TOWN COUNCIL
MEETING MINUTES
September 2, 2014

The Town Council met in regular session on Tuesday, September 2, 2014 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Ron Samuels, John Adler, Frank O'Reilly, Mayor Pro Tem Henry Lessner, Paul Hendricks and Renee Powell; Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Chief Financial Officer, Jason Weeks; Town Engineer, James Chancellor; Planning Manager, Ken Schmidt; Police Chief, Granver Tolliver; Town Attorney, Clark McCoy and Town Secretary/Public Relations Coordinator, Caitlin Scalley.

Mayor Culbertson called the meeting to order at 6:30 p.m. and declared a quorum was present.

The council then adjourned into executive session at 6:30 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel issues and economic development issues.

Mayor Culbertson reconvened back into regular session at 7:35 p.m. and invited everyone to stand for the Pledge of Allegiance.

MCKINNEY AMATEUR RADIO CLUB CERTIFICATE OF APPRECIATION: McKinney Amateur Radio Club presents Certificate of Appreciation.

Bill Vining, a member of the Board of Directors of the McKinney Amateur Radio Club, presented the Town Council with a Certificate of Appreciation awarded to the Town of Fairview for the use of Town Hall for Field Day 2014.

PRESENTATION FROM NORTH TEXAS MUNICIPAL WATER DISTRICT: Presentation from North Texas Municipal Water District (NTMWD) representative regarding water planning, water conservation and related issues.

Mike Rickman, Deputy Director of the North Texas Municipal Water District (NTMWD), gave a presentation regarding an update on the water supply and the conservation and drought contingency plan. Mr. Rickman stated three factors have contributed to current water restrictions including loss of 28% of the water supply due to denied access to Lake Texoma caused by zebra mussels, the effects of the long-term drought and continued regional growth.

Mr. Rickman addressed questions raised by residents concerning NTMWD's long-range plan.

Council had a discussion regarding water stage restrictions and funding. Councilmember Lessner stated the desire for Fairview to become a Member City.

RESOLUTION FOR AUDITING SERVICES WITH WEAVER AND TIDWELL, LLP:
Discuss and consider a resolution authorizing a contract for professional auditing services with Weaver and Tidwell, LLP, and take any necessary action.

Jason Weeks gave an overview of the town's request for proposal process related to selecting a firm for professional auditing services. The town contracted with Evans, Pingleton & Howard from 2009 to last fiscal year. Mr. Weeks stated a rotation of the town's professional auditing services is appropriate. Mr. Weeks stated the town received proposals from three firms and recommends Weaver and Tidwell, LLP be awarded a contract for auditing services for three years with a two year renewal option.

Councilmember Powell made a motion to authorize the town manager to enter into a professional auditing services agreement with Weaver and Tidwell, LLP. Councilmember Adler seconded the motion, and the motion was unanimously approved.

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 be considered separately. A) Approved minutes of the May 27, 2014 joint council and P&Z meeting. B) Approve minutes of the July 1, 2014 regular council meeting. C) Approve minutes of the August 4, 2014 work session meeting. D) Approve minutes of the August 5, 2014 regular council meeting. E) Approve Amendment #10 of an Interlocal Agreement with Collin County regarding jail services. F) Approve a resolution designating the Allen American as the town's official newspaper, with an effective date of October 1, 2014. G) Consider and take any necessary action on an ordinance amending the town's Fee Schedule, specifically, Appendix A, Article A3.000 (Miscellaneous Fees), in order to amend the fee schedule for planning and development application review fees.

Councilmember O'Reilly requested item F be removed from the consent agenda.

Councilmember Hendricks made a motion to approve the consent agenda, including items A, B, C, D, E and G. Councilmember Adler seconded the motion, and the motion was unanimously approved.

Council had a discussion regarding item F, including circulation numbers and cost of publishing notices.

Councilmember Lessner made a motion to approve item F. Councilmember Powell seconded the motion, and the motion was unanimously approved.

AMEND ORDINANCE 2011-6-7B, LOVEJOY INDEPENDENT SCHOOL DISTRICT:
Conduct a public hearing, consider, and take any necessary action on a request by Lovejoy Independent School District (LISD) to approve an ordinance amending Ordinance #2011-6-7B, the Planned Center District for the LISD Administration Building and Elementary School,

specifically to provide for two additional temporary buildings on the subject property. **(ZA2014-16)**

Mr. Schmidt gave a presentation regarding the zoning amendment request to provide for two additional portable buildings that will be used to accommodate additional office space for the LISD administrative function. Mr. Schmidt stated the location of the portable buildings is compatible with adjacent properties.

Mr. Schmidt stated all property owners within 500 feet of the subject property were notified. Town staff received one (1) statement of support and no statements of opposition. Mr. Schmidt stated the Planning and Zoning Commission and town staff recommend approval of the request.

Mayor Culbertson opened the public hearing.

Dennis Womack, on behalf of Lovejoy ISD, stated the buildings would be used for temporary office space.

Ross Fasolino, 1380 Camino Real, stated his desire to leave the portable buildings in their current location.

Mayor Culbertson closed the public hearing. There was no discussion among the council.

Councilmember O'Reilly made a motion to approve the request to amend Ordinance #2011-6-7B to provide for two additional temporary buildings. Councilmember Lessner seconded the motion, and the motion was unanimously approved.

ORDINANCE AMENDING FUTURE LAND USE PLAN, TOLL BROTHERS, INC.: Conduct a public hearing, consider, and take any necessary action on a request by Toll Brothers, Inc. to approve an ordinance amending the Future Land Use Plan component of the Comprehensive Plan for a 111.453± acre tract of land situated in the Calvin Boles Survey, Abstract No. 28, and generally located south of Stacy Road and 1,300' west of Orr Road. The subject property is currently designated as Residential Estate Country and the requested designation is for the Open Space Preservation land use. **(PA2014-01)**

Mayor Culbertson stated planning cases PA2014-01 and ZA2014-12, items 8B and 8C on the agenda, would be combined into one public hearing.

Mr. Schmidt gave a presentation pertaining to planning cases PA2014-01 and ZA2014-12. The applicant, the Toll Brothers, is requesting a land use plan amendment and zoning change for the subject property. Mr. Schmidt reviewed the application indicating that the proposed use is low density single-family dwellings and public open space. The proposed Preliminary Plan provides for 62 single family residential lots with an average lot size of 1.13 acres and 29.21 acres of publicly accessible open space. Mr. Schmidt stated the proposed development would have two points of access of Stacy Road, and the traffic demand would not significantly impact the level of service for Stacy Road. Mr. Schmidt stated the applicant has agreed to pay all roadway impact fees, a total of $121,000, up front. He also indicated that the developer would escrow approximately $20,000 for construction of a trail along Stacy Road and construct parkland improvements. He stated the proposed parkland dedication would be the largest segment of public parkland within town limits and would link multiple neighborhoods.

Councilmember Lessner left the room at 8:47 p.m. and returned at 8:50 p.m.

Mr. Schmidt stated 131 property owners and Lovejoy ISD were notified. Town staff received seven (7) statements of support and seventeen (17) statements of opposition from residents who received notifications. Town staff received two (2) statements of opposition and two (2) statements of support conditioned upon the elimination of the parking access drive linked to the Thompson Springs access drive from residents outside of the required notification range.

Mr. Schmidt stated the Planning and Zoning Commission recommends approval of an amendment to the Future Land Use Plan in order to change the land use classification from Residential Estate Country to Open Space Preservation. Mr. Schmidt stated the Planning and Zoning Commission recommends approval of the zoning change request from Two-Acre Ranch Estates to Planned Center Zone conditioned upon the relocation of the open space convenience parking and elimination of the vehicle access drive linked to the Thompson Springs access drive.

Mr. Schmidt stated town staff recommends approval of the amendment to the Future Land Use Plan and the zoning change request.

The council had a discussion regarding points of access, septic issues, the use of Beaver Run Park and the current park plan.

Mayor Culbertson opened the public hearing.

Ricardo Doi, on behalf of Dowdey, Anderson & Associates, Inc., stated the highlight of the plan is the park dedication.

Rob Paul, on behalf of Toll Brothers, gave an overview of the plan. Council had a discussion with Mr. Paul regarding density concerns, custom-building options and berms.

Nathan Day, 1000 Remington Court, stated his support for the open space dedication and his opposition of the proposed lot density.

Ron Kasian, 1241 Red Oak Trail, stated his opposition to the plan due to density concerns and asked the council to ask the developer to look for alternatives and make improvements.

Mary Price, 579 Meandering Way, stated her concern regarding the proposed buffer. She stated the majority of the town's open space is already in this area.

Mike VanNatta, 5141 Stream Crest Way, stated his support for the proposed open space.

Mayor Culbertson closed the public hearing.

The council had a discussion regarding economic trade-offs between their support for the proposed open space and their concern with the proposed lot density. Mrs. Couch asked the Council to provide direction to the applicant in order to provide additional options. The council stated they were willing to consider removal of the proposed park improvements (an estimated $400,000), removal of the proposed upfront impact fees ($121,000) and removal of the proposed costs associated with a trail (an estimated $20,000) in exchange for lower density. There was discussion regarding reduction in the number of lots, including a reduction to 58 lots. The council had a discussion with town staff regarding the planning process in relation to future steps needed to review additional options.

Mayor Culbertson reopened the public hearing. Councilmember Samuels made a motion to continue the public hearing on a date certain of October 7, 2014 at 7:30 p.m. at Town Hall, located at 372 Town Place. Councilmember Lessner seconded the motion, and the motion was unanimously approved.

REZONING ORDINANCE, TOLL BROTHERS, INC.: Conduct a public hearing, consider, and take any necessary action on a request by Toll Brothers, Inc. to approve an ordinance rezoning a 111.453± acre tract of land situated in the Calvin Boles Survey, Abstract No. 28, and generally located south of Stacy Road and 1,300' west of Orr Road. The subject property is currently zoned Two-Acre Ranch Estate (RE-2), and the requested zoning change is for the Planned Center (PC) Zoning District, specifically, to provide for single-family detached and open space uses. **(ZA2014-12)**

Planning cases PA2014-01 and ZA2014-12 were combined into one public hearing. Town Council voted to continue the public hearing on a date certain of October 7, 2014 at 7:30 p.m. at Town Hall, located at 372 Town Place.

BOARDS AND COMMISSIONS: Discuss Boards and Commissions, and take any necessary action.

Councilmember Lessner presented the subcommittee's recommendations for appointments to the town's boards and commissions. The subcommittee is comprised of Councilmember Lessner, Councilmember O'Reilly and Councilmember Hendricks.

Councilmember Lessner recommended Mary Price replace John Adler on the Economic Development Corporation and Community Development Corporation boards.

Councilmember Powell made a motion to approve the recommendation. Councilmember Lessner seconded the motion, and the motion passed with five (5) approvals and two (2) abstentions. Councilmembers Adler and O'Reilly abstained.

Councilmember Lessner recommended Glenn Messner replace Beth DiGioia on the Parks and Recreation Board.

Councilmember Lessner made a motion to approve the recommendation. Councilmember Powell seconded the motion, and the motion was unanimously approved.

Councilmembers Adler and Samuels left the room at 10:15 p.m.

Councilmember Samuels returned to the room at 10:17 p.m.

ORDINANCE AMENDING FY2013-2014 BUDGET: Discuss and consider an ordinance amending the 2013-2014 fiscal year budget, and take any necessary action.

Mr. Weeks gave an overview of the town's budget process. He stated the Fiscal Year 2013-2014 budget ordinance, Ordinance No. 2013-9-3G, needs to be amended to reflect the changes that have occurred since the adoption of the Fiscal Year 2013-2014 budget. Mr. Weeks stated the changes within the funds were necessary transfers as part of the creation of six funds, created in order to properly account for town operations. Mr. Weeks stated the Fiscal Year 2013-2014 budgeted expenditures will increase by $6,631,990.

Council had a discussion regarding the new funds.

Councilmember Powell made a motion to approve an ordinance amending the Fiscal Year 2013-2014 budget. Councilmember Lessner seconded the motion, and the motion passed with six (6) approvals. Councilmember Adler was not present for the vote.

Councilmember Adler returned to the room at 10:21 p.m.

ORDINANCE APPROVING PROPOSED FY2014-2015 BUDGET: Discuss and consider an ordinance approving the proposed 2014-15 budget, and take any necessary action.

Mr. Weeks gave an overview of the proposed Fiscal Year 2014-2015 budget. He stated Town Council and staff held a budget work session on August 4, 2014. A public hearing was held on August 19, 2014 and the proposed budget was discussed on August 27, 2014 Special Town Council meeting.

Mr. Weeks gave an overview of the General Fund, including fund transfers, personnel raises and additions, a shift from contracting emergency medical services to in-house service provision, continuing funds for Texoma Area Paratransit System (TAPS) services for elderly and disabled residents, the transition of fire dispatching services from Collin County to Wylie and capital purchases for the police and fire departments. Mr. Weeks stated the largest increase in the General Fund revenue was an increase of 7.5% in the tax base due primarily to increases in existing values.

Mr. Weeks gave an overview of the strategic initiatives included in the proposed budget, including infrastructure, community development, economic development, communications, town identity, fiscal responsibility and public safety. Mr. Weeks provided information regarding the Water and Wastewater Fund, Capital Improvement Program Funds, Economic Development Corporation Fund and Community Development Corporation Fund.

Councilmember Powell made a motion to approve an ordinance approving the proposed Fiscal Year 2014-2015 budget. Councilmember Adler seconded the motion. The vote was as follows:

Councilwoman Powell	–For	Councilman Adler	–For
Councilman Hendricks	–For	Councilman Samuels	–For
Councilman Lessner	–For	Mayor Culbertson	–For
Councilman O'Reilly	–For		

ORDINANCE APPROVING PROPOSED FY2014-2015 AD VALOREM TAX RATE: Discuss and consider an ordinance on the proposed 2014-15 ad valorem tax rate, and take any necessary action.

Mr. Weeks stated the town published the required ad valorem tax rate notice in the McKinney Courier-Gazette on August 10, 2014 and posted it to the town's website on August 5, 2014. The town held two public hearings on August 19, 2014 and August 27, 2014 regarding the proposed Fiscal Year 2014-2015 ad valorem tax rate of $0.359999 per $100 valuation. Mr. Weeks stated the proposed ad valorem tax rate consists of an interest and sinking (I&S) rate of $0.138266 and a maintenance and operations (M&O) rate of $0.221733.

Mayor Culbertson made a motion to approve an ordinance approving the proposed Fiscal Year 2014-2015 ad valorem tax rate of $0.359999. Councilmember Lessner seconded the motion, and the motion was unanimously approved.

ORDINANCE RATIFYING FY2014-2015 PROPERTY TAX REVENUE INCREASE: Discuss and consider an ordinance ratifying the 2014-15 property tax revenue increase, and take any necessary action.

Mr. Weeks stated the Fiscal Year 2014-2015 budget will raise more revenue from property taxes than the previous year by $302,976 due to new property added to the tax roll and increased assessments.

Councilmember Samuels made a motion to approve an ordinance ratifying the Fiscal Year 2014-2015 property tax revenue increase. Councilmember Powell seconded the motion, and the motion was unanimously approved.

ORDINANCE AMENDING FEE SCHEDULE (UTILITY RATES AND CHARGES): Discuss and consider an ordinance amending the town's Fee Schedule, specifically, Article A4.000 (Utility Rates and Charges), in order to increase water and sewer rates, and take any necessary action.

Mr. Weeks stated a water and sewer rate study was conducted by McLain Decision Support Systems in 2013. The study recommended increases in water and sewer rates beginning in 2013. Mr. Weeks stated it was determined during the budget process that a 15% increase was needed to meet current and future town needs. Mr. Weeks stated staff recommends a 15% increase in the water and sewer fee rate structure with an effective date of November 1, 2014.

Councilmember Lessner made a motion to approve an ordinance amending the town's Fee Schedule in order to increase water and sewer rates. Councilmember Hendricks seconded the motion, and the motion was unanimously approved.

ADDITIONAL CONSTRUCTION COSTS, TXDOT STACY ROAD PROJECT: Discuss and consider approving additional construction costs on the TxDOT Stacy Road project at the Meandering Way intersection, and take any necessary action.

James Chancellor reviewed the changes that were being proposed by TxDOT and stated the additional construction cost of $63,000 is an optional expense which would help with efficiency of traffic signal timing on Stacy Road.

Council had a discussion regarding Meandering Way, crosswalks and funding sources.

Councilmember Adler made a motion to approve additional construction costs. Councilmember Hendricks seconded the motion, and the motion passed with six (6) approvals and one (1) opposition. Councilmember Lessner opposed the motion.

Councilmember Adler left the room at 10:46 p.m.

LOSS OF STANDING WATER IN OAKWOOD ESTATES SUBDIVISION: Discuss the loss of standing water in Sloan Creek just west of the Parkdale Bridge in the Oakwood Estates subdivision.

Mr. Chancellor updated Council on a concrete dam built in the 1950s by the owner of the property at that time which had created a pond in the creek for a few hundred feet. The concrete structure was undermined and water is now flowing under the concrete, eliminating the pond that had existed since the 1950's. He also indicated the dam had collapsed in several areas. Mr. Chancellor stated there is no threat to the nearby bridge, and the creek is simply flowing at a normal level.

Council had a discussion regarding property ownership and the impact of the failed dam. No action was taken.

Councilmember Adler returned to the room at 11:03 p.m.

CITIZEN'S INPUT:

Mike VanNatta announced the Friends of Fairview will host a Pancake Breakfast on September 27, 2014 at Fire Station #1.

Mayor Culbertson adjourned the meeting at 11:05 p.m.

REPORTS FROM STAFF:

Council was given documents regarding the monthly financial report for the period ending July 31, 2014. There was no discussion.

Mayor Culbertson adjourned the meeting at 11:05 p.m.

DARION CULBERTSON, MAYOR

ATTEST: Caiti Scalley

Caitlin Scalley, Town Secretary/Public Relations Coordinator

TOWN OF FAIRVIEW