



TOWN OF FARVIEW, TEXAS

Agenda

Town Council Regular Meeting

March 5, 2024

7:30 PM

Town Hall Council Chambers
372 Town Place
Fairview, Texas

WATCH THE BROADCAST LIVE

This meeting will be broadcast live. Members of the public who wish to watch this meeting may watch the live broadcast on:

https://w.ringcentral.com/w/a/join/AgABaBz6X_0wTJDdr_4AACmgQsqrSaLa2pZhZpU1ZmDRjj8EZOV7BE1Ns968M8oyE3tDBJLXnFrSXQ?route=ac44a072a5ba4de2&pw=f4c288fd0f4713db4ac271e816ce7554cf7aef8dbf4f4920f5e0eaa10aeffc37

1. **Call to Order**
2. **Pledge of Allegiance: U.S. and Texas Flags**
3. **Oath of Office**
4. **Proclamation and Information Sharing**
 - a. Proclamation declaring the month of March 2024 as Developmental Disability Month in the Town of Fairview.
5. **Citizen's Comment (for Non-Public Hearing Items)**

At this time, any person may address the Council regarding an item on this meeting agenda or on matters not on this meeting agenda. Each person will have up to five (5) minutes. The Mayor may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.

Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the Town Council for items listed as Public Hearings will be recognized when the Public Hearing is opened.

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.
6. **Consent Agenda**

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.

- a. Approve the minutes of the February 6, 2024, Regular Council meeting.
- b. Approve resolution authorizing all agreements and actions to provide for possession and use and ownership of certain real property to TxDOT.
- c. Approve an ordinance cancelling the May 4, 2024 General Election of the Town of Fairview.
- d. Approve a resolution authorizing continued participation with the Atmos Energy Corp. Steering Committee and payment of assessed dues for 2024.
- e. Approve the abandonment of a utility easement in the Hickey Addition.
- f. Approve an Interlocal Agreement for automatic aid between the Town of Fairview Fire Department and the City of Lucas Fire Department.

7. Reports from Staff

- a. Monthly Financial Report - Period ending January 31, 2024
- b. Monthly Police Report - Period ending February 29, 2024
- c. Monthly Fire Report - Period ending February 29, 2024
- d. Town construction projects

8. Public Hearings

- a. Conduct a public hearing to consider, discuss, and take any necessary action on a request for approval of various Major Warrants for a proposed single-family residential subdivision. The 7.3-acre site is located at the northeast corner of Highway 5 and Meandering Way, and is zoned for the (CPDD) Commercial Planned Development District with the Urban Transition sub-district. Applicant: Jason Rose, J. Rose Architects and Planners, representing owners Kharrat Family, LP.
- b. Conduct a public hearing to consider, discuss, and take any necessary action on a request of an ordinance granting approval of a Conditional Use Permit (CUP) for an accessory structure. The 0.88-acre lot is located at 1010 Young Trail and is zoned for a (PC) Planned Center District. Owner/Applicant: Guy Quota.
- c. Conduct a public hearing to consider, discuss, and take any necessary action on a request for approval of an ordinance granting a Major Warrant for the continual operation and expansion of the Oak Street Nursery. The 7.14 acre tract of land is located at 1030-1040 Hwy 5, on the east side of Hwy 5, north of Country Club and is zoned for the (CPDD) Commercial Planned Development District with the Urban Village Sub-district. Applicant: Don Paschal, Paschal

9. Council Action/Discussion Items

- a. Consider, discuss and take necessary action on a request for approval of a Preliminary Replat of the Creekwood Addition. The 28.4-acre tract of land is located at the southwest corner of Stacy Road and Country Club road and is zoned for the (RE-1) One-acre Ranch Estate District. Applicant: Brock Corbett, Kimley-Horn & Associates, representing owners Creekwood United Methodist Church.
- b. Consider, discuss, and take any necessary action on Board & Commission Appointments

10. Council and Staff Comments

Council and Staff Comments relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, informational updates on Town projects, awards, acknowledgement of meeting attendees, birthdays, requests of the Town Manager for items to be placed on upcoming agendas, and condolences.

11. Closed Session

In accordance with Texas Government Code:

- a. Under Texas Government 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 listed exceptions to the Open Meetings Act.

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

I, Joshua Stevenson, Town Secretary, hereby certify that this notice was posted in accordance with Texas Government Code, Chapter 551, on or before the 2nd day of March 2024 at 6:00 p.m.

Joshua Stevenson, 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, readers, or large print, are requested to contact the Town Secretary's office at least 48-hours prior to the meeting. Please e-mail your

request to townsecretary@fairviewtexas.org or call at 972-886-4234. BRAILLE IS NOT AVAILABLE.



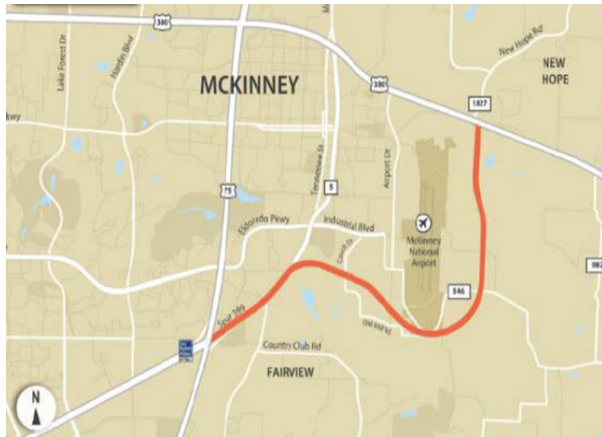
Memorandum

March 5, 2024

FROM: Town Administration

SUBJECT: Approve resolution authorizing all agreements and actions to provide for possession and use and ownership of certain real property to TxDOT.

BACKGROUND: Town Council has previously held discussions and taken certain actions regarding the Texas Department of Transportation's (TxDOT) acquisition of portions of Town owned properties located in the City of McKinney. TxDOT is seeking to acquire these small portions of Town owned properties as right-of-way for their Spur 399 extension project in McKinney. An image of the Spur 399 extension project route is provided below.



There have been four TxDOT offers that have been considered by Town Council to date. The Town made counteroffers on three TxDOT offers relating to portions of Town owned properties that are 0.722 acres, 0.465 acres, 0.044 acres, and 1.876 acres. TxDOT did not accept those counteroffers, and town staff, working with the assistant town attorney, is continuing to engage TxDOT representatives regarding those portions of Town property they are seeking to obtain through eminent domain. Town staff has been working to get the necessary documents executed to complete the transaction for the 0.316-acre portion of property that the Town was willing to accept TxDOT's offer for.

STATUS OF ISSUE: When working to complete the transaction for the sale of the

0.316-acre portion of Town owned property, TxDOT consultants indicated that they needed certain information regarding the transaction confirmed in a formal document. This information includes the type of entity the Town is, who can execute the land sale documents and what their authority to act is. The resolution enclosed with this memorandum contains the information TxDOT requested. It also confirms that the town manager has the authority to act on one or more of the four aforementioned transactions that Council has already discussed. This will help avoid having to come back to Council multiple times in order to confirm the information that TxDOT has requested.

BUDGET: N/A

RECOMMENDATION: Approve the attached resolution authorizing the town manager to sell real property to the Texas Department of Transportation.

Attachments:

1. Resolution



Memorandum

March 5, 2024

FROM: Town Secretary

SUBJECT: Approve an ordinance cancelling the May 4, 2024 General Election of the Town of Fairview.

BACKGROUND: The Town contracts with Collin County to conduct our municipal elections. This reduces our costs, while also ensuring joint polling places. At the February 6, 2024, council meeting, the general election was called by ordinance and approved by the council.

STATUS OF ISSUE: The filing deadline for application for a place on the ballot was 5:00 p.m. on February 16, 2024, and the last day for a write-in candidate to declare candidacy was 5:00 p.m. on February 20, 2024. During that period of time, the only accepted applications for a place on the ballot filed with the Town were the incumbents. Therefore, due to all seats being unopposed and no propositions to appear on the ballot the election can be cancelled. The unopposed candidates will officially begin their two-year term on May 7, 2024.

Per section 5(c), of the Joint General and Special Election Services Contract:

A Participating Political Subdivision canceling their election pursuant to Section 2.053 of the Texas Election Code shall pay the Contracting Officer a contract preparation fee of \$75.00 and will not be liable for any further costs incurred by the Contracting Officer.

BUDGET: The current budgeted amount for election services was \$5,100. Service cost estimate of election was \$7,894.04.

RECOMMENDATION: Consider approval of the attached ordinance.

Attachments:

1. Ordinance
2. Exhibit A Certificate of Unopposed Status_Seats 2 4 6_May 4 2024 Gen Election



Memorandum

March 5, 2024

FROM: Town Administration

SUBJECT: Approve a resolution authorizing continued participation with the Atmos Energy Corp. Steering Committee and payment of assessed dues for 2024.

BACKGROUND: Most municipalities have retained original jurisdiction over gas utility rates and services within municipal limits. The Atmos Cities Steering Committee ("ACSC") is composed of municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division that have retained original jurisdiction. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 185 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the Town of Fairview. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

STATUS OF ISSUE: On December 7, 2023, the ACSC held a quarterly meeting with representatives from Atmos Energy. During the meeting, the group held a discussion

of upcoming natural gas issues and approved the assessment for ACSC membership. Using the population-based assessment protocol previously adopted by ACSC, the assessment for 2024 is a per capita fee of \$0.05. This is the same amount as was adopted for FY 22-23.

BUDGET: The Town of Fairview has been assessed \$542.55 for its 2024 membership. This assessment was approved in the FY 23-24 budget.

RECOMMENDATION: Approve the attached resolution authorizing payment of the Atmos Cities Steering Committee membership assessment for 2024.

Attachments:

1. Resolution



Memorandum

March 5, 2024

FROM: Engineering

SUBJECT: Approve the abandonment of a utility easement in the Hickey Addition.

BACKGROUND: The Hickey Addition was platted in 2013 as a 2 lot subdivision. Lot 1 is coming up for development.

STATUS OF ISSUE: The owner of Lot 1 is requesting the abandonment of the 15' utility easement that cuts across the property. The town has no facilities within the easement and the plat provides for a 15' utility easement along the boundary that will suffice for the future needs of the town. The owner has confirmed that no other 3rd party utilities are currently using the easement.

BUDGET: N/A

RECOMMENDATION: Approve the abandonment of the 15' utility easement that crosses Lot 1 of the Hickey Addition.

Attachments:

1. Ordinance
2. Exhibit A
3. Exhibit B



Memorandum

March 5, 2024

FROM: Fire

SUBJECT: Approve an Interlocal Agreement for automatic aid between the Town of Fairview Fire Department and the City of Lucas Fire Department.

BACKGROUND: We have had an ILA in place with the City of Lucas since February 2015 and a previous agreement prior to that time frame. We utilize Lucas Fire Rescue to assist us with all types of emergency fire responses. This ILA has been updated to officially include EMS responses as well. We already provide and receive assistance when needed. The City of Lucas has requested to update this ILA to current practices.

This ILA will automatically renew each year and does not have an end date unless requested by either party with a 90 day written notice.

Our working relationship with Lucas has been outstanding and they are responsive to any requests we have.

STATUS OF ISSUE:

BUDGET:

RECOMMENDATION: Approve and authorize the Town Manager to execute the agreement.

Attachments:

1. Interlocal Agreement for Automatic Aid Lucas and Fairview Final 02.08.2024



Memorandum

March 5, 2024

FROM: Town Secretary

SUBJECT: Consider, discuss, and take any necessary action on Board & Commission Appointments

BACKGROUND: The Council appoints citizen volunteers to serve on the Town boards and commissions. Appointees serve until they are replaced or reappointed. Staff places information in the Fairview Town News magazine as well as on the Town website regarding the role of each board or commission and invites residents to consider applying for service on those boards. Applicants are asked to complete an application; identify which boards and commissions they would like to be considered for and provide some information on their background. The Council has a goal that generally you want to consider rolling off committee members who have served for more than six years unless there is a business reason for extending their service. There are several boards where that has been a consideration for a variety of reasons.

STATUS OF ISSUE: The Town typically considers Board appointments during the summer for two-year terms ending in August unless an unexpected vacancy occurs during the year.

There are a total of 3 alternate member positions that are currently vacant.

- ZBA – 3 alternate member positions – At least one additional alternate position would be helpful in filling quorums, if needed.

Attached is the current list of boards and commissions and the positions that are vacant or expired as of February 2024.

BUDGET: N/A

RECOMMENDATION: Review the attached spreadsheet and make recommendations.

Attachments:

1. Board Commission List as of 2-29-24 edit
2. 20240216 Ehrsam, Les - ZBA