

**TOWN COUNCIL
MEETING MINUTES
APRIL 2, 2019**

The Town Council met in regular session on Tuesday, April 2, 2019 at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson; Councilmembers Bill Nicol, Henry Lessner, Cynthia Brugge, Tony Mattie and Roland Feldman. Mayor Pro Tem Paul Hendricks was absent. Staff present included Town Manager, Julie Couch; Fire Chief, Jeff Bell; Police Chief, Granver Tolliver; Town Engineer, James Chancellor; CFO, Steven Ventura; Assistant to the Town Manager, Adam Wilbourn; Town Secretary, Tenitrus Bethel; 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 7:41 p.m., Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance and he invited the attendees from Cornerstone Ranch to lead the pledge of allegiance and the Texas State pledge.

PROCLAMATIONS, RECOGNITION AND AWARDS:

Mayor Culbertson presented a proclamation to Cornerstone Ranch declaring April 2019 as Autism Awareness Month.

Mayor Culbertson presented a proclamation to The Turning Point declaring April 2019 as Sexual Assault Awareness Month.

PRESENTATIONS & REPORTS:

Claire Wooten with Weaver Tidwell gave a presentation of the annual independent audit for the fiscal year ending September 30, 2018.

The Council and Ms. Wooten had discussion related to the annual audit.

Councilmember Nicol made a motion to accept the annual independent audit report for fiscal year ending September 30, 2018. Councilmember Lessner seconded the motion and the motion was approved unanimously.

Mike Montgomery with ESCI gave a presentation related to the final fire operations report. He stated the purpose of the project was threefold; to understand how the Fairview fire provides and coordinates system-wide service, assess fire operations in comparison to industry standards and best practices, and to create benchmarks against which future service delivery can be measured.

Mr. Montgomery reviewed the objectives of the project scope and provided insight, analysis, and recommendations including staffing, the need for second medic unit, the location of current stations and items to consider with the rebuild of station 1, priority dispatching, best practices including possible use of rapid response vehicles and a departmental strategic plan.

Mayor Culbertson invited Councilmembers to ask questions to Mr. Montgomery before opening the floor for resident questions and comments.

Councilmember Nicol expressed his thoughts related to the availability of volunteer firefighters.

Councilmember Brugge inquired about the number of firefighters required to respond to a mutual aid call. Mr. Montgomery stated the standard for urban environments is 4 per truck and federal regulations requirements for a crew entering a structure with dangerous atmosphere requires the "two in-two out" rule with few exceptions. He stated a minimum of 2 is required for crew safety however most important is that the crew is dispatched quickly and mutual aid happens as quickly as possible.

Councilmember Brugge and Mr. Montgomery had an extended discussion related to mutual aid.

Councilmember Mattei inquired about retention programs. Mr. Montgomery stated hiring for fit is a way to retain employees.

Councilmember Feldman inquired about examples where automatic aid was successfully implemented. Mr. Montgomery stated in his experience automatic aid has been successful when the system is viewed as reciprocal. He also stated it is necessary to study the effects of how this agreement would affect the perception of residents as well as the level and quality of service to the Town.

Mayor Culbertson recommended that Ms. Couch and Chief Bell build out a long-term strategic plan for the fire department and present it back to Council at a later date. Ms. Couch stated the initiation of the strategic plan can be developed as a part of the budget process and presented back to Council for review.

The Council, Mr. Montgomery and residents and an extended discussion related to the fire report.

Anjelica Solano with NTTA gave a presentation related to Red Thumb Day. Mayor Culbertson presented a proclamation to NTTA declaring April 23, 2019 as Red Thumb Day.

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 February 5, 2019 regular Council meeting; B) Approve the minutes of the March 5, 2019 regular Council meeting; C) Approve the minutes of the March 25, 2019 special Council meeting; D) Approve the minutes of the March 27, 2019 special Council Town Hall meeting; E) Approve an ordinance amending the solid waste rate; F) Approve a resolution authorizing continued participation with the Atmos Cities Steering Committee and payment of assessed dues for 2019; G) Approve a resolution authorizing continued participation with the Oncor Cities Steering Committee and payment of assessed dues for 2019; H) Approve a resolution directing publication of notice of intention to issue certificates of obligation; and resolving other matters relating to the subject.

Mayor Culbertson stated consent items E-H have been pulled for discussion.

Councilmember Lessner made a motion to approve the consent agenda items A-D. Councilmember Feldman seconded the motion and the motion was unanimously approved.

Mr. Ventura discussed consent item E) Approve ordinance amending the solid waste rate. Councilmember Nicol made a motion to approve consent agenda item E. Councilmember Feldman seconded the motion and the motion was approved unanimously.

Adam Wilbourn discussed consent items F and G, approve resolutions for Atmos and Oncor steering committee. Councilmember Feldman made a motion to approve consent agenda items F and G. Councilmember Nicol seconded the motion and the motion was approved unanimously.

Ms. Couch discussed consent agenda item H, approve a resolution directing the publication of notice of intent to issue certificates of obligation. She invited Mr. Boyd London, financial services representative to the Town, to address any questions from the Council.

The Council and Mr. London had a brief discussion related to this item.

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

PUBLIC HEARING – CUP2019-01 – 1100 SLOAN CROSSING: Mayor Culbertson introduced agenda item 5(a), Conduct a public hearing, and consider approval of an ordinance on a request for a Conditional Use Permit for an accessory structure. The 1.05-acre site is located at 1100 Sloan Crossing and is zoned for the (RE-1) One-Acre Ranch Estate District.

Mr. Roberts gave a staff report related to this item. He stated the request is for a 240 sq. ft. shed that will be located in the backyard. He indicated this would be the third accessory structure on this site putting them above the 900 sq. ft limitation; other structures include a detached garage and covered patio. He stated the P&Z recommended approval at the March meeting with the additional of Nelly R Stevens shrubs to provide screening from the adjacent right-of-way.

Councilmember Lessner inquired about the discussion at the PZ meeting. Mr. Roberts stated the major topic of discussion was related to the screening which was brought forward from the HOA.

Councilmember Mattei inquired if the neighbors had an opportunity to give feedback. Mr. Roberts stated prior to a public hearing taking place notice is sent to property owners within 500 feet of the site. He stated no correspondence was received back related to this notice.

Mayor Culbertson opened the public hearing.

Curtis Campbell, applicant was present.

Councilmember Brugge asked what happens if the proposed structure is not what is built. Mr. Roberts stated a building permit is required and the architectural style will be checked at that stage.

Rich Connelly 980 Foxdale, stated the HOA gave approval with the stipulation of screening along Foxdale to Sloan Crossing.

Councilmember Brugge made a motion to approve the ordinance for a request for a conditional use permit for an accessory structure located at 1100 Sloan Crossing. Councilmember Lessner seconded the motion and the motion was approved unanimously

PUBLIC HEARING – ZA2019-01 – ZONING CHANGE: Mayor Culbertson introduced agenda item 5(B), Conduct a public hearing, and consider approval of an ordinance on a request for a change in zoning from the (AG) Agriculture District to the (RE-2) Two-acre Ranch estate District. The 11.8-acre site is located on the west side of the intersection of Orr Road and Fitzhugh Mill Road.

Mr. Roberts gave a staff report related to this item. He stated the site was purchased with the intent to construct two homes on 2 acre lots for family members and the remaining 6.7 acre unplatted tract would be maintained until such time that additional homes would be added. He indicated the comprehensive plan recommends a one unit for every two acres.

Councilmember Brugge expressed her thoughts related to trails. She inquired why the request is not to rezone the full site. Mr. Roberts stated the entire 11.8-acre tract is being requested to be zoned RE-2 and the current plan is to create two 2-acre lots.

Mayor Culbertson opened the public hearing.

Dan Anderson, applicant representative, was present and addressed the concerns related to trail access. He stated there is a 1.1 acres of ROW dedication.

The Council, staff and applicant had an extended discussion related to trails.

Andre Schuster, 4035 Summit Ct, expressed resident concerns related to the need for a trail/sidewalk installation.

John Harkins, River Oaks II, expressed his thoughts related to increased density.

Diana Mussett, 1761 Stacy, expressed her thoughts related to the installation of a crushed granite walkway.

Corey Roberts, 3960 Summit Ct, expressed her support of the zoning request.

Mike Russell, 4087 Summit Ct, expressed his support related to a trail.

Dan Anderson addressed the concerns related to additional density; he stated the ultimate plan is to have four total lots.

Councilmember Brugge expressed her concerns related to the rezoning without a mutual commitment related to the road improvement. Ms. Couch stated conditions cannot be legally added to a rezoning case. She stated at the platting stage is when conditions can then be added.

Mr. Roberts discussed zoning regulations as it relates to this case.

Mayor Culbertson closed the public hearing.

Councilmember Lessner made a motion to approve the ordinance for a request for a change in zoning from (AG) Agricultural District to the (RE-2) Two-acre ranch estate District. Councilmember Nicol seconded the motion and the motion was approved unanimously.

Councilmember Brugge made a motion to request staff to examine the trail design and cost. Councilmember Lessner seconded the motion and the motion was approved unanimously.

LIFT STATION REMOVAL BID AWARD: Mayor Culbertson introduced agenda item 8(a), discuss, consider, and take any necessary action to award a bid for Lift Station removal.

Mr. Chancellor gave a presentation related to this item. He stated the project consists of running a sewer line from an existing pump station, set to be decommissioned, to an existing sewer line at the mall. He indicated this item was presented to Council last year however it was delayed due to easement acquisitions; and due to the time lapse the project had to be rebid. He stated two bids were received and staff recommends awarding the bid to Four Star Construction in the amount of \$199,520.

Mayor Culbertson stated the project would be funded from the Utility Fund.

Councilmember Brugge inquired if the bid amount was the anticipated cost and if the notice for bid was advertised. Mr. Chancellor stated the cost was as anticipated given the delay and indicated that the process of rebidding holds the same requirements as an initial bid.

Councilmember Mattei inquired about the funding. Ms. Couch stated unallocated funds in the Utility Capital Fund that will fund this project.

Councilmember Lessner made a motion to award a bid to 4 Star Construction in an amount not to exceed \$199,520 for the removal of a lift station in Villages of Fairview. Councilmember Brugge seconded the motion and the motion was approved unanimously.

ZONING CHANGE DISCUSSION: Mayor Culbertson introduced agenda item 8(b), discuss zoning changes that have been requested.

Mayor Culbertson stated item was addressed during the public hearing discussion related to ZA2019-01.

TOWN PARK AND TRAIL PLAN DISCUSSION: Mayor Culbertson introduced agenda item 8(c), discuss Town Park and trail plan, including update process, current components of the plan and funding.

Ms. Couch stated the Park Board is in the process of finalizing the survey results and late May/early June a joint session will be held with the Council to review the recommended updates.

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

COLLIN COUNTY PARKS & OPEN SPACE DISCUSSION: Mayor Culbertson introduced agenda item 8(d), discuss ideas for applying for funds with Collin County Parks & Open Space Project Funding Assistance Program.

Ms. Couch stated in the last Collin County bond election there was a provision for the allocation of park funding. She indicated the Town has received funding, under the previous program, which is being utilized for the Sloan Creek trail project. She stated the current program is a five-year match program with an upcoming submission deadline in July. She stated once the master park plan has been finalized Council may then begin to identify projects to submit for funding. She stated staff recommends initiation of the Sloan Creek trail project before requesting additional project funds.

Councilmember Lessner inquired about the potential of the County donating the land at Stacy and 1378.

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

FIRE DEPARTMENT BUDGET DISCUSSION: Mayor Culbertson introduced agenda item 8(e), discuss fire department budget.

Mr. Ventura gave a presentation related to this item.

Councilmember Brugge and staff had an extended discussion related to this item.

STACY ROAD LANDSCAPING DISCUSSION: Mayor Culbertson introduced agenda item 8(f), discuss landscaping plans for medians along Stacy Road between Highway 5 and Country Club.

Councilmember Feldman inquired about landscaping along the median of Stacy Road. Mr. Chancellor stated Stacy Road is a TxDOT owned road and the municipality would be responsible for the installation and upkeep of landscaping. He stated he spoke with the City of Allen's engineer regarding a cost sharing plan and the City of Allen's policy is to not landscape a road until it is at its ultimate lane configuration. He indicated the wide median was built to accommodate two additional lanes in the future.

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

MAY 4, 2019 ELECTION DISCUSSION: Mayor Culbertson introduced agenda item 8(g), discuss the upcoming May 4, 2019 election.

Councilmember Feldman asked Ms. Bethel the process for applying for a place on the ballot. Ms. Bethel reviewed the application process.

Mr. McCoy stated in addition to the five day timeframe to review an application for form and content there is an extended period of time during which the Town Secretary has the duty to declare a candidate ineligible if presented with certified public records that conclusively

demonstrate the ineligibility; this duty remains with the Town Secretary until the day before early voting by personal appearance begins. He indicated one candidate was declared ineligible on March 21.

Councilmember Brugge, Mr. McCoy, staff and residents had an extended discussion related to this item.

DESOTO FIRE STATION DISCUSSION:

Deferred to May meeting.

BOARDS & COMMISSIONS:

Deferred to May meeting.

CITIZENS INPUT:

Dick Price, 579 Meandering Way, expressed his thoughts related to the election.

REPORTS FROM STAFF:

Chief Bell stated the pancake breakfast would be Saturday, April 13 at Fire Station #2.

Mayor Culbertson adjourned the meeting at 12:37 a.m.



Darion Culbertson, Mayor



Tenitrus Bethel, Town Secretary

