TOWN COUNCIL
MEETING MINUTES
JUNE 4, 2019

The Town Council met in regular session on Tuesday, June 4, 2019 at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Henry Lessner; Mayor Pro Tem Paul Hendricks; Councilmembers Charlie Henkle, Cynthia Brugge, Ricardo Doi, Tony Mattei and Roland Feldman. Staff present included Town Manager, Julie Couch; Fire Chief, Jeff Bell; Police Chief, Granver Tolliver; 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 6:00 p.m., the Council then adjourned into executive session regarding a consult with legal counsel, property acquisition, personnel and economic development negotiations.

At 7:36 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 oaths of office for newly elected council members Charlie Henkle, Seat 1; Ricardo Doi, Seat 3; and Henry Lessner, Mayor.

CITIZENS INPUT:
Phil Hamilton, 110 Affirmed Ln, expressed his thoughts related to illegal fireworks.

Roy Serpa, 412 Saddleback, expressed his thoughts related to the funding of the fire station.

Justin Jinright, 571 Kentucky, expressed his thoughts related to the NTMWD.

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 May 7, 2019 regular Council meeting; B) Approve the minutes of the May 13, 2019 special Council meeting; C) Approve the minutes of the May 16, 2019 special Council meeting; D) Approve First Amendment to Water Tower Use License Agreement with Skybeam, LLC dba Rise Broadband.

Councilmember Feldman requested to pull consent items C and D for discussion.

Councilmember Feldman made a motion to approve consent agenda items A and B. Councilmember Hendricks seconded the motion and the motion was unanimously approved.

Councilmember Feldman discussed consent agenda item C. He requested the letter from EDC/CDC Chairman Israeloff be included in the May 16 minutes.

Councilmember Feldman made a motion to approve consent agenda item C with noted changes. Councilmember Doi seconded the motion and the motion was approved unanimously.

Councilmember Feldman discussed consent agenda item D. He asked for staff to review the agreement. Mr. Wilbourn reviewed the current contract and amendment.

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

Councilmember Doi made a motion to defer consent agenda item to the July regular meeting. Councilmember Feldman seconded the motion and the motion was unanimously approved.

Ms. Bethel stated the amendment to include the EDC/CDC letter to the minutes should be made for the May 7 regular meeting. Ms. Couch stated a motion needed to be made to reverse the previous motion.

Councilmember Mattei made a motion to reverse the approval of consent item C with amendments and to approve consent agenda item A with noted changes. Councilmember Feldman seconded the motion and the motion was unanimously approved.

PUBLIC HEARING – CUP2019-02 – FAITH CHURCH OF COLLIN COUNTY: Mayor Lessner introduced agenda item 7(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 Hamilton, HP Civil Engineering, representing Faith Church of Collin County.

Mr. Roberts gave a staff report related to this item. He reviewed the previous and proposed plans. He stated the applicant met with residents of the community and have proposed to lower the building height of the fellowship hall to 30 feet. He stated a resident's petition was received yesterday stating the residents were in opposition of the construction unless certain conditions could be met. He indicated due to the number of petition signatures that fall within the original notification area, if Council were to approve the application it would require a super majority.

Josh Lincoln with HP Civil engineering, applicant representative, reviewed the plans of the future facility and gave a presentation.

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

Mayor Lessner opened the public hearing.

Mr. and Mrs. Tommie Lowry, 481 Murray Rd, expressed their thoughts related to relocating the fellowship hall.

Keith Lovelace, 441 Horseshoe, expressed his thoughts related to the site location.

Chris Fry, 420 Horseshoe, expressed his support to move the fellowship hall and thoughts related to Highway 5 construction.

Mr. Lincoln addressed concerns of the residents.

John Harkins, 411 River Oaks, expressed his thoughts of the cost to move the site.

Jack Warren, 340 Murray, expressed his thoughts related to site relocation and building elevations.

Sherry Bates, 671 Lake Ridge, expressed her thoughts related to the fellowship hall relocation.

Jack Warren, 340 Murray, expressed his thoughts of postponing the approval of the fellowship hall.

Randy Cimprich, 14 Kingswood Dr, expressed his thoughts related to the site location.

Tommie Lowry, 481 Murray Rd, expressed his thoughts related to the church parking.

Justin Lokey, rector of Faith Church, expressed his thoughts related to the site layout. He stated they would like to accept the offer of lowering the roof height of the fellowship hall to 18 – 22 feet.

Eugene Harrington, 381 Murray, expressed his thoughts related to the site location.

Mayor Lessner, Councilmember Feldman and Mattei expressed their thoughts related to continuing the public hearing to the July meeting.

Mayor Pro Tem Hendricks made a motion to continue the meeting to a date certain of the July regular meeting.

Councilmember Brugge expressed her thoughts to not prolonging the public hearing.

Councilmember Doi expressed his thoughts related to the site design and layout.

The Council had an extended discussion related to this item.

Councilmember Feldman seconded the motion to continue the public hearing to a date certain of the July regular meeting.

Mayor Lessner stated a motion has been made to continue the public hearing. Ms. Couch stated the continuation of a public hearing must be continued to a date certain and agenda item 8 (e) is to discuss the possible reschedule of the July regular meeting.

DISCUSS JULY REGULAR MEETING: Councilmember Feldman discussed agenda item 8(e), discuss July regular Council meeting schedule and take any necessary action.

The Council had an extended discussion related to this item.

Councilmember Feldman made a motion to move the July regular council meeting to Monday, July 8. Councilmember Mattei seconded the motion and the motion was unanimously approved.

Councilmember Feldman restated his second to the motion to continue the public hearing for the church CUP to a date certain of July 8, 2019 and the motion was unanimously approved.

PUBLIC HEARING – RACETRAC REPLAT: Mayor Lessner introduced agenda item 7(b), conduct a public hearing consider a request for approval for a replat of Lot 3C, Block A of the Village at Fairview Addition into two (2) lots. The 4.3-acre site is located at the northwest corner of Stacy Road and Highway 5, and is zoned for the (CPDD) Commercial Planned Development District.

Mr. Roberts gave a staff report related to this item. He stated the replat will divide the larger 4-acre lot into two lots; and will accommodate the future construction of the Racetrac gas station. He stated it will also rededicate an easement and a right-of-way. He stated at the May Planning and Zoning meeting the commission recommended approval as presented.

David Bond, Spiars Engineering, applicant representative was present.

Councilmember Brugge inquired if the lot size is adequate to accommodate the Racetrac as well as traffic and parking. Mr. Bond stated the design is adequate for Racetrac as well as the undeveloped parcel owned by Lincoln Properties.

Mayor Lessner opened the public hearing.

Rich Connelly, 980 Foxdale, inquired if the lot division would affect the cost benefit. Ms. Couch stated it would not affect the agreement. She indicated that the agreement was based on a defined tract which she thought did include the two parcels.

Mayor Lessner closed the public hearing.

Councilmember Doi made a motion to approved the request for approval of the replat of Lot 3C, Block A of the Village of Fairview Addition. Councilmember Mattei seconded the motion and the motion was unanimously approved.

APPOINTMENT OF MAYOR PRO TEM: Mayor Lessner introduced agenda item 8(a), appointment of Mayor Pro Tem.

Mayor Lessner made a request for nominations for the position of Mayor Pro Tem. Councilmember Feldman nominated Councilmember Mattei; Councilmember Hendricks nominated Councilmember Doi; there were no further nominations. Mayor Lessner asked for a show of hands and the appointment of Councilmember Doi was approved with the Mayor, Councilmembers Henkle, Doi and Hendricks voting for him.

BOARDS & COMMISSIONS: Mayor Lessner introduced agenda item 8(b), discuss boards & commissions and take any necessary.

Mayor Lessner proposed the creation of a Council subcommittee, headed by the Mayor Pro Tem, to conduct interviews and report the recommendations to council for consideration; in addition to Mayor Pro Tem Doi he nominated Councilmembers Henkle and Mattei to serve on the committee.

Councilmember Brugge expressed her thoughts related to the formation of the subcommittee and the Council involvement. Councilmember Mattei offered for Ms. Brugge to join the subcommittee in place of him; he stepped down.

DISCUSS COUNCIL WORK SESSION DATES: Mayor Lessner introduced agenda item 8(c), discuss council work sessions, including budget work session dates, and take any necessary action.

Mayor Lessner proposed the addition of monthly Council work sessions to further educate the council on items related to Town operations.

Ms. Couch reviewed the work session schedule provided to the Council.

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

DISCUSS FIRE STATON CONSTUCTION: Mayor Lessner introduced agenda item 8(d), discuss and consider timeline, design and bidding processes for the fire station construction, and addendums to current fire station design and construction contracts and take any necessary action.

Ms. Couch reviewed the project timeline, design and construction schedule. She stated the next steps would be for Council to authorize the construction manager and architect to move forward. She stated the contracts for the Brinkley Sargent and Byrne were adopted over two years ago and there are some provisional adjustments that are required as the scope of the project has changed. She indicated the addendum provided by Brinkley Sargent reduces the final project and design cost by $945,000 and the Byrne Construction fee has been revised from 2.69% to 3.5% due to the revised scope of the project from the original project.

Ms. Couch reviewed the developmental history of the vendors selection process, project and contracts.

Martin Lehman, President of Byrne Construction, discussed the bidding process.

Councilmember Mattei inquired about selecting architects based on fees and qualifications. Ms. Couch discussed the process of submitting an RFQ; and explained under state law the Town cannot select a vendor based on fee but must be selected based on qualifications.

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

Mayor Pro Tem Doi asked Mr. Sargent what other fire projects in the area the firm has designed. Mr. Hal Sargent discussed previous and current fire station projects the firm has designed.

The Council, Mr. Sargent and Ms. Couch had an extended discussion related to schematic design, cost and timeline.

Councilmember Feldman asked to review the fee increase for Byrne Construction.

Martin Lehman reviewed the calculation process of the previous fee and current fee. The Council, Mr. Lehman and Ms. Couch had an extended discussion related to this item.

Councilmember Doi made a motion to approve and adopt the modified contracts with Brinkley Sargent and Byrne Construction, without a condition. Councilmember Hendricks seconded the motion and the motion passed 5-2. Councilmembers Brugge and Feldman opposed the motion.

CITIZENS GROUP: Councilmember Mattei discussed agenda item 8(i), discuss establishment of a citizen's group related to construction of the fire station.

Councilmember Mattei discussed forming a citizens committee to provide input related to the design and cost of the construction of the fire station.

The Council, Mr. Lehman and staff had an extended discussion related to this item. No action was taken. Staff indicated that information about the bidding process would be included on the Town website as appropriate.

BUDGET PLANNING: Councilmember Mattei discussed agenda item 8(f), discuss budget planning and processes and take any necessary action.

Councilmember Mattei discussed enlisting a consultant or creating a citizens committee to provide cost saving and revenue generation ideas related to the upcoming fiscal year budget.

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

CDC & TIF BOARD DISCUSSION: Councilmember Brugge discussed agenda items 8(g) and 8(h), discuss CDC and TIF funding for the fire station.

The Council had an extended discussion related to this item.

WATER BILL SPECIAL ASSESSMENT: Councilmember Brugge discussed agenda item 8(j), discuss special assessment to the water bill.

Councilmember Brugge discussed an additional fee assessment to water accounts to assist with the debt service related to the construction of the new pump station and ground storage.

The Council had and extended discussion related to this item.

REPORTS FROM STAFF:
Mr. Chancellor provided an update related to the water pump station construction.

Mayor Lessner adjourned the meeting at 12:59 a.m.

Henry Lessner, Mayor

Tenitrus Bethel, Town Secretary