TOWN COUNCIL
MEETING MINUTES
FEBRUARY 5, 2019

The Town Council met in regular session on Wednesday, February 5, 2019 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; 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; 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 7:46 p.m., Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

PROCLAMATIONS, RECOGNITION AND AWARDS:
Captain Justin Miller, President of the Fairview Firefighters Association, presented a check to the Bradie James Foundation.

Mr. James discussed the establishment of the foundation and their community work.

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 January 2, 2019 regular Council meeting. B) Approve the minutes of the January 9, 2019 special Council meeting. C) Approve the minutes of the January 16, 2019 special Council meeting. D) Approve the minutes of the January 24, 2019 special Council meeting. E) Approve First Amendment to Water Tower Use License Agreement with T-Mobile West, LLC. F) Approve an ordinance calling the May 4, 2019 General Election and authorizing the Town Manager to execute a joint agreement with Collin County for the provision of election services.

Councilmember Nicol made a motion to approve the consent agenda. Councilmember Mattei seconded the motion and the motion was unanimously approved.

PUBLIC HEARING – MAJOR WARRANTS FOR RACETRAC: Mayor Culbertson introduced agenda item 6(a), Conduct a public hearing, consider and make a recommendation on a request for approval of Major Warrants for the development of a convenience store with gasoline sales. The site is generally located at the northwest corner of HWY 5 and Stacy Road and is zoned for the (CPDD) Commercial Planned Development District with the Urban Village sub-district. Applicant: David Bond, Spiars Engineering representing Racetrac Petroleum, Inc. and owners Village FV, LTD.

Mr. Roberts presented a staff report related to the request. He indicated the request for major warrants is due to the site being bound to development standards of the previous commercial code and those standards cannot be met under the current code. He stated the request is similar to the recently approved major warrants granted for the 24-Hour Fitness, Sleep Number and Whole Foods addition.

Mr. Roberts reviewed the major warrants being requested.

Mr. Roberts stated the P&Z recommended approval at last month's meeting with the added conditions of: wrapping the seating at the southeast corner, west elevation canopies, gas pump canopies, outdoor merchandise sales limited to ice and propane, rotating the dumpster to face northwest and extend the trail along Stacy Rd to connect with the crosswalk.

Andrew Meltzer with Racetrac gave a presentation reviewing the company history, interior and exterior layout.

Brad Williams with Racetrac Petroleum presented and discussed the updated site plan which included the P&Z recommendations.

Councilmember Feldman inquired about relocating the ice chests to the east side of the site. Mr. Metzler stated that ice sales are a large point of sale and requested that it be kept in the front.

Mayor Culbertson opened the public hearing.

John Harkins, 411 Oak Ridge, inquired about the materials used to construct the facility.

Gary Carter, 1000 Timber Ln, inquired about the color temperature of the recessed LED lighting.

Randy Smith, 500 Stonebrook, inquired about the enforcement of the dark skies ordinance.

Chad Jones, 521 Kentucky Ln, inquired if there would be a turn option into the parking lot for eastbound traffic on Stacy Rd. Ms. Couch stated there would not be a turn lane.

Mayor Culbertson closed the public hearing.

Councilmember Feldman made a motion to approve the request for major warrants for the development of a convenience store with gasoline sales subject to the added conditions. Councilmember Lessner seconded the motion and the motion was unanimously approved.

<u>DISCUSS FUTURE TOWN FACILITIES & ORDERING BOND ELECTION:</u> Mayor Culbertson introduced agenda item 7(a), Discuss future town fire facilities and consider action on a resolution by the Town Council of the Town of Fairview, Texas, ordering a bond election for capital improvements to be held on May 4, 2019.

Ms. Couch stated several questions arose as a result of the last meeting related to site location, the additional cost of the mid-site and a review of items included in the construction cost estimate. She reviewed and discussed the construction cost estimates submitted in August which detailed the cost differences between the two site options. She indicated a review of the construction cost estimates also identified items that may not have a 30-year life and could be funded in cash.

Mayor Culbertson stated two main decisions related to the project for Council to consider would be which area to harden and the site location; beginning with discussion related to hardening the bunker area or the conference room. He discussed his thoughts related to each option and stated his support in hardening bunker area.

Mayor Culbertson asked the Council for their thoughts related to which area to harden.

Councilmembers Feldman, Hendricks, Mattei, Lessner and Nicol stated their support to harden the bunker area. Councilmember Brugge stated her support to harden the conference room.

Mayor Culbertson reviewed the north and mid site options and discussed the additional expense related to the mid site location. He expressed his thoughts related to each site location and expressed his support for the mid site location.

Mayor Culbertson asked the Council for their thoughts related to the site location.

Councilmembers Feldman, Hendricks, Mattei and Brugge expressed their thoughts and support for the mid site location. Councilmembers Lessner and Nicol expressed their thoughts and support of the north site location.

Mayor Culbertson noted that the majority of the Council identified the preferred location was the mid site and the preferred area to be hardened as the bunker area. He then reviewed the presentation detailing the cost options and stated the project cost for the facility located at the mid site with a hardened bunker area would be \$8.8M. He stated a one-time contribution from the CDC of \$300,000 and \$900,000 contributed from the Town reserves will bring the issued bond amount to \$7.6M; and issuing the bond next year with an approximate effective interest rate of 4.5% the annual debt service for the facility would be approximately \$465,000 and would be funded annually as follows: \$100,000 minimum from the CDC, \$75,000 minimum from the TIF, \$200,000 from the shift of water and sewer debt from the general fund to the utility fund, \$44,000 from the reduction in lease payments in the general fund for portable buildings, and the remaining \$46,000 from the General Fund.

Mayor Culbertson stated the goal of this process was to find a way to construct the facility without increasing the tax rate. He stated there have been expressed concerns from residents as it relates to the Town debt. He asked Ms. Couch to review and discuss the Town debt.

Ms. Couch gave a presentation reviewing the historical and future Town debt, including the pump station and ground storage, a new fire apparatus and possibly a new fire station. She reminded the Council that the pump station & ground storage would be replacing the water debt service which rolled off this year. She reviewed population projections and debt per capita. She stated after having consulted with the Town's financial advisors regarding the anticipated debt, the advisors concluded the additional debt should not affect the current AA+ rating.

Ms. Couch reviewed a spreadsheet related to tax rate and debt of the Town as it compares to similar sized growing cities in the surrounding area.

Mayor Culbertson invited attendees to come forward with comments or questions.

Barbara Isaacs, 811 Beechwood, inquired about additional funding expenses related to fire department. Chief Bell responded.

John Harkins, 411 Oak Ridge, expressed his thoughts related to the site locations and his thoughts related to the debt service.

John Cocks, 820 Quail Rise, expressed his thoughts related to the mid site location.

Ben Brown, 717 Mustang, expressed his thoughts related to cost.

Gary Carter, 1000 Timber Ln, expressed his thoughts related to cost.

Barbara Isaacs, 811 Beechwood, expressed her thoughts related to the cost.

Mike VanNatta, 5141 Stream Crest Ln, expressed his thoughts related to cost.

Lori Lauter, 717 Elmbrook, expressed her thoughts related to cost.

Ricardo Doi, 261 Spring Meadow, expressed his thoughts related to the proposed plan and cost.

Mark Brugge, 960 Patrician Ct, expressed his thoughts related to cost.

Terry Nash, 550 Bluebird, expressed his thoughts related to cost.

Randy Smith, 500 Stonebrook, expressed his thoughts related to cost.

After additional discussion Councilmember Lessner stated, "I motion that the Town Council adopts a resolution ordering a May 4, 2019 bond election. The bond election will be in an amount not to exceed 7.6 million dollars and that's the midpoint site with the hardened bunker. Okay that's what that covers. For the construction and equipment of the fire station and with total cash contribution of a minimum of $300,000 from the Community Development Corporation and an ongoing annual minimum contribution to debt service in the combined amount of $175,000 from the CDC and the TIF, they're our tax increment financing zone, so as to not increase the Town's total tax as a result of issuing this bond. So, I so move that.".

Councilmember Feldman inquired about the timeframe of the delivery of plans from the consultants should the bond pass. Ms. Couch stated the full project will take approximately 2 years; the design and bid process will take approximately one year. She stated once the bond is passed the consultants will immediately begin the design development drawing; and briefly discussed the process steps from design to construction.

Councilmember Feldman made a motion to delay submission of plans to the consultants until the new councilmembers have been seated.

Mayor Culbertson advised that two motions cannot be open on the floor at once and a vote must be taken on the first motion.

Councilmember Nicol seconded the motion made by Councilmember Lessner.

Mayor Culbertson asked for any additional discussion related to this item. Councilmember Mattei inquired about cost and competitive bidding and if that occurs after the bond has passed. Ms. Couch stated once the design has been completed it will then be sent out for bids.

Mayor Culberson stated the motion to call the bond election had been seconded and asked if there was any further discussion. There being no further discussion the motion was approved unanimously.

Mayor Culbertson then asked Councilmember Feldman to restate his motion. Councilmember Feldman restated his motion to delay any plans submitted until the new Council is seated; and the newly seated Council will determine the consultant for plan submission.

Councilmember Brugge seconded the motion.

The Council, staff and attendees had an extended discussion related to the current motion.

Councilmember Brugge retracted her second. The motion died for lack of a second.

Councilmember Brugge stated "Just making sure everybody understands what we just did. Usually we have discussion beforehand and we didn't tonight. And, you know, I still have concerns about funding our fire department and but I believe that Mayor Culbertson is right. We have invested so much time and effort into this we've had citizens and everyone and we just we need to be working on other things that are that are important to this city besides whether or not we're going to have this fire station and it's just time for the citizens to decide. It's not, we we've hashed it out and it's time to do it."

CITIZENS INPUT:

Jerry Quam, 390 Oakwood, expressed his thoughts related to fire incidents and mutual aid.

John Harkins, 411 Oak Ridge, expressed his thoughts related to the Public Works facility currently under construction.

REPORTS FROM STAFF:

Mr. Chancellor gave an update on the Stacy Road project.

Mayor Culbertson adjourned the meeting at 8:45 p.m.

Darion Culbertson, Mayor

TOWN OF FAIRVIEW

Tenitrus Bethel, Town Secretary