

**TOWN COUNCIL  
MEETING MINUTES  
AUGUST 1, 2023**

The Town Council met in regular session on Tuesday, August 1, 2023 at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Henry Lessner, Mayor Pro Tem John Hubbard, Councilmembers Rich Connelly, Gregg Custer, Ricardo Doi, Larry Little and Ken Logsdon. Staff present included Town Manager, Julie Couch; Town Engineer, James Chancellor; Planning Manager, Israel Roberts; Town Attorney, Clark McCoy; Assistant Town Manager, Adam Wilbourn; HR Director, Whitney Casey; Interim EDC Manager, Dave Quinn; Fire Chief, Jeff Bell; Interim Police Chief, Sid Fuller; CFO, Steven Ventura; and Communications and Marketing Manager, Karin Anderson.

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 regarding a consultation with legal counsel on authorized executive session matters.

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.

**CITIZENS INPUT**

Cody Hooper, 491 Bluebird Lane, expressed his thoughts related to code enforcement.

Jim Grayson, 320 Hampton Court, expressed his thoughts related to the Town's noise ordinance.

**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. A) Approve the minutes of the July 11, 2023 Regular Council meeting; B) Approve resolution denying Oncor Electric Delivery Company's application to amend its Distribution Cost Recovery Factor; C) Approve resolution authorizing agreement relating to land acquisition (Town of Fairview, Texas vs. Deborah Denise Humphrey, et al., Case No. 007-00123-2023, County Court at Law No. 7, Collin County, Texas).

Mayor Lessner asked to pull consent agenda item C for discussion.

Councilmember Doi made a motion to approve consent agenda items A and B. Councilmember Connelly seconded and the motion passed unanimously.

Mayor Lessner discussed how the purchased property will be used for the expansion of the Town's trail system. The Council and staff also had a brief discussion on how the land purchase would be funded.

Mayor Lessner made a motion to approve consent agenda item C. Councilmember Custer seconded and the motion passed unanimously.

**REPORTS FROM STAFF:**

Mr. Ventura reviewed the monthly financial and quarterly investment reports. Chief Fuller

reviewed the monthly police report. Chief Bell reviewed the monthly fire report. Mr. Chancellor provided a Town construction projects update.

**DISCUSSION – HVAC SYSTEM REPAIR AT FIRE STATION 2:** Ken Fulk with RWB Consulting Engineers provided a description of the current HVAC and generator systems at fire station 2 and reviewed his recommendations for repairs and upgrades.

Councilmember Doi made a motion to authorize RWB Consulting Engineers to proceed with design and bidding of the fire station 2 HVAC system and generator projects. Councilmember Logsdon seconded and the motion passed unanimously.

**DISCUSSION – PRELIMINARY PLAT OF CHAMBERLAIN PARK ADDITION:** Mr. Roberts stated that a preliminary plat was previously approved in 2015 and 2020 under different subdivision names. Those approvals have since expired. The new application reflects recommendations from the Planning and Zoning Commission that Lot 4, Block A, be redrawn to remove a detention pond from the lot and moved into a separate HOA-owned lot. The Planning and Zoning Commission recommended approval at their July 2023 meeting.

Councilmember Doi made a motion to approve the preliminary plat for the Chamberlain Park Addition. Councilmember Logsdon seconded and the motion passed unanimously.

**DISCUSSION – DRAINAGE IMPROVEMENTS IN THE FOXGLEN SUBDIVISION:** Mr. Chancellor reviewed the engineering estimate and bids for the drainage improvements and stated that JBM Excavation was the low bidder for the project at \$893,556.

The Council and staff had a discussion regarding the estimated project length, whether additional neighborhood meetings need to occur, and how the project would be funded. Mr. Chancellor stated that the timeline will be dependent upon weather conditions and could take between four and six months to complete. Mr. Chancellor also mentioned that he has been in communication with residents of Foxglen and will continue to update them about excavation and improvement work. Ms. Couch stated that funding has been discussed previously, and several options will be discussed again during a later agenda item related to the proposed 2023-2024 fiscal year budget.

Councilmember Doi made a motion to award the bid for drainage improvements in Foxglen subdivision to JBM Excavation. Councilmember Connelly seconded and the motion passed unanimously.

**DISCUSSION – PAYMENT PLAN FOR THIRD-PARTY REPAIRS TO SHARED SEWER LINE:** Mr. Chancellor reviewed the history of an interlocal agreement (ILA) between the Town of Fairview and the City of Allen for a shared sewer line. The Town is responsible for paying 60 percent of maintenance costs and must reimburse Allen for any third-party maintenance costs incurred. Mr. Chancellor stated that 12 manhole covers have degraded extensively and require replacement. He said that Allen has agreed to allow Fairview to pay its portion of the \$1.6 million replacement cost in three separate annual payments. The Council and staff discussed the Town's usage of the sewer pipe capacity.

Councilmember Connelly made a motion to authorize the town manager to approve a three-year payment plan with the City of Allen for third-party repairs to a shared sewer line. Mayor Pro Tem Hubbard seconded and the motion passed unanimously.

**DISCUSSION – PUBLIC TRANSIT SERVICES:** Ms. Couch provided an update on the status of developing a new transit service agreement with the Denton County Transit Authority (DCTA) that would allow for the continuation of transit services for qualifying senior and disabled residents. She stated that DCTA has asked for more time get ready to implement the program and has asked Dallas Area Rapid Transit (DART) to continue service through February 1, 2024. The DART board must approve the request.

No action was taken.

**DISCUSSION – CODE ENFORCEMENT:** The Council and staff had an extensive discussion regarding the possibility of a ban on donation collection boxes in Town, developing a new protocol for enforcing the Town’s codes, and adopting a new noise ordinance.

Ms. Couch stated that staff would review the comments made by Council and come back with an analysis and recommendations.

No action was taken.

**DISCUSSION – 2023-2024 FISCAL YEAR BUDGET:** Ms. Couch stated that the Council and staff had spent time discussing the proposed fiscal budget and funding options for capital projects at the Council’s work session on July 27, 2023. She recapped those options, including issuing tax notes, using drainage fund reserves, and/or using American Rescue Plan Act funds to pay for the Foxglen subdivision drainage improvements. She also discussed the possibility of issuing tax notes to pay for the needed repairs to the HVAC and generator systems at fire station 2.

Councilmember Connelly stated that he does not support using tax notes to fund the Foxglen subdivision drainage project.

No action was taken.

**DISCUSSION – PROPOSED FY 23-24 TAX RATE AND SETTING THE DATE FOR THE PUBLIC HEARINGS ON THE TAX RATE AND BUDGET:** Mr. Ventura stated that the Council is scheduled to take a record vote this evening on the proposed tax rate and set the public hearings for August 22, 2023 on the FY23-24 proposed tax rate and budget. This vote is not approving the tax rate, only recognizing it as the proposed tax rate for the coming fiscal year.

Mayor Lessner stated that the proposed tax rate is lower than the previous year.

Councilmember Doi made a motion to set the maximum proposed FY23-24 tax rate of \$0.311683/\$100 valuation, to hold public hearings for the proposed FY23-24 budget and tax rate at 6:00 p.m. on August 22, 2023 at 372 Town Place, and to adopt the FY23-24 tax rate and budget at 6:00 p.m. on August 28, 2023 at 372 Town Place. Councilmember Logsdon seconded the motion, and the roll call vote was as follows:

|                         |         |                        |     |
|-------------------------|---------|------------------------|-----|
| Mayor Lessner:          | For     | Councilmember Doi:     | For |
| Mayor Pro Tem Hubbard:  | For     | Councilmember Little:  | For |
| Councilmember Connelly: | Against | Councilmember Logsdon: | For |

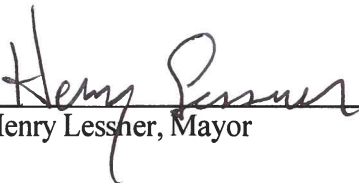
Councilmember Custer: For

**ACTIONS FROM EXECUTIVE SESSION:**

Mayor Lessner made a motion to reappoint Renee Powell to the Zoning Board of Adjustments and the Parks and Recreation Advisory Board and to reappoint Bruce Bickhaus to the Parks and Recreation Advisory Board. Councilmember Custer seconded and the motion passed unanimously.

Mayor Lessner made a motion to authorize the Town Manager to sign all instruments and deeds on behalf of the Town and enter into all agreements and take all actions on behalf of the Town to provide for possession and use and ownership of certain real property to the Texas Department of Transportation in connection with TxDOT land acquisition for Spur 399 including a 0.509-acre tract for \$51,239 and a 0.722-acre tract for \$55,780. Councilmember Little seconded and the motion passed unanimously.

Mayor Lessner adjourned the meeting at 9:39 p.m.

  
Henry Lessner, Mayor

  
Joshua Stevenson, Town Secretary