



## TOWN OF FAIRVIEW, TEXAS

### Agenda

#### Town Council Executive Session

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July 2, 2024

6:00 PM

Town Hall Council Chambers  
372 Town Place  
Fairview, Texas

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#### **WATCH THE BROADCAST LIVE**

This meeting will be broadcast live. Members of the public who wish to watch this meeting may watch the live broadcast at:

<https://ringcentr.al/4eaqbOZ>

1. **Call to Order**

2. **Closed Session**

In accordance with Texas Government Code:

- a. **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; religious land use; 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.

*Under Texas Government Code Chapter 551, the Town Council may enter closed session to discuss any items listed or referenced on a posted agenda notice for this meeting as necessary under the listed exceptions to the Open Meetings Act.*

*The council further reserves the right to enter into executive session at any time throughout any duly noticed meeting under any applicable exception to*

*the Open Meetings Act.*

**3. Action on Closed Session**

**4. Adjourn**

I, Joshua Stevenson, Town Secretary, hereby certify that this notice was posted in accordance with Texas Government Code, Chapter 551, on or before the 28th day of June, 2024 at 6:00 p.m.

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Joshua Stevenson, Town Secretary

**NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:**

The Town of Fairview Council Chambers is wheelchair accessible. Access to the building and special parking is available at the primary southwest and northwest entrance into the Town Hall parking lot. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the Town Secretary's office at least 48-hours prior to the meeting. Please e-mail your request to [townsecretary@fairviewtexas.org](mailto:townsecretary@fairviewtexas.org) or call at 972-886-4234. BRAILLE IS NOT AVAILABLE.



# TOWN OF FAIRVIEW, TEXAS

## Agenda

### Town Council Regular Meeting

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July 2, 2024

7:30 PM

Town Hall Council Chambers  
372 Town Place  
Fairview, Texas

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#### **WATCH THE BROADCAST LIVE**

This meeting will be broadcast live. Members of the public who wish to watch this meeting may watch the live broadcast at:

<https://ringcentr.al/4eaqbOZ>

1. **Call to Order**
2. **Pledge of Allegiance: U.S. and Texas Flags**
3. **Proclamation and Information Sharing**
  - a. Receive recognition from the Allen Police Department for assistance provided on May 6th, 2023

4. **Citizen's Comment (for Non-Public Hearing Items)**

*At this time, any person may address the Council regarding an item on this meeting agenda or on matters not on this meeting agenda. Each person will have up to five (5) minutes. The Mayor may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.*

*Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the Town Council for items listed as Public Hearings will be recognized when the Public Hearing is opened.*

*No discussion or action may be taken at this meeting on items not listed on this agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.*

5. **Consent Agenda**

*All items listed under the Consent Agenda are considered routine and will be 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 considered*

*separately.*

- a. Approve the minutes of the June 4, 2024, Regular meeting of the Town Council
- b. Approve the minutes of the June 24, 2024, Special Work Session of the Town Council
- c. Approve legal services engagement letter for zoning and land use matters
- d. Adopt a resolution establishing policies for public meetings

**6. Reports from Staff**

- a. Monthly Financial Report - Period ending May 31, 2024
- b. Monthly Police Report - Period ending June 30, 2024
- c. Monthly Fire Report - Period ending June 30, 2024
- d. Monthly Code Report - Period ending June 30, 2024
- e. Town construction projects

**7. Public Hearings**

- a. Conduct a public hearing to consider, discuss, and take any necessary action on an ordinance granting Atmos Energy Corp. a franchise to construct, maintain and operate pipelines and equipment within the Town

**8. Action/Discussion Items**

- a. Consider, discuss and take action on a request for approval of a Final Plat of the Orr Road Estates Addition. The 19.7-acre tract of land contains six (6) residential lots, is located at the southwest corner of Orr Road (FM 317) and Stacy Road, and is zoned for the (RE-2) Two-acre Ranch Estate District. Applicant: Michael Westfall, Westfall Engineering, representing Terraform Ventures, LLC.

**9. Council and Staff Comments**

*Council and Staff Comments relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, informational updates on Town projects, awards, acknowledgement of meeting attendees, birthdays, requests of the Town Manager for items to be placed on upcoming agendas, and condolences.*

**10. Closed Session**

In accordance with Texas Government Code:

- a. **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; religious land use; 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.

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## 11. **Adjourn**

I, Joshua Stevenson, Town Secretary, hereby certify that this notice was posted in accordance with Texas Government Code, Chapter 551, on or before the 29th day of June 2024 at 6:00 p.m.

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Joshua Stevenson, Town Secretary

### **NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:**

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**FAIRVIEW TOWN COUNCIL  
MEETING MINUTES  
JUNE 4, 2024**

The Town Council met in executive session on June 4, 2024 at 5:00 PM at 372 Town Place, Fairview, Texas.

Council present: Mayor Henry Lessner and Mayor Pro Tem John Hubbard; and Councilmembers Rich Connelly, Gregg Custer, and Ken Logsdon.

Council absent: Councilmembers Ricardo Doi and Larry Little.

Staff present: 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; Firefighter, Michael Tharp; Police Chief, Chris Chandler; Assistant Police Chief, Michael Sullivan; Detective, Sonia Golgoun; CFO Steven Ventura; HR Director Whitney Casey; and Town Secretary, Joshua Stevenson.

At 5:00 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; religious land uses; 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 reconvened from executive session and adjourned the executive

session meeting at 7:21 PM.

The Town Council met in regular session on June 4, 2024 at 7:30 PM at Accasia’s Event Venue at 351 Southwind Lane, Fairview, Texas.

**1. Call to Order**

Mayor Lessner called the meeting to order at 7:34 PM and declared a quorum was present.

There were approximately five hundred (500) members of the public present when the meeting was called to order.

**2. Pledge of Allegiance: U.S. and Texas Flags**

Mayor Lessner invited everyone to stand for the Pledge of Allegiance and the Texas State pledge.

**3. Administer Oaths of Office**

a. Administer the Oath of Office for Town Council Seat 2

Mayor Lessner called for the administration of the Oath of Office for Town Council Seat 2.

The Town Secretary administered the Oath of Office to Gregg Custer for Town Council Seat 2.

**4. Public Hearings**

a. Conduct a public hearing to consider, discuss, and take any necessary action on a request for approval of an ordinance granting a Conditional Use Permit (CUP) for an accessory structure (greenhouse). The 3.6-acre lot is located at 100 Seattle Slew and is zoned for the (RE-2) Two-acre Ranch Estate District. Owner/Applicant: Timothy and Charlotte Czmieł

Mayor Lessner called for the item

Mr. Roberts spoke regarding this item. Staff and the Planning & Zoning Commission recommended approval.

The Council and staff had discussion regarding this item.

Mayor Lessner opened the public hearing.

The applicant spoke regarding this item.

Mayor Lessner closed the public hearing.

Council passed the motion by Councilmember Logsdon, seconded by Councilmember Custer, to approve an ordinance granting a Conditional Use Permit (CUP) for an accessory structure located at 100 Seattle Slew in a vote of Yes 5, No 0, Abstained 0.

- b. Conduct a public hearing to consider, discuss, and take any necessary action on a request for approval of a Conditional Use Permit (CUP) for a religious facility. The 8.1-acre site is located on the north side of Stacy Road, west of Meandering Way and is zoned for the (RE-1) One-acre Ranch Estate District. Applicant: Tom Coppin, Kimley-Horn and Associates representing owners The Church of Jesus Christ of Latter-Day Saints

Mayor Lessner called for the item.

Mr. Roberts spoke regarding this item.

The applicant spoke regarding this item and requested a continuance of the item to a later date.

The Council and staff had discussion regarding this item.

Mayor Lessner opened the public hearing.

Mary Price, 579 Meandering Way, Fairview, TX 75069, spoke in opposition.  
Dick Price, 579 Meandering Way, Fairview, TX 75069, spoke in opposition.  
Darion Culbertson, 700 Maple Creek, Fairview, TX 75069, spoke in opposition.  
Jay Jones, 360 Collinwood Drive, Fairview, TX 75069, spoke in favor.  
Douglas Stilgoe, [no address given], Oxford, England, spoke in opposition.  
Michelle Countryman, 205 Newchester Drive, Fairview, TX 75069, spoke in favor.  
Gay Kiser, 100 Man O War Lane, Fairview, TX 75069, spoke in opposition.  
Steven Foradori, 190 Horseshoe Bend, Fairview, TX 75069, spoke in opposition.  
Susan Hedgpeth, 417 Rosemont Lane, Fairview, TX 75069, spoke in opposition.  
Jason Jones, 380 Collinwood Drive, Fairview, TX 75069, spoke in favor.  
Ben Khuene, 171 Horseshoe Bend, Fairview, TX 75069, spoke in opposition.  
Nikki Smith, 1670 Ashcroft, Fairview, TX 75069, spoke in opposition.  
Brooke Willard, 350 Kentucky Lane, Fairview, TX 75069, spoke in opposition.  
Gary Carter, 1000 Timber Lane, Fairview, TX 75069, spoke in opposition.  
Terry James, 801 Creekwood Drive South, Fairview, TX 75069, spoke in favor.  
Ben Brown, 717 Mustang Drive, Fairview, TX 75069, spoke in opposition.  
Dan Trythall, 821 Parchman Place, Lucas, TX 75002, spoke in favor.  
Marji Smith, 281 Paddock Trail, Fairview, TX 75069, spoke in opposition.  
Bryan Johnson, 481 Windmill Lane, Fairview, TX 75069, spoke in opposition.  
Amy Campbell, 2406 Forest Grove Estates Road, Allen, TX 75002, spoke in opposition.  
Karla Gant, 1917 Country Brook Lane, Allen, TX 75002, spoke in opposition.  
Julie Clark, 500 Whitley Place Drive, Prosper, TX 75078, spoke in favor.  
Pamela Sailor, 199 Newchester Drive, Fairview, TX 75069, spoke in opposition.

Rick Jakus was called, but did not respond.



Inga Fredrickson, 1917 Baltimore Drive, Allen, TX 75002, spoke in opposition.  
Gretchen Thompson-Wild, 501 Lakewood Drive, Fairview, TX 75069, spoke in opposition.

Joyce Dreiling was called, but did not respond.

Clay Medley, 710 Oakdale Circle, Fairview, TX 75069, spoke in opposition.  
Lee Moore, 1840 Hammerly Drive, Fairview, TX 75069, spoke in opposition.  
Corbin Petersen, 8500 White Stallion Trail, McKinney, TX 75070, spoke in opposition.  
Joel Schue, 690 Forest Oaks Drive, Fairview, TX 75069, spoke in opposition.  
Shirin Baldwin, 590 Forest Oaks Court, Fairview, TX 75069, spoke in opposition.  
Brian Gelles, 680 Forest Oaks Drive, Fairview, TX 75069, spoke in opposition.

The Council continued discussion regarding this item.

Mayor Lessner motioned to hold open and continue the public hearing and item to the Town Council meeting of August 6, 2024 at 7:30 P.M. at Accasia's Event Center.

The Council continued with the discussion.

Richard Abernathy, applicant, spoke regarding the item.  
The Council and the applicant continued discussing the item.

Mayor Pro Tem Hubbard seconded the motion to continue the public hearing and item to the August 6, 2024 meeting of the Town Council.

Council passed the motion by Mayor Lessner, seconded by Mayor Pro Tem Hubbard, to continue the public hearing and the request for approval of a Conditional Use Permit (CUP) for a religious facility in a vote of Yes 4, No 1, Abstained 0. Councilmember Logsdon voted no.

This item will be on the agenda for the Town Council meeting of August 6, 2024 at 7:30 P.M. The meeting will take place at Accasia's Event Venue located at 351 Southwind Lane, Fairview, TX 75069.

## 6. **Consent Agenda**

Mayor Lessner called for the Consent Agenda.

Councilmember Logsdon requested item 6(c) to be considered individually.

Council passed the motion by Mayor Pro Tem Hubbard, seconded by Councilmember Logsdon, to approve Consent Agenda items (a) and (b) in a vote of Yes 5, No 0, Abstained 0.

The following items were approved:

- a. Approve the minutes of the May 7, 2024, Regular meeting of the Town Council
- b. Approve a resolution adopting the Town's written investment policy

Mayor Lessner called for Consent Agenda item 6c.

- c. Approve legal services engagement letter for zoning and land use matters

Council passed the motion by Councilmember Logsdon, seconded by Mayor Pro Tem Hubbard, to take no action on legal services engagement letter for zoning and land use matters in a vote of Yes 5, No 0, Abstained 0.

5. **Citizen's Comment (for Non-Public Hearing Items)**

Mayor Lessner called for Citizen Comments.

Victoria Higgins, 3980 Summit Court, spoke regarding multiple subjects.  
Katherine Ponder, 970 Foxdale, spoke regarding drainage in the Town.

Mayor Lessner closed Citizen Comments.

7. **Reports from Staff**

Mayor Lessner asked the Council if Reports from Staff can be skipped in the interest of time.

The Council agreed.

The Mayor requested for Fire Chief Bell to review the Monthly Fire Report – Period ending May 31, 2024.

8. **Action/Discussion Items**

- a. Consider, discuss, and take any necessary action on awarding the bid for the Foxglen Groundwater Drainage Project

Mayor Lessner called for the item.

Mr. Chancellor spoke regarding this item.

The Council and staff had discussion regarding this item.

Council passed the motion by Councilmember Connelly, seconded by Councilmember

Custer, to approve awarding the bid for the Foxglen Groundwater Drainage Project to RNO Construction in the amount of \$99,615.00 in a vote of Yes 5, No 0, Abstained 0.

- b. Consider, discuss, and take any necessary action on Board & Commission Appointments

Mayor Lessner called for the item.

Mayor Lessner recommended John Sunny to fill a vacancy on the Technology Advisory Committee with a term expiration of August 2025.

Council passed the motion by Mayor Lessner, seconded by Councilmember Logsdon, to appoint John Sunny to the Technology Advisory Committee in a vote of Yes 5, No 0, Abstained 0.

John Sunny's term on the Technology Advisory Committee will run from June 4, 2024 - August 1, 2025, at the will of the Council.

**9. Council and Staff Comments**

Mayor Lessner called for Council and Staff Comments.

Ms. Couch reminded the Council that the pre-budget Work Session will take place on June 24, 2024, starting at 3:00 P.M.

**11. Adjourn**

Mayor Lessner adjourned the meeting at 10:35 PM

These minutes were approved by the Town Council on July 2, 2024.

APPROVED:

\_\_\_\_\_  
Henry Lessner, Mayor

ATTEST:

\_\_\_\_\_  
Joshua Stevenson, Town Secretary

Town of Fairview, Texas

**FAIRVIEW TOWN COUNCIL  
MEETING MINUTES  
JUNE 24, 2024**

The Town Council met in regular session on June 24, 2024 at 3:00 PM at 372 Town Place, Fairview, Texas.

Council present: Mayor Henry Lessner and Mayor Pro Tem John Hubbard, and Council Members Rich Connelly, Gregg Custer, Ricardo Doi, Larry Little, and Ken Logsdon.

Staff present: 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; Police Chief, Chris Chandler; CFO Steven Ventura; HR Director Whitney Casey; Communications and Marketing Manager, Karin Anderson; and Town Secretary, Joshua Stevenson.

**1. Call to Order**

Mayor Lessner called the meeting to order at 3:02 PM and declared a quorum was present.

Council member Little was not present when the meeting was called to order. The Council member arrived at the meeting at 3:05 PM.

**2. Action/Discussion Items**

- a. Discuss and consider Town mission, vision, and long-range planning; FY 24-25 budget planning; capital planning; Town finances; and related items

Mayor Lessner called for this item.

The Council and staff had extensive discussion related to this item.

No action was taken.

**3. Closed Session**

Mayor Lessner called for executive session at 5:11 PM.

In accordance with Texas Government Code:

- a. **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; religious land use; transportation matters; federal and 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.

Mayor Lessner reconviend from executive session at 6:57 PM.

4. **Adjourn**

Mayor Lessner adjourned the meeting at 6:57 PM

These minutes were approved by the Town Council on July 2, 2024.

APPROVED:

\_\_\_\_\_  
Henry Lessner, Mayor

ATTEST:

\_\_\_\_\_  
Joshua Stevenson, Town Secretary

Town of Fairview, Texas



## *Memorandum*

### *June 28, 2024*

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TO: Mayor and Town Council

FROM: Steven Ventura, Chief Financial Officer

SUBJECT: **Town Financial Report-Through May 31<sup>st</sup>**

**BACKGROUND:** On a monthly basis, the finance department presents a financial report to Town Council. The report details revenues and expenditures of the major operating funds and provides an overview of the non-major operating funds. The information is provided year to date and compared to the same timeframe of the prior year.

**STATUS OF ISSUE:** The month of May is the eighth month in the fiscal year-or 67%-of the budget year. The following information provides a high-level review of the attached report.

#### **GENERAL FUND:**

- General fund revenue collection was \$9,932,348 or 88% of the fiscal year budget. That total is \$1,141,210 higher than the prior year collections of 83% through the month of May.
- General fund expenditures were \$8,038,614 or 71% of budget, \$1,286,805 more than expenditure during the same timeframe last fiscal year.
- Property tax, sales tax, and investment income mark the three highest revenue totals.
- General fund expenditures remain within budget, except for a \$355,00 transfer to the Stormwater fund for a-post budget adoption-Town Council approved drainage project. Year-end budget amendments will reflect this transfer.

#### **UTILITY FUND:**

- Utility fund revenue collection was \$5,393,004, 871,027 higher when compared to prior year collections through the month of May.

- Water sales for the month of May were down from prior year but are \$455,238 higher than prior year's total sales for the budget year while sewer revenue was \$394,612 higher.
- Utility fund expenditures were \$5,957,521 or 62% of budget, \$984,743 more than expenditures during the same timeframe last fiscal year.
- Tonnage collected by Republic services in the month of May were:
  - 261 – Residential trash
  - 92 – Recycling
  - 96 – Bulky waste
- There were 4,003 active utility accounts with 27 new accounts added for the month.
- Gallons of water billed in May 2024 were less than those billed in May 2023, by 23.8 million gallons-this was to be expected with the amount of rainfall during late spring.

**SALES TAX:**

- Sales tax collected totaled: \$3,216,848. This includes the total 2% sales tax collection-Town (1%), EDC (0.50%), and CDC (0.50%) portions and is an increase of 7% compared to last fiscal year through May. The June sales tax collection report showed a negative prior period adjustment of over \$66,000. Staff is reviewing the cause of this adjustment-as well as its potential future effects-and will have an update once the Comptroller's Office provides more detail.

**OTHER OPERATING FUND**

- These funds-Solid Waste, Debt Service, Stormwater, EDC, CDC and Hotel/Motel-remain at the appropriate levels for the budget year.

**BUDGET: N/A**

**RECOMMENDATION:** Staff will be ready for any questions or comments at the meeting.

# Town of Fairview

Monthly Financial Report

For the period May 31, 2024





# Background

- Report is prepared for the following funds:
  - General Fund
  - Water & Sewer Fund
  - Solid Waste Fund
  - Debt service Fund
  - Stormwater Fund
  - Fairview EDC & CDC Funds
  - Hotel/Motel Tax Fund
- This report covers the eighth month of FY23-24 (or 67% of the budget)



# General Fund - Revenues

- Revenue Collections for the eighth month:
  - \$9,932,348 or 88% of the total annual budget.
- Revenue Collection is \$1,141,210 more than last fiscal year.



# General Fund - Expenditures

- Expenditures for the eighth month:
  - \$8,038,614 or 71% of the total annual budget.
- Expenditures are \$1,286,805 more last fiscal year.



# General Fund Revenues

## May 2024 (67% of the Fiscal Year)

Year to Date General Fund Revenues					
	Budget	Current Year	Prior Year	Variance vs. Last Year F/(UF)	% Actual yr to Date
<u>Revenues:</u>	FY 23-24	May 24	May 23		
Property Taxes	\$ 6,377,000	\$ 6,258,665	\$ 5,572,673	\$ 685,992	98.1%
Sales & Use Taxes	1,990,000	1,465,849	1,336,720	129,129	73.7%
Mixed Beverage Tax	100,000	63,742	67,303	(3,562)	63.7%
Franchises	604,000	396,379	359,351	37,028	65.6%
Licenses & Permits	317,200	233,027	276,054	(43,027)	73.5%
Charges for Service	295,700	281,631	231,263	50,368	95.2%
Fines & Fees	370,600	140,660	203,969	(63,309)	38.0%
Investment Income	250,000	609,944	296,116	313,828	>100%
Miscellaneous	116,700	121,152	86,389	34,763	103.8%
Transfer from Water & Sewer Fund	685,000	342,500	342,500	-	50.0%
Transfer from Stormwater Fund	37,600	18,800	18,800	-	50.0%
Transfer from Hotel/Motel Fund	110,000	-	-	-	0.0%
Transfer from Court Fund	15,000	-	-	-	0.0%
<b>Total Revenues</b>	<b>\$ 11,268,800</b>	<b>\$ 9,932,348</b>	<b>\$ 8,791,138</b>	<b>\$ 1,141,210</b>	<b>88.1%</b>



# General Fund Expenditures

## May 2024 (67% of the Fiscal Year)

Year to Date General Fund Expenditures					
	Budget	Current Year	Prior Year	Variance vs. Last Year	% Actual Spent yr to Date
<u>Expenditures:</u>	FY 23-24	May 24	May 23	F/(UF)	
Mayor & Council	\$ 23,400	\$ 14,697	\$ 13,007	\$ (1,690)	62.8%
Administration	916,839	573,657	546,217	(27,440)	62.6%
Accounting	706,751	509,705	444,014	(65,691)	72.1%
Town Secretary	158,923	106,802	100,327	(6,475)	67.2%
Planning & Zoning	185,943	120,237	106,409	(13,828)	64.7%
Police	3,115,060	2,161,925	1,748,637	(413,288)	69.4%
Fire	4,445,379	3,178,657	2,750,139	(428,518)	71.5%
Public Works	632,612	294,958	270,390	(24,568)	46.6%
Inspections	267,061	156,114	167,910	11,796	58.5%
Municipal Court	187,808	136,981	123,115	(13,866)	72.9%
Parks & Recreation	86,399	58,653	94,974	36,321	67.9%
Non-Departmental	541,900	726,226	386,670	(339,556)	134.0%
<b>Total Expenditures</b>	<b>\$ 11,268,075</b>	<b>\$ 8,038,614</b>	<b>\$ 6,751,809</b>	<b>\$ (1,286,805)</b>	<b>71.3%</b>



# Water and Sewer

- Revenue Collections for the eighth month:
  - \$5,393,004 or 57% of the total annual budget.
- Revenue Collections are \$871,027 more than last fiscal year.
- Water revenue increased by; \$455,238 and sewer revenue increased by \$394,612 as compared to last year at this time.
- Expenditures for the eighth month:
  - \$5,957,521 or 62% of the total annual budget.
- Expenditures are \$984,743 more than last fiscal year.



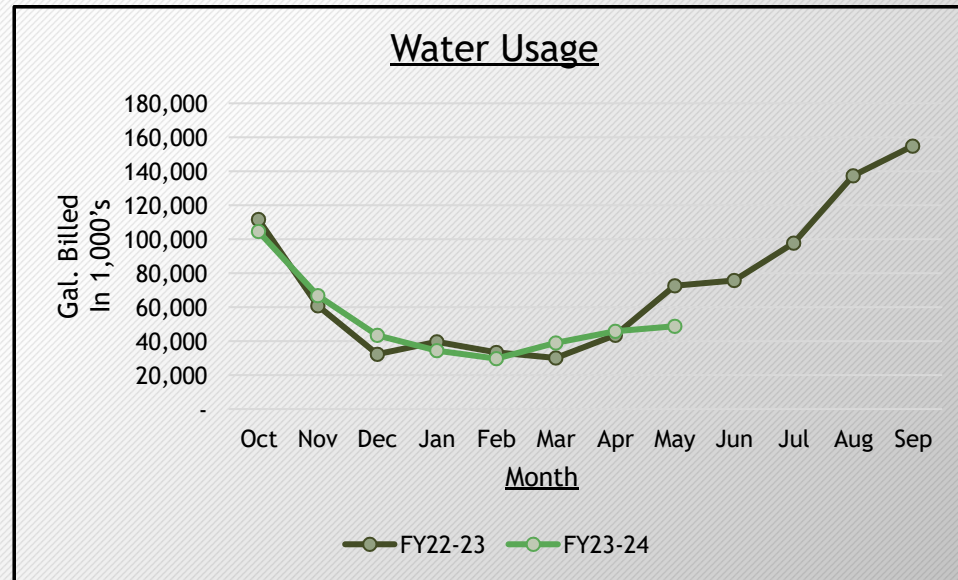
# Utility Fund Revenues/Expenditures May 2024 (67% of the Fiscal Year)

Year to Date Utility Fund Revenues					
	Budget	Current Year	Prior Year	Variance vs. Last Year F/(UF)	% Actual yr to Date
	FY 23-24	May 24	May 23		
<b>Revenues:</b>					
Water Service	\$ 7,100,000	\$ 3,662,841	\$ 3,207,603	\$ 455,238	51.6%
Sewer Service	2,000,000	1,487,329	1,092,717	394,612	74.4%
Tower Lease	200,500	133,636	133,678	(42)	66.7%
Investment Income	10,000	21,743	16,248	5,495	>100%
Miscellaneous	86,000	77,454	61,731	15,723	90.1%
Transfers	20,000	10,000	10,000	-	50.0%
<b>Total Revenues</b>	<b>\$ 9,416,500</b>	<b>\$ 5,393,004</b>	<b>\$ 4,521,977</b>	<b>\$ 871,027</b>	<b>57.3%</b>
Year to Date Utility Fund Expenditures					
	Budget	Current Year	Prior Year	Variance vs. Last Year F/(UF)	% Actual yr to Date
	FY 23-24	May 24	May 23		
<b>Expenses:</b>					
Water Department	\$ 5,670,493	\$ 3,679,448	\$ 3,146,991	\$ (532,457)	64.9%
Utilities	252,607	174,933	133,074	(41,859)	69.3%
Sewer Department	1,942,943	1,171,637	713,083	(458,554)	60.3%
Debt Service	880,303	480,051	588,275	108,224	54.5%
General Fund Franchise Fee	345,000	172,500	172,500	-	50.0%
Transfer to General Fund	340,000	170,000	170,000	-	50.0%
Non-Departmental	260,900	108,953	48,855	(60,098)	41.8%
<b>Total Expenses</b>	<b>\$ 9,692,246</b>	<b>\$ 5,957,521</b>	<b>\$ 4,972,778</b>	<b>\$ (984,743)</b>	<b>61.5%</b>



# Utility Billing Information

Report Period	Active Accounts	New Utility Accounts	Monthly Billing Total	Monthly Gallons Billed (in 1,000's)
May 2023	3,989	31	676,884	72,621
May 2024	4,003	27	478,974	48,779
<b>Increase (Decrease)</b>	14	(4)	(197,910)	(23,842)





# Sales Tax Analysis

- Sales Tax Collections year to date-FY24 (Town, EDC and CDC):
  - \$3,216,848: This amount is an increase of \$214,031 or 7% from last FY at this time.
- Sales Tax Collections May 2024-March Sales (Town, EDC and CDC):
  - \$390,503: This amount is an increase of \$29,322 or 8% more than May 2023.
- Sales Tax Collections June 2024-April Sales (Town, EDC and CDC):
  - \$285,150: This amount is a decrease of \$44,227 or 13% less than June 2023.



# Sales Tax – 2%

## General Fund/EDC/CDC

	FY2024	FY2023	FY2022	FY2021	FY2020
	<u>Oct 23 - Sept 24</u>	<u>Oct 22 - Sept 23</u>	<u>Oct 21 - Sept 22</u>	<u>Oct 20 - Sept 21</u>	<u>Oct 19 - Sept 20</u>
October	316,095	294,418	274,115	228,979	212,967
November	408,774	329,891	309,829	291,892	323,364
December	340,642	311,312	292,392	227,941	260,172
January	371,227	353,906	344,893	251,699	263,247
February	488,414	461,045	477,658	417,850	508,935
March	290,100	266,047	261,307	239,829	231,238
April	325,942	295,640	240,366	198,459	224,712
May	390,503	361,181	334,010	308,087	240,395
June	285,150	329,377	329,494	279,927	135,020
July		366,317	340,373	315,440	221,412
August		368,131	349,430	362,625	291,739
September		<u>335,995</u>	<u>303,464</u>	<u>289,501</u>	<u>226,609</u>
<b>Total</b>	<b><u>3,216,848</u></b>	<b><u>4,073,260</u></b>	<b><u>3,857,331</u></b>	<b><u>3,412,229</u></b>	<b><u>3,139,810</u></b>



# Fund Summaries

Combined Revenue & Expenditure Report					
	Budget	Current Year	Last Year	Variance vs. Last Year	% Actual yr to Date
	FY 23-24	May 24	May 23	F/(UF)	
<b>Solid Waste</b>					
Revenue	\$ 956,000	\$ 635,054	\$ 566,326	\$ 68,728	66.4%
Expenses	953,450	573,558	545,267	(28,291)	60.2%
<b>Debt Service</b>					
Revenue	2,464,115	2,270,295	2,114,934	155,361	92.1%
Expenses	2,465,364	1,878,184	1,868,821	(9,363)	76.2%
<b>Stormwater</b>					
Revenue	375,000	1,062,778	251,273	811,505	>100%
Expenses	368,631	1,194,410	189,919	(1,004,491)	>100%
<b>Fairview EDC</b>					
Revenue	1,030,000	799,529	715,159	84,370	77.6%
Expenses	936,300	445,738	386,046	(59,692)	47.6%
<b>Fairview CDC</b>					
Revenue	1,030,000	796,983	714,499	82,484	77.4%
Expenses	892,200	438,004	363,308	(74,696)	49.1%
<b>Hotel / Motel Tax</b>					
Revenue	215,000	145,345	135,190	10,155	67.6%
Expenses	118,700	-	-	-	0.0%





# Questions & Discussion

Steven Ventura, CFO



## Fairview Police Department

# Memo

**To:** Mayor & Council  
**From:** Chris Chandler  
**cc:** Julie Couch – Town Manager  
**Date:** July 2, 2024  
**Re:** Monthly Summary Report for June 2024

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The following items are being worked on or actively planned for the near future:

### **Personnel**

Currently, all allocated spots are full and there are no openings in the police department. There are two (2) officers in the field training program and one (1) recruit is in the police academy at the Denton Police Department.

### **Accreditation**

We are in the final stages of becoming accredited through the Texas Police Chief's Association. As you will remember, this is the program that certifies that a police agency is delivering police services according to best practices. There are more than 170 standards that must be met for your agency to become accredited. We will have auditors on-site August 7<sup>th</sup> & 8<sup>th</sup> and will know shortly after that if we meet the TPCA requirements.

### **Various Programs**

National Nite Out - National Night Out improves relationships between citizens and law enforcement and gives everyone a feeling of community. Additionally, it provides a great

opportunity to bring the police and the community together in positive environments. The state of Texas celebrates the first Tuesday in October because of the intense heat during the normal time in August. We have officers planning this event and I will have more information in the near future.

Citizens Police Academy – We are in the planning stage of putting on a Citizens Police Academy (CPA) either this fall or next winter/early spring. This will be a seven (7) or eight (8) week program that allows our community to hear about what we do, experience some mock scenarios, and build a sense of ownership of their police department. A lot of departments use the CPA as a way to implore its graduates into volunteering for the department in areas such as Citizens on Patrol, staffing town events, and various other areas where staffing can be difficult to get.



*Memorandum*  
*July 2, 2024*

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**FROM:** Police

**SUBJECT:** Monthly Police Report - Period ending June 30, 2024

This information will be provided under separate cover.



*Memorandum*  
*July 2, 2024*

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**FROM:** Fire

**SUBJECT:** Monthly Fire Report - Period ending June 30, 2024

This information will be provided under separate cover.





## *Memorandum*

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TO: Mayor and Councilmembers  
Julie Couch, Town Manager

FROM: Code Enforcement

SUBJECT: **MONTHLY CODE ENFORCEMENT REPORT**

**BACKGROUND:** On a monthly basis, the public works department presents a code enforcement activity report to Town Council. The report details all code enforcement activity for the current time frame. It includes the number of cases opened by violation type, how notification was issued for violations, and by what means enforcement activity was initiated.

**STATUS OF ISSUE:** For the month of June 1, through June 28, 49 cases were opened, and 36 cases were resolved.

- Solid Waste Collection 6
- Tree Maintenance 14
- High grass/weeds 7
- Prohibited signs 14
- Abandoned refrigerator 1
- Nuisances General 2
- Outdoor storage 1
- Prohibited lighting 3
- Noise Nuisances 1

The rainy conditions for the month of May have led us to provide additional time to residents in resolving mowing, bulk waste placement, and tree trimming.

Damage to trees from the recent storm has resulted in early placement of bulk waste, and we are working with those residents. Exemptions for early placement of bulk wastes will end July 1.

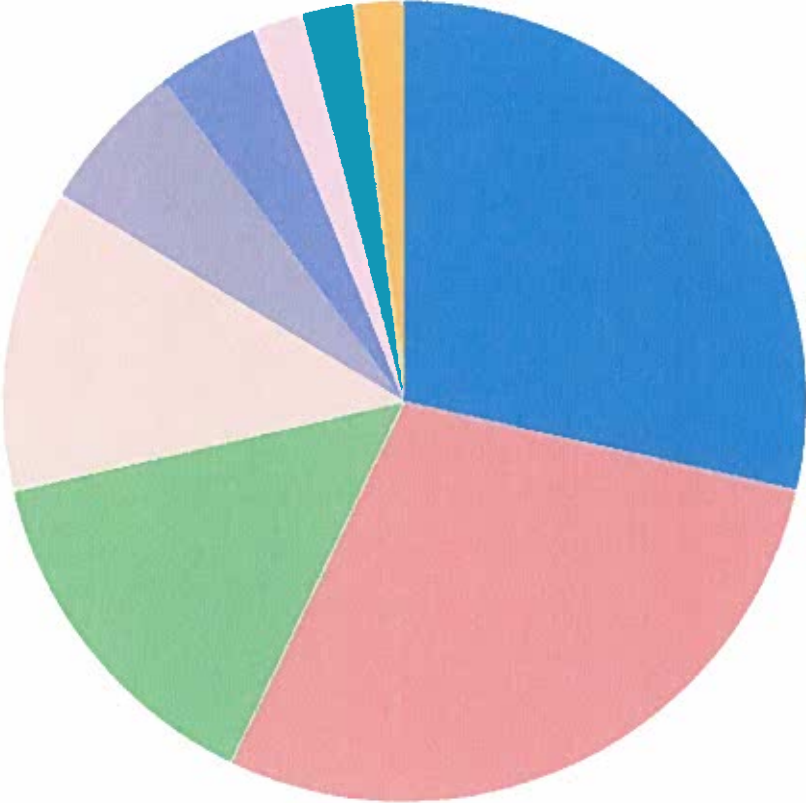
**RECOMMENDATION:** Review the attached report for the month of June 2024.

# Code Compliance Report - June 2024










<b>Cases Opened per Violation Category</b>	<b>Totals</b>
Solid Waste Collection	6
Tree Maintenance & Overhang	14
High Grass & Weeds	7
Prohibited Signs	14
Abandoned Refridgerators or Freezers	1
Nuisances General	2
Outdoor Storage	1
Prohibited Lighting	3
Noise Nuisance	1
<b>Types of Communication</b>	
Citations Issued	0
Phone Contact/Personal Contact	10
Delivered Email/Letter	11
Door Hanger	15
Proactive (removal)	14
<b>Origination of Complaints</b>	
Email	5
Phone	4
In Person	0
Internal (Town of Fairview employee)	2
Code Compliance Officer - Proactive	38
<b>Total Opened June 2024</b>	<b>49</b>
<b>Total Closed June 2024</b>	<b>36</b>
<b>Total Open January 2024 to June 2024</b>	<b>470</b>
<b>Total Closed January 2024 to June 2024</b>	<b>428</b>

Open Date From: 06/01/2024



Open Date To: 06/28/2024

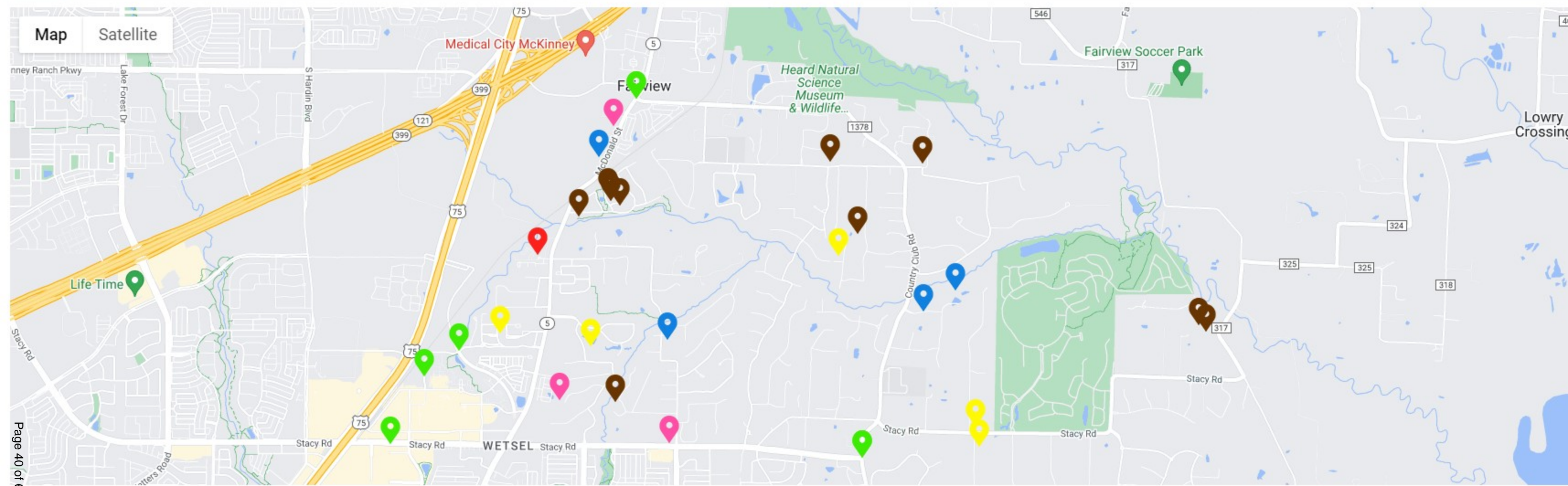


Violations by Violation Type

	Prohibited signs	14	28.6%
	Tree maintenance & tree overhang	14	28.6%
	High grass & weeds	7	14.3%
	Solid waste collection regulations	6	12.2%
	Prohibited lighting	3	6.1%
	Nuisances generally	2	4.1%
	Outdoor storage	1	2.0%
	Noise nuisances	1	2.0%
	Abandoned refrigerators or freezers	1	2.0%

Open Date From: 06/01/2024  
Open Date To: 06/28/2024

 Nuisances generally  
 Solid waste collection regulations  
 Prohibited lighting  
 Tree maintenance & tree overhang  
 Prohibited signs  
 High grass & weeds





## *Memorandum*

### *July 2, 2024*

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**FROM:** Engineering

**SUBJECT:** Town construction projects

**BACKGROUND:**

**STATUS OF ISSUE:** Discussion Only.

**BUDGET:**

**RECOMMENDATION:** 1. Ridgeview Overpass construction is continuing, primarily on the Allen side and the center of US75. The old frontage lanes are being removed/replaced with newly aligned ones from the overpass to the Allen Outlet Mall. The concrete lanes on the bridge itself have been recently poured. The primary work remaining is on the Allen side and US75 inside drive lanes.

2. Dedicated left turning (green arrow) lights on FM1378 have been added at Stacy Rd for protected left-hand turns

3. Stoddard Rd traffic signal - The contractor that was awarded this contract typically builds all the signals simultaneously which in turn leads to all the signals being activated towards the end of the project. I expect you will see the intersection activated in January. You will likely see work being performed late in the summer and fall as they do the drill shafts, underground, etc.

4. Fairview Crossing (Frisco Rd) construction - The connections and tie-ins to Spur 399 are done. Medical Center Drive, and FM1378 are in the process of being constructed. The final grading behind the curbs on the road is near completion. The City of McKinney will be bidding out Medical Center Drive widening to 4 lanes very soon once utilities have been relocated. Once Oncor connects power to the new traffic signals at FM1378, the old poles/signals will be removed and the addition of the left turning lane, North Bound on SH5 to Frisco Rd will commence.

5. Fairview Parkway - the design plans are now at 100% and the final review is being done. This project will advertise in July and be awarded at the August Town Council

meeting.

6. The Regional sewer pumping station is on track to go live in late July/early August. Old Frisco Rd will experience some street closures during some of the sewer pipe installation parallel to Old Frisco Rd.

7. The Allen/Fairview MH replacement project is nearing completion. This project is necessary to replace the 12 manholes that were quickly degrading due to hydrogen sulfide gas.

8. The Foxglen Project has been completed. A follow-up, smaller project to deal with some groundwater issues is being constructed currently and is nearing completion.

**Attachments:**

None



## *Memorandum*

### *July 2, 2024*

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**FROM:** Town Administration

**SUBJECT:** Conduct a public hearing to consider, discuss, and take any necessary action on an ordinance granting Atmos Energy Corp. a franchise to construct, maintain and operate pipelines and equipment within the Town

**BACKGROUND:** The Town of Fairview maintains franchises with gas companies operating facilities in public right-of-way (ROW) within its municipal boundaries. The two gas companies operating within the Town of Fairview include CoServ Gas, LTD., and Atmos Energy Corporation. These franchises are non-exclusive and grant the gas companies consent to use and occupy the present and future public ROW for the purpose of laying, maintaining, constructing, protecting, operating, and replacing pipelines and all other appurtenant equipment to deliver, transport, supply, sell, and distribute gas in, out of, and through the Town to residential and commercial customers.

In consideration of the privilege granted by the Town to the gas companies for their use and occupation of public ROW, the Town is paid a franchise fee. The franchise fee the Town currently receives from each gas company operating within Fairview is 5% of each company's gross revenues. If franchise fee payments are made annually, they are based on gross revenues from the preceding calendar year. If franchise fee payments are made quarterly, they are based on gross revenues from the quarter that ended two months prior to the due date.

**Gas Franchise Fees Received by the Town of Fairview**

Provider	Payment Frequency	Current Franchise Fee Rate	FY 21-22	FY22-23	FY 23-24
Atmos Energy Corp.	Annual	5%	\$52,429	\$63,580	\$59,948
CoServ Gas	Quarterly	5%	\$90,745	\$86,000	\$78,933*
			<b>\$143,174</b>	<b>\$149,580</b>	<b>\$138,881*</b>

*\*CoServ Gas has two quarterly payments remaining in FY 23-24*

**STATUS OF ISSUE:** Town staff and the town attorney have negotiated a new franchise with Atmos Energy Corporation allowing for their continued use and occupation of public ROW in Fairview. The term of the proposed franchise is for ten years, with options to extend the agreement for up to two additional five-year terms. The franchise fee agreed to in the proposed franchise agreement is 5%, which is consistent with the Town’s current agreement and is the maximum rate that Atmos Energy Corporation currently pays a municipality for a franchise. Franchise fee payments would continue being paid on an annual basis.

The proposed ordinance establishing a new franchise with Atmos Energy Corporation will: i) require an adequate extension of plant and service as is necessary to provide adequate service to the public; ii) require operation and maintenance of system and related system facilities in material compliance with applicable federal, state, and local laws governing natural gas facilities; iii) establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates; and iv) ensure safe, efficient and continuous service to the public.

**BUDGET:** N/A

**RECOMMENDATION:** Hold a public hearing and approve the proposed ordinance granting Atmos Energy Corporation a franchise to construct, maintain, and operate pipelines and equipment in the Town of Fairview, for the transportation, delivery, sale, and distribution of gas in, out of, and through the Town for all purposes.

**Attachments:**

1. Ordinance





## *Memorandum*

### *July 2, 2024*

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**FROM:** Planning

**SUBJECT:** Consider, discuss and take action on a request for approval of a Final Plat of the Orr Road Estates Addition. The 19.7-acre tract of land contains six (6) residential lots, is located at the southwest corner of Orr Road (FM 317) and Stacy Road, and is zoned for the (RE-2) Two-acre Ranch Estate District. Applicant: Michael Westfall, Westfall Engineering, representing Terraform Ventures, LLC.

**BACKGROUND:**

This is a request for approval of a Final Plat of the Orr Road Estates Addition. The 19.7-acre tract of land contains six (6) residential lots, is located at the southwest corner of Orr Road (FM 317) and Stacy Road, and is zoned for the (RE-2) Two-acre Ranch Estate District. Applicant: Michael Westfall, Westfall Engineering, representing owners Terraform Ventures, LLC.

**STATUS OF ISSUE:**

The proposed Final plat reflects the development of six (6) single-family lots. All lots will have direct access to Orr Road (FM 317).

The (RE-2) Two-acre Ranch Estate District requires that each lot be a minimum of two-acres in area, have access to a street, and be a minimum of 200-foot width. All lots meet those criteria.

In the State of Texas, the plat application process is a ministerial process, meaning that if the plat application conforms to the zoning for the subject property, as well as the subdivision and development regulations, the municipal government must approve the plat.

## **Parks, Open Space and Trails**

As part of the standard development process for a new single-family subdivision, the Comprehensive Subdivision Ordinance (CSO) requires the payment of a Parkland Dedication fee. The fee is a fixed amount of \$2,000 per lot. For a six (6) lot single-family subdivision, the fee would be \$12,000.

However, the code also allows the acceptance of land when strategically appropriate. In this case, due to the location of the development, and in accordance with the Park Master Plan, the plat reflects a 30-foot wide tract of land (Lot 1X) that will be dedicated to the Town of Fairview. The land, matches the width of parkland that was dedicated from the Remington Park Addition to the west (shown as Lot 3X – Remington Park) and provides the accessibility to extend a trail from Beaver Run Park to Orr Road (and eventually to the Trinity Hiking and Equestrian Trail along Lake Lavon). The Plat also reflects the dedication of a 15' feet wide trail easement along Orr Road. This was accepted instead of the Parkland Dedication fee with the approval of the Preliminary plat by Town Council.

Under the new Subdivision Ordinance, a Park Development fee of \$2,000 will also be assessed with the issuance of a building permit for each home.

## **Drainage**

The owner has included language in both the Deed Restrictions and the Final Plat that requires the lot owners to accept upstream stormwater flows, to release the flows downstream where they are currently being released, and to remove any responsibility of the town for stormwater maintenance on the lots. This is acceptable to town staff and will provide the necessary responsibilities to the new lot owners.

**BUDGET:** N/A

**RECOMMENDATION:** Chapter 212 of the Texas Local Government Code requires that a plat application be voted upon within 30 days, otherwise, the plat will be considered approved. Due to a lack of quorum, the Planning and Zoning Commission did not meet in June. Therefore, in accordance with Chapter 212 of the Texas Local Government Code, the proposed Final Plat is considered to have been APPROVED by the Commission.

## **Attachments:**

1. Aerial
2. Final Plat