TOWN COUNCIL
MEETING MINUTES
JULY 8, 2019

The Town Council met in regular session on Tuesday, July 8, 2019 at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Henry Lessner; Mayor Pro Tem Ricardo Doi; Councilmembers Charlie Henkle, Cynthia Brugge, Tony Mattei, Ken Logsdon and Roland Feldman. Staff present included Town Manager, Julie Couch; Fire Chief, Jeff Bell; Police Sergeant, Troy Nesbitt; Town Engineer, James Chancellor; 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 6:01 p.m., the Council then adjourned into executive session regarding a consult with legal counsel, property acquisition, personnel and economic development negotiations.

At 7:43 p.m., Mayor Lessner reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance and the Texas State pledge.

OATHS OF OFFICE:
Ms. Bethel administered the oath of office for newly elected council member Ken Logsdon, Council Seat 5.

PRESENATIONS AND REPOTS:
Chief Jeff Bell presented the Life Saving Award to Fire Station #1.

CITIZENS INPUT:
Marcia Muller, 423 Plumwood Way, expressed her thoughts related a leash law.

James Muller, 423 Plumwood Way, expressed his thoughts related to a leash law.

Catherine Bell, 405 Varnum Way, expressed her thoughts related to a leash law.

Kim Maxwell, 506 Longfellow, expressed her support of a leash law.

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 4, 2019 regular Council meeting; B) Approve the minutes of the June 21, 2019 special Council meeting.

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

PUBLIC HEARING – CUP2019-02 – FAITH CHURCH OF COLLIN COUNTY: Mayor Lessner introduced agenda item 8(a), continue a public hearing and consider a request for approval of a revised Conditional Use Permit for the Faith Church of Collin County. The 2.9-acre site is located at the southwest corner of Highway 5 and Murray Road and is zoned for the (RE-1) One-Acre Ranch Estate District. Applicant: Josh Lincoln, HP Civil Engineering, representing Faith Church of Collin County.

Mr. Roberts gave a staff report related to this item. He reviewed the original and revised site plans. He stated last week the applicant submitted an updated landscape plan after meeting with the residents which includes the addition of a row of live oak trees along the detention pond adjacent to Murray Road; and today staff received revised elevations for the fellowship hall with a building height of 24 feet. He stated the PZ has not seen the revised landscape or elevation plan. He indicated the petition received last month has not been recalled and a supermajority is required to approve this request.

Josh Lincoln, applicant representative, reviewed the revised plans.

Mayor Lessner opened the public hearing.

Tommy Lowry, 481 Murry Rd, expressed his thoughts related to the revised plans.

Mayor Lessner closed the public hearing.

Councilmember Henkle inquired about the use of the fellowship hall as a gymnasium with the height reduction.

Mayor Pro Tem Doi inquired about the installation of the live oaks in comparison to the existing trees. Mr. Lincoln stated there would be no conflict or growth issues for either species.

Mayor Pro Tem Doi made a motion to approve the ordinance for a revised CUP for Faith Church Collin County. Councilmember Mattei seconded the motion and the motion was approved unanimously.

SOUTHERN SPRINGS FARM ADDITIONAL – FINAL PLAT: Mayor Lessner introduced agenda item 9(a), consider, discuss and take any necessary action on a request for approval of a Final Plat of the Southern Springs Farm Addition. The 6.1-acre tract of land is located west of the intersection of Orr Road and Fitzhugh Mill Road and is zoned for the (RE-2) Two-acre Ranch Estate District. Applicant: Dan Anderson, representing owners Ted and Ruth Kerico.

Mr. Roberts gave a staff report related to this item. He stated the request meets the design width and standards of the RE-2 design district. He stated the request dedicates an easement for a waterline extension and a combination water and trail easement at the intersection. He stated the Park Board met and reviewed the request and recommended a $5,984 cash-in-lieu fee instead of the park land dedication; indicating the typical recommendation for park land dedication is 5 acres. He stated the ordinance does not require the construction of a trail however due to this section land being included as part of the trail master plan the Town can require the trail easement. He stated James Chancellor, Town Engineer, has been reviewing trail design and construction options for the trail along Orr Rd connecting to East Stacy.

Mr. Chancellor stated he met with Mr. Dan Anderson to survey the property and discussion options. He discussed the process and options for trail installation.

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

Mayor Pro Tem Doi inquired if an agreement could be created for easement dedication at a later date; after the trail has been designed. Mr. McCoy stated it could be done, outside of the plat, in a development agreement.

Mr. Dan Anderson, applicant rep, discussed the property layout and right-of-way dedication.

Councilmember Brugge expressed her thoughts related to the trail location.

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

Councilmember Mattei made a motion to approve the final plat of the Southern Springs Farm addition. Councilmember Feldman seconded the motion and the motion was unanimously approved.

Mayor Pro Tem Doi made a motion to direct staff to draft a developer's agreement to allow for a dedication of a trail easement along the unplatted portion of the parcel. Councilmember Mattei seconded the motion and the motion was unanimously approved.

RISE BROADBAND WATER TOWER LICENSE AGREEMENT: Mayor Lessner introduced agenda item 9(b), consider, discuss and take any necessary action for approval of the First Amendment to the Water Tower License agreement with Skybeam, LLC dba Rise Broadband.

Mr. Wilbourn gave a staff report related to this item addressing Council concerns related to revenue sharing and cost.

Councilmember Logsdon made a motion to approve the water tower license agreement with Rise Broadband.

Councilmember Feldman expressed his thoughts related to revenue sharing.

Mayor Pro Tem Doi seconded the motion.

Mayor Pro Tem Doi inquired about revenue sharing.

The Council and staff had a discussion related to revenue sharing.

Mayor Lessner stated there was a motion and a second; he asked if there were any additional questions. The motion was unanimously approved.

PRO-RATA FEE FOR DETENTION POND: Mayor Lessner introduced agenda item 9(c), consider, discuss and take any necessary action on adoption of an ordinance establishing a pro-rata fee for Town reimbursement for a regional detention pond.

Mr. Chancellor gave a staff report related to this item; providing the history of the drainage master plan, developer requirements, implementation and funding. He recommended a pro-rata fee for the upstream property.

Councilmember Mattei inquired about the Apple's Crossing detention pond. Mr. Chancellor discussed the process of design for the detention pond.

Councilmember Mattei inquired if the Town loses fees in the long term. Ms. Couch stated impact fees are not paid by the developer but at the time of the building permit and these fees are collected over a period of time; as will the pro-rata as the upstream properties develop.

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

Mayor Pro Tem Doi inquired if the five detention ponds discharge to Sloan Creek. Mr. Chancellor stated two of pond discharge into Sloan Creek while 2 others discharge into Sloan Creek tributaries.

The Council and Mr. Chancellor had an extended discussion related to discharge as well as FEMA requirements related to flood plain modeling.

Mayor Pro Tem Doi and Councilmember Mattei inquired if the cost recovery fee could be more. Mr. McCoy stated the fee has to be in proportion to the development's impact on the overall system and interest is not a reimbursable expense in relation to the impact fee statute.

Mayor Pro Tem Doi made a motion to approve the adoption of an ordinance establishing the pro-rata fee. Councilmember Mattei seconded the motion and the motion was unanimously approved.

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

Mayor Pro Tem Doi stated the subcommittee conducted interviews of the current and prospective applicants to join the Park Board. He stated the subcommittee has made the following recommendations: Maryanne Simoneson, Chair; Katherine Ponder, Guy Wormald, John Hubbard Leray Rotten, David Ross and Stephen Rhodes.

Councilmember Mattei inquired if all applicants were considered. Mayor Pro Tem Doi stated the subcommittee met with all of the applicants that expressed an interest in joining the park board.

Mayor Pro Tem Doi made a motion to approve the appointment of members to the Park Board as outlined. Councilmember Brugge seconded the motion and the motion was unanimously approved.

REPORTS FROM STAFF:
Mr. Ventura gave a presentation on the monthly financial report.

Mr. Chancellor provided an update related to the water pump station construction.

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

Henry Lessner, Mayor

Tenitrus Bethel, Town Secretary

TOWN OF FAIRVIEW