



TOWN OF FARVIEW, TEXAS

Agenda

Town Council Regular Meeting

March 21, 2024

5:00 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 at:

1. Call to Order

2. Closed Session

In accordance with Texas Government Code:

- a. **A. Section 551.071 – to consult with legal counsel** regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code including CPDD development improvements, ordinances, agreements and financing; contracts for services; town property and infrastructure; administrative matters; drainage matters; town regulations; transportation matters; state law review and compliance.
- B. Section 551.072** - discuss or deliberate the purchase, exchange, sale, lease, or value of real property, acquisition of right-of-way, easements, or land.

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.

3. Action/Discussion Items

- a. Discuss possible revisions to the CPDD regulations and take any necessary action

- b. Discuss and review the status of Fairview Town Center agreements and related matters
- c. Discuss and review allowable uses of Hotel/Motel funds and related matters

4. **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 ____ day of ____ 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 21, 2024

FROM: Planning

SUBJECT: Discuss possible revisions to the CPDD regulations and take any necessary action

BACKGROUND: As a follow-up to the last Town Council meeting, staff has assembled a number of sections from the CPDD code relative to the development of the east side of Highway 5, namely the Urban Transition sub-district. The Urban Transition sub-district is intended for properties which face State Highway 5, Stacy Road and Country Club, and to provide a transition to existing low density residential neighborhoods. It permits a variety of mixed-uses, both residential and commercial, but primarily is intended to retain a residential fabric. To accommodate those different land uses, the district allows a wide range of building types including a variety of residential detached home styles, townhomes, shopfront buildings, and live-work units.

The goal of the work-session is to have an open discussion and provide guidance on any potential revisions to the density/intensity of new residential neighborhoods, open space, development and architectural standards that are currently entitled by the code. Since the residential building types vary by sub-district, the Neighborhood Edge and Neighborhood General sub-districts are also included for reference.

STATUS OF ISSUE:

BUDGET:

RECOMMENDATION:

Attachments:

1. CPDD worksession TC complete



Memorandum

March 21, 2024

FROM: Administration

SUBJECT: Discuss and review the status of Fairview Town Center agreements and related matters

BACKGROUND: Periodically we review the status of the 380 agreement that the Town entered into with the Herring Group that approved in 2006. The Herring Group initiated the development of the Center, at the time the Village of Fairview. In order to bring the development to the Town, an agreement was approved to provide incentives to the developer to consider locating a regional shopping mall in Fairview.

The agreement provided that a minimum of 750,000 square feet of space would be constructed. In addition to other improvements, the developer agreed to construct all required roadways and utilities with the costs to be reimbursed over the life of the agreement through the reimbursement of collected sales taxes.

STATUS OF ISSUE: A summary of the status of the agreement is attached. We will be ready to review the status of the agreement and provide an overview of activity and finances over the life of the agreement at the meeting.

BUDGET: N/A

RECOMMENDATION: Discussion only.

Attachments:

1. Presentation on 380 investment
2. Summary of 380 Agreement Updated 3-24



Memorandum

March 21, 2024

FROM: Administration

SUBJECT: Discuss and review allowable uses of Hotel/Motel funds and related matters

BACKGROUND: We have had some discussion on the use of HOT taxes the town collects. The Mayor would like to further discuss some possible uses related to cultural activities. The Town collects 7% hotel/motel taxes from the two hotels in town. The revenue for the town began in FY 17-18, when the first hotel began operations. The purpose of this item is to review regulations on how those funds may be used under state law, and to discuss options the Council may consider for those uses. Under State law HOT taxes may be used for specific limited uses are summarized as follows:

- (1) advertising and promotional programs... not less than the amount of revenue received by the municipality from the tax at a rate of one percent of the cost of a room. Fairview collects a tax of 7% so a minimum of 1/7th of the collections must be spent on advertising or promotions.
- (2) the encouragement, promotion, improvement, and application of the arts...Not more than 15 percent of the hotel occupancy tax revenue collected by a municipality, or the amount of tax received by the municipality at the rate of one percent of the cost of a room, whichever is greater, may be used for these purposes.
- (3) historical restoration and preservation projects or activities...A municipality may allocate not more than 50 percent of the hotel occupancy tax revenue collected by the municipality for these purposes.
- (4) signage directing the public to sights and attractions that are visited frequently by hotel guests in the municipality...there are no statutory limits on this usage.

STATUS OF ISSUE: To date the town has used the revenues from the HOT tax to pay for marketing expenses. Attached is a spreadsheet that reflects the revenue collections to date, the totals that could be used for cultural and historic purposes, and expenditures from the funds to date. The allocations for cultural and historic activities

can be calculated by the total revenue collected, not necessarily on an annual basis, so based on current collections to date a total of \$189,782 could be assigned for cultural uses. The fund has a projected fund balance of \$426,601 so the funds would be available for such activities. The allocation for historic activities would be \$649,942.

Uses for the cultural activities could include future funding for the Fairview Youth Theater, possible cultural activities within the Center such as concerts, or art shows, as examples. Uses for historic activities could include future expenditures to improve and access the historic arch bridge and related activities.

The Town has received some interest from the Fairview Youth Theater and the Allen Philharmonic Symphony Orchestra for the opportunity to apply for funding for activities in Fairview. Generally, when a town or city have available funds and wish to invite groups to submit applications, a process is developed for reviewing and considering such proposals. Attached are several examples from other cities that have such programs.

BUDGET: TBD

RECOMMENDATION: Discuss funding and options. Provide direction to staff.

Attachments:

1. Example of Rules from other Cities
2. H.O.T. Application
3. Hotel-motel funds analysis