TOWN COUNCIL
MEETING MINUTES
SEPTEMBER 3, 2019

The Town Council met in regular session on Tuesday, September 3, 2019 at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Henry Lessner; Mayor Pro Tem Ricardo Doi; Councilmembers Cynthia Brugge, Tony Mattei, Ken Logsdon and Roland Feldman. Councilmember Charlie Henkle was absent. Staff present included Town Manager, Julie Couch; Police Chief, Granver Tolliver; Fire Chief, Jeff Bell; Town Engineer, James Chancellor; Planning Manager, Israel Roberts; CFO, Steven Ventura; Assistant to the Town Manager, Adam Wilbourn; Town Secretary, Tenitrus Bethel; and Town Attorney, Clark McCoy.

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

At 6:00 p.m., the Council then adjourned into executive session regarding a consult with legal counsel, property acquisition, personnel and economic development negotiations.

At 7:30 p.m., Mayor Lessner reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance and the Texas State pledge.

CITIZENS INPUT:

Marcia Muller, 423 Plumwood, expressed her thoughts related to a leash law.
James Muller, 423 Plumwood, expressed his thoughts related to a leash law.
John Frasier, 810 Quail Rise, expressed his thoughts related to a leash law.
Diane Hastings, 880 Beechwood, expressed her thoughts related to open records requests.
Wendy Stewart, 640 Cabernet, expressed her thoughts related to a leash law.
Phil Hamilton, 110 Affirmed Ln, expressed his thoughts related to a leash law.
Christine Ludwinski, 521 Lakewood, expressed her thoughts related to a leash law.
Roy Serpa, 412 Saddleback, expressed his thoughts related to the EDC and CDC.

APPOINTMENTS:

Mr. Bill Baxter, Chair of the Technology Committee, gave a presentation regarding recommendations from the Tech Committee regarding a proposal to gather data regarding internet service in Town.

The Council and Mr. Baxter had an extended discussion related to this item.

Mayor Pro Tem Doi made a motion to approve the implementation of the Baxter IT speed test tool. Councilmember Feldman seconded the motion and the motion was unanimously approved.

PRESENATIONS:

Mr. Rick Bernas with Republic Services gave a presentation related to solid waste, recycling and rate adjustments.

There was a general discussion on this item between Council and Mr. Bernas.

Councilmember Mattei made a motion to approve an ordinance adopting new solid waste rates. Mayor Pro Tem Doi seconded the motion and the motion was approved unanimously.

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 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.

Mayor Pro Tem noted corrections on consent agenda item D.

Councilmember Feldman asked to pull consent agenda items G.

Councilmember Mattei made a motion to approve the consent agenda items A – C, E, F and H. Councilmember Logsdon seconded the motion and the motion was approved unanimously.

Mayor Pro Tem Doi noted amendment to consent agenda item D.

Mayor Pro Tem Doi made a motion to approve consent agenda item D. Councilmember Mattei seconded the motion and the motion was approved unanimously.

Councilmember Feldman inquired about agenda item G. Mr. Roberts reviewed this item. Councilmember Mattei made a motion to approve consent agenda item G. Councilmember Logsdon seconded the motion and the motion was approved unanimously.

PUBLIC HEARING – ZA2019-03 – REZONE 11.2-ACRE TRACT: Mayor Lessner introduced agenda item 8(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.

Mr. Roberts gave a staff report on this item. He stated there have been no changes made to the request since last month.

Mr. Kelly Shackleford, applicant, was present.

Mr. Tony Purtch, applicant representative, was present.

The Council, Mr. Kelly and Mr. Purtch had an extended discussion related to this item.

Mayor Lessner opened the public hearing.

No one came forward to speak.

Mayor Lessner closed the public hearing.

Councilmember Brugge made a motion to approve the request to rezone an 11.2-acre tract of land from (AG) Agriculture District to (RE-2) Two-acre Ranch Estate District. Councilmember Mattei seconded the motion and the motion was unanimously approved.

PUBLIC HEARING – ZA2019-04 – REZONE 28-ACRE TRACT: Mayor Lessner introduced agenda item 8(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)

Mr. Roberts gave a staff report on this item. He stated a request for straight zoning additional criteria is not permitted; however, this request to rezone to PC is due to an additional lot. He stated town regulations limit the number of lots in a cul-de-sac to twelve when zoned RE-2. He stated in order to incorporate the additional lot the applicant has to request PC zoning. He indicated the request meets all of the RE-2 design standards. He stated the PZ recommended approval with the condition that the street be 31-feet wide.

Mr. Stephen DiNapoli, applicant representative, was present. He discussed the request in further detail.

The Council and Mr. DiNapoli had an extended discussion related to this item.

Mayor Lessner opened the public hearing.

Christine Ludwinski, 521 Lakewood, expressed her thoughts related to rezoning.

Rich Connelly, 980 Foxdale, expressed his thoughts related to cut through traffic.

Mayor Lessner closed the public hearing.

The Council, Mr. DiNapoli and staff had an extended discussion related to this item.

Mayor Lessner expressed his thoughts related to the continuation of the public hearing.

Ms. Couch indicated that the October meeting date needs to be determined before the public hearing can be continued.

NATIONAL NIGHT OUT: Mayor Lessner introduced agenda item 9(g), consider, discuss and take any necessary action regarding a possible move of the regular October Council meeting date due to National Night Out.

Councilmember Mattei made a motion to reschedule the October regular meeting to a Wednesday, October 2. Councilmember Logsdon seconded the motion and the motion was unanimously approved.

Mayor Pro Tem Doi made a motion to continue the public hearing to a date certain of October 2, 2019 at 7:30 p.m. at Town Hall. Councilmember Mattei seconded the motion and the motion was approved unanimously.

Councilmember Brugge made a motion to reopen the public hearing. Councilmember Feldman seconded the motion and the motion was unanimously approved.

Mayor Lessner reopened the public hearing.

Barbara Isaacs, 811 Beechwood, expressed her thoughts related to rezoning.

Mayor Lessner closed the public hearing.

Mayor Pro Tem Doi made a motion to continue the public hearing to a date certain of October 2, 2019 at 7:30 p.m. at Town Hall. Councilmember Mattei seconded the motion and the motion was approved unanimously.

TOWN ORDINANCES RELATED TO ANIMAL CONTROL REGULATIONS: Ms. Couch introduced agenda item 9(a), consider, discuss and take any necessary action related to the Town ordinances regarding animal control regulations.

Ms. Couch indicated that current regulations require an animal to be restrained in a fenced yard or closed structure, by leash, holding in hands or by direct supervision; and in order for animal control to enforce this regulation the officer must witness the event. She stated the Town contracts with Collin County for animal control services and incident response is on a complaint basis; the County nor the Town provide animal patrol. She indicated in the last eleven months animal control has responded to 75 calls related to loose dogs. She stated with direction from the Council, staff can research other cities with similar regulations in order to draft an ordinance.

The Council and Ms. Couch had an extended discussion related to this item.

SOUTHERN SPRINGS FARM DEVELOPER AGREEMENT: Mayor Lessner introduced agenda item 9(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.

Mr. Roberts discussed this item. He stated at the July meeting along with the approval of the plat there was a second approval for a developer's agreement; which reflects the owner's dedication of a future trail easement along Orr Rd.

Dan Roberts, applicant representative, was present.

Mayor Pro Tem Doi made a motion to approve the Southern Springs Farm developer agreement. Councilmember Logsdon seconded the motion and the motion was unanimously approved.

WATER TOWER USE AGREEMENT: Mayor Lessner introduced agenda item 9(c), consider, discuss and take any necessary action for approval of a Water Tower Use License agreement with Clear Wireless, LLC.

Mr. Wilbourn gave a staff report related to this item.

There was a general discussion on this item between Council and Mr. Wilbourn.

Councilmember Logsdon made a motion to approve the water tower use agreement with Clear Wireless LLC. Mayor Pro Tem Doi seconded the motion and the motion was unanimously approved.

NTMWD WASTE WATER CONTRACT: Mayor Lessner introduced agenda item 9(d), consider, discuss and take any necessary action for approval of a wastewater contract extension between the Town and North Texas Municipal Water District.

Mr. Chancellor presented this item. He stated the original 20-year agreement was initiated in April 1999 has expired. He indicated NTMWD requested a 4-year extension until a new contract can be completed.

Mayor Pro Tem Doi made a motion to approve the waste water contract extension between the Town and NTMWD. Councilmember Feldman seconded the motion and the motion was unanimously approved.

PUBLIC INFORMATION REQUEST PROCEDURE AMENDMENTS: Mayor Lessner introduced agenda item 9(e), consider, discuss and take any necessary action for approval of an ordinance amending the procedures for the processing of public information requests and (f), consider, discuss and take any necessary action for approval of a resolution adopting a revised Town policy implementing the Public Information Act.

Counsel McCoy discussed this item. He indicated the most recent state legislative session created changes to public information such as identifying custodians of records, use of personal devices/accounts and the designation of a public information officer.

There was a general discussion on this item between Council and Mr. McCoy.

Councilmember Feldman made a motion to approve an ordinance amending the procedures related to public information requests. Councilmember Mattei seconded the motion and the motion was unanimously approved.

Councilmember Doi made a motion to approve a resolution adopting a revised Town policy implementing the Public Information Act. Councilmember Mattei seconded the motion and the motion was unanimously approved.

BOARDS & COMMISSIONS: Mayor Lessner introduced agenda item 9(h), discuss boards & commissions and take any necessary.

Mayor Pro Tem Doi requested to postpone until the October meeting.

REPORTS FROM STAFF:
Mr. Chancellor provided an update on the water pump station and ground storage construction.

Mayor Lessner adjourned the meeting at 10:45 p.m.

Henry Lessner, Mayor

Tenitrus Bethel, Town Secretary

TOWN OF FAIRVIEW