and accepts a certain level of noise. However, the City requests that the Little League make a good faith effort to discourage any undue harassment of neighbors by participants or spectators at any activity for which Little League is responsible.
- B. The Little League will be responsible for the proper conduct of team members, coaches, fans, and other spectators during any activity sponsored or sanctioned by the Little League at the Complex and, if necessary, will ask the City for assistance in maintaining order.
- C. The sale or consumption of alcohol, illegal drugs, or illegal chemical substances at the Complex is a violation of city ordinances, **will not be permitted**, and will be punishable according to applicable law. The Complex is a non-smoking facility and **smoking shall not be allowed in, on and about the Complex**. Violators will be punished in accordance with the City's ordinances prohibiting smoking at the Complex.
- D. The City retains the right to restrict the times of use and conduct of all activities in and about the Complex. Such right may be exercised without notice in the case of substantial violation of the City's regulations but must be authorized by official City Council action after thorough investigation and verification of said violation. A list of Little League Board Members must be made available to the City Amenities Board along with the Little League Board Members' respective contact numbers and email addresses prior to the beginning of this Agreement and at least one time prior to the beginning of each calendar year during the term of this Agreement and any renewal terms. The Little League will be provided with the City Manager's contact information should any issue arise with the Complex that needs immediate attention.

## Section 13. Hold Harmless and Indemnification

The Little League does hereby agree to waive any and all claims, release, indemnify, defend and hold harmless City and all of its officials, officers, agents and employees, in both their public and private capacities, from any and all liability, claims, suits, demands or causes of action which may arise by reason of injury to property or persons occasioned by willful misconduct, error, omission, or negligent act of the Little League, its officers, agents, employees, invitees or other persons, arising out of or in connection with this agreement or any and all activity or use pursuant to this agreement, or on or about the Complex and the Little League will, at its own cost and expense, defend and protect City from any and all such claims and demands. Also, the Little League agrees to and shall indemnify, defend and hold harmless City and all of its officials, officers, agents and employees, in both their public and private capacities, from and against any

and all claims, losses, damages, causes of action, suits and liability of every kind, including all expenses of litigation, court costs and attorney fees for injury to or death of any person or for damage to any property arising out of or in connection with this agreement or any and all activity or use pursuant to this agreement, or on or about the Complex. Such indemnity shall apply whether the claims, losses, damages, causes of action, suits or liability arise from the negligence of the City, its officers, officials, agents or employees and whether said negligence is contractual, comparative negligence, concurrent negligence, gross negligence or any other form of negligence. City is responsible only for City's sole negligence.

#### **Section 14. Term**

- A. This agreement will be in force for a term of two years beginning on February 1, 2023 and running through January 31, 2025. Either party may cancel this Agreement by providing the other party at least thirty days' written notice of termination. However, a bona fide effort must be made to resolve any misunderstandings or disagreements leading to the cancellation.
- B. Two (2) months prior to the expiration of this Agreement and provided no proposal has been offered by the Little League, it shall be the responsibility of the administrative staff of the City of Farmersville to initiate action to review the Agreement, taking into consideration any proposals from the Little League, and forward proposals to alter, amend, extend or cancel the Agreement to the City Parks & Recreation Board for consideration. Following consideration, the City Parks & Recreation Board shall make a recommendation to the City Council regarding any proposed modification or cancellation of the Agreement. The City Council shall consider the recommendation of the Parks & Recreation Board and make such determination as the City Council deems to be in the best interest of the City. Any cancellation or modification of this Agreement must be in writing and approved by the City Council.

#### **Section 15. Notices**

For the purposes of Notice, the addresses of the Parties will, until changed as provided below, be as follows:

Little League:

Farmersville Little League  
Baseball Association

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City of Farmersville:

Ben White  
City Manager  
205 S. Main Street  
Farmersville, Texas 75442



The Parties will have the right from time to time to change their respective addresses upon written notice to the other Party. If any date or notice period described in this Agreement ends on a Saturday, Sunday or legal holiday, the applicable period for calculating the Notice will be extended to the first business day following such Saturday, Sunday or legal holiday.

**This Athletic Joint Use Agreement has been approved by the governing bodies of each Party, as follows.**

**CITY OF FARMERSVILLE, TEXAS**

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

Dated: \_\_\_\_\_

ATTEST:

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

Date: \_\_\_\_\_

**FARMERSVILLE LITTLE LEAGUE  
BASEBALL ASSOCIATION**

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

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

Date: \_\_\_\_\_

**APPENDIX A  
SCHEDULE OF USER FEES**

**Applicable to all Non-Little League events**

| <b>Activity Description</b>        | <b>Resident</b> | <b>Non-Resident</b> |
|------------------------------------|-----------------|---------------------|
| Deposit, any Combination of Fields | \$250           | \$350               |
| Use of Field 1, 2, or 3            | \$100           | \$250               |
| Use of Field 4 or 5                | \$50            | \$200               |
| Use of Field 6 (football field)    | \$150           | \$200               |
| Lights, Hourly Rate (per field)    | \$20            | \$40                |

All fees must be paid at the time the reservation is made or at least two weeks prior to the reserved date.

Deposit is refundable if the fields, restrooms and concession area is clean and in working order.

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Section               | Regular Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Section Number               | VII B.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Subject                      | Fiber                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| To                           | Mayor and Council Members                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| From                         | Ben White, City Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Date                         | January 24, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Attachment(s)                | Update                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Related Link(s)              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 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> |

## Tabatha Monk

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**From:** Ben White  
**Sent:** Thursday, January 19, 2023 2:01 PM  
**To:** Tabatha Monk  
**Subject:** Backup Information: Fiber

Please place the following information on the header block for Fiber update item on the City Council Agenda.

1. The fiber system Public Private Partnership Request For Proposal (RFP) has been completed and is currently advertised for responses. The RFP consists of three major sections:
  - a. Broadband Infrastructure Project Plan
  - b. Internet Service Provider (ISP) Project Plan
  - c. Wireless Data Dome Project Plan
2. RFP schedule
  - a. Issue RFP: 9 January 2023
  - b. Pre-submittal Meeting (Optional): Tuesday, 31 January 2023 at 10:30 a.m. CT
  - c. Question Deadline: Thursday, 16 February 2023 at 2:00 p.m. CT
  - d. City Final Response to Questions Deadline: Friday, 17 February 2023 at 5:00 p.m. CT
  - e. Response Due Date: Thursday, 23 February 2023, at 2:00 p.m. CT
  - f. Interviews (optional): 14 March 2022
3. The RFP request that construction associated with grant proceeds begin by May 2023 and end by August 2024.

Sincerely,

Benjamin (Ben) L. White, P.E., CPM  
City Manager/Public Works Director  
City of Farmersville

205 South Main Street, Farmersville, Texas 75442  
Work: 972-782-6151, Mobile: 972-822-7044, Facsimile: 972-782-6604  
Email: b.white@farmersvilletx.com, Website: www.farmersvilletx.com

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Section               | Regular Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Section Number               | VII C.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Subject                      | Rambler Park and Onion Shed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| To                           | Mayor and Council Members                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| From                         | Ben White, City Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Date                         | January 24, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Attachment(s)                | Update                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Related Link(s)              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 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> |

## Tabatha Monk

---

**From:** Ben White  
**Sent:** Thursday, January 19, 2023 4:06 PM  
**To:** Tabatha Monk  
**Subject:** Backup Information: Bid Process Rambler Park and Onion Shed Improvements

Please place the following information on the header block for the Rambler Park and Onion Shed Improvements bid process update item on the City Council Agenda.

1. Bid package is complete.
2. RFQ schedule
  - a. Issue RFP: 23 January 2023
  - b. Advertisement in Farmersville Times: 26 Jan. and 2 Feb.
  - c. Bid Due Date: Tuesday, 14 February 2023, at 2:00 p.m. CT

Sincerely,

Benjamin (Ben) L. White, P.E., CPM  
City Manager/Public Works Director  
City of Farmersville

205 South Main Street, Farmersville, Texas 75442  
Work: 972-782-6151, Mobile: 972-822-7044, Facsimile: 972-782-6604  
Email: b.white@farmersvilletx.com, Website: www.farmersvilletx.com

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|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Section               | Regular Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Section Number               | VII D.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Subject                      | Farmersville #3 Waste Water Plant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| To                           | Mayor and Council Members                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| From                         | Ben White, City Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Date                         | January 24, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Attachment(s)                | Update                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Related Link(s)              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 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> |

## Tabatha Monk

---

**From:** Ben White  
**Sent:** Thursday, January 19, 2023 5:21 PM  
**To:** Tabatha Monk  
**Subject:** Backup Information: Farmersville WWTP #3

Please place the following information on the header block for the Farmersville WWTP #3 update item on the City Council Agenda.

1. Construction bid packages are being released for the first 250 kgal/day phase of an Membrane Batch Reactor (MBR) plant.
  - a. Equipment contract
    - i. Contract signed
    - ii. MBR technology
    - iii. Long lead time, high value items
  - b. Lift station contract
    - i. Bid documents created
    - ii. Bid has been advertised
    - iii. Bid opening is 2 Feb 2023
  - c. Treatment plant structure contract
    - i. Bid documents are being finalized
    - ii. Advertise first week in February
  - d. Remaining components contract
    - i. Advertise towards the end of February
2. Next 250 kgal/day expansion phase is expected but has no definite time frame.

Sincerely,

Benjamin (Ben) L. White, P.E., CPM  
City Manager/Public Works Director  
City of Farmersville

205 South Main Street, Farmersville, Texas 75442  
Work: 972-782-6151, Mobile: 972-822-7044, Facsimile: 972-782-6604  
Email: b.white@farmersvilletx.com, Website: www.farmersvilletx.com



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| Agenda Section               | Regular Agenda                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Section Number               | VII E.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Subject                      | Trickling Arm Filter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| To                           | Mayor and Council Members                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| From                         | Ben White, City Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Date                         | January 24, 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Attachment(s)                | Update                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Related Link(s)              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 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> |

## Tabatha Monk

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**From:** Ben White  
**Sent:** Thursday, January 19, 2023 4:04 PM  
**To:** Tabatha Monk  
**Subject:** Backup Information: Trickling Arm Filter Update

Please place the following information on the header block for the Trickling Arm Filter update item on the City Council Agenda.

1. Continued regular, biweekly meetings with engineers from NTMWD, Kimley-Horn, Brentwood Industries, and Dunaway DBI concerning the trickling arm filter operation.
2. The engineer from Brentwood Industries, has made several requests to improve data to identify causes of why plant 1 has high ammonia above the prescribed limit. NTMWD is responding to these requests. As of the third week in January all the requested points are being sampled. By the first week in February we should have enough data to formulate a recommendation from the process expert at Brentwood Industries.
3. Data is trending in the right direction, but we are still not passing ammonia limits. Alkalinity numbers seem to be a little low. The low alkalinity may be contributing to poor biological growth that contributes to high ammonia results. Besides water quality related issues there may also be some operational issues that may need to be address to get the plant operating effectively.

Sincerely,

Benjamin (Ben) L. White, P.E., CPM  
City Manager/Public Works Director  
City of Farmersville

205 South Main Street, Farmersville, Texas 75442  
Work: 972-782-6151, Mobile: 972-822-7044, Facsimile: 972-782-6604  
Email: b.white@farmersvilletx.com, Website: www.farmersvilletx.com

## **VIII. WORKSESSION**

## **Municipal Development District Information & Worksheet**

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### **Background:**

The City receives one percent in sales tax on most sales that occur within the City's corporate limits that goes into the City's general fund. The City has an additional sales tax up to one percent in total that can be used for economic development purposes. In this regard the City has already held previous elections to approve Type A and Type B economic development corporations that collect an additional  $\frac{1}{2}$  of one percent, each, in sales tax on most sales that occur within the City's corporate limits that can be spent by Type A or Type B, respectively, for certain qualifying projects approved by the City Council. This cumulative two percent of sales tax is all of the sales tax available to the City of Farmersville. (The balance of sales tax goes to the State of Texas.) If the City wants to use a portion of the one percent sales tax that is currently assigned by election to the Type A and/or Type B corporations the City will have to have an election reducing the percentage of sales tax assigned to either or both of those entities to create a percentage of that one percent for use by the MDD. In this circumstance the election reducing the sales tax so assigned or the elimination of the Type A or Type B corporation is made contingent upon the approval of the MDD election.

A Municipal Development District ("MDD") can be established within either or both the City's corporate limits and the City's extraterritorial jurisdiction ("ETJ"). The MDD is unique in that it is the only such economic development district that can be established by a City outside of the City's corporate limits in its ETJ.

### **Creating a MDD:**

If the City wants to establish a MDD, the City Council must adopt an order or ordinance calling an election for that purpose. Tex. Loc. Gov't Code § 377.021. The order or ordinance calling the election must:

- (1) define the boundaries of the district; and
- (2) call for the election to be held within those boundaries.

*Id.* at § 377.021(b). The ballot at an election must be printed to permit voting for or against the proposition as follows:

"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 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."

*Id.* at § 377.021(c). The district is created if a majority of the registered voters of the proposed district voting at the election favor creation of the district. *Id.* at § 377.021(d). If a majority of the registered voters of the proposed district voting at the election to create the district vote against creation of the district, the municipality may not hold another election on the question of creating a municipal development district before the first anniversary of the most recent election concerning creation of a district. *Id.* at § 377.021(e).

### **Elections Calendar:**

An Election regarding creating a municipal development district may be held on one of the following dates:

- (1) the first Saturday in May in an odd-numbered year;
- (2) the first Saturday in May in an even-numbered year, for an election held by a political subdivision other than a county; or
- (3) the first Tuesday after the first Monday in November.

Tex. Elec. Code § 41.001(a). Holding such an election requires the following actions in accordance with the specified time frames. If the last day set out for performance, when calculated in accordance with the time frames set out below, falls on a Saturday, Sunday, or legal state or national holiday, the act is timely if performed on the next regular business day, except as otherwise provided by the Texas Election Code. Tex. Elec. Code § 1.006(a). If the last day for performance of an act is extended under the foregoing provision, the date so extended is used to determine any other dates and deadlines, and the dates or times of any related procedures, that are expressly required to be made on a date or at a time determined in relation to the last day for performance of the act. Tex. Elec. Code § 1.006(b).

| <b>TIME FRAME</b>                                             | <b>ACTION TO BE PERFORMED</b>                                                                                                                                                                                                           |
|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| At least 78 days before election date (uniform election date) | City council orders MDD election                                                                                                                                                                                                        |
| At least 60 days before election date                         | Deliver notice of the election to the county clerk and voter registrar of each county in which the political subdivision is located                                                                                                     |
| <b>TIME FRAME</b>                                             | <b>ACTION TO BE PERFORMED</b>                                                                                                                                                                                                           |
| Between 10 and 30 days before election                        | Publish notice of the election at least one time in a qualifying newspaper                                                                                                                                                              |
| At least 21 days before election day                          | Post a copy of the election notice, which must include the location of each polling place, on the bulletin board used for posting notices of the meetings of the governing body of the political subdivision that the authority serves. |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| At least 15 days before election day                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>Deliver to the presiding judge of each election precinct in which the election is to be held in the authority's jurisdiction written notice of:</p> <ul style="list-style-type: none"> <li>(1) the nature and date of the election;</li> <li>(2) the location of the polling place for the precinct served by the judge;</li> <li>(3) the hours that the polls will be open;</li> <li>(4) the judge's duty to hold the election in the precinct specified by the notice; and</li> <li>(5) the maximum number of clerks that the judge may appoint for the election.</li> </ul> |
| At least 10 days before election day                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Post at the polling place used in the preceding general election, notice of the precinct's consolidation and the location of the polling place in the consolidated precinct.                                                                                                                                                                                                                                                                                                                                                                                                      |
| Election day                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Deliver a copy of the notice of a consolidated precinct to the secretary of state                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>Not later than the 11<sup>th</sup> day after election day and not earlier than:</p> <ul style="list-style-type: none"> <li>(1) the third day after election day;</li> <li>(2) the date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or</li> <li>(3) the date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.</li> </ul> | Canvass the election                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| As soon as practical following canvassing of the election                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Mayor sends to the Secretary of State a certified authenticated copy of the charter under the city's seal showing the approval by the voters of the city                                                                                                                                                                                                                                                                                                                                                                                                                          |
| As soon as practical following canvassing of the election                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | City Secretary records the charter adopted by the voters of the City in the City Secretary's office"                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

### **Defining the Location for Election and Geographic Application:**

If the City wants to adopt a Municipal Development District ("MDD") within the City's corporate limits, only, the City will have to hold an election in the City to approve the creation of a MDD and a specific percentage of sales tax to be collected by the MDD up to ½ of one percent and also through the same election reduce the percentage of sales tax collected by either or both the Type A corporation and/or the Type B corporation to offset the amount to be collected by the MDD. The City can adopt the MDD to apply within specific geographic areas of the City's corporate limits or across the entirety of the City's corporate limits as they exist today or as they may be expanded. Either way the areas have to be identified in the Order calling such an election.

If the City wants to adopt a MDD within the City's extraterritorial jurisdiction ("ETJ"), only, the City will have to hold an election in the ETJ to approve the creation of a MDD and a specific percentage of sales tax to be collected by the MDD up to ½ of one percent. The City can adopt the MDD to apply within specific geographic areas of the City's ETJ or across the entirety of the City's ETJ as they exist today or as they may be expanded. Either way the areas have to be identified in the Order calling such an election.

If the City wants to adopt a MDD within both the City's corporate limits and the City's ETJ, the City will have to hold an election in both the City and the ETJ to approve the creation of a MDD and a specific percentage of sales tax to be collected by the MDD up to ½ of one percent. The City can adopt the MDD to apply within specific geographic areas of the City's corporate limits and/or ETJ or across the entirety of the City's corporate limits and/or ETJ as they exist today or as they may be expanded. Either way the areas have to be identified in the Order calling such an election.

The following questions and charts are intended to be a tool or guide to assist members of the City Council to determine the various aspects of establishing a MDD, if so desired.

#### **1. Reduce or Eliminate Type A/B to Establish MDD? (Only required if adopted inside City Limits)**

| ENTITY | KEEP  | REDUCE | ELIMINATE |
|--------|-------|--------|-----------|
| TYPE A | Y / N | Y / N  | Y / N     |
| TYPE B | Y / N | Y / N  | Y / N     |

#### **2. Is Reduction or Elimination of Type A/B Contingent on Approval of MDD? Y / N**

**3. The Order calling the election must define the proposed boundaries for the MDD. Within What Boundaries Should MDD be adopted?**

| OPTION                                                                                                                                                             | YES | NO |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| A. ONLY Specifically Identified Geographic Boundaries of City (& Identify)                                                                                         |     |    |
| B. ENTIRE Corporate Area of City                                                                                                                                   |     |    |
| C. ENTIRE Corporate Area of City PLUS Future Changes                                                                                                               |     |    |
| D. ONLY Specifically Identified Geographic Boundaries of ETJ <sup>1</sup> (& Identify)                                                                             |     |    |
| E. Entirety of ETJ ONLY <sup>1</sup>                                                                                                                               |     |    |
| F. Entirety of ETJ PLUS Future Changes in ETJ ONLY <sup>1</sup>                                                                                                    |     |    |
| G. Specifically Identified Geographic Boundaries Within Corporate Area of City (& Identify) Plus Specifically Identified Geographic Boundaries of ETJ (& Identify) |     |    |
| H. Specifically Identified Geographic Boundaries within Corporate Area of City (& Identify) Plus Entirety of ETJ and Future Changes in ETJ                         |     |    |
| I. Entire Corporate Boundaries of City PLUS Entirety of ETJ                                                                                                        |     |    |
| J. Entire Corporate Boundaries of City PLUS Entirety of ETJ and Future Changes in Each                                                                             |     |    |

A. Identify Specific Geographic Boundaries of City's corporate limits within which to establish the MDD:

B. Omitted.

C. Omitted.

D. Identify Specific Geographic Boundaries of City's ETJ within which to establish the MDD:

<sup>1</sup> In ETJ ONLY does not require reduction/elimination of Type A/B



E. Omitted.

F. Omitted.

G. Identify Specific Geographic Boundaries of City's corporate limits and City's ETJ within which to establish the MDD:

H. Identify Specific Geographic Boundaries of City's corporate limits within which to establish the MDD:

I. Omitted.

4. By What Amount Should Type A / B Sales Tax Collection be Reduced (up to a Cumulative Amount of One-Half of One Percent)?

| ENTITY      | $\frac{1}{8}$ of 1% | $\frac{1}{4}$ of 1% | $\frac{3}{8}$ of 1% | $\frac{1}{2}$ of 1% |
|-------------|---------------------|---------------------|---------------------|---------------------|
| FROM TYPE A |                     |                     |                     |                     |
| FROM TYPE B |                     |                     |                     |                     |
| TOTAL       |                     |                     |                     |                     |

5. What amount of One-Half of One Percent Sales Tax Collection Should be Allocated to MDD Within Corporate Limits?

| ENTITY | $\frac{1}{8}$ of 1% | $\frac{1}{4}$ of 1% | $\frac{3}{8}$ of 1% | $\frac{1}{2}$ of 1% |
|--------|---------------------|---------------------|---------------------|---------------------|
| TO MDD |                     |                     |                     |                     |

6. What Percentage of One-Half Penny Sales Tax Collection Should be Allocated to MDD in ETJ?

| ENTITY | $\frac{1}{8}$ of 1% | $\frac{1}{4}$ of 1% | $\frac{3}{8}$ of 1% | $\frac{1}{2}$ of 1% |
|--------|---------------------|---------------------|---------------------|---------------------|
| TO MDD |                     |                     |                     |                     |

## POST-ELECTION CONSIDERATIONS:

A MDD is a political subdivision of this state and of the municipality that created the district. Tex. Loc. Gov't Code § 377.022(a). A MDD is subject to Chapter 551 of the Tex. Gov't Code, the Texas Open Meetings Act. *Id.* at § 377.022(b).

The MDD is governed by a board of at least four directors ("Board of Directors") appointed by the City Council that creates the MDD. *Id.* at § 377.051(a) and (b). The Board of Directors chooses from its members its own presiding officer, a secretary, and other officers the board considers necessary. *Id.* at § 377.054. Directors serve staggered two-year terms and may be removed by the appointing City Council at any time with or without cause. *Id.* at § 377.051(c). Successor directors are appointed in the same manner as the original appointees. *Id.* Directors of the MDD must reside in the City that created the MDD or in that City's ETJ. *Id.* at § 377.051(d). An employee or officer of the City and members of the City Council may serve as a director. *Id.* However, they cannot have a personal interest in a contract executed by the MDD other than as an employee, officer, or member of the governing body of the municipality. *Id.* A member of the Board of Directors is not entitled to compensation but is entitled to reimbursement for actual and necessary expenses. *Id.* at § 377.052. The Board of Directors is required to meet within the City that created the MDD.

- 1. How Many Directors Should Be Established? State law Requires at Least Four Directors. Regardless of Number It Is Recommended to Have an Odd Number of Directors.**

| ENTITY | 4 | 5 | 7 | 9 | 11 |
|--------|---|---|---|---|----|
| MDD    |   |   |   |   |    |

- 2. What Should be the Composition of the Board of Directors?**

| OPTION                     | YES | NO | NUMBER |
|----------------------------|-----|----|--------|
| Residents in City's Limits |     |    |        |
| Residents in City's ETJ    |     |    |        |
| Members of City Council    |     |    |        |
| Employees of City          |     |    |        |
| <b>TOTAL</b>               |     |    |        |

ADL/

## **MDD CHOICES**

**1. Reduce or Eliminate Type A/B to Establish MDD? (Only required if adopted inside City Limits)**

| ENTITY | KEEP  | REDUCE | ELIMINATE |
|--------|-------|--------|-----------|
| TYPE A | Y / N | Y / N  | Y / N     |
| TYPE B | Y / N | Y / N  | Y / N     |

**2. Is Reduction or Elimination of Type A/B Contingent on Approval of MDD? Y / N**

**3. The Order calling the election must define the proposed boundaries for the MDD. Within What Boundaries Should MDD be adopted?**

| OPTION                                                                                                                                                          | YES | NO |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| ONLY Specifically Identified Geographic Boundaries of City (& Identify)                                                                                         |     |    |
| ENTIRE Corporate Area of City                                                                                                                                   |     |    |
| ENTIRE Corporate Area of City PLUS Future Changes                                                                                                               |     |    |
| ONLY Specifically Identified Geographic Boundaries of ETJ <sup>1</sup> (& Identify)                                                                             |     |    |
| Entirety of ETJ ONLY <sup>1</sup>                                                                                                                               |     |    |
| Entirety of ETJ PLUS Future Changes in ETJ ONLY <sup>1</sup>                                                                                                    |     |    |
| Specifically Identified Geographic Boundaries Within Corporate Area of City (& Identify) Plus Specifically Identified Geographic Boundaries of ETJ (& Identify) |     |    |
| Specifically Identified Geographic Boundaries within Corporate Area of City (& Identify) Plus Entirety of ETJ and Future Changes in ETJ                         |     |    |
| Entire Corporate Boundaries of City PLUS Entirety of ETJ                                                                                                        |     |    |
| Entire Corporate Boundaries of City PLUS Entirety of ETJ and Future Changes in Each                                                                             |     |    |

<sup>1</sup> In ETJ ONLY does not require reduction/elimination of Type A/B

## MDD CHOICES

### 4. By What Percentage Should Type A / B be Reduced?

| ENTITY      | .1 | .2 | .3 | .4 | .5 |
|-------------|----|----|----|----|----|
| FROM TYPE A |    |    |    |    |    |
| FROM TYPE B |    |    |    |    |    |

### 5. What Percentage Should be Allocated to MDD Within Corporate Limits?

| ENTITY | .1 | .2 | .3 | .4 | .5 |
|--------|----|----|----|----|----|
| TO MDD |    |    |    |    |    |

### 6. What Percentage Should be Allocated to MDD in ETJ?

| ENTITY | .1 | .2 | .3 | .4 | .5 |
|--------|----|----|----|----|----|
| TO MDD |    |    |    |    |    |

**REQUESTS TO BE PLACED ON FUTURE  
AGENDAS**

**Adjournment**