



**NOTICE OF A
MEETING OF THE
FAIRVIEW TOWN COUNCIL
TOWN HALL COUNCIL CHAMBERS
372 TOWN PLACE, FAIRVIEW, TEXAS
TUESDAY, SEPTEMBER 3, 2019
7:30 P.M.
AGENDA
****RESULTS******

1. Call to Order **7:30 p.m.**
2. Pledge of Allegiance.
3. Texas Pledge
4. Citizen's Comment
At this time, any person may address the Council regarding an item on this meeting agenda that is not scheduled for public hearing. Also, at this time, any person may address the Council regarding an item that is not on this meeting agenda. Each person will have up to five minutes. 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. Appointments
 - a. Technology Committee to make a presentation regarding recommendation to utilize internet speed test tool and take any necessary action. **Approved**
6. Presentations and Reports
 - a. Rick Bernas with Allied Waste Systems to give a presentation on the annual solid waste activities, the future of recycling and consider amending the Agreement related to recycling matters including setting rates for recycling services, approval of an ordinance adopting rates and take any necessary action. **Approved**
7. Consent Agenda **Approved**
 - a. Approve the minutes of the June 17, 2019 Special Council meeting.
 - b. Approve the minutes of the August 6, 2019 regular Council meeting.
 - c. Approve the minutes of the August 13, 2019 special Council meeting.
 - d. Approve the minutes of the August 20, 2019 special Council meeting.

- e. Approve the minutes of the August 22, 2019 special Council meeting.
- f. Authorize the Town Manager to enter into an Interlocal Agreement with Collin County regarding animal control services.
- g. Approve an amended plat for the Woods of Ascot Heath Addition.
- h. Approve an ordinance approving negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's 2019 rate review mechanism filings, and implementing the rate change.

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.

8. Public Hearings

- a. Continue public hearing, and consider approval of an ordinance on a request for approval to rezone an 11.2-acre tract of land from the (AG) Agriculture District to the (RE-2) Two-acre Ranch Estate District. The site is located at the northwest corner of E. Stacy Road and Orr Road. **Approved**
- b. Conduct a public hearing and consider approval of an ordinance on a request to rezone a 28+/- acre tract of land from the (AG) Agriculture District to a (PC) Planned Center District with the (RE-2) Two-acre Ranch Estate District design standards. The site is located on the north side of Stacy Road, west of Kentucky Lane. Applicant: Stephen DiNapoli, DiNapoli Development representing owners Marvin and Arleen Molodow. (ZA2019-04) **Continued to the October meeting**

9. Action/Discussion Items

- a. Consider, discuss and take any necessary action related to the Town ordinances regarding animal control regulations. **Discussion only**
- b. Consider, discuss and take any necessary action related to a proposed Developer Agreement with the Southern Springs Farm Addition regarding provision of a future trail easement. **Approved**
- c. Consider, discuss and take any necessary action for approval of a Water Tower Use License agreement with Clear Wireless, LLC. **Approved**
- d. Consider, discuss and take any necessary action for approval of a wastewater contract extension between the Town and North Texas Municipal Water District. **Approved**
- e. Consider, discuss and take any necessary action for approval of an ordinance amending the procedures for the processing of public information requests. **Approved**
- f. Consider, discuss and take any necessary action for approval of a resolution adopting a revised Town policy implementing the Public Information Act. **Approved**
- g. Consider, discuss and take any necessary action regarding a possible move of the regular October Council meeting date due to National Night Out. **Meeting moved to October 2.**
- h. Discuss Boards & Commissions and take any necessary action. **Postponed until October meeting**

10. Reports from Staff, including any updates on project tracking reports and department activities **Discussion only**

- a. Monthly Financial Report – Period ending July 31, 2019

- b. Departmental Reports
 - c. Town construction projects
11. Receive reports from staff or the Town Council about items of community interest. *Items of community interest include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen (but not including a change in status of a person's public office or public employment); a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.*

CLOSED SESSION (EXCEPTIONS) 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 following exceptions to the Open Meetings Act under Texas Government Code:

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; town contracts and ordinances for services and programs; potential litigation regarding drainage; Robert Bruce Kelly and Shannon Shirey Kelly vs. Town of Fairview, Case No. 380-04945-2018 in the 380th Judicial District, Collin County, Texas; Mark Edward Stoddard and Bertel Morgan Stoddard vs. Town of Fairview, Case No. 296-04944-2018 in the 296th Judicial District, Collin County, Texas.

Section 551.072 - discuss or deliberate the purchase, exchange, sale, lease, or value of real property; acquisition of right-of-way, easements, or land.

Section 551.074 Personnel - appointment of members of all non-advisory boards and commissions.

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.

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.

12. Adjourn 10:45 p.m.

I, Tenitrus Bethel, Town Secretary, hereby certify that notice of the above-named meeting was posted on the bulletin board of the Town Hall of the Town of Fairview, Texas, a place readily accessible to the public at all times, on the 30th day of August, 2019 at or before 5:00 p.m. and will remain continuously posted for at least 72 hours immediately preceding said meeting.

Tenitrus Bethel, 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, or readers, are requested to contact the Town Secretary's office at 972-562-0522, Ext 4234 or by fax at 972-886-4203.