TOWN COUNCIL
MEETING MINUTES
May 5, 2015

The Town Council met in regular session on Tuesday, May 5, 2015 at 5:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson; Council Members Ron Samuels, John Adler, Frank O'Reilly, Henry Lessner, Paul Hendricks and Renee Powell; Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Town Engineer, James Chancellor; Chief Financial Officer, Jason Weeks; Police Chief, Granver Tolliver; Town Attorney, Clark McCoy; and Interim Town Secretary/Public Relations Coordinator, Sherry Jackson.

Mayor Culbertson called the meeting to order at 5:30 p.m. and declared a quorum was present.

The council then adjourned into executive session at 5:35 p.m. to consult with legal counsel regarding pending or contemplated litigation. The council discussed land acquisition for town facilities, personnel issues and economic development negotiations.

Mayor Culbertson reconvened back into regular session at 7:36 p.m. and invited everyone to stand for the Pledge of Allegiance.

PROCLAMATION: Mayor Darion Culbertson presented to members from several local clubs a Motorcycle Safety Proclamation naming the month of May as Motorcycle Safety and Awareness Month urging all residents to observe Fairview's commitment to increase safety awareness in our community.

SPECIAL EVENTS COMMITTEE REPORT: Receive a report from Events Committee on Gus Macker Event and take any necessary action.

Special Events Committee Co-Chairperson Chris Hendricks gave an update on the committee's actions taken from the decision made to postpone the Gus Macker Event. She stated the committee has secured a commitment from donors to support the new date.. She stated this allows the opportunity to develop more teams for the event to ensure a quality experience for the players and the other participants.

MUNICIPAL MOSQUITO REPORT: Mike Swan from Municipal Mosquito, reported status on testing thus far. he reviewed the process they use and how the traps are tested.

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) Approve minutes of the March 3, 2015 council meeting, March 26, 2015 special council meeting and the April 7, 2015 council meeting. B) Approve a budget amendment pertaining to items needing to be re-appropriated from Fiscal Year 2013-14 to the current Fiscal Year. C) Approve an office space lease with Baxter IT Consulting Services, Inc. D) Approve a service agreement for information

services provided by Baxter IT Consulting Services, Inc. E) Approve an ordinance that revises the regulations governing the Town Events Committee. F) Approve an abandonment of a sanitary sewer easement for a sewer line that was rerouted in the Village of Fairview II Addition.

Town Manager stated the March 26, 2015 minutes are not complete and should be excluded from Council's action. Councilmember Adler requested item A be removed from the consent agenda, so that he could abstain from the vote due to his absence at the March 3, 2015.

Councilmember Hendricks made a motion to approve items B, C, D, E and F on the consent agenda. Councilmember Powell seconded the motion, and the motion was unanimously approved.

Councilmember Lessner made a motion to approve item A on the consent agenda. Councilmember O'Reilly seconded the motion, and the motion carried with five (5) approvals and one (1) abstention. Councilmember Adler abstained from the vote.

REPLAT FOR CAMPBELL, RAEHPOUR AND MILLER PROPERTIES: Conduct a public hearing, consider, and take any necessary action on a request by Paul Raehpour, Jacob Miller, and James Campbell for a Replat of Lots 51 and 52, Block A of The Villages of Fairview Phase II Addition and Lot 2 of the proposed Campbell/Knight Place Addition in order to convey segments of the proposed Lot 2, Campbell/Knight Addition to Lots 51 and 52, The Villages of Fairview Phase II Addition. The subject properties are zoned Commercial Planned Development District (CPDD) – Neighborhood General Sub-District and One-Acre Ranch Estate (RE-1) and are generally located east of Emerson Court and South of Murray Road. **(R2015-03).**

Mr. Schmidt stated his presentation would apply to all remaining agenda items pertaining to Paul Raehpour, Jacob Miller, and James Campbell property. Mr. Schmidt stated the applicant is applying for replat in order to convey segments of the proposed Lot 2, Campbell/Knight Addition to Lots 51 and 52, The Villages of Fairview Phase II Addition.

Mr. Schmidt gave a presentation regarding planning cases FP2015-02, R2015-03 and ZA2015-05. Mr. Schmidt described the complex platting and zoning scenario that developed from a request from one of the impacted applicants. Mr. Schmidt stated that the Raehpour family desired to construct a pool and tornado shelter in their rear yard, but due to the depth/setback requirements for their yard and the presence of a sewer line, they could not accommodate their desired layout. Mr. Schmidt stated that the Raehpour family approached Jim Campbell about purchasing a sewer easement – and eventually – a segment of his undeveloped 2.6 acre tract of land to facilitate movement of the sewer line and expansion of their yard space. Mr. Schmidt stated the Miller family also communicated interest in pursuing a similar scenario at that time.

Mr. Schmidt further stated due to the potential subdivision of the unplatted Campbell property, a plat of the property was required, at which time the Campbell's elected to exercise their right to further subdivide the tract to support two residential home sites. This subdivision of land also entailed a small right-of-way dedication, utility easement provision, and a staff recommended cash-in-lieu of parkland dedication of $3,292.

Mr. Schmidt stated in order to replat their properties and use the new segments of the property in a manner that they desire, the Raehpour and Miller families requested to rezone the 2,200 SF segments to the CPDD – Neighborhood General Sub-District, and the Raehpour family arranged for the movement of the sewer line into the newly purchased utility easement, while also organizing the Village of Fairview HOA to amend the covenants to allow for the addition of these 2,200 SF land segments to their lots.

Mr. Schmidt advised that staff notified 68 adjacent property owners within 500' of the subject properties for both the replat and zoning change request and has received two statements of support for the zoning change request. No opposition was communicated to town staff.

Mr. Schmidt stated the commission unanimously recommended at the April 9th Planning and Zoning Commission meeting, approval of the Final Plat for Campbell/Knight Place. The commission also unanimously recommended approval of both the replat and zoning change requests.

Mr. Schmidt also stated that town staff also recommends approval of each of the discussed planning and zoning cases.

Mayor Culbertson opened the public hearing for planning and zoning case R2015-03. No comments were made.

Mayor Culbertson closed the public hearing.

Councilmember O'Reilly made a motion to approve the request to approve a Final Plat For Campbell/Knight Place, Replat of Lots 51 and 52, Block A of The Villages of Fairview Phase II Addition and Lot 2 of the Campbell/Knight Place Addition. Councilmember Lessner seconded the motion, and the motion was unanimously approved.

ZONING CHANGE FOR CAMPBELL, RAEHPOUR AND MILLER PROPERTIES: Conduct a public hearing, consider, and take any necessary action on a request by Paul Raehpour and Jacob Miller for a zoning change for 2,200 SF segments of proposed Lots 51R and 52R, Block A of The Villages of Fairview Phase II Addition. The segments of the subject properties are zoned One-Acre Ranch Estate (RE-1), and the requested zoning change is for the Commercial Planning Development District (CPDD) – Neighborhood General Sub-District. **(ZA2015-05).**

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

Mayor Culbertson closed the public hearing.

Councilmember O'Reilly made a motion to approve the request to rezone the subject property from RE-1 to CPDD. Councilmember Lessner seconded the motion, and the motion was unanimously approved.

ZONING CHANGE FOR THE FORMER HARPER AND STARFISH INVESTMENTS PROPERTIES: Conduct a public hearing, consider, and take any necessary action on a request by M. Christopher Custom Homes for a zoning change 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 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 residential uses. **(ZA2015-03)**.

Mr. Schmidt gave a presentation regarding a request to rezone the subject property. He stated the proposed plan provides for 31 single family residential lots. He stated most of the proposed lots are greater than two acres, however, PC zoning is required to accommodate six lots less than two acres, and lot widths that are narrower than 200' and 25' sideyard setbacks in lieu of 50' setbacks for some of the narrow/deep lots at the northern limit of the site. He further stated that applying RE-2 zoning would likely yield 28-29 lots, depending upon the configuration of the site.

Mr. Schmidt stated access to this proposed 73 acre development would be provided for at the western boundary of the former Starfish Investments tract, off of FM 1378, with immediate emergency and pedestrian access through Farmstead Road, which currently provides for platted ROW to the western boundary of the former Harper property. The applicant would provide easements to accommodate a future pedestrian connection and emergency access drive to the Molodow property to the south. The applicant would also provide for a pedestrian connection to the common boundary with the Blue Grass Farms neighborhood in order to provide a future pedestrian connection to Kentucky Lane. The applicant would also continue that connection west along Sloan Creek in order to accommodate a nature trail on the site. While FM 1378 is not projected to expand, any additional ROW that would be required for this roadway would be dedicated during the platting process.

Mr. Schmidt stated an existing 16" waterline on FM 1378 and 6" and 8" waterlines in Countryside and Bluegrass Farms would provide sufficient water to the proposed development. Like most other Fairview neighborhoods, the proposed development would be served by septic systems.

Mr. Schmidt stated there is approximately 32 acres of FEMA 100-year floodplain on the former Starfish Investments tract, and the applicant has requested to reclaim nearly half of the floodplain to accommodate development. He stated the applicant's flood study indicates that the applicant's proposal is not causing any rise of the Sloan Creek floodplain downstream of the subject properties. He stated the applicant is causing a small retraction of the floodplain north of Sloan Creek, but is not causing any of the impacted structures to be removed from the floodplain. He stated the applicant is providing for mechanisms where the proposed valley storage on the subject property would flood first in the case of minor floods, perhaps easing the burden on properties to the north in these cases, but in major flood events, both sides of the creek would still flood. He stated the area is also influenced by backwater effects of Wilson Creek

Mr. Schmidt stated staff notified 66 adjacent property owners (and Lovejoy ISD) within 500' of the subject properties associated with the 73 acre scenario, in accordance with local and state requirements and, thus far, has received seven letters of opposition and two letters of support. Staff has also received one letter of opposition from a citizen who lives outside of the notice area.

Mr. Schmidt stated the two (2) primary concerns noted by residents are:

1. Application is perceived to conflict with the Town's Comprehensive Plan, particularly the Objective 13k.
2. Application should not be eligible for Town consideration as similar applications have been denied with and without prejudice, and the current application conflicts with Section 14.02.002 (g) of the Town's Zoning Ordinance.

Mr. Schmidt stated there are many interconnected issues that impact the ultimate disposition of this land; floodplain reclamation and neighborhood configuration.

Mr. Schmidt stated Planning & Zoning recommend approval of the request for a zoning change from Agriculture (AG), Two-Acre Ranch Estate (RE-2) and Flood Hazard (FH) to Planned Center (PC) to provide for single-family residential uses.

The council had a discussion regarding access to the proposed development and the proposed swale.

Mayor Culbertson opened the public hearing.

Patrick Rees, 1161 Farmstead, stated the applicant has worked to meet resident and town demands. He stated the proposed plan is the best plan thus far for the subject properties.

Trent Ballew, 531 Kentucky Lane, stated his opposition to the plan; specifically the northern lots with flood plain. He stated he would like to see the walking access to the school back in the plan.

Bryon Reid, on behalf of M. Christopher Custom Homes, stated strides have been made to improve the plan taking into consideration P&Z and Council recommendations.

Mike Weaver, 481 Home Place, stated his opposition to the plan, specifically regarding traffic concerns.

Kim and Wayne Seaber, 1201 Farmstead and 1200 Camino Real, stated her opposition to Farmstead becoming public access. She stated the proposed development's character is not consistent with existing neighborhoods. She stated her concerns regarding flooding. She also stated her concerns regarding the safety of children.

Mayor Culbertson closed the public hearing.

Mayor Culbertson stated his concern and the town's responsibility for proper lot-to-lot draining. The council discussed floodplain models.

Councilmember Adler stated the need for an iron-clad maintenance agreement. Councilmember Hendricks stated his opposition to access through Farmstead and to the need for maintenance agreement. Mr. Schmidt stated that a regulation and maintenance agreement could be handled during platting process.

Councilmember Lessner stated his opposition and suggested the idea of using 30 instead of 31 lots.

Councilmember Powell stated her concern regarding the flood plain and the width of the lots.

Mayor Culbertson reopened the public hearing. Councilmember Lessner made a motion to continue the public hearing to a date certain of June 2, 2015 at 7:30 p.m. at Town Hall. Councilmember O'Reilly seconded the motion, and the motion was unanimously approved.

MAJOR WARRANTS- EAST OF US 75 AND NORTH OF STACY ROAD: Conduct a public hearing, consider, and take any necessary action on a request by Levinson Alcoser Associates for Major Warrants pertaining to land use, site configuration standards, building type standards, architectural standards, and parking standards for a proposed financial institution with drive-in facilities on a 1.368± acre tract of land that is zoned Commercial Planned Development District (CPDD) – Urban Village Sub-District, and is generally located east of US 75 and north of Stacy Road, being Lot9E, Block A, of the Village at Fairview Addition. **(MW2014-04).**

Mr. Schmidt gave a presentation regarding a request by Levinson Alcoser Associates for major warrants pertaining to land use, site configuration standards, building type standards, architectural standards, and parking standards. Mr. Schmidt gave an overview of the major warrants evaluation criteria and existing entitlements for the subject property.

Mr. Schmidt stated four (4) adjacent property owners were notified in accordance with town and state law. He stated staff has not received any feedback at this time. Mr. Schmidt stated the Planning and Zoning Commission's motion to approve the request passed unanimously (7-0). Mr. Schmidt stated town staff recommends approval of the request as submitted.

Mayor Culbertson opened the public hearing.

David Stautz, MG Herring Group, discussed the parking agreement with Whole Foods.

Carl Urharek, Levinson Alcoser Associates, introduced himself as the Capital One architect.

No other comments were made.

Mayor Culbertson closed the public meeting.

Councilmember O'Reilly made a motion to approve the request for major warrants for the subject property. Councilmember Lessner seconded the motion, and the motion was unanimously approved.

FINAL PLAT FOR CAMPBELL/KNIGHT PLACE: Consider, discuss and take any necessary action on a request by James Campbell to approve a Final Plat for Campbell/Knight Place, a proposed subdivision comprised of two residential lots. The 2.628 acre subject property is currently zoned One-Acre Ranch Estate (RE-1) and is generally located south of the intersection of Blue Bonnet St. and Murray Rd. **(FP2015-02).**

This item was approved under a previous agenda item.

ANNEXATION- 16.484± ACRE F.O. BIRMINGHAM MEMORIAL LIVING TRUST TRACT: Consider, discuss, and take any necessary action on the need to direct staff to prepare a Service Plan and to establish public hearing dates for the proposed voluntary annexation of a 16.484± acres tract of land situated in the Samuel Sloan Survey – Abstract No. 791, and that is generally located north of Country Club Road and west of Rowley Mile. **(MW2015-01).**

Mr. Schmidt stated in accordance with the established development agreement in November 2014, the property owner has submitted a petition to the town to annex the subject property. In accordance with Section 43.021 of the Texas Local Government Code, the town is permitted to carry out this annexation in absence of this property being included in the town's municipal annexation plan. As such, the town must conduct public hearings and execute notices in accordance with Section 43.063 of the Texas Local Government Code. This process requires the town to execute two public hearings prior to the town holding a public hearing and taking action on an annexation ordinance for the subject property. These public hearings are required by state law to be advertised on the town website as well as a newspaper of general circulation in the town. Staff recommends that both public hearings be scheduled for the June 2, 2015 council meeting.

Mr. Schmidt stated with this property not being part of the town's annexation plan, the council must also direct staff to prepare a service plan for the property. Staff has initiated this process by preparing a draft service plan that details how town services would be extended to the property upon annexation. He further stated if the proposed resolution is approved, an annexation ordinance would be considered at the July 7, 2015 Council meeting.

Mr. Schmidt stated staff recommends approval to schedule the two public hearings and direct staff to prepare a service plan for the annexation of the 16.484± acre F.O. Birmingham Memorial Living Trust Tract.

Council directed staff to prepare a Service Plan and establish Public Hearing dates. The first and second public hearings will be held at the June 2, 2015 regular Town Council meeting with action scheduled on July 7, 2015.

Councilmember Adler made a motion to approve staff's recommendation to prepare a Service Plan and conduct public hearings as noted. Councilmember Lessner seconded the motion, and the motion was unanimously approved.

COUNTY REGIONAL DISPATCH SYSTEM UPDATE: Discuss the status of the County regional dispatch system and take any necessary action.

City Manager Couch and Police Chief Tolliver provided an overview of the status of the Collin County dispatch system and the impact to the town. She indicated that the town may have to be off of the county system within the next four (4) years. Should this decision be made by the county, the town would be required to 1) build its own dispatch facility, 2) contract with another existing agency or 3) work with other agencies and consider developing a separate regional facility. As there is a meeting scheduled with the County to further discuss their plans, Council asked to be kept apprised of the situation.

WATER PLANNING OPTIONS: Discuss water planning options for the town and take any necessary action.

Engineer James Chancellor reported staff has begun to explore alternative water sources to see if there is the possibility of reducing our dependence solely on NTMWD. A firm has been identified that can perform the type of analysis that council is seeking to explore. He discussed the various options that could be considered by the town and indicated that those options would need to be explored as a part of any study completed by the town. Council directed staff to explore cost estimates for the study and bring a proposal to the Council.

DISCUSS LONG RANGE INITIATIVES PLANNING SESSION: Discuss setting a date for a long range strategic initiatives planning session and take any necessary action.

City Manager Couch stated significant work was is underway to accomplish those already identified initiatives and strategies. She stated this current effort will require an additional 12-18 months to complete. She recommended an evening worksession to update council on the current actions, to discuss the approved initiatives and to discuss the upcoming budget priorities be set in latter part of May or early June.

Council and staff scheduled a worksession on June 3, 2015 at 4:00 p.m.

DISCUSS EVENTS COMMITTEE APPOINTMENTS: Discuss term and members appointed to Events Committee.

Council considered action on an Executive Session item related to Personnel. Councilmember Lessner made a motion to redesignate the following individuals to the Special Events Committee: (keep current terms) to the Special Events Committee: 1) Chris Hendricks, (Chairman); 2) Stace Hunt; 3) Nancy Lewis; 4) Clayton Barnes; 5) Linda Mulkey; and 6) Claudia Mair (Alternate). Councilmember Hendricks seconded the motion, and the motion was unanimously approved.

CITIZEN'S INPUT:

Bill Nicol updated Council on a House Bill that currently will cause cities to have a harder time drilling wells.

STAFF REPORTS:

a) Council was given documents regarding the monthly financial and quarterly investment reports for period ending March 31, 2015. There was no discussion.
b) Mr. Wilbourn provided a Water Conservation update.

Mayor Culbertson adjourned the meeting at 10:42 p.m.

DARION CULBERTSON, MAYOR

ATTEST:

Adam Wilbourn, Assistant to the Town Manager

TOWN OF FAIRVIEW