TOWN COUNCIL
MEETING MINUTES
DECEMBER 4, 2018

The Town Council met in regular session on Tuesday, December 4, 2018 at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson; Mayor Pro Tem Paul Hendricks; Councilmembers Bill Nicol, Henry Lessner, Cynthia Brugge, Anthony Mattei and Roland Feldman. Staff present included Town Manager, Julie Couch; Planning Manager, Israel Roberts; Public Works Manager; Aron Holmgren; Economic Development Manager, Ray Dunlap; Fire Chief, Jeff Bell; Police Chief, Granver Tolliver; Town Engineer, James Chancellor; CFO, Steven Ventura; Assistant to the Town Manager, Adam Wilbourn; Executive Assistant, Tenitrus Bethel; Fall Intern, Cynthia Alegria; and Town Attorney, Clark McCoy.

Mayor Culbertson called the meeting to order at 6:00 p.m. and declared a quorum was present.

At 6:00 p.m., the Council then adjourned into executive session regarding a consult with legal counsel, property acquisition, personnel and economic development negotiations.

At 7:39 p.m., Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

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 the minutes of the November 6, 2018 regular Council meeting. B) Approve rescheduling the January regular Council meeting to Wednesday, January 2, 2019 due to the holiday. C) Approve resolution ratifying an appointment to the position of Town Secretary.

Mayor Culbertson requested to pull consent item C for discussion.

Councilmember Mattei requested that item A be amended to include discussion related to a 3-member ad hoc committee. Town Secretary Bethel indicated that the discussion on the ad hoc committee actually took place at the special meeting in November.

Councilmember Nicol made a motion to approve the consent agenda items A , and B. Councilmember Hendricks seconded the motion and the motion was unanimously approved.

Mayor Culbertson discussed consent item C. He wanted to acknowledge and congratulate Ms. Bethel on her official designation as Town Secretary for Fairview.

Councilmember Hendricks made a motion to approve the consent agenda item C. Councilmember Lessner seconded the motion and the motion was unanimously approved.

Mayor Culbertson asked for Aron Holmgren to give an update on the water main break and the current process of repair.

The Council and Mr. Holmgren had an extended discussion related to this matter.

PUBLIC HEARING – MAJOR WARRANT FOR SLEEP NUMBER STORE: Mayor Culbertson introduced agenda item (a), consider and make a recommendation on a request for approval of Major Warrants to accommodate the development of a 3,500+/- square foot retail building. The site is located at 119 Stacy Road, at the northwest corner of Stacy Road and Whistlestop Way and is zoned for the Commercial Planned Development District.

Mr. Roberts presented a staff report. He indicated the major warrants requested are related to site design standards; the current standards were approved with a different set of design and code regulations with the construction of the mall. He indicated the initial version of the plans were presented to the Planning & Zoning Commission in October and the commission requested revisions to the south and east façades and the version being presented to Council is the revised version. He stated there is a 30-foot monument sign that block a portion of the east and south facades. He stated all of the existing trees and landscaping installed will be maintained as well as the addition of some low line shrubs along the east façade. He indicated 11 adjacent property owners were notified and no correspondence has been received. He indicated PZ did recommend approval with the noted conditions.

Applicant, James Smith with Lincoln Property, was present.

Mayor Culbertson opened the public hearing.

John Harkins, 411 Oak Ridge, inquired if the monument sign is visible to eastbound traffic on Stacy. Mr. Smith stated the sign is visible.

Mayor Culbertson closed the public hearing.

Mayor Pro Tem Hendricks inquired about issues related to parking. Mr. Roberts stated there the parking extends to the Capital One building in addition to shared parking agreements with the mall. He stated there should be no issue with parking.

Councilmember Lessner made a motion for the approval of three major warrants for the construction of the Sleep Number Store. Mayor Pro Tem Hendricks seconded the motion and the motion was unanimously approved.

PUBLIC HEARING – CUP- 641 MEANDERING WAY: Mayor Culbertson introduced agenda item 5(b), consider and make a recommendation on a request for approval of a conditional use permit (CUP) for a one-story; 2,400 square feet accessory structure, that will replace two (2) existing structures. The site is located at 641 Meandering Way and is zoned for the (RE-1) One-Acre Ranch Estate District.

Mr. Roberts presented the staff report. He stated the applicant is requesting to construct a 2,400 sq. ft. metal panel one garage structure that would replace two existing structures. He stated the Town had no regulatory authority as it relates to the five structures on the property as they were constructed prior to the site being annexed and zoned into the Town. He stated the new structure will house fitness equipment, vintage cars and other personal property. He indicated 24 adjacent property owners were notified and 1 letter of support was received. He stated staff is recommending approval subject the demolition of the two proposed structures as well as an existing wood outbuilding and any and all commercial storage is prohibited.

The Council and staff had discussion in regards to this item.

Mayor Culbertson open ed the public hearing.

Rich Paratori, applicant representative, addressed the condition of the current structures and the necessity for an updated structure.

Mayor Culbertson closed the public hearing.

Councilmember Feldman made a motion for approval of a conditional use permit for a one-story, 2,400 square feet structure at 641 Meandering Way, as recommended by staff. Councilmember Lessner seconded the motion and the motion was unanimously approved.

FINAL PLAT - HERITAGE OAKS: Mayor Culbertson introduced agenda item 6(a), consider and take necessary action on a request for approval of a Final Plat for the Heritage Oaks Addition. The 16.3-acre, 13-lot, single-family subdivision is located on the north side of Hart Road, approximately 670 feet west of the intersection of Hart Road and Country Club Road and is zoned for the (RE-1) One-Acre Ranch Estate District.

Mr. Roberts presented the staff report. He stated Council approved the preliminary plat of this development in August 2018 with the condition that lots 1 – 6 be deed restricted to circular driveways. He stated the Town Attorney has reviewed the Covenants, Conditions and Restrictions (CCR) documents to ensure the deed restrictions for lots 1-6 are noted; in addition, the Town shall have oversight regarding any deed restriction amendments on those lots as well. He indicated PZ recommended approval in November.

Mayor Culbertson asked council for feedback on the agenda item.

Councilmember Brugge expressed her thoughts related to the opposition letter submitted.

Mayor Culbertson stated in the upcoming year Council will review of the future land use plan.

Councilmember Brugge asked Chief Bell to explain the ordinance related to 2 points of access. Ms. Couch stated the Town Attorney previously reviewed that provision and she asked that he provide the legal perspective related to the ordinance. Mr. McCoy stated there are 5 lots facing Hart Rd, lot 6 directly faces Country Club and the remaining lots have access; the interpretation is such that the subdivision already has 2 points of access as it is bounded by streets, perimeter streets and also has a cul de sac. He stated if the alternate interpretation were accepted it would prohibit cul de sac's throughout the town. He indicated in addition to the legal analysis, and equally important, was the opinion of the Fire Chief that there is adequate access for emergency and fire service to each of the lots. Chief Bell discussed the 2 points of access need in relation to a cul de sac.

Councilmember Nicol made a motion for approval for the final plat for the Heritage Oaks Addition. Councilmember Feldman seconded the motion and the motion was unanimously approved.

SOLID WASTE RATE INCREASE: Steven Ventura introduced agenda item 6(b), hear presentation on annual solid waste activities, discuss status of recycling and consideration of an ordinance approving a rate increase related to recycling and take any necessary action.

Rick Bernas with Republic Services gave a presentation on the current state of recycling and the need for an increase in the recycling fee due to the changes in the recycling markets.

The Council, residents and Mr. Bernas had an extended discussion related to recycling.

Councilmember Nicol made a motion for approval of an ordinance amending the solid waste ordinance to approve the requested increase related to recycling. Councilmember Brugge seconded the motion and the motion was approved unanimously.

WATER/SEWER RATES: Mayor Culbertson introduced agenda item 6(c), consider, discuss and take any necessary action on an ordinance amending water and sewer rates.

Ms. Couch provided an overview of the water and sewer rates. She stated a NTMWD rate study was commissioned and midway through the budget process the proposed rates received indicated a wholesale rate reduction; this allowed staff to reduce the amount presented in the budget packet. She indicated the finalized budget included a 7.9% water increase and a 13.25% sewer increase. She pointed out from the Town and water district standpoint, water and sewer are funded from different accounts and the water district bases the rates on costs of service operation. She indicated the Town is currently experiencing just over a 14% rate increase for sewer.

Mayor Culbertson asked Mr. Ventura about the wholesale water rates. Mr. Ventura stated the proposed increase was 10% but they were reduced to 5% due to a revision of their budgeting methodology. He indicated the savings would be on the front end which in turn may reduce the rebates typically received.

Mr. Ventura gave a presentation related to water and wastewater rates. He stated prior to the rate reduction received from NTMWD, staff met with Willdan to update the rate study that was completed in 2016 and the rate for water and sewer was determined to be 13.25%. He indicated with the goal of water and wastewater to become self-funded, staff requested the consultant to propose scenarios to present to Council for review; with the reduction in water rates the consultant gave rate increase recommendations of 7.9% for water and 13.25% for wastewater.

Ms. Couch stated the 7.9% increase is a means to extend the phasing in process. She indicated in recent years expenditures have exceeded the revenues in part due to conditions previously presented and the ultimate goal is to have a positive fund balance. She indicated this year due to dry conditions the Town increased the amount of water sold which resulted in positive revenue expenditures; however, during the budget process a typical year is assumed and budgeted. She stated staff is proposing a water increase of 7.9% and 13.25% for wastewater.

The Council and Staff had an extended discussion related to this item.

Councilmember Lessner made a motion to approve an ordinance amending the water and sewer rates as recommended. Councilmember Mattei seconded the motion and the motion was approved unanimously.

REGIONAL SEWER PUMP STATION: Mayor Culbertson introduced agenda item 6(d), consider, discuss and take any necessary action on an Interlocal Agreement (ILA) with the Town, NTMWD and City of Allen; and an ILA between the Town and the City of Allen regarding funding and construction of a regional sewer pump station.

Mr. Chancellor gave a presentation related to the need to expand sanitary sewer capacity in the commercial district. He provided an overview of the town's original plan to construct a parallel force main from the existing lift station as outlined in the Town's updated utility master plan. He indicated that the estimated cost for the parallel force was estimated at $3.1 million in the master plan.
Mr. Chancellor then reviewed an alternative plan for construction of a regional lift station to address the Town's needs as well as the needs of the City of Allen for an additional lift station and North Texas Municipal Water District (NTMWD). He reviewed the proposed plan which would eliminate the requirement for the Town to construct a parallel line in the commercial district. He reviewed the advantages to the Town for such a program including the provision that the Town would only be responsible for paying for 25% of the station and Allen would be responsible for 75% based on anticipated needs of each city. He indicated NTMWD agreed to pay for all land acquisitions, the cost of the parallel force main needed to tie into an existing McKinney lift station, as well as own and operate the station. He indicated that the Town would not need the facility for the next 3-5 years, depending on development in the CPDD and that the City of Allen agreed to carry the Town share for up to 5 years with the condition that if a development is constructed and increases the sewer usage the Town would begin to pay at that time. He indicated based on the engineers estimate the Town's portion would be $2.35 million. He indicated that an agreement between the Town and the City of Allen had been prepared with a maximum cost to the Town of $2.6 million or the project would have to come back before the Town Council for approval. He reviewed that agreement and the 3-party agreement between the Town, the City Allen and the NTMWD for the construction of the regional lift station.

The Council and staff had an extended discussion related to this matter.

Councilmember Nicol made a motion to authorize the Town Manager to enter into an interlocal agreement with the City of Allen and NTMWD for the construction of a waste water list station and force main subject to final form; with disbursement of funds from the Utility Fund and Sewer Impact Fees fund. Councilmember Lessner seconded the motion and the motion was approved unanimously.

Councilmember Nicol made a motion to authorize the Town Manager to enter into an interlocal agreement with the City of Allen for the cost allocation and payment for a regional waste water lift station and force main subject to final form. Councilmember Mattei seconded the motion and the motion was approved unanimously.

FUTURE TOWN FIRE FACILITIES: Mayor Culbertson introduced agenda item 6(e), discuss planning for future town fire facilities and operations including planning studies, upcoming meetings and any related matters.

Ms. Couch stated the subcommittee met to review the draft RFP and revisions were made based upon committee recommendations. She reviewed the revised RFP and scope and outlined the proposed timeline for proposal submission and review. She stated based upon discussion it was determined the RFP would be distributed by Monday, December 10, 2018 with responses due back by Friday, January 11, 2019; the week of January 14 a special meeting would be held at which time, if prepared, a contract would be awarded. She indicated the consultant would then be given a two-month deadline to complete the study; with a required mid-term status report of initial findings in early February; and the final report due in March.

The Council and staff had a discussion related to this item.

Dick Price expressed his concerns related to a third party consultant review.

Councilmember Brugge expressed her thoughts related to the construction of a new fire station, fire funding and the necessity of two fire stations. Mayor Culbertson stated this matter has been discussed at length and at the November regular meeting Council unanimously approved to engage a third-party consultant to review fire and emergency services best practices.

The Council had an extended discussion related to this matter.

Dick Price expressed his opposition with Councilmember Brugge's remarks and expressed his thoughts related to fire service.

Mr. Price, Councilmember Brugge and staff had an extended discussion related to fire service.

Councilmember Feldman made a motion to authorize the Town Manager to proceed with the submission of a request for proposal for the review and evaluation of fire and emergency services. Councilmember Mattei seconded the motion and the motion was approved unanimously.

BOARDS & COMMISSIONS: Mayor Culbertson introduced agenda item 7(f), Boards & Commissions and take any necessary action. He asked that discussion for this item be deferred to the January council meeting.

CITIZENS INPUT:
John Cocks, CRG member, expressed his thoughts related to the construction of a new fire station.

Tom Palmer, 5139 Stream Crest, expressed his thoughts related to the construction of a new fire stations.

Estelle Jenkins, 368 Park Village, spoke to the Council regarding her new business opening in the Town in January 2019.

REPORTS FROM STAFF:
Mr. Chancellor gave an update on the Stacy Road project. Council discussed this item.

Mayor Culbertson adjourned the meeting at 10:53 p.m.

Darion Culbertson, Mayor

Tenitrus Bethel, Town Secretary

TOWN OF FAIRVIEW