TOWN COUNCIL
MEETING MINUTES
October 7, 2014

The Town Council met in regular session on Tuesday, October 7, 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, 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; Engineer-In-Training, Danielle Gregory; Planning Manager, Ken Schmidt; Police Chief, Granver Tolliver; Fire Chief, Dick Price; Assistant Fire Chief/Fire Marshall Jeff Bell; Economic Development Manager, Ray Dunlap; Human Resources Director, Judy Webster; Town Attorney, Clark McCoy; and Town Secretary/Public Relations Coordinator, Caitlin Scalley. Council Member Henry Lessner was absent.

Mayor Culbertson called the meeting to order at 6:32 p.m. and declared a quorum was present.

The council then adjourned into executive session at 6:33 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel issues and economic development negotiations.

Mayor Culbertson reconvened back into regular session at 7:32 p.m. and invited everyone to stand for the Pledge of Allegiance.

SCRAMBLE FOR SOLDIERS PROCLAMATION: Mayor Culbertson presents Scramble for Soldiers Proclamation.

Mayor Culbertson presented the Scramble for Soldiers Proclamation to Mary Naehring, a representative of the Scramble for Soldiers Committee. The proclamation declared October 13, 2014 as "Scramble for Soldiers Day" in the Town of Fairview.

CERTIFICATE OF ACHIEVEMENT FOR PLANNING EXCELLENCE FROM TXAPA: Town of Fairview receives Certificate of Achievement for Planning Excellence from the TxAPA.

Mr. Schmidt stated the town had been awarded a Certificate of Achievement for Planning Excellence by the Texas Chapter of the American Planning Association due to the commission, council and staff's willingness to attend trainings and to support planning projects.

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FROM GFOA: Town of Fairview receives Certificate of Achievement for Excellence in Financial Reporting from the GFOA.

Mrs. Couch stated the town submitted its Comprehensive Annual Financial Report (CAFR) for the first time last year and received feedback from the Government Finance Officers Association (GFOA). Mr. Weeks took those comments and updated this year's CAFR to those standards. Mayor Culbertson congratulated Mr. Weeks and his staff, and he stated there has been significant improvement in financial reporting.

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 August 19, 2014 special council meeting. B) Approve minutes of the August 29, 2014 special council meeting. C) Approve minutes of the August 27, 2014 special council meeting. D) Approve minutes of the August 27, 2014 Community Open House. E) Approve minutes of the September 2, 2014 regular council meeting. F) Approve minutes of the September 3, 2014 special council meeting. G) Approve an Interlocal Agreement with the Collin County Sheriff's Office regarding child abuse investigation services. H) Approve a planning services agreement between the town and Townscape Planning, Inc. for Urban Design Officer Services.

Councilmember Samuels requested item H be removed from the consent agenda.

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

Councilmember Samuels addressed an error within the agreement for item H. Mr. Schmidt stated the error would be corrected before executing the agreement.

Councilmember Samuels made a motion to approve item H with the noted change. Councilmember O'Reilly seconded the motion, and the motion was unanimously approved.

AMENDING ORDINANCE #2013-8-6A: Conduct a public hearing, consider, and take any necessary action on a request by Mr. David Field of Edward Jones Investments for approval of an ordinance that shall amend Ordinance No. 2013-8-6A, the Planned Center Zoning District for 430 S. State Highway 5, a 0.5-acre property specifically defined as Lot 1, LA Caldwells Dreamland Addition - 1st Installment, generally in order to amend the definition for office uses permitted on the site and to update the development plan and standards for the PC district. **(ZA2014-19)**

Mr. Schmidt gave a presentation regarding a zoning change request to amend the permitted uses of the subject property and to update the development plan and standards. The current permitted uses include boutique retail and business office. Mr. Schmidt stated the applicant is proposing to use the existing structure on the property to provide office space for an Edward Jones Investments office. Mr. Schmidt stated the applicant is requesting to amend the definition for the business office use, to provide for five require pull-in parking spaces instead of six, to accommodate the required fire hydrant on the south side of Bluebird Lane instead of the north side and for flexibility to deviate from the currently prescribed landscape plan.

Mr. Schmidt stated 46 property owners had been notified. Town staff received two (2) statements of support and no statements of opposition. Mr. Schmidt stated the Planning and Zoning Commission recommends approval of the request conditioned upon removal of boutique retail as a permitted use. Mr. Schmidt stated staff recommends approval conditioned upon removal of the boutique retail use and stricter signage regulation. Mr. Schmidt stated staff recommends signage be regulated not to exceed what is prescribed within the CPDD.

Mayor Culbertson opened the public hearing.

The potential property owner, David Field, stated he is currently located in McKinney and would like to move his practice closer to his future home in Fairview.

No other comments were made. Mayor Culbertson closed the public hearing.

Councilmember O'Reilly made a motion to approve the request to amend Ordinance No. 2013-8-6A with the condition that signage for the subject property does not exceed regulations for CPDD signage. Councilmember Samuels seconded the motion, and the motion was unanimously approved.

ORDINANCE AMENDING FUTURE LAND USE PLAN, TOLL BROTHERS, INC.: Continue 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)**

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 stated the applicant previously presented a Preliminary Plan that provided for 62 single-family residential lots with an average lot size of 1.12 acres and 29.31 acres of publicly accessible open space. At the September 2, 2014 Town Council meeting, the council requested the applicant return and present options that would reflect less density. At that time, the applicant indicated a decrease in density would result in a decrease in public improvements and amenities. Mr. Schmidt stated the applicant submitted 4 options.

Option 1 provides for 62 lots and the same amenity package, while providing an enhanced median at the western entryway and increased lot size at both entryways. Option 2 provides for 60 lots, allowing for a potential lot size of 1.12 to 1.16 acres per lot. The applicant would no longer provide for the previously proposed trail, open space amenities, trailhead parking area or the $20,000 escrow for the extension of the Stacy Road perimeter trail. Option 3 provides for 58 lots, allowing for a potential lot size of 1.12 to 1.20 acres per lot. The applicant would no longer provide the previously proposed trail, open space amenities, trailhead parking area or the $20,000 escrow for the extension of the Stacy Road perimeter trail. The applicant would request the town waive $110,000 of the developer's roadway impact fees rather than fronting the roadway impact fees as previously proposed. Option 4, which has not been fully assessed by the applicant, provides for approximately 50 lots and would result in the applicant conforming to the existing zoning. Mr. Schmidt stated the town would not be able to prevent developing access off of Thompson Springs Road or development of the previously proposed open space.

Mr. Schmidt stated the development of the open space area is the only way to see a substantial change in lot size. Mr. Schmidt summarized the revenue implications for each option..

Council had a discussion regarding the applicant's initial submittal and proposed gross density.

Rob Paul, on behalf of Toll Brothers, Inc., stated proposed lot sizes range from one (1) to two (2) acres with the majority of lots being closer to one (1) acre. He stated the park improvements estimate of $120,000 given in the staff presentation is estimated to be $380,000-$400,000. Mr. Schmidt agreed with Mr. Paul's updated estimate.

Mayor Culbertson stated council must weigh the potential benefits to the town in order to warrant higher density in this area.

The council had a discussion regarding the lot comparison provided by staff and the four options that were presented by Toll Brothers, Inc. Council discussed the implications of option 4.

Mayor Culbertson reopened the public hearing from the September 2, 2014 meeting. The public hearing was a joint public hearing for planning cases PA2014-01 and ZA2014-12.

Nathan Day, 1000 Remington Court, stated his opposition of the requests and stated his concerns regarding having an additional underutilized park.

No additional comments were made. Mayor Culbertson closed the public hearing.

The council had a discussion regarding tradeoffs in order to achieve lower density. Councilmember Adler stated this is a unique opportunity to capture 30 acres of dedicated open space, and he prefers option 2. Councilmember O'Reilly stated the perimeter trail is important, and he prefers option 2. Councilmember Hendricks stated his support for the open space. Councilmember Powell stated there is a significant difference between 1 and 1.5 acre lots. Mayor Culbertson stated he would like to see option 2 with the previously proposed trail. Mr. Schmidt stated the applicant may be interested in exploring cost sharing options for park amenities.

Mayor Culbertson reopened the public hearing.

Councilmember O'Reilly made a motion to continue the public hearing for planning cases PA2014-01 and ZA2014-12 on a date certain of November 4, 2014 at 7:30 p.m. at Town Hall. Councilmember Adler seconded the motion, and the motion was unanimously approved.

REZONING ORDINANCE, TOLL BROTHERS, INC.: Continue 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 November 4, 2014 at 7:30 p.m. at Town Hall.

ORDINANCE AMENDING FUTURE LAND USE PLAN, M. CHRISTOPHER AND COMPANY: Conduct a public hearing, consider, and take any necessary action on a request by M. Christopher and Company for approval of an ordinance that shall amend the Future Land Use Plan component of the Comprehensive Plan for six tracts of land comprised of 72.959± acres and generally located east of Country Club Road (FM 1378) and 1,600' north of Stacy Road. The subject properties are currently designated as Residential Estate Country and Floodplain and the requested designation is for the Open Space Preservation and Floodplain land uses. **(PA2014-02)**

Mr. Schmidt gave a presentation pertaining to planning cases PA2014-02 and ZA2014-15. The applicant, M. Christopher Custom Homes, is requesting a land use plan amendment and zoning change for the subject properties. Mr. Schmidt reviewed the application indicating that the proposed use is low density single-family dwellings with private open space. The proposed Preliminary Plan provides for 40 single family residential lots with an average lot size of 1.26 acres and 17.72 acres of publicly accessible and privately owned open space.

Mr. Schmidt stated the applicant is requesting to recover 9.06 acres of the Sloan Creek floodplain. The applicant's floodplain study indicates the proposed development will not cause a rise of the floodplain downstream of the subject properties. The study indicates a slight improvement to flood conditions north of Sloan Creek. Mr. Schmidt stated the applicant is proposing to create a drainage swale in order to provide for additional valley storage for floodwaters during flood events. Mr. Schmidt stated the applicant is also proposing 17 acres of open space and public hike and bike trail.

Mr. Schmidt stated 68 property owners were notified. Town staff received eleven (11) statements of opposition and two (2) statements of support. Mr. Schmidt states an estimated fifteen (15) residents were in attendance at the September 18, 2014 Planning and Zoning Commission meeting in which residents provided input concerning the proposed density and floodplain recovery. Mr. Schmidt stated the Planning and Zoning Commission recommends approval of the request to amend the Future Land Use Plan with a 3-1 vote and approval of the request for a zoning change with a 3-1 vote..

The council had a discussion regarding the flood study, the proposed swale and the structural integrity of the proposed homes within the floodplain.

Mayor Culbertson opened the public hearing.

Bryon Reid, on behalf of M. Christopher Homes, stated concerns from the Planning and Zoning Commission meeting had been addressed. He gave an overview of the proposed open space, hike and bike trail and floodplain recovery impacts.

Mel Tolle, 1300 Farmstead, stated his support of the proposed plan.

Bill McLean, 301 Kentucky Lane, stated the density standards developed by the town should be followed rather than conforming to the developer's wishes.

Meg Latham, 461 Kentucky Lane, stated her opposition of the proposed density. She stated the town needs more open space, but not necessarily in the form of additional parks and trails.

Donald Latham, 461 Kentucky Lane, stated his opposition.

Trent Ballew, 531 Kentucky Lane, stated his concerns regarding density and the lack of consistency with nearby properties. He stated his support for more open space, but that town doesn't need an additional park. He requested the developer attempt to follow the Future Land Use Plan and plan for 1.5 acre lots at minimum.

Gary Carter, 451 Kentucky Lane, stated his opposition due to density concerns.

Mayor Culbertson closed the public hearing.

The council had a discussion regarding the proposed floodplain recovery and the desire to see less density. Mayor Culbertson stated the floodplain reclamation benefits are marginal and the town should take action if there is concern for flooding.

Mr. Reed stated decreasing the number of lots causes a tremendous financial impact. The council discussed potential lot removal with the applicant.

Mayor Culbertson reopened the public hearing.

Councilmember Adler made a motion to continue the public hearing for planning cases PA2014-02 and ZA2014-15 at a date certain of November 4, 2014 at 7:30 p.m. at Town Hall. Councilmember Hendricks seconded the motion, and the motion carried with five (5) in support and one (1) in opposition. Councilmember Powell opposed the motion.

REZONING ORDINANCE, M. CHRISTOPHER AND COMPANY: Conduct a public hearing, consider, and take any necessary action on a request by M. Christopher and Company for approval of an ordinance that shall rezone six tracts of land comprised of 72.959± acres and generally located east of Country Club Road (FM 1378) and 1,600' north of Stacy Road. The subject properties are currently zoned Agriculture (AG), Two-Acre Ranch Estate (RE-2), and the Open Space and Flood Hazard (FH) zones. The requested zoning change is for the Planned Center (PC) Zoning District, specifically, to provide for single-family detached and open space uses. **(ZA2014-15)**

Planning cases PA2014-02 and ZA2014-15 were combined into one public hearing. Town Council voted to continue the public hearing on a date certain of November 4, 2014 at 7:30 p.m. at Town Hall.

REPLAT LOT 9C, BLOCK A, OF THE VILLAGE AT FAIRVIEW ADDITION: Conduct a public hearing, consider, and take any necessary action on a request by Brockette, Davis, and Drake, Inc. to replat a 4.185± acre tract of land that is zoned Commercial Planned Development District (CPDD), and is generally located east of US 75 and north of Stacy Road, being Lot 9C, Block A, of the Village at Fairview Addition. **(R2014-01)**

Mr. Schmidt gave a presentation regarding a replat request to subdivide the subject property into two lots, Lots 9D and 9E, and add a fire lane easement in order to accommodate the development of a bank on the proposed Lot 9E.

Mr. Schmidt stated adjacent property owners had been notified in accordance with town and state requirements. Town staff received no statements of support or opposition. Mr. Schmidt stated town staff recommends approval of the request as submitted to replat Lot 9C, Block A, Village at Fairview Addition.

Mayor Culbertson opened the public hearing. No comments were made.

Mayor Culbertson closed the public hearing.

Councilmember Powell made a motion to approve the replat request as submitted. Councilmember O'Reilly seconded the motion, and the motion was unanimously approved.

TOWN COMMUNICATIONS: Discuss town communication efforts, and take any necessary action.

Councilmember Adler stated there is a need to evaluate the town's communication efforts between staff, council members and residents. He suggested a group be assembled to address content, ownership and organization aspects of communication outlets.

Councilmember O'Reilly made a motion to create a communications subcommittee of one council member to work with town staff on communications issues and to appoint Councilmember Adler as this person. Councilmember Samuels seconded the motion, and the motion carried with five (5) in support and one (1) abstention. Councilmember Adler abstained.

HEALTH AND SANITATION ORDINANCE AMENDMENT: Discuss and consider adoption of an ordinance amending Chapter 6 (Health and Sanitation) of the Fairview Code establishing standards and regulating certain food establishments, temporary events, and farmers markets, and take any necessary action.

Mr. Dunlap gave an overview of the proposed updates to the health and sanitation ordinance. He stated language has been added to incorporate new state regulations of farmers' markets, to allow restaurants to apply for a variance to allow dogs on their patios, to allow food vendors at special events and to differentiate between food trucks for special events and food trucks for construction sites.

Julie Stallcup, the town's designated Health Inspector, had a discussion with council regarding the size of dogs allowed on patios and notification for restaurants.

Mr. McCoy stated establishments can be more restrictive, but not less restrictive the ordinance.

Councilmember Samuels made a motion to approve an ordinance amending Chapter 6 of the Fairview Code in order to establish standards and regulating food establishments, temporary events and farmer's markets. Councilmember O'Reilly seconded the motion, and the motion was unanimously approved.

RESOLUTION ADOPTING TOWN PERSONNEL POLICIES UPDATES: Discuss and consider approval of a resolution adopting updates to the Town personnel policies, and take any necessary action.

Mrs. Couch stated the personnel policy document provided for all of the general personnel policies of the town. She indicated that, previously, the council had approved policies that had financial impacts, and the submitted document had not changed any of those policies. She also indicated the policy provided that the administrative procedures necessary to implement the policies are developed and managed by the Town Manager. She stated it is important to express the general policies of the town, such as sexual harassment, employee conduct and hiring policies, in a document approved by the council.

The council had a discussion regarding employee conduct.

Councilmember Hendricks made a motion to approve a resolution adopting the proposed updates to the Town personnel policies. Councilmember Powell seconded the motion, and the motion was unanimously approved.

PRO RATA ORDINANCE FOR 8" WATER LINE: Discuss and consider approving a Pro Rata Ordinance for an 8" water line bore under SH5 just south of Indian Springs, and take any necessary action.

Mr. Chancellor stated there are three (3) parcels of land on the east side of Highway 5 across from Indian Springs that are served by a dead end, six (6) inch water main. The fire department has determined the existing fire hydrant at the end of the main does not meet minimum fire flow requirements for the town. Mr. Chancellor stated an eight (8) inch connection to the existing sixteen (16) inch water main on the opposite side of Highway 5 would establish the required fire flow along the six (6) water main if it were extended. He stated the total costs for engineering, surveying and construction would be $54,026. He stated town staff recommends approving a 50/50 split of the costs of the extension between the installer/developer and the town. He stated the proposed pro-rata reimbursement ordinance would allow the installer/developer and the town to recover their initial investment.

Councilmember O'Reilly made a motion to approve the pro-rata ordinance authorizing a 50/50 split of the costs and pro-rata collection fees in order to recoup the initial costs. Councilmember Hendricks seconded the motion, and the motion was unanimously approved.

PURCHASE OF PRIMARY AND RESERVE AMBULANCES: Discuss and consider the purchase of a primary ambulance and a reserve ambulance, and take any necessary action.

Chief Price stated there are three (3) issues to address regarding Emergency Medical Services (EMS), including personnel, equipment for vehicles and billing for services. He stated a bid for a new vehicle had been received, and he requested a not to exceed amount of $190,000. He stated a used vehicle had not been located, and he requested a not to exceed amount of $90,000. He stated the town entered into a buying agreement with American Medical Response (AMR) which will allow the purchase of equipment for the ambulances at a significant reduction. Chief Price stated the council will have a more detailed discussion regarding equipment at the next council meeting.

Councilmember Adler made a motion to approve a not to exceed amount of $190,000 for the purchase of a new ambulance and a not to exceed amount of $90,000 for the purchase of a used ambulance. Councilmember Powell seconded the motion, and the motion was unanimously approved.

REQUEST FOR SEALED PROPOSALS AND BEST-VALUE CRITERIA FOR EMERGENCY MEDICAL SERVICES BILLING AND COLLECTION SERVICES: Discuss and consider approval of a request for sealed proposals and best-value criteria for emergency medical services billing and collection services, and take any necessary action.

Chief Price stated the fire department will need a billing company for EMS services provided to Fairview residents. Chief Price stated the council is voting on approving the request for proposals document and authorizing the Town Manager to determine the best value for the town.

Councilmember Hendricks made a motion to approve the request for sealed proposals process and to authorize the Town Manager to determine the best value. Councilmember O'Reilly seconded the motion, and the motion was unanimously approved.

CITIZEN'S INPUT:
No comments were made.

REPORTS FROM STAFF:
The council was given documents regarding the monthly financial report for the period ending August 31, 2014. There was no discussion.

Chief Price updated the council on the fire department's Ebola response preparation. He reminded the council about their scheduled tours of the Wylie Dispatch Center on October 14, 2014.

Mrs. Couch reminded the council of the special council meeting on October 15, 2014 at 6:30 p.m. at Town Hall.

Mr. Dunlap gave an overview of the *Sportsradio 1310 The Ticket*'s scheduled broadcasts throughout Fairview in preparation of The Showdown Half Marathon and 5K. Mr. Dunlap updated the council on the opening of Wild Salsa in Fairview.

Councilmember Hendricks stated he attended the Texas Municipal League Annual Conference in Houston, along with Mr. Wilbourn.

Mayor Culbertson adjourned the meeting at 11:45 p.m.

DARION CULBERTSON, MAYOR

ATTEST:

Caitlin Scalley, Town Secretary

TOWN OF FAIRVIEW