

**TOWN COUNCIL
MEETING MINUTES
JULY 7, 2015**

The Town Council met in regular session on Tuesday, July 7, 2015 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, Henry Lessner, Paul Hendricks and Renee Powell; Town Manager, Julie Couch; Town Engineer, James Chancellor; Economic Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Chief Financial Officer, Jason Weeks; and Town Attorney, Clark McCoy.

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, and economic development.

At 7:45 p.m. Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

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

Councilmember Adler made a motion to nominate Liz Glasgow to the Public Arts Committee. Councilmember O'Reilly seconded the motion and the motion was unanimously approved.

Councilmember Adler made a motion to nominate Bill Baxter to be appointed as Chairman to the Technology Committee. Councilmember O'Reilly seconded the motion and the motion was unanimously approved.

SELECT MAYOR PRO TEM: Councilmember Hendricks made a motion to nominate the reappointment of Councilmember Henry Lessner as Mayor Pro Tem. Councilmember Powell seconded the motion and the motion was unanimously approved.

REPUBLIC SERVICES ANNUAL REPORT: Chief Financial Officer Jason Weeks reviewed the CPI and landfill costs and stated there would be no CPI increase this year. Mr. Weeks introduced Jason Shear, General Manager and Eric Heinz, Controller of Republic Services, to make Republic Services' annual presentation.

Mayor Culbertson stated he was glad to see the level of education related to the new bulk pickup.

ENVIRONMENTAL MANAGEMENT ADVISORY COMMITTEE (EMAC) REPORT: Chairman of EMAC, Paul Westbrook, gave a presentation related to the committee's recommendation to the Town Council to consider adopting the WaterSense Program as part of its building codes. This program would dictate what types of bathroom/kitchen faucets, toilets,

showerheads and irrigation controllers home and business owners could use when building or making upgrades. The use of "WaterSense" labeled products promotes water conservation.

Mayor Culbertson asked at what level are other cities implementing this program. Roger Taylor, EMAC committee member, indicated that Dallas requires the WaterSense program for all homes.

Council stated their concern regarding enforcement of the program. Town Engineer James Chancellor stated enforcement could not be done with current staffing, however, a third party inspector could be hired and costs be passed through to the customer. Mr. Chancellor recommended giving incentives to conserve water rather than mandating a program.

Mayor and council asked that town staff come back with a report next month informing exactly what being a WaterSense partner means and what, if any, other levels of association are available.

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 minutes of the June 2, 2015 council meeting, B) Approve an amending plat for Lots 17R and 19R of Montecito Estates #2, and 3) Approve an amending plat for Lot 5E-P1, Block A of The Village at Fairview.

Councilmember Powell made a motion to approve the consent agenda, seconded by Councilmember Samuels and the motion was unanimously approved.

CONDITIONAL USE PERMIT (CUP) FOR CONSTRUCTION OF AN ACCESSORY BUILDING: Conduct a public hearing, consider, and take any necessary action on a request by Mr. Kelly Parker, for approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building on a property that is zoned Three-Acre Ranch Estate (RE-3) and Open Space and Flood Hazard (FH), and is generally located at the eastern limit of Meandro Ria Lane. (ZA2015-08).

Planning Manager Ken Schmidt stated the applicant, Mr. Kelly Parker, is applying for a Conditional Use Permit (CUP) in order to construct an accessory building for the purpose of storing recreational and maintenance equipment. He reviewed the application with the council.

Mr. Schmidt stated staff has notified 6 adjacent property owners within 500' of the subject property and Lovejoy ISD. He stated staff received 2 letters of opposition and no letter of support. He stated several Heritage Ranch (HR) citizens spoke in the public hearing to communicate their concern about precedent being set through the approval of this structure, as well as the view of this building from the HR golf course during the fall and winter seasons.

Mr. Schmidt stated the Planning & Zoning Commission recommends approval by a 2-1 vote (with 1 member abstaining due to conflict of interest) of a CUP application for the construction of an accessory building at 1481 Meandro Ria Lane, with conditions stipulated in the staff report.

Mr. Schmidt stated staff recommends approval of the application with the following recommendations: 1) Building use, location and design are consistent with the submitted letter of intent, site and façade plans, and the proposed building materials (cedar plank and stone trim) are consistent with all facades of the building; and 2) Applicant equips the structure with a residential fire sprinkler system.

Mayor Culbertson opened the public hearing.

Applicant Kelly Parker takes questions from Council.

Mr. Steve DiNapoli, 1601 Alma Road, Plano, TX speaks in favor of the project.

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

Councilmember Hendricks made a motion to approve the request with staff's recommendations for a Conditional Use Permit (CUP) to allow for the construction of a 3,600 SF accessory building on the subject property. Councilmember Powell seconded the motion, and the motion was unanimously approved.

CONDITIONAL USE PERMIT (CUP) FOR CONSTRUCTION OF AN ACCESSORY BUILDING: Conduct a public hearing, consider, and take any necessary action on a request by Mrs. Cathy Knapp, for approval of a Conditional Use Permit (CUP) in order to allow for the construction of an accessory building on a property that is zoned Two-Acre Ranch Estate (RE-2) and is specifically located at 1210 Stacy Road, being Lot 1 of the Fairview Farms #1 Addition to the Town of Fairview. (ZA2015-09).

Mr. Schmidt stated the applicant, Mrs. Cathy Knapp, is applying for a Conditional Use Permit (CUP) in order to construct a 3,000 SF wood framed accessory building that would be used as a pool house, family gathering space and storage. He stated the applicant's property is 2.383 acres in size is located on the south side of Stacy Road, immediately to the east of Fire Station #2.

He reviewed the application for the Council.

Mr. Schmidt stated staff has notified 20 adjacent property owners within 500' of the subject property and Lovejoy ISD. He stated staff has yet to receive any statements of support or opposition.

Mr. Schmidt stated the Planning & Zoning Commission recommends approval by a 3-1 vote of a CUP application for the construction of an accessory building at 1210 Stacy Road, with conditions stipulated in the staff report.

Mr. Schmidt stated staff recommends approval of the application with the following conditions: 1) Building use, location and design is consistent with the submitted letter of intent, site and façade plans; 2) Applicant accommodates additional landscaping for privacy on the east side of

the property (between the pool area/barn, and the property boundary; and 3) Applicant plants two shade trees at the rear of the accessory building.

Mayor Culbertson opened the public hearing.

Applicant Cathy Knapp addressed council and explained why they want to build the accessory building. Applicant Sammy Knapp addressed council with further explanation as to why they want to build the accessory building.

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

Councilmember Samuels made a motion to approve the request with staff's recommendations for a Conditional Use Permit (CUP) to allow for the construction of a 3,000 SF accessory building on the subject property. Councilmember Adler seconded the motion, and the motion was unanimously approved.

ANNEXATION AND ZONING OF THE 16.484± ACRE F.O. BIRMINGHAM MEMORIAL LIVING TRUST TRACT: Consider, discuss, and take any necessary action on an ordinance annexing 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. (A2015-01).

Conduct a public hearing, consider, and take any necessary action on a request by the Town of Fairview to zone a 16.484± acres tract of land that is currently unzoned and is situated in the Samuel Sloan Survey – Abstract No. 791, and that is generally located norther of Country Club Road and west of Rowley Mile. The requested zone is the Planned Center (PC) Zoning District, specifically, to provide for a residential neighborhood comprised of eleven single-family residential lots and one common area lot. (ZA2015-06).

Mayor Culbertson moved item 9(a) up on the agenda so action could be taken to annex the property prior to taking action on Item 8(c) zoning of the property.

Mr. Schmidt gave a presentation stating Council had approved a pre-annexation development agreement at their November, 2014 meeting. Since that agreement was established, the town has approved a Preliminary Plat for the subject property, conducted 2 annexation public hearings as mandated by state law, and has initiated the zoning process (which will be heard once annexation is approved). Mr. Schmidt stated the two public hearings were both executed at the June 2, 2015 Town Council meeting. He stated town staff executed all state and town mandated notifications for these annexation proceedings.

Mr. Schmidt explained that since this property is not part of the town's annexation plan, Council must also adopt a service plan for the extension of municipal services to this property. He stated staff has included a service plan that details how town services would be extended upon annexation and has made this plan available to the public prior to and following the required public hearings. Mr. Schmidt stated the town will have to seek clearance from the Department of

Justice once the annexation ordinance is approved and will also notify selected state agencies of these annexation proceedings.

Mr. Schmidt stated staff recommends approval of the annexation ordinance.

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

Mr. Schmidt then reviewed the proposed zoning on the property.

Mr. Schmidt stated staff notified thirty-three (33) property owners and Lovejoy ISD. He stated staff received no letters of opposition and two (2) letters of support.

Mr. Schmidt stated, at the June 11, 2015 Planning and Zoning Commission meeting, the commission voted unanimously to approved the request to zone the 16.484± acres tract of land that is currently unzoned to the PC Zoning District, with the condition that the applicant replaces some of the proposed knockout rose plantings with plantings that are more disease resistant.

Mr. Schmidt stated staff recommends approval of the zoning request with above stated landscape condition.

Mayor Culbertson opened the public hearing.

Applicant Steve DiNapoli, 1601 Alma Road, Plano, TX addressed Council describing his plans for the property.

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

Councilmember O'Reilly made a motion to approve the zoning request with staff's recommendations. Councilmember Powell seconded the motion, and the motion was unanimously approved.

CONSIDER APPROVING AN ENGINEERING SERVICES AGREEMENT WITH HUITT ZOLLER ENGINEERS: Discuss and consider authorizing the town manager to enter into an agreement for engineering services increasing the scope of the drainage master plan with Huitt-Zollars Engineering and take any necessary action.

Mr. Chancellor gave background on why Council is considering expansion of the scope of the drainage master plan study. He stated that the additional scope will allow the town to consider more of the Sloan Creek drainage area in the eastern part of the town. Mr. Chancellor stated the amended agreement will include a downstream study of some flood prone properties on the east side of Fairview. He reviewed the amendment with Council.

Mr. Chancellor stated staff recommends approval of the addendum to the professional agreement with Huitt-Zollars, Inc. for the CPDD drainage master plan.

Councilmember Lessner made a motion to approve the addendum to the professional agreement as presented. Councilmember Hendricks seconded the motion and the motion was unanimously approved.

CONSIDER APPROVING AN ENGINEERING SERVICES AGREEMENT WITH KIMLEY-HORN: Discuss and consider authorizing the town manager to enter into an agreement with Kimley-Horn for engineering services related to the engineering and design of Fairview Parkway and related components and take any necessary action.

Mr. Chancellor stated the next step in incentivizing the development of the rest of CPDD is to get the preliminary design, TxDOT coordination, right-of-way acquisition and overall concepts outlined for Fairview Parkway and Frisco Road. He stated the proposed consultant (Kimley-Horn) and town staff are recommending bringing the roadways to 30% design for the full lengths of the roadways. Mr. Chancellor summarized the tasks outlined and the estimated construction costs by Kimley-Horn.

Mr. Chancellor stated staff recommends approval of the professional services agreement with Kimley-Horn and Associates for the preliminary design of Fairview Parkway, Frisco Road and associated utilities in the amount not-to-exceed \$1,276,000.

Councilmember Samuels made a motion to approve the professional agreement. Councilmember O'Reilly seconded the motion and the motion was unanimously approved.

BOARDS AND COMMISSIONS: Discuss boards and commissions and take any necessary action.

Action was taken following the Executive Session.

CONSIDER APPROVING AN AGREEMENT WITH TXDOT: Discuss and consider authorizing the town manager to enter into an agreement with TxDOT for certain changes to the scope of the improvements to Stacy Road and take any necessary action.

Mr. Chancellor gave an overview of the changes to the scope of the improvements to Stacy Road. He stated several property owners adjacent to Stacy Road are requesting left turning lanes into their property. TxDOT has reviewed the locations of proposed turning lanes and town staff has served as a liaison between the owners and the state.

Mr. Chancellor stated TxDOT has agreed to include the requested turning lanes into the Stacy Road widening project, but requires the Town of Fairview to approve an advanced funding agreement to pay for the improvements that were not a part of the original bids. He reviewed the list of the properties affected by the advanced funding agreement and the time period covered. Mr. Chancellor stated the amount stated in the agreement will be covered by 2013 Certificates of Obligation (CO) bonds.

Councilmember Lessner made a motion to approve the advanced funding agreement. Councilmember Powell seconded the motion and the motion was unanimously approved.

CONSIDER ACTION AS A RESULT OF EXECUTIVE SESSION RELATED TO AN INTERLOCAL AGREEMENT FOR ROAD IMPROVEMENTS:

The Mayor indicated that there was additional action to consider coming out of executive session. Town Manager Couch indicated that agreement had been reached with the North Texas Municipal Water District to jointly participate in improvements to Old Stacy Road east of Heritage Ranch to Orr Road. In exchange for providing funding for the road which will significantly increase the strength of the roadway and allow the use of heavier trucks, the town will agree to amend the weights limits established on the roadway. After a brief discussion Lessner made a motion to approve the agreement and Hendricks seconded the motion, which passed unanimously.

REPORTS FROM STAFF:

- a) Council was given documents regarding the monthly financial report for the period ending May 31, 2015.
- b) Town Manager Couch gave an update on the status of the County regional dispatch system.

Mayor Culbertson adjourned the meeting at 9:54 p.m.


DARION CULBERTSON, MAYOR


Adam Wilbourn, Assistant to the Town Manager

