SPEICAL TOWN COUNCIL
MEETING MINUTES
AUGUST 19, 2020

The Town Council met in special session on Wednesday, August 19, 2020 at 5:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Henry Lessner; Councilmembers Cynthia Brugge, Ken Logsdon and Roland Feldman. Mayor Pro Tem Ricardo Doi and Councilmembers Charlie Henkle and Tony Mattei attending via teleconference. Staff present included Town Manager, Julie Couch; Town Secretary, Tenitrus Bethel; Town Engineer, James Chancellor; and CFO, Steven Ventrura. Staff present via teleconference were Town Attorney, Clark McCoy; Interim EDC Manager, Dave Quinn; Town Engineer, Danielle Oglesbee; Assistant to the Town Manager, Adam Wilbourn and TML Counsel, Victoria Thomas.

Mayor Lessner called the meeting to order at 5:05 p.m. and declared a quorum was present.

At 5:06 p.m., the Council then adjourned into executive session regarding a consult with legal counsel.

At 6:06 p.m., Mayor Lessner reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance and the Texas State pledge.

Mr. McCoy and Ms. Thomas left the meeting.

CITIZENS INPUT:

Philip D'amico, expressed his thoughts related to drainage.
Ben Brown, expressed his thoughts related to Frisco Rd and the proposed budget.
Chris Bradford, expressed his thoughts related to drainage.
Cheryl Sinacola, expressed her thoughts related to drainage and the proposed budget.
Leland Payne, expressed his thoughts related to the proposed budget.
Cody Hoper, expressed his thoughts related to drainage and the proposed budget.

EXECUTIVE SESSION ACTION ITEMS

Mayor Lessner reviewed the Stoddard vs. Town of Fairview settlement agreement.

Mayor Pro Tem Doi made a motion to authorize the mayor to execute the settlement agreement in the case of Mark Edward Stoddard and Bertel Morgan Stoddard vs. Town of Fairview subject to legal form and with the provision that the Stoddard's execute the agreement first. Councilmember Logsdon seconded the motion and the motion was approved 6-0. Councilmember Brugge recused herself.

Mayor Lessner reviewed the Kelly vs. Town of Fairview settlement agreement.

Mayor Pro Tem Doi made a motion to authorize the mayor to execute the settlement agreement in the case of Robert Bruce Kelly and Shannon Shirey Kelly vs. Town of Fairview subject to legal form and with the provision that the Kelly's execute the agreement first. Councilmember Henkle seconded the motion and the motion was approved 6-0. Councilmember Brugge recused herself.

Councilmember Feldman asked that the Council discuss agenda item 8 next.

DISCUSSION – VOTER APPROVED TAX RATE: Mayor Lessner introduced agenda item 8, discuss and consider action on a resolution directing the calculation of the voter approval tax rate under the disaster provisions of the Texas tax code.

Ms. Couch stated previous legislation allowed for a tax rate increase of up to 8% before a petition for rollback was required; under new legislation municipalities are limited to 3.5%. She indicated a provision in the tax code allows, in the year a disaster is declared either by state or national government, a municipality to request the calculation to be assessed at 8% for the upcoming 2-3 years dependent upon the impact of the disaster. She discussed this item in additional detail.

She stated staff has no recommendation only a responsibility to advise the Council on the matter for consideration.

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

Councilmember Feldman made a motion to not approve the resolution directing the calculation of the voter approval tax rate under the disaster provisions of the Texas tax code. Councilmember Logsdon second the motion and the motion was approved unanimously.

DISCUSSION – FRISCO RD GRANT: Mayor Lessner introduced agenda item 5, discuss and consider approval of a resolution in support of the EDA grant for construction of Frisco Road.

Ms. Couch reviewed the process to date for the grant submissions for the reconstruction of Frisco Rd. She stated this project would provide better circulation of traffic for this portion of the Town, would connect US75 to Frisco Rd and provide adequate access to the hospital for emergency vehicles. She indicated TxDOT has plans to widen Hwy 5 north beginning at 1378 which would eliminate access to Frisco Rd and would add substantial time for emergency vehicles accessing the hospital. She reviewed the proposed project and indicated much of the project will be constructed in an existing right-of-way and the new property needed would be dedicated from the Billingsly Corporation.

Ms. Couch discussed the funding of the grant. She stated the grant is being funded through the EDA with additional CARES funds allocated for economic development projects. She indicated Council previously approved the submission of the grant with the original estimate of $5,000,000 with the EDA contributing $4,000,000 and the Town contributing 20% or $1,000,000. She indicated a preliminary review of the submitted project by the EDA has been completed and the project has advanced to the next phase of submission; the EDA indicated the fund contribution would be reduced from $4,000,000 to $3,000,000 with the option of the Town to revise the budget. She reviewed the previous grant submission to the County and stated the $4,000,000 budget did not include items such as streetlights, median landscaping, water lines and irrigation; the EDA grant submission included the additional items. She stated staff is proposing to submit the $4,000,000 grant proposal, as submitted to the County, and the other elements bid out as add alternatives for Council consideration. She indicated the Town contribution of $1,000,000 would be funded from the Roadway Impact Fee Fund or the TIF.

Ms. Couch stated staff is recommending approval of the revised resolution to be submitted to the EDA.

The Council and staff had an extended discussion related to this matter.

Councilmember Doi made a motion to approve the resolution to support the EDA grant for construction of Frisco Rd. Councilmember Henkle seconded the motion and the motion was approved 5-0. Councilmembers Brugge and Feldman abstained.

DISCUSSION – FY20-21 PROPOSED BUDGET & TAX RATE: Mayor Lessner introduced agenda item 6, discuss budget process, meeting dates, and other related matters and agenda item 7, discuss the proposed FY20-21 tax rate.

Mr. Ventura gave a presentation on to the proposed fiscal year 2020-21 budget. He stated the proposed budget will raise more in property tax revenue than last year in an amount of $153,358, an increase of 2.17% from last year's budget and the property tax revenue raised from new property added to the tax roll this year is $184,410. He reviewed total revenues, expenditures and the tax rate comparison. He stated the current tax rate is $0.347156, with the O&M rate of $0.240342 and I&S rate of $0.106814; staff is proposing to maintain rate of $0.347156 for fiscal year 2020-21 with an O&M rate of $0.240342 and I&S rate of $0.106814. He reviewed the various tax rates and stated the proposed tax rate falls below the no new revenue rate, voter approval tax rate and de-minimus rate. He stated the assessed value of the Town is $2,080,000,000 which is an increase over last year by 2.17% and the average home value has decreased from $541,564 to $533,000. He indicated the taxes assessed on a $533,000 home at the proposed tax rate of $0.347156 would be $1,850.34, which is a decrease of 1.58% from last year.

Mr. Ventura reviewed the general fund revenues and expenditures, other operating funds, water & wastewater fund and utility billing.

The Council and staff had an extended discussion related to the budget and staff merit increases.

Councilmember Logsdon made a motion to recognize the proposed tax rate of $0.347156 for fiscal year 2020-21. Councilmember Mattei seconded the motion and the record vote was as follows:

Councilmember Henkle: For	Councilmember Mattei: For
Councilmember Brugge: For	Councilmember Logsdon: For
Councilmember Doi: For	Councilmember Feldman: For
Mayor Lessner: For	

Councilmember Logdson left the meeting.

Ms. Couch discussed the recent state mandate related to telecom and cable fees; the state has provided allowance for companies that provide both telecom and cable to choose which revenue source is larger to cities and not pay the lower fee. She indicated the Town has been notified that Grande Communications will not be paying telecom fees and AT&T will not be paying cable fees. She stated this fee is a high revenue source to the Town however statewide it is the lower of their revenues. She stated this is a revenue loss of $52,000 a year; a loss of half this year and a 100% loss next year.

Ms. Couch gave a presentation related to the EDC/CDC and reviewed revenues, expenditures, fund balances, public and private investments, operational budgets and rebates.
The Council and staff had an extended discussion related to the EDC CDC budget.

The Council recessed for a 5-minute break.

The Council reconvened from recess.

DISCUSSION – DRAINAGE: Mayor Lessner introduced agenda item 9, discuss the Town drainage system including Town policies, procedures, processes, activities and related matters and take any necessary action.

Mr. Chancellor discussed nuisance water and reviewed the parameters for prioritization of requests.

The Council and staff had an extended discussion related to this topic.

Mayor Lessner adjourned the meeting at 10:09 p.m.

Henry Lessner, Mayor

Tenitrus Bethel, Town Secretary

TOWN OF FAIRVIEW