

**TOWN COUNCIL
MEETING MINUTES
APRIL 6, 2021**

The Town Council met in regular session on Tuesday, April 6, 2021 at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Henry Lessner; Mayor Pro Tem Ricardo Doi and Councilmembers Charlie Henkle, Larry Little, John Hubbard and Ken Logsdon. Councilmember Gregg Custer joined via teleconference. Staff present included Town Manager, Julie Couch; CFO, Steven Ventura; Planning Manager, Israel Roberts; Town Engineer, James Chancellor and Town Secretary, Tenitrus Bethel. Staff present via teleconference included: Interim EDC Manager, Dave Quinn; Police Chief, Granver Tolliver; Fire Chief, Jeff Bell; Assistant to the Town Manager, Adam Wilbourn; and Town Attorney, Clark McCoy.

Mayor Lessner called the meeting to order at 6:01 p.m. and declared a quorum was present.

At 6:02 p.m., the Council then adjourned into executive session regarding consultation with legal counsel, the acquisition of land or easements, and personnel regarding appointment of non-advisory board members.

Mayor Lessner called the regular session to order at 7:36 p.m. and invited everyone to stand for the Pledge of Allegiance and the Texas State pledge.

CITIZENS INPUT:

Barbara Isaacs, 811 Beechwood, expressed thoughts related to the emergency declaration and COVID-19.

Zeev Zanzuri, 160 Horseshoe Bend, expressed thoughts related to public information requests. Cynthia Brugge, expressed thoughts related to drainage.

John McFadden, 501 Bluebird, expressed his thoughts related to internet service.

PROCLAMATIONS

Mayor Lessner presented proclamations to Hindu Swayamsevak Sangh in recognition of their Health for Humanity Yogathon; and Pet Partners in recognition of National Therapy Animal Day.

PRESENTATIONS & REPORTS

Steven Ventura introduced Claire Wooten, with Weaver and Tidwell, presented the results of the annual independent audit for fiscal year ending September 30, 2020.

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 March 2, 2021 Special Council meeting; B) Approve the minutes of the March 2, 2021 Regular Council meeting; C) Approve a resolution authorizing continued participation with the Oncor Cities Steering Committee and payment of assessed dues for 2021; D) Approve the contract renewal of the 2021 Municipal Mosquito contract for mosquito management services.

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

REPORTS FROM STAFF:

Chief Tolliver reviewed the monthly police report.

Chief Bell reviewed the monthly fire report and gave a presentation of the construction of fire station #1.

Mr. Ventura reviewed the monthly financial report.

Mr. Chancellor reviewed current Town construction projects.

PUBLIC HEARING -REZONE 930 COUNTRY CLUB: Mayor Lessner introduced agenda item 9(a), conduct a public hearing and consider approval on a request for a Conditional Use Permit (CUP) for a multi-use sports court. The 1.02-acre site is located at 322 Honey Creek and is zoned for the (PC) Planned Center District. Owner/Applicant: Yuchen Sun. (CUP2021-01).

Mr. Roberts gave a staff report related to the request. He stated the request is for the construction of a 50'x30' concrete pad for a multi-use sport court with a 20'x10' ball containment netting at the north and east sides; and no court lighting has been requested. He stated the request meets setback and design standards. He stated due to limited landscaping staff recommended screening of Nelly R. Stevens hollies at the north and east sides. He stated the PZ recommended approval with the condition that lighting be prohibited. He indicated after the PZ meeting he received a letter of opposition from the adjacent neighbor. He stated the homeowner's association granted approval of this request.

The Council and staff had a discussion related to this request.

Yuchen Sun, applicant, was present and discussed the request with the Council.

Mayor Lessner opened the public hearing.

No one came forward to speak.

Mayor Lessner closed the public hearing.

The Council and staff had a discussion related to this item.

Councilmember Logsdon made a motion to approve the request for a conditional use permit for a multi-use sports court with the site located at 322 Honey Creek. Councilmember Henkle seconded the motion, and the motion was approved unanimously.

DISCUSSION -FAIRVIEW MEADOWS REPLAT: Ms. Couch introduced agenda item 10(a), discuss Fairview Meadows replat of HOA owned space.

Ms. Couch stated this request has been initiated by the Fairview Meadows HOA. She reviewed the history of the parcel; and stated when the development was platted in 2001 approximately 2.8 acres of open space was provided at the north end of the subdivision which the HOA agreed to maintain in lieu of a land dedication the Town. She stated as the requirements for park land

dedication has been revised the HOA has expressed an interest in utilizing a portion of the open space to create a 1-acre lot. She stated under the new park land dedication guidelines the remaining parcel meets the requirements for open space. She indicated the HOA requested to address the Council regarding the request prior to incurring expenses related to surveying and platting for the parcel.

Porter Hull, Fairview Meadows HOA representative, spoke to the Council regarding the request.

The Council, staff and Mr. Hull had an extended discussion related to this request. There was discussion regarding HOA consideration of reimbursement to the town for the value of the open space to be converted to a lot under the town cash in lieu parkland calculation methodology.

DISCUSSION – GUEST HOUSES: Mayor Lessner introduced agenda item 10(b), discuss town regulations regarding guest houses as accessory uses in residential zoning districts and related matters and take any necessary action.

Ms. Couch stated in recent months multiple applications for guesthouses have been received and the current ordinances do not sufficiently define or clarify the requirements for these structures. She stated the staff and Council have discussed conducting a review of current zoning ordinances; staff is recommending moving forward and addressing guest structures.

Mayor Lessner asked Ms. Couch to provide an update on the accessory structure located on Lakewood Dr. Ms. Couch provided an update.

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

Mayor Pro Tem Doi made a motion to remand both the guesthouse and short-term rental discussion to the Planning and Zoning Commission to formulate recommendations. Councilmember Custer seconded the motion, and the motion was approved unanimously.

DISCUSSION – TOWN DRAINAGE: Mayor Lessner introduced agenda item 10(c), discuss Town drainage system policies and regulations and take any necessary action.

Ms. Couch reviewed the steps, process and outcomes from previous drainage discussions. She stated the remaining drainage policy to consider is nuisance water, which is not currently addressed by the Town. She reviewed the instances that nuisance water might occur, and stated staff has identified a number of areas in Town that have a potential for nuisance water. She indicated some property owners have remedied the issues on their own. She reviewed the previous discussion related to prioritization.

Ms. Couch stated if the Council elects to fund nuisance issues, staff's recommendations would be to set aside a small portion of the annual budget on a "first come, first serve" basis until the funds are depleted; and consider requesting a percentage partnership between the Town and the property owner.

Mr. Chancellor discussed design and standards for remediation in further detail.

The Council and staff had an extended discussion related to policy and funding.

The Council directed staff to draft a policy related to nuisance water.

DISCUSSION – HUITT-ZOLLARS ADDENDUM: Mayor Lessner introduced agenda item 10(d), consider and discuss the approval of a revised engineering contract with Huitt-Zollars for engineering consulting and related items and take any necessary action.

Mr. Chancellor reviewed the scope of the Huitt-Zollars drainage study approved at the last council meeting and stated the first step in the process was to hold a meeting with the residents of Foxglen. He stated at the meeting residents expressed interest in expanding the scope to include additional homesites and a more regional study of the area that may provide remediation guidance to homeowner's issues. He stated with the scope expansion the cost of the project would be increased from \$83,770 to \$101,545; and he reviewed the details of the associated costs. He stated staff is recommending approval.

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

Mayor Pro Tem Doi made a motion to approve the revised engineering contract with Huitt-Zollars for engineering and consulting related to the Foxglen study. Councilmember Hubbard seconded the motion, and the motion was approved unanimously.

DISCUSSION – COVID UPDATE: Mayor Lessner introduced agenda item 10(e), discuss COVID-19 activities and actions and take any necessary action.

Ms. Couch stated this month marks the reopening of in-person attendance for Council and PZ meetings; and she recommended not reopening Town Hall this month due to floor replacement scheduled for this month. She indicated Congress recently passed an additional covid funding bill for counties and municipalities; with early estimates calculating the Town could receive \$1.99MM. She indicated regulations are currently being drafted to define how the funds can be spent.

DISCUSSION – BOARDS & COMMISSIONS: Mayor Lessner introduced agenda item 10(e), discuss boards and commissions and take any necessary action.

Mayor Lessner reviewed the current and future vacancies.

Mayor Lessner adjourned the meeting at 10:00 p.m.


Henry Lessner, Mayor


Tenitrus Bethel, Town Secretary

