TOWN COUNCIL
MEETING MINUTES
February 5, 2013

The Town Council met in regular session on Tuesday, February 5, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Council Members Jim Cunningham, Henry Lessner, Sim Israeloff, Darion Culbertson, and Mary Price. Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer In Training, Danielle Gregory; Community Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy. Councilmen John Fraser and Ron Kasian were absent.

Mayor Israeloff called the meeting to order at 6:44 p.m. and declared a quorum was present. The council then adjourned into executive session.

At 7:37 p.m. Mayor Israeloff reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance and Pledge to the Texas State Flag.

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 considered separately. A) Approve minutes of the January 8, 2013 regular council meeting. B) Approve minutes of the January 11/12, 2013 council/staff retreat. C) Approve an ordinance calling the May 2013 election. D) Approve a change order regarding the town's meter building.

Councilwoman Price made a motion to approve items A through D. Councilman Culbertson seconded that motion and the motion was unanimously approved.

EMERGENCY ACCESS EASEMENT: Consider and take action regarding an agreement with property owners concerning emergency access easement and private easement between Meandering Way and Creekwood North.

Mayor Israeloff stated that a few additional issues are being worked out. However, no final decision has been made at this time.

No action was taken.

<u>TOWN'S VISION AND MISSION STATEMENT:</u> Consider and take action regarding ratifying the town's vision and mission statement.

Mrs. Couch stated that at the council/staff retreat, the council developed a vision and mission statement along with core values and focus areas, which will be part of the town's strategic plan. Mrs. Couch stated that the outcomes of the retreat will be presented at the March meeting, but would like the council to modify or approve the wording of the vision and mission statement as submitted.

Mayor Israeloff read the vision, mission, core values and focus areas for those present.

Councilman Cunningham made a motion to ratify and approve the vision and mission statement, core values, and focus areas. Councilwoman Price seconded that motion and the motion was unanimously approved.

Mayor Pro Tem Lessner joined the meeting at 7:43 p.m.

<u>CUP 450 PALOMINO WAY:</u> Conduct a public hearing, consider, and take any necessary action, and approve an ordinance on a request for approval of a Conditional Use Permit (CU) Zoning in order to allow for a sports court on a property that is zoned One-acre Ranch Estate (re-1) and is specifically located at 450 Palomino Way, being Lot 8 of the Bridlegate subdivision.

Mr. Schmidt stated that the actual sports court structure and basketball hoop were installed prior to the establishment of the town's policy of requiring a Conditional Use Permit. The applicant is requesting CU zoning in order to account for the installation of the fence that was installed after the requirements were put into place. Mr. Schmidt stated the applicant installed the fence in order to prevent basketballs from leaving the court. The fence was installed without prior approval of the town because the applicant was unaware that it would trigger the CU zoning application process, but once notified, the applicant fully cooperated.

Mr. Schmidt stated since the structure was already built, town staff assisted Mrs. Billingsley, the applicant with the Site Plan. The staff recommended that she provide additional drought resistant shrubs for landscaping in order to screen the structure from adjacent properties. Mr. Schmidt stated he received five letters in support and none in opposition to this request. The request was unanimously approved by the Planning and Zoning Commission. Town staff recommends approval of a request for a Conditional Use Permit for the installation of sports court fencing at 450 Palomino Way.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to council. Councilman Culbertson stated that he is in favor of this request, but suggested rebating the permit fees back to the resident since they were caught in between the council's review of the Conditional Use Permit zoning process and also, because the request is only for a fence.

Councilwoman Price asked why this required a CUP instead of a fence permit. Mrs. Couch stated that it is considered an improvement to a sports court, which falls under the CUP request. Councilwoman Price agreed that she would be in support of waiving the applicant's fees.

Councilman Culbertson made a motion to approve the Conditional Use Permit for the sports court fencing at 450 Palomino Way with any associated fees to be waived and reimbursed back to the applicant, and requiring only one tree on the north side of the structure for screening. Councilwoman Price seconded that motion and the motion was unanimously approved.

REZONING 1846 STACY ROAD: Conduct a public hearing, consider, and take any necessary action, and approve an ordinance on a request for rezoning to the Planned Center (PC) zone for a tract of land that is approximately 33.28 acres, zoned Two-Acre Ranch Estate (RE-2), and is generally located south of Stacy Road and 200 feet west of Orr Road.

Mr. Schmidt stated that this subject property is zoned Two-Acre Ranch Estate (RE-2) and is currently not platted. The property contains a small creek, pond, and a substantial cluster of trees. Mr. Schmidt stated that the applicant is M. Christopher Homes. The applicant submitted a Preliminary Plat that has been approved by the Planning and Zoning Commission. However, the commission did convey that the plat did not sufficiently preserve the groupings of trees that exist on the property. Mr. Schmidt stated that the conforming Preliminary Plat established that the subject property could absorb 15 single-family lots that are a minimum of two acres in size. The minimum lot size within this subdivision would be 1.52 acres, while the maximum would be 3.47 acres. Ten of the lots ranging from 1.5 to 1.99 acres in size and the remaining lots would be greater than two acres. The average lot size for the subdivision would be 2.01 acres with the setbacks being consistent with the RE-1 requirements.

Mr. Schmidt stated that there is no existing water utility infrastructure; therefore, the applicant is proposing to extend the line by installing a 12" water main that would link to Heritage Ranch and an 8" water main that would link to Thompson Springs. The applicant has requested town participation in the upsizing of these lines due to the public benefit they are providing and in order to finance the costs of the upsizing. Mr. Schmidt stated that a developer's agreement could be established if this occurs.

Mr. Schmidt stated that at the Planning and Zoning Commission meeting, they had requested that the developer provide additional landscaping within the landscape buffer that is adjacent to the existing tree line that borders Stacy Road. The Parks Advisory Board requested that a trail also be provided for the subdivision. With this development being proposed under the Planned Center zoning, the developer and town staff would like to optimize the construction of this trail system. In addition to the trail system, the applicant is providing additional benefits with the extension of the town's water system, enhanced tree preservation, and additional landscaping adjacent to the Stacy Road ROW. Mr. Schmidt stated that he recommends approving the request to rezone this subject property from Two-Acre Ranch Estate (RE-2) to the Planned Center (PC) Zoning District, conditioned upon additional staff review of the trail plan.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to council.

Councilman Culbertson asked as lots are being built out, can a resident build a barn, etc. and can they remove trees. Mr. Chancellor stated that the resident under the homestead exemption are able to remove trees without the town's approval if they own two acres or more of land.

Council discussed the trail options, access points, public easements, and using decomposed crushed granite versus concrete. Brian Reed, speaking on behalf of M. Christopher Homes, stated that as a developer they prefer and urge the council to consider decomposed crushed granite. The material will be used where it is heavily treed with significant root growth that could interfere if concrete was used. Mr. Reed suggested using decomposed crushed granite between proposed lots 7 and 8 up to the trail head, and then could use concrete.

Mayor Pro Tem Lessner made a motion to approve the rezoning of the subject property from Two-Acre Ranch Estate (RE-2) to the Planned Center (PC) Zoning District with the provision that a concrete trail be provided on land dedicated to the town as shown on the plan, and conditioned upon additional staff review of the trail plan. Councilman Cunningham seconded that motion and the motion was unanimously approved.

SITE PLAN CROSSROADS AT FAIRVIEW: Conduct a public hearing, consider, and take any necessary action on a request for approval of a Site Plan for the first phase of the Crossroads at Fairview, a multi-phased commercial development that is within Zone J (Southern Ceremonial Parkway Zone) of the Commercial Planned Development District (CPDD), and is generally located at the northeast corner of the Fairview Parkway and Fairview Village Road intersection.

Mr. Schmidt stated a Concept Plan for this property was approved in October, 2012. This Site Plan is for the first phase of the development in the Crossroads. The first phase will consist of a restaurant use with a coffee shop. The applicant is still in the process of lining up additional retailers, but does have potential clients. Mr. Schmidt stated that as new development occurs, the Concept Plan will come back to council to be amended.

Mr. Schmidt stated that this Site Plan has several variation requests from the applicant, which include façade variations within the material colors, arched roof, and a patio component. The landscape plan provides for the extension of street tree plantings on Fairview Parkway, a concrete trail along each public street, and several park benches along Fairview Parkway. The landscape plan as well as the lighting plan fully conforms to the town's CPDD requirements. Mr. Schmidt stated the staff recommends approval of the Site Plan for the first phase of the Crossroads at Fairview.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to the council. The council reviewed the plans and requested variances. .

Councilwoman Price made a motion to approve the Site Plan, including the requested variances, for the first phase of the Crossroads at Fairview as submitted. Councilman Culbertson seconded that motion and the motion was unanimously approved.

FINAL PLAT CROSSROADS AT FAIRVIEW: Discuss, consider, and take any necessary action on a request for approval of a Final Plat for the Crossroads at Fairview Addition, a 5.942 acre multi-phased commercial development that is within Zone J (Southern Ceremonial Parkway Zone) of the Commercial Planned Development District (CPDD), and is generally located at the northwest corner of the Fairview Parkway and Fairview Village Road intersection.

Mr. Schmidt stated that the properties zoned Commercial Planned Development District (CPDD) must have a Concept Plan and Site Plan approved before a Final Plat can be reviewed. This Final Plat conforms to the subdivision regulations and town ordinances and has no impact from the changes within the Site Plan.

Mayor Pro Tem Lessner made a motion to approve the Final Plat for the Crossroads at Fairview. Councilwoman Price seconded that motion and the motion was unanimously approved.

PRELIMINARY PLAT ROBERT'S SECOND ADDITION: Discuss, consider, and take any necessary action on a request for approval of a Preliminary Plat for a 5.09 acre tract of land situated in the Calvin Boles Survey-Abstract No. 28, that is zoned Two-Acre Ranch Estate (RE-2) and is generally located north of Stacy Road and 2,000 feet west of Orr Road.

Mr. Schmidt stated that this subject property is zoned Two-Acre Ranch Estate (RE-2) and has very limited vegetation. The property was originally part of a larger tract of land that has been subdivided numerous times and divided so that platting requirements were avoided. Mr. Schmidt stated that due to the configuration of the property, it has access, utility and public service issues. Mr. Schmidt stated the property owner would like to subdivide into two lots that conform to the RE-2 zoning district, which would also create 0.018 acres of public ROW adjacent to Stacy Road. Mr. Schmidt stated although this property has a complex development scenario, staff is recommending approval of the Preliminary Plat so long as the town council adopts a developer's agreement to account for emergency services and water utility system issues.

Mayor Israeloff opened discussion to council. No comments were made.

Councilman Cunningham made a motion to approve the Preliminary Plat for the Roberts Second Addition. Councilman Culbertson seconded that motion and the motion was unanimously approved.

VACATING PLAT FAIRVIEW RANCH ESTATES, PHASE I: Discuss, consider, and take any necessary action on a request for approval of a Vacating Plat for the Fairview Ranch Estates, Phase I subdivision that is generally located at the southwest corner of Hart Road and Country Club Road.

Mr. Schmidt stated that a plat for a subdivision by M. Christopher Homes had been previously approved by council. Since that time, the applicant was able to purchase a portion of land that was located between the two subdivisions that has been approved and recorded with the county. Mr. Schmidt stated that the applicant would like to vacate the plat in order to allow for the review of a zoning change and preliminary plat application for the entirety of the property.

Mayor Pro Tem Lessner made a motion to approve the Vacating Plat for the Fairview Ranch Estates, Phase I subdivision. Councilman Culbertson seconded that motion and the motion was unanimously approved.

VACATING PLAT FAIRVIEW RANCH ESTATES, PHASE II: Discuss, consider, and take any necessary action on a request for approval of a Vacating Plat for the Fairview Ranch Estates, Phase II subdivision that is generally located west of Country Club Road and 625 feet south of Hart Road.

Mr. Schmidt stated that same issue applies to Phase II as was stated in the previous item for Phase I.

Councilwoman Price made a motion to approve the Vacating Plat for the Fairview Ranch Estates, Phase II subdivision. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

REZONING FAIRVIEW RANCH ESTATES: Conduct a public hearing, consider, and take any necessary action and approve an ordinance on a request to change the zoning boundaries of a 16.835 acre tract of land situated in the Samuel Sloan Survey – Abstract No. 791, that is zoned One-Acre Ranch Estate (RE-1) and One-and-One-Half Acre Ranch Estate (RE-1.5), and is generally located at the southwest corner of Hart Road and Country Club Road.

Mr. Schmidt stated that this subject property consists of 16.835 acres and is currently categorized as Residential Estate (RE-1) on the Future Land Use Plan. The applicant is requesting a zoning change on this subject property to RE-1.5 and has made an effort to conform to the existing zoning on the property by shifting the zoning boundaries. With only two lots proposed to be zoned RE-1.5, rezoning to RE-1.5 would only impact two of the fourteen proposed lots. Mr. Schmidt stated they appreciate the applicant's consideration for the zoning map, but staff feels it would be appropriate for the entire subdivision to be zoned RE-1 or Planned Center (PC) in order to provide uniformity and consistency with surrounding land uses. Mr. Schmidt stated that at the Planning and Zoning Commission meeting, the commissioners unanimously recommended PC zoning as well as recommending adopting a 25' setback for all lots in the subdivision, regardless of the lot size. Mr. Schmidt stated that with council's guidance, town staff recommends approval of the rezoning of this subject property to the Planned Center (PC) district or as requested by the applicant to the RE-1.5 zoning district.

Mayor Israeloff opened the public hearing. No comments were made and the public hearing was closed.

Mayor Israeloff opened discussion to council. Councilman Culbertson stated that he feels it's more appropriate to be zoned to the PC zoning district.

Councilman Cunningham asked if this would change any park dedication requirements. Mr. Schmidt replied that the staff would recommend to the Park Advisory Board to increase the dedication since there are four additional lots, but otherwise, there are no changes.

Councilman Culbertson made a motion to approve an ordinance to rezone 16.835 acres of land known as Fairview Ranch Estates to the Planned Center (PC) zoning district with 25' setbacks for all lots. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

PRELIMINARY PLAT FAIRVIEW RANCH ESTATES: Discuss, consider, and take any necessary action on a request for approval of a Preliminary Plat for a 16.835 acre tract of land situated in the Samuel Sloan Survey- Abstract No. 791, that is zoned One-Acre Ranch Estate (RE-1) and One-and-One-Half Acre Ranch Estate (RE-1.5), and is generally located at the southwest corner of Hart Road and Country Club Road.

Mr. Schmidt stated this Preliminary Plat is optional due to the approval of the Planned Center (PC) zoning. It would act as a duplicate at this point since the Site Plan is equivalent to the Preliminary Plat.

No action taken by council.

UTILITY RATES: Hear presentation and discuss water rate study and consider action on an ordinance adjusting utility rates and take any necessary action.

Mrs. Couch stated that during the budget process she planned for a rate study to evaluate the need for any rate adjustments in the utility fund. She indicated that North Texas Municipal Water District (NTMWD) increased their rates again this year and that cumulatively the District had raised their rates by 51% increase since 2007. She also indicated thatthe town has only raised rates by 5% since 2010. Mrs. Couch stated that the town contracted with McLain Decision Support Systems to review rates and recommend adjustments. Mr. McLain's review reflects a five year projection and a recommended 6% rate increase.

. Mr. McLain stated over the years, the town has only seen a 5% increase in rates; however, NTMWD continues to increase their rates yearly. Mr. McLain indicated that the town needed to consider raising rates in response to the increasing costs, including the NTMWD rate increases, and the goal of shifting utility debt to the utility fund. He indicated tht even with the recommended increase the town is still the 5th lowest city out of 37 that were surveyed. Mr. McLain stated that he recommends adopting a six percent increase to the existing rate structure.

Councilman Cunningham asked what the increase from NTMWD would be this year. Mr. McLain responded they are looking at roughly a 10% increase.

After considerable discussion, Mayor Pro Tem Lessner made a motion to approve an ordinance amending the utility fees with a six percent across the board increase. Councilman Culbertson seconded that motion and the motion was unanimously approved.

PRO RATA FEES: Consider an amendment to the town's code regulations governing pro rata fee and reimbursement for oversizing.

Mr. Chancellor stated that the cost to acquire public easements as part of the construction of the utility extension should also be reimbursable on a pro-rata basis. Mr. Chancellor stated that the proposed amended ordinance would allow land acquisition costs to be reimbursable if a pro-rata ordinance is approved.

Councilman Cunningham asked in regards to acquiring easements, does the developer or town acquire them, how do they actually attain the easements, and are appraisals needed. Mr. McCoy responded that it could require a town and/or city and the developer to enter into an inter-local agreement.

Mayor Pro Tem Lessner made a motion to approve an ordinance amending the town's code regulations governing pro-rata fees and reimbursement for oversizing. Councilman Culbertson seconded that motion and the motion was unanimously approved.

SALARY CLASSIFICATION PLAN/BENEFITS: Receive an update regarding the town's salary classification plan/benefits plan study and consider and take any necessary action.

Mr. Weatherly stated that they developed a set of criteria to be used to identify the cities to be used for a basis of comparison. Mr. Weatherly stated that they looked at proximity, growth, population, services offered, location and demographics, which included household income and values. The cities that have been recommended for consideration are Addison, Allen, Colleyville, Coppell, Frisco, Heath, Highland Park, McKinney, Murphy, Plano, Prosper, and Southlake.

Council discussed the various cities and why they made the list based with the fit in size and scope to the town.

Mayor Pro Tem Lessner made a motion to approve the ratification of the outlined cities to be used for the compensation and benefit survey to be completed by the consultant. Councilman Culbertson seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

Bill Nicol, 422 Long Cove, suggested extending the 35mph speed limit from the end of Stacy Road to Thompson Springs where it transitions from concrete to asphalt. Mr. Nicol stated that cars tend to speed through this area making it dangerous.

REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Mrs. Couch stated that the council received an updated project report.

Mr. Dunlap stated the Fairview Half Marathon is April 6th.

Mayor Pro Tem Lessner invited everyone to the free Dan Fogelberg concert on February 16th at the Allen High School Performing Arts Center.

Mayor Israeloff adjourned the meeting at 10:03 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW