

**TOWN COUNCIL
MEETING MINUTES
DECEMBER 5, 2023**

The Town Council met in regular session on Tuesday, December 5, 2023, 2023 at 6:00 p.m. at 372 Town Place, Fairview, Texas.

Those present were Mayor Henry Lessner, Mayor Pro Tem John Hubbard, and Councilmembers Rich Connelly, Gregg Custer, Ricardo Doi, and Ken Logsdon.

Town Council absent: Councilmember Larry Little.

Staff present included Town Manager, Julie Couch; Assistant Town Manager Adam Wilbourn; Town Attorney, Clark McCoy; Town Engineer, James Chancellor; Planning Manager, Israel Roberts; Fire Chief, Jeff Bell; Assistant Fire Chief, Travis Green; Police Chief, Chris Chandler; CFO Steven Ventura; HR Director Whitney Casey; Communications and Marketing Manager, Karin Anderson; Town Secretary, Joshua Stevenson; and Fairview Police Department Officers Sonia Golgoun, Victoria Fritzler, Whitley Tomlinson, Ricardo Hernandez, Eduardo Ramirez, David Jones, Nick Lovren, Boston Ross, James Taylor, Rachael Sanchez, Austin Perez, and Corey Braggs.

Mayor Lessner called the meeting to order at 6:00 p.m. and declared a quorum was present.

At 6:01 p.m., the Council adjourned into executive session in accordance with the Texas Government Code:

- A. Section 551.071 – to consult with legal counsel** regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code including CPDD development improvements, ordinances, agreements and financing; contracts for services; town property and infrastructure; administrative matters; drainage matters; town regulations; transportation matters; state law review and compliance.
- B. Section 551.072 - discuss or deliberate the purchase, exchange, sale, lease, or value of real property, acquisition of right-of-way, easements, or land.**
- C. Section 551.074 Personnel - appointment of members of all non-advisory boards and commissions.**
- D. Section 551.087 – to discuss or deliberate Economic Development Negotiations:** (1) To discuss or deliberate regarding commercial or financial information that the Town of Fairview has received from a business prospect that the Town seeks to have locate, stay, or expand in or near the territory of the Town of Fairview and with which the Town is conducting economic development negotiations; or (2) To deliberate the offer of a financial or other incentive to a business prospect described by subdivision (1). Proposed commercial/retail developments.

Mayor Lessner called the regular session to order at 7:30 p.m. and invited everyone to stand for the Pledge of Allegiance and the Texas State pledge.

There were twenty four (24) members of the public present in the audience when the meeting was called to order.

OATH OF OFFICE:

Mayor Lessner introduced agenda item 3(A), Oath of Office for Chief of Police, William Christopher Chandler.

The Town Secretary administered the Oath.

PROCLAMATION AND INFORMATION SHARING:

Mayor Lessner introduced agenda item 4(A), DCTA Introduction Presentation.

The Council and the representative from DCTA spoke regarding this item.

CITIZEN INPUT:

No one approached to speak.

CONSENT AGENDA:

All items listed under the Consent Agenda are considered routine and are acted on by one motion, with no separate discussion of these items. If discussion is desired, an item may be removed from the consent agenda and be considered separately.

Mayor Lessner requested for Consent item 6(g) to be considered separately.

Councilmember Logsdon motioned to approve the Consent agenda. Councilmember Custer seconded, and the motion passed unanimously by the Council present.

The following Consent items were approved: 6(A) Approve the minutes of the November 2, 2023, Joint Meeting of the Planning & Zoning Commission and the Town Council; 6(B) Approve the minutes of the November 7, 2023, Regular Council meeting; 6(C) Approve a Resolution denying CoServ Gas Rate Increase within the Town of Fairview; 6(D) Approve a resolution adopting a Conditional Municipal Service Agreement between the Town of Fairview, and Brian and Janna Jarvis, for 5.673-acre tract of land, situated in the F.T. Duffau Survey, Abstract No. 287. Generally located at the terminus of Sharon Road. Owners/Applicants: Brian and Janna Jarvis; 6(E) Authorize the Town Manager and Town Attorney to take all steps necessary to participate in settlements of the PFAS Class Action; 6(F) Approve a resolution adopting and ratifying plat application submittal requirements in accordance with HB 3699.

Mr. Ventura spoke regarding Consent agenda 6(G) Approve an updated ordinance regarding the Town policy on water leak adjustments.

Mayor Lessner tabled 6(G) Approve an updated ordinance regarding the Town policy on water leak adjustments.

This item will be on the Regular Meeting agenda of the Town Council in January 2024.

REPORTS FROM STAFF:

Mr. Ventura reviewed the monthly financial report ending October 31, 2023.

Police Chief Chandler reviewed the monthly police report for the month of November 2023.

Fire Chief Bell reviewed the monthly fire report for the month of November 2023.

Mr. Chancellor provided an update on Town construction projects.

**PUBLIC HEARING – CONDITIONAL USE PERMIT FOR AN ACCESSORY
STRUCTURE AT 84 SECRETARIAT LANE:**

Mayor Lessner introduced agenda item 8(A), Conduct a public hearing to consider and take any necessary action on a request for approval of a Conditional Use Permit (CUP) for an accessory structure. The 2.8-acre lot is located at 84 Secretariat Lane and is zoned for the (RE-2) Two-acre Ranch Estate District. Owner/Applicant: Bror Peterson.

Mr. Roberts presented the item and stated that the application met all Town requirements. Staff and the Planning & Zoning Commission recommend approval.

The Council and staff had discussion related to this item.

Mayor Lessner opened the public hearing.

The Council and the applicant spoke related to this item.

Mayor Lessner closed the public hearing.

Councilmember Custer made a motion to approve the Conditional Use Permit as presented and as recommended by the Planning & Zoning Commission. Councilmember Connelly seconded, and the motion passed with a vote of 3-3, the motion failed, with Mayor Pro Tem Hubbard and Councilmembers Doi and Connelly voting no.

Councilmember Doi made a motion to approve the Conditional Use Permit as presented and as recommended by the Planning & Zoning Commission with a revised 40-foot setback. Mayor Pro Tem Hubbard seconded the motion, and the motion passed unanimously by the Council present.

**PUBLIC HEARING – VOLUNTARY ANNEXATION OF 5.67-ACRE TRACT IN THE
F.T. DUFFAU SURVEY:**

Mayor Lessner introduced agenda item 8(B), Conduct a public hearing to consider and take any necessary action on the voluntary annexation of a 5.67-acre tract of land, situated in the F.T. Duffau Survey, Abstract No. 287. Generally located at the terminus of Sharon Road.

Owners/Applicants: Brian and Janna Jarvis.

Mr. Roberts presented the item and stated that the application met all Town requirements. Staff and the Planning & Zoning Commission recommend approval.

The Council and staff had discussion related to this item.

Mayor Lessner opened the public hearing.

The Council and the applicant spoke regarding this item.

Mayor Lessner closed the public hearing.

Councilmember Doi made a motion to approve the voluntary annexation of land as presented. Councilmember Logsdon seconded, and the motion passed unanimously by the Council present.

The Ordinance caption reads as follows:

ORDINANCE NO. 2023-32

**AN ORDINANCE ANNEXING INTO THE TOWN OF FAIRVIEW, TEXAS THE
HEREINAFTER DESCRIBED TERRITORY, TO WIT: BEING A CERTAIN AREA OF
LAND SITUATED IN THE F.T. DUFFAU SURVEY, ABSTRACT NUMBER 287,
COUNTY OF COLLIN, STATE OF TEXAS; AMENDING THE OFFICIAL TOWN MAP;
PROVIDING A SERVICE PLAN; REQUIRING THE FILING OF THIS ORDINANCE
WITH THE COLLIN COUNTY CLERK; PROVIDING A CUMULATIVE REPEALER
CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT
AND ENROLLMENT; PROVIDING FOR AN EFFECTIVE DATE**

**PUBLIC HEARING – ZONING A 5.67-ACRE TRACT IN THE F.T. DUFFAU SURVEY
AS RE-3:**

Mayor Lessner introduced agenda item 8(C), Conduct a public hearing to consider and take any necessary action on a request to establish zoning on a 5.67-acre tract of land for the (RE-3) Three-acre Ranch Estate District. The site is located at the end of Sharon Road and is currently unzoned. Owners/Applicants: Brian and Janna Jarvis.

Mr. Roberts presented the item and stated that the application met all Town requirements. Staff and the Planning & Zoning Commission recommend approval.

The Council and staff had discussion related to this item.

Mayor Lessner opened the public hearing.

No one came forward to speak.

Mayor Lessner closed the public hearing.

Councilmember Logsdon made a motion to approve the ordinance establishing the zoning as presented. Councilmember Connelly seconded, and the motion passed unanimously by the Council present.

PUBLIC HEARING – ORDINANCE TO RE-AUTHORIZE TOWN BUILDING PERMIT FEES IN ACCORDANCE WITH HB 1922:

Mayor Lessner introduced agenda item 8(E), Conduct a public hearing to consider and take any necessary action on an ordinance to re-authorize Town building permit fees in accordance with HB 1922.

Ms. Couch spoke regarding the item.

The Council and staff had discussion related to this item.

Mayor Lessner opened the public hearing.

No one came forward to speak.

Mayor Lessner closed the public hearing.

Councilmember Doi made a motion to approve the Ordinance as presented. Mayor Pro Tem Hubbard seconded, and the motion passed unanimously by the Council present.

COUNCIL ACTION – PUBLIC ART INSTALLATION AT FIRE STATION 1:

Mayor Lessner introduced agenda item 9(A), Consider, discuss, and take any necessary action on a recognition/public art installation at Fire Station 1.

Chief Bell presented the item.

The Council and staff had discussion related to this item.

Mayor Pro Tem Hubbard made a motion to approve the item as presented with an estimated budget of \$135,000. Councilmember Logsdon seconded, and the motion passed unanimously by the Council present.

COUNCIL ACTION – AWARDED A BID FOR HVAC UPGRADES AT FIRE STATION 2:

Mayor Lessner introduced agenda item 9(B), Consider, discuss, and take any necessary action on awarding a bid for HVAC upgrades at Fire Station 2.

Chief Bell presented the item.

The Council and staff had discussion related to this item.

Councilmember Logsdon made a motion to approve award the bid for HVAC upgrades to Encore Mechanical in the amount of \$279,600. Councilmember Connelly seconded, and the motion passed unanimously by the Council present.

COUNCIL ACTION – AWARDING A BID FOR GENERATOR UPGRADES AT FIRE STATION 2:

Mayor Lessner introduced agenda item 9(C), Consider, discuss, and take any necessary action on awarding a bid for Generator upgrades at Fire Station 2.

Chief Bell presented the item.

The Council and staff had discussion related to this item.

Councilmember Logsdon made a motion to approve awarding the bid for Generator upgrades to TDI in the amount of \$117,250. Mayor Pro Tem Hubbard seconded, and the motion passed unanimously by the Council present.

COUNCIL ACTION – RESOLUTION ALLOCATING VOTES FOR COLLIN COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS:

Mayor Lessner introduced agenda item 9(D), Consider, discuss, and take any necessary action on a Resolution allocating votes for Collin County Appraisal District Board of Directors election.

Ms. Couch presented the item.

The Council and staff had discussion related to this item.

Councilmember Doi made a motion to approve the resolution casting 12 votes for Veronica Yost. Mayor Lessner seconded, and the motion passed unanimously by the Council present.

COUNCIL ACTION – AUTHORIZING AN AGREEMENT FOR RESIDENT AND EMPLOYEE SURVEY SERVICES:

Mayor Lessner introduced agenda item 9(E), Consider, discuss, and take any necessary action on authorizing the Town Manager to enter into an agreement for resident and employee survey services.

Mr. Wilbourn presented the item and introduced a representative from Onpoint Insights.

Ron Gailey from Onpointe Insights spoke regarding this item.

The Council, staff, and the representative from Onpointe had discussion related to this item.

Councilmember Doi made a motion to authorize the Town Manager to enter into an agreement with OnPointe Insights as recommended by staff for citizen and employee survey services. Councilmember Logsdon seconded, and the motion passed unanimously by the Council present.

COUNCIL ACTION – MOVING THE REGULAR MEETING OF JANUARY 2024:

Mayor Lessner introduced agenda item 9(F), Consider, discuss and take any necessary action on moving the regular Town Council meeting of January 2024.

Ms. Couch presented the item.

The Council had discussion related to this item.

Mayor Lessner motioned to move the regular meeting in January 2024 to Wednesday, January 10, 2024 in Council Chambers at 7:30. Mayor Pro Tem Hubbard seconded, and the motion passed unanimously by the Council present.

UPDATES FROM COUNCIL AND STAFF:

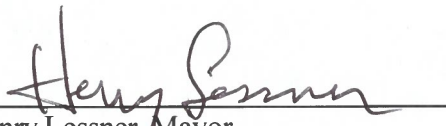
Mayor Lessner called for any updates from staff or Council regarding items of community interest.

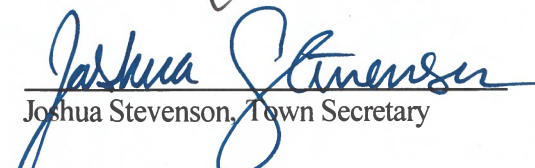
There were none.

ADJOURNMENT:

Mayor Lessner adjourned the meeting at 9:46 p.m.

These minutes were approved by the Town Council on January 10, 2024.


Henry Lessner, Mayor


Joshua Stevenson, Town Secretary
Town of Fairview, Texas

