



**FAIRVIEW TOWN COUNCIL EXECUTIVE SESSION
TOWN HALL COUNCIL CHAMBERS
372 TOWN PLACE
FAIRVIEW, TEXAS
TUESDAY, MARCH 5, 2023
6:00 P.M.
AGENDA**

1. Call to Order 6:00 P.M.

2. Executive Session

In accordance with 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.

Under Tex. Gov't 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.

- 1. The Council may vote and/or act upon each of the items listed in this agenda.
- 2. The Council reserves the right to retire into executive session concerning any of the items listed on this agenda, where it is considered necessary and legally justified under 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.

The Council reserves the right to discuss or take action on Executive Session items on this meeting notice or any item on the Town Council's March 5, 2024, Regular Session meeting agenda, which was posted at the same date, time and place of this Executive Session meeting agenda, said Regular Session meeting being scheduled to begin at 7:30 p.m. on March 5, 2024, at Fairview Town Hall.

3. Adjourn 7:30 P.M.

I, Joshua Stevenson, Town Secretary, hereby certify that this notice was posted in accordance with Texas Government Code, Chapter 551, on or before the 2nd day of March 2024 at 6:00 p.m.

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 or call at 972-886-4234. BRAILLE IS NOT AVAILABLE.

1. The Council may vote and/or act upon each of the items listed in this agenda.
2. The Council reserves the right to retire into executive session concerning any of the items listed on this agenda, where it is considered necessary and legally justified under the Open Meetings Act.



**FAIRVIEW TOWN COUNCIL REGULAR MEETING
TOWN HALL COUNCIL CHAMBERS
372 TOWN PLACE
FAIRVIEW, TEXAS
TUESDAY, MARCH 5, 2024
7:30 P.M.
AGENDA**

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://w.ringcentral.com/w/a/join/AgABaBz6X_0wTJDdr_4AACmgQsqrSaLa2pZhZpU1ZmDRjj8EZOV7BE1Ns968M8oyE3tDBJLXnFrSxQ?route=ac44a072a5ba4de2&pw=f4c288fd0f4713db4ac271e816ce7554cf7aef8dbf4f4920f5e0eaa10aeffc37

1. **Call to Order** 7:32 P.M.
2. **Pledge of Allegiance: U.S. and Texas Flags**
3. **Proclamation and Information Sharing**
 - a. Proclamation declaring the month of March 2024 as Developmental Disability Month in the Town of Fairview.
4. **Citizen's Comment**

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** **APPROVED**
 - a. Approve the minutes of the February 6, 2024, Regular Council meeting.

- b. Approve resolution authorizing all agreements and actions to provide for possession and use and ownership of certain real property to TxDOT.
- c. Approve an ordinance cancelling the May 4, 2024 General Election of the Town of Fairview.
- d. Approve a resolution authorizing continued participation with the Atmos Energy Corp. Steering Committee and payment of assessed dues for 2024.
- e. Approve the abandonment of a utility easement in the Hickey Addition.
- f. Approve an Interlocal Agreement for automatic aid between the Town of Fairview Fire Department and the City of Lucas Fire Department.

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.

6. **Reports from Staff**

- a. Monthly Financial Report – Period ending January 31, 2024.
- b. Monthly Police Report – Period Ending February 29, 2024.
- c. Monthly Fire Report – Period Ending February 29, 2024.
- d. Town construction projects.

7. **Public Hearings**

- a. Conduct a public hearing to consider, discuss, and take any necessary action on a request for approval of various Major Warrants for a proposed single-family residential subdivision. The 7.3-acre site is located at the northeast corner of Highway 5 and Meandering Way, and is zoned for the (CPDD) Commercial Planned Development District with the Urban Transition sub-district. Applicant: Jason Rose, J. Rose Architects and Planners, representing owners Kharrat Family, LP. **DENIED**
- b. Conduct a public hearing to consider, discuss, and take any necessary action on a request of an ordinance granting approval of a Conditional Use Permit (CUP) for an accessory structure. The 0.88-acre lot is located at 1010 Young Trail and is zoned for a (PC) Planned Center District. Owner/Applicant: Guy Quota. **APPROVED**
- c. Conduct a public hearing to consider, discuss, and take any necessary action on a request for approval of an ordinance granting a Major Warrant for the continual operation and expansion of the Oak Street Nursery. The 7.14 acre tract of land is located at 1030-1040 Hwy 5, on the east side of Hwy 5, north of Country Club and is zoned for the (CPDD) Commercial Planned Development District with the Urban Village Sub-district. Applicant: Don Paschal, Paschal Consulting representing owners CAAG Land Co, LLC (Oak Street Nursey). **APPROVED**

8. **Council Action/Discussion Items**

- a. Consider, discuss and take necessary action on a request for approval of a Preliminary Replat of the Creekwood Addition. The 28.4-acre tract of land is located at the southwest corner of Stacy Road and Country Club road and is zoned for the (RE-1) One-acre Ranch Estate District. Applicant: Brock Corbett, Kimley-Horn & Associates, representing owners Creekwood United Methodist Church. **APPROVED**
- b. Consider, discuss, and take any necessary action on Board & Commission Appointments **Discussed**

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. **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.

Under Tex. Gov't 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.

11. **Adjourn 10:21 P.M.**

I, Joshua Stevenson, Town Secretary, hereby certify that this notice was posted in accordance with Texas Government Code, Chapter 551, on or before the 2nd day of March 2024 at 6:00 p.m.

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 or call at 972-886-4234. BRAILLE IS NOT AVAILABLE.