



**FARMERSVILLE CITY COUNCIL  
REGULAR SESSION MINUTES  
For  
March 23, 2021, 6:00 P.M.**

**I. PRELIMINARY MATTERS**

- Mayor Wiebold called the meeting to order at 6:00 p.m. Council members Mike Henry, Craig Overstreet, Jim Hemby, Dwain Mathers and Terry Williams were all present. City staff members Ben White, Sandra Green, Rick Ranspot, Kim Morris, Daphne Hamlin, Michael Sullivan, Kevin Casey and City Attorney Alan Lathrom were also present.
- Prayer was led by Craig Overstreet followed by the pledges to the United States and Texas flags.
  - Calendar of upcoming holidays and meetings.
  - Applications for Boards and Commissions are now being accepted. An application can be downloaded on the website or picked up at City Hall.
  - From March 1<sup>st</sup> through March 29<sup>th</sup> citizens may notice a Temporary Change in Disinfectant from NTMWD. Please see more information on the city's website.
  - Citizen Surveys are now available for completion. More information can be found on the flyer attached to the agenda or on the city's website.

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

- No one came forward in person or via teleconference.

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

- Allison Mathers, who resides at 109 College Street, stated she is inspired by Benny Mondy. She believes he has courage for coming up to the meeting and addressing the Council. She asked when the abuse of power, unethical strategy

and bullying layered with prejudicial practices are going to end in this city. She said for an outstanding citizen, like Benny Mondy, to be in a meeting and be met outside Council Chambers and threatened to not speak is unacceptable. She asked for Council to do their jobs and right the wrongs. She said we have to be a city that defends and protects our own. She said they have contacted Senator West and they are creating a program named the Benny Mondy Initiative to help with the situation.

- Leaca Caspari, who lives at 405 Summit Street, addressed Council and stated that people are happy to follow the rules, if the rules are clear and applied equally to everyone. She stated that people should be able to speak and not be retaliated against. She said the Council should take into consideration that the citizens of Farmersville just need to be treated equally.
- Benny Mondy, who resides at 210 N. Washington, stated he has received a lot of feedback from citizens regarding the meeting and situation that happened. He said he was trying to go by the law. He said that Ben White approached him outside the Council Chambers and stated if he spoke at the meeting he would have to bring up the law and how his pop-up vendor business is not allowed within the city limits. He said Paula Jackson told them what they needed and they provided all the documents and followed the rules that was in the paperwork given to him. He felt like there should be no jokes made in relation to the discussion of him breaking the law. He said he just wants to be treated fairly.
- Mayor Wiebold stated he thought the meeting with Benny Monday and the other family was cordial and the city has been lenient in regards to allowing them to operate as pop-up vendors. He said we all want to work together to make the ordinance the way it is supposed to be.
- Ben White stated his apology was sincere. He did not intend for his remarks to be taken in the way they were. He said in the meeting he wanted to help facilitate the conversation.
- Dwain Mathers stated Benny Mondy received a health inspection, insurance and a permit from the city. He said that Benny Mondy did nothing wrong and if anyone did anything wrong it was the city. He told Benny Mondy that he was a man of character and has done nothing wrong.

#### **IV. CONSENT AGENDA**

Items in the Consent Agenda consist of non-controversial or “housekeeping” items required by law. Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually. Following approval of the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.

- A. City Council Minutes
- B. City Financial Report
  - Terry Williams wanted to pull the City Financial Report.
    - Motion to approve the City Council Minutes made by Craig Overstreet
    - 2<sup>nd</sup> to approve was Mike Henry
    - All council members voted in favor
  - Terry Williams asked what significant difference was in the general fund revenues from this year compared to last year.
  - Daphne Hamlin said the increase was from ad valorem taxes, increase is sales taxes and CARES Act funding. She said the majority of the money was from permits.
    - Motion to approve the City Financials made by Terry Williams
    - 2<sup>nd</sup> to approve was Jim Hemby
    - All council members voted in favor

## V. INFORMATIONAL ITEMS

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

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

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

- B. Farmersville Community Development Board (Type B)
  - 1. Minutes
  - 2. Financials
  - 3. Possible Council Liaison Report
  
- C. FEDC Farmersville Economic Development Board (Type A)
  - 1. Financials
  - 2. Possible Council Liaison Report
    - Dwain Mathers stated Remax was asking for façade grant. There is a large bill that was sent to 4A and they are concerned about that. He said they discussed hiring an EDC Director and they may be holding a special session with a consultant to discuss whether or not they should hire an EDC Director at this time.
  
- D. Main Street Board
  - 1. Possible Council Liaison Report
  
- E. Parks & Recreation Board
  - 1. Possible Council Liaison Report
  
- F. Planning & Zoning Commission
  - 1. Minutes
  - 2. Possible Council Liaison Report
    - Mike Henry stated they held a public hearing for a rezone of Commercial to Multi-family and it passed by a 5-2 vote. He said they also held a public hearing for the industrial zone changes and that was passed by a 5-2 vote. The other item discussed was to give clarity and direction to the Historic Preservation Ad Hoc Committee.
  
- G. TIRZ Board
  - 1. Financials
  - 2. Possible Council Liaison Report

**VI. PUBLIC HEARING**

- A. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission and Ordinance #O-2021-0323-001 regarding an application requesting a change in zoning on approximately 4.137 acres of land, more or less, from C – Commercial District Uses to MF-2 – Multifamily Residence-2 District Uses for an apartment complex. The property is generally situated at 1904 Harvard Blvd., and located in the Murphy's Crossing Addition, Phase II, Lot 9, out of the W.B. Williams Survey, Abstract A-952, of Farmersville, Collin County, Texas.

- Mayor Wiebold opened the public hearing at 6:24 p.m.
- **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 2018-0508-001, AS AMENDED, BY CHANGING THE ZONING ON APPROXIMATELY 4.137 ACRES OF LAND IN THE MURPHY'S CROSSING ADDITION, PHASE II, LOT 9, MORE COMMONLY KNOWN AS 1904 HARVARD BOULEVARD, IN THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS, FROM C - COMMERCIAL DISTRICT USES TO MF-2 - MULTIFAMILY RESIDENCE-2 DISTRICT USES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

- Sam Satterwhite, applicant on the project, stated his client is very interested in the community. He said his client was looking for a growing, vibrant community and there is a lot of available land in Farmersville. He said he believes in Farmersville and the school district, as well as the thought out future land use. He wants to include Murphy in the name of the apartments in honor of Audie Murphy. He described where the property was and how it was surrounded by Camden Park to the north, Lexington to the south and a significant piece of property to the west. He said Palladium has a wait list and they believe apartments are in demand. He described what is planned for the property and stated they are expecting it to be three buildings. He explained there would be one and two bedroom units and he said the apartments would have amenities. He said the zoning ordinance requires 177 parking spaces, but they are wanting to provide 204 spaces. He stated they could see the dog park or the play ground go away due to detention requirements, if needed. He said his client is committed to excellence and it would be a long term investment for him. He wants to build the complex with 100% masonry, covered parking, market-rate units and they will limit it to three stories high. The economic impact would be \$11.5 million with it costing \$125,000.00 per unit to build. He said that approximately \$93,000.00 a year in ad valorem taxes would come to the city. He stated he understood there is a lift station nearby and that there is adequate sewer capacity. There was also some concerns with some of the member of the Planning & Zoning Commission regarding traffic. He said he believes the traffic created by this complex would be the same as Camden Park. He stated that if someone was going west they would exit using Harvard Blvd. If they were going east they would go to the stop light at Collin Parkway. He said the client is more than willing to come to a future meeting with a development agreement that would show their standards of building.
- Mayor Wiebold asked if anyone else wanted to speak for or against the agenda item.
- No one came forward so he closed the public hearing at 6:40 p.m.
- Craig Overstreet asked if the investor has built other units and if he is going to manage the apartments himself.

- Sam Satterwhite stated his family owns apartment complexes, but he has not managed any himself. He has developed a restaurant and a small office building. He would also hire a professional contractor and professional management staff.
- Craig Overstreet asked if a traffic study or a feasibility study has been done to figure out the need of the apartment buildings.
- Sam Satterwhite stated the client has done his own research on the demand for the apartments. A traffic study has not been completed at this point, but one may be required later.
- Craig Overstreet explained his concerns were with the density and the amount of traffic the apartments would create, because Council just approved a garden home zoning in Camden Park.
- Sam Satterwhite asked Ben White if TxDOT would approve a traffic signal at Harvard Blvd.
- Ben White stated he does not believe a traffic signal would be placed on Harvard Blvd. due to the proximity of the other stop light close by.
- Terry Williams asked if they would be willing to pay for any roadway improvements that would have to be put in place due to the development.
- Sam Satterwhite explained he does not foresee any roadway improvements that would be needed or required.
- Craig Overstreet stated he believes things are coming out of order and he does not know if apartments are needed at this time.
- Dwain Mathers asked how many homes are in the city because he feels that there are more apartment percentages than homes. He said we have to decide what we want our city to be. He was also concerned how the apartments would affect the school district.
- Jim Hemby said you could over populate the schools with apartments and the taxes that are received are lower for an apartment complex.
- Dwain Mathers explained he thought it would be a traffic nightmare. He said we do not want negative growth, but smart growth.
- Mike Henry asked if the property to the west had submitted any documents to the city for their development.
- Ben White stated we have been in discussions with the developer on a limited scale, but we have not received anything in writing at this point.
- Craig Overstreet explained he is not sure about the investor of the property, the density of the project and traffic at this location. He does not feel the location is great for apartments because it does not have enough acreage.
- Sam Satterwhite stated the market and demand is there for apartments due to population growth.
- Terry Williams asked how many units they were planning.
- Sam Satterwhite stated that planned the site in accordance to the city's ordinance.
  - Motion to deny the zoning change made by Mike Henry
  - 2<sup>nd</sup> was made by Craig Overstreet
  - All council members voted in favor

B. Public hearing to consider, discuss and act upon a recommendation from the Planning & Zoning Commission and Ordinance #O-2021-0323-002 regarding text amendments to Chapter 77, "Zoning," by amending Sections 77-66,

“Accessory Building Regulations,” and Section 77-67 “Exterior Construction Standards for Structures,” to modify the minimum and maximum requirements for accessory buildings and accessory structures.

- Mayor Wiebold opened the public hearing at 6:52 p.m. and asked if anyone wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 6:53 p.m.
- **AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 77, ENTITLED “ZONING,” BY AMENDING SECTION 77-66, ENTITLED “ACCESSORY BUILDING REGULATIONS,” AND SECTION 77-67 ENTITLED “EXTERIOR CONSTRUCTION STANDARDS FOR STRUCTURES,” TO MODIFY THE MAXIMUM ALLOWABLE HEIGHT AND ALLOWABLE ROOF PITCHES FOR ACCESSORY BUILDINGS, GARAGES, AND CARPORTS AS PROVIDED HEREIN BELOW; REPEALING ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR NOTICE AND IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.**

This Ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.
- Ben White stated there were several occasions in the past where people would come in for a variance because of the allowable height of buildings. He explained with this change in the ordinance it would cut down on the number of variances we would see.
- Alan Lathrom stated the current ordinance puts the height of the structure at ten feet to the peak. He said we changed it to show ten feet to the top plate and then the roof could go higher. He said we also changed the roof pitch to where they could match the existing roof pitch on the house.
  - Motion to approve made by Craig Overstreet
  - 2<sup>nd</sup> was made by Terry Williams
  - All council members voted in favor

## **VII. READING OF ORDINANCES**

- A. Consider all matters incident and related to the issuance and sale of the “City of Farmersville, Texas, Public Property Finance Contractual Obligation, Series 2021”, including the adoption of an Ordinance #O-2021-0323-003 authorizing the issuance of such obligation.
- Ben White stated that during the winter storm there was a lot of usage and the rates for power went up during that time. We had a lot of fuel charges

and ERCOT pass through rates. He is not sure if the state of Texas will cap the ancillary rates. He said the city would pay the loan back through PCA charges. He indicated it would be a five year note and he wanted to pay it off in three years, because the note could be repaid at anytime. He said he asked for a larger amount than what was needed to pay the bill we received because he is not sure what the state is going to do.

- Craig Overstreet asked if the state will discount some of the bill.
- Ben White stated they could, but he does not know if they will.
- Mike Henry asked what the ancillary charges are.
- Ben White explained that during a time of inclement weather ERCOT can use ancillary items to help with the grid. He said they did and that is what those charges are for.
- Mayor Wiebold asked how long it would be for us to find out if they are going to cap the fee.
- Ben White stated he assumed at least two or three month before we hear anything.
  - Craig Overstreet said he would move to adopt the Ordinance authorizing the issuance of the "City of Farmersville, Texas, Public Property Finance Contractual Obligation, Taxable Series 2021" in the principal amount of \$825,000.00.
  - 2<sup>nd</sup> was made by Mike Henry
  - All council members voted in favor

## **VIII. REGULAR AGENDA**

- Mayor Wiebold wanted to skip to Item E on the agenda which was: Quarterly report from Main Street Manager, Kevin Casey.
- Kevin Casey gave an overview of what the Main Street Program and the Main Street Board is doing. He explained the Main Street Board is taking training courses. He discussed how they are working with downtown merchants and trying to recruit new merchant's downtown. He said Audie Murphy Day has been moved to November 13. He also explained the Museum Board has put gutters up on the Heritage Museum to keep water away from the building.
- Craig Overstreet stated the recently purchased benches and trashcans say we care about downtown and we are all grateful to the 4B Board for funding Main Street.
- Dwain Mathers stated this past year was a disaster for events because of Covid. He wanted to know if there were going to be more events this year.



- Kevin Casey stated that Audie Murphy Day will be the next big event. He said the events that Main Street used to do are not being done anymore because they are doing more economic development in lieu of so many events.
  - Dwain Mathers asked about interest in downtown and wanted to know who is wanting to buy or lease buildings.
  - Kevin Casey stated he receives several calls where people are asking about buildings downtown.
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- Mayor Wiebold wanted to hear Item D next which was: Discussion regarding citywide hazardous material inspection processes and results.
  - Jason Browning, Collin County Fire Marshall, stated they are tasked with inspecting all known commercial/public establishments at least once a year in the city. He said their inspections also include hazardous materials. They follow Chapter 27 of the International Fire Code Hazardous Materials when conducting their inspections.
  - Craig Overstreet stated he also wanted to know what hazmat calls they have been out on over the past year and what training they have taken.
  - Kim Morris said he did not recall any hazardous material calls over the past year. He stated they have training at the end of their monthly meetings and they go over their equipment for spills, how they are going to handle it and who they are going to call. He stated for containments they have “donuts” that they put in the spilled material.
  - Jason Browning explained there is an app that you can download that will tell you what a truck is carrying and how to manage any spills that might occur. He said they also hold mock situations that include the fire departments and police departments. They both get involved so they will know how to handle the situations if they arise.
  - Terry Williams asked if they inspect vacant buildings.
  - Jason Browning stated they do when they can gain access to the building.
  - Michael Sullivan stated we have an agreement with the City of Wylie Fire Department regarding hazardous spills.
  - Craig Overstreet asked if businesses that have hazardous materials in them would require a state permit or local/county permit.
  - Jason Browning said through the Right-to-Know Act we all know what hazardous materials businesses have in them.
  - Michael Sullivan stated they have worked with the railroad as well to see what comes through the city. He said it is actually scary.
  - Craig Overstreet said there are a few large gas pipelines that run through the city.

- Michael Sullivan said staff receives information in the mail about every three months regarding safety protocols in relation to the pipelines.
- A. Consider, discuss and act upon a Facilities Agreement with HCG Realty and Development regarding property located on the southwest corner of Farmersville Parkway and South Hamilton Street.
- Ben White stated this item was in relation to the Grupido's who own the Cotton Gin. They are wanting to work on their building and infrastructure at the same time. He said typically infrastructure is constructed before the developer is allowed to go vertical. This agreement would allow them to do both at the same time. He explained they had dedicated right-of-way for Hamilton Street.
  - Mike Henry wanted to clarify that they donated the land for Hamilton Street.
  - Ben White stated they gave us the right-of-way in exchange for the city tearing down the accessory buildings on the property.
  - Mike Henry asked why the city would want to enter into this agreement.
  - Ben White stated the facilities they are installing are minimal and the fire lanes are the bigger portion of it. They are in a lease agreement right now where their business is currently located and they would have to renew their lease. He said he tries to work with developers to help them move forward with their project.
  - Dwain Mathers asked about electrical.
  - Ben White stated there is an electrical connection there, but we agreed to supply the connection as part of the agreement. He said they would still need to run the line.
  - Dwain Mathers stated they would not have water to do testing.
  - Ben White stated we are talking about the facilities that make the lot developable. He said the developer is just trying to save time on his overall schedule.
  - Craig Overstreet said they would have to put up a bond or letter of credit in the amount of \$450,000.00 if the agreement was approved.
  - Mike Henry stated they are a great business in our town, however he does not want to approve the agreement because we would be allowing someone else's problem to become a city problem.
  - Mayor Wiebold said he agreed with Mike Henry.

- Motion to deny or reject the proposal to execute the facilities agreement made by Mike Henry
  - 2<sup>nd</sup> was made by Terry Williams
  - All council members voted in favor
- B. Consider, discuss and act upon the bid tabs and recommendation for the procurement of services for grant writing for the city.
- Ben White stated we have two documents that have to do with the evaluation of three companies that would handle our TxCDBG grant writing. Two companies did not submit a proposal, but Resource Management & Consulting did and the recommendation is to accept their bid.
  - Craig Overstreet asked where the company is from and who the business principal is.
  - Ben White stated they are out of Paris, Texas and Charles Edwards is the principal.
  - Dwain Mathers asked if we have worked with other firms in the past.
  - Ben White stated we have worked with Grant Works and we have not been happy with them over the past few years.
- Motion to approve made by Mike Henry
  - 2<sup>nd</sup> was made by Jim Hemby
  - All council members voted in favor
- C. Consider, discuss and act regarding Covid funding for small businesses.
- Ben White stated this came up the last meeting and there were ongoing concerns.
  - Mike Henry said Alan Lathrom was supposed to let us know if the Covid funds we received in December could be used to pay the businesses who did not apply.
  - Alan Lathrom stated he apologized, but he forgot to review the document.
  - Dwain Mathers asked if there was going to be any more money coming to the city for CARES Act funding.
  - Ben White stated the county is talking about.
  - Dwain Mathers asked if it is going to be restricted to certain uses.
  - Ben White stated he is not sure at this point, but he has heard that it would be specific items.

- D. Discussion regarding citywide hazardous material inspection processes and results.
- This item was discussed earlier in the meeting.
- E. Quarterly report from Main Street Manager, Kevin Casey.
- This item was discussed earlier in the meeting.
- F. Update on execution of the Wastewater Treatment Plant 1 trickling arm filter contract.
- Ben White stated the contract has been signed by the contractor and they had to get bonds and other items. He indicated they overnighted the contracts to us for signature and he will be signing it once received. The city is asking for a completion date by the end of August. The contractor is very nervous about the timing because he will have penalties assessed if he cannot meet the deadline, especially if there was another Covid outbreak. He said they want to push the completion date to December. He indicated it is the assembly of the arm itself, not the scada or anything else.
  - Jim Hemby stated that people should be held to a timeline. If we say it would be okay to extend until December then they could make excuses to get the extra time.
  - Ben White said they are only okay with signing up for the deadline of December.
  - Alan Lathrom stated there are other ways to work around that on the contract. He would just need to look at it to see.
- G. Update on Collin Parkway and Farmersville Parkway.
- Ben White stated the temporary access to Audie Murphy Parkway is complete. The only utilities left is a few inlets that will be finished in a few days. He said there is another issue that has come up though because there is a statewide shortage on cement. If this keeps up the April deadline could become June. He explained that everybody is doing what they can. He said they are having meetings every two weeks with the contractor to make sure everything stays on track.
  - Craig Overstreet asked if the cost of the project has changed.
  - Ben White stated the contract amount will be held to. He said they are very concerned about the cost of concrete right now though.

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

- Mike Henry wanted the following on the agenda:
  - Update on the contract for the WWTP#1 trickling arm filter
  - Update on CR 699 construction
  - Update on Collin Parkway/Farmersville Parkway
- Craig Overstreet wanted the following on the agenda:
  - Actual vs. budget
  - Update on boundary agreements
  - Bain-Honaker House Beneficiary Letter
  - Update on food trucks and pop-up vendors in the city
  - Update on the Historic Preservation Ordinance
  - Covid-19 funding for small businesses

**IX. ADJOURNMENT**

Meeting was adjourned at 8:06 p.m.

APPROVE:



Bryon Wiebold, Mayor

ATTEST:



Sandra Green, TRMC  
City Secretary

