TOWN COUNCIL
MEETING MINUTES
September 3, 2013

The Town Council met in regular session on Tuesday, September 3, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members Ron Samuels, Jim Cunningham, Frank O'Reilly, Henry Lessner, Paul Hendricks and Mary Price; Town Manager, Julie Couch; Town Engineer, James Chancellor; Economic Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Ken Schmidt; Management Inter, Tyler Brewer; Town Secretary, Michelle Lewis Sirianni; 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 6:31 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, real property, and economic development.

At 7:50 p.m. Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

DAR PROCLAMATION: Proclamation presented to the Daughters of the American Revolution.

Mayor Culbertson presented a Proclamation to Nancy Ross of the Texas Chapter of the Daughters of the American Revolution to recognize their contributions, dedication, and preservation of the Texas Chapter.

COSERVE GRANT: Recognition of a grant to the Fire Department.

Chief Price made a presentation regarding the vehicle that they will be purchasing with the grant monies from Coserve as well as describing what and how it will be used within the town.

Dennis Engelke, Executive Director of Coserve, commented on how the company collects and assembles their grant funding along with how they distribute the funds. He then presented Chief Price with a grant for $20,000.

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 be considered separately. A) Approve minutes of the August 1, 2013 worksession meeting. B) Approve minutes of the August 6, 2013 regular council meeting. C) Approve a prorata ordinance to reimburse town for 12" water main installation along Stacy Road. D) Approve an amendment to Ordinance 2003-0035 amending Article 4.05, Alarm Systems, related to tracking periods and court costs.

Councilman O'Reilly made a motion to approve items A-D. Councilwoman Price seconded that motion and the motion was approved with Councilman Cunningham abstaining on item A due to being absent at this meeting.

CUP 981 BRIARDALE COURT: Conduct a public hearing, consider, and take any necessary action on a request for approval of a Conditional Use Permit in order to allow for an accessory structure on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 981 Briardale Court, being Block A, Lot 8 of the Fairview Meadows subdivision.

Mr. Schmidt stated that Mr. Kooda, the applicant is applying on behalf of the property owner, Mr. Tod Hanna. The applicant is requesting to construct a 444 SF cabana. The subject property currently contains a single-family residence and a 673 SF accessory building. A Conditional Use Permit would be needed in order to exceed the 900 SF maximum requirement in a RE-1 zoning district. Mr. Schmidt stated that the property is heavily landscaped; therefore, will have adequate screening of the accessory building. Mr. Schmidt commented that staff has received four statements of support and two in opposition to the proposed accessory structure, and was unanimously approved by the Planning and Zoning Commission at its August meeting. Town staff recommends approval of the Conditional Use Permit in order to exceed the accessory building footprint requirements for the One-Acre Ranch Estate (RE-1) zoning district.

Councilwoman Price asked what the reasons were for the two opposing letters. Mr. Schmidt replied that they were not fond of having an additional accessory structure on the property. This subject property would be the first with two in the subdivision.

Councilman O'Reilly asked if the HOA had approved their request. Mr. Schmidt replied the HOA has approved their request.

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

Mayor Culberson opened discussion to council. No additional comments were made.

Councilwoman Price made a motion to approve a Conditional Use Permit at 981 Briardale Court. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

SUP VILLAGE AT FAIRVIEW: Conduct a public hearing, consider, and take any necessary action on a request for approval of a Special Use Permit in order to allow for the establishment of a Farmer's Market on a property that is zoned Commercial Planned Development District (CPDD) - Zone K, being Block A, Lot 5C of the Village at Fairview Addition.

Mr. Schmidt stated that the applicant for this request is Ms. Wendy Ellis of the MG Herring Group. The purpose of this request is to hold a European style farmer's market within the Village at Fairview on Saturday's and Sunday's. The proposed hours of operation being 8:00 am -3:00 pm on Saturday and 9:00 am – 2:00 pm on Sunday. The market will have 20-50 vendors depending on the season and all vendors will be required to have proper permits at their booth including health, food service, and sales and use permit(s). These will be coordinated with the town's economic development manager and health inspector to ensure all regulatory requirements are met. Mr. Schmidt stated that the event staff with the Village will help with traffic control as well as placing trash receptacles throughout the event center. The staff has received no negative feedback and was unanimously approved by the Planning and Zoning Commission. Staff recommends approval of a Special Use Permit to provide for a temporary farmer's market.

Councilman O'Reilly asked how the surrounding restaurant owners are with this request. Ms. Ellis responded that the restaurant owners are in favor and are excited about the prospect of bringing in people. Ms. Ellis added that there will be no prepared foods allowed within the market in order to sway people to eat at the restaurants within the Village. Ms. Ellis also addressed vendor parking. She stated that they will have a designated area that they will use.

Mayor Culbertson opened the public hearing.

Roy Serpa, 412 Saddleback Drive, asked if the event would be open-ended or limited. Mr. Schmidt replied that it is currently open-ended, but will be two days a week to start.

Mayor Culbertson closed the public hearing and opened discussion to council.

Councilman Cunningham asked if they will have the event once a month or more. Ms. Ellis responded that they are looking to do a six week test run having it every weekend beginning as soon as they are able to notify vendors and get the word out. Councilman Cunningham asked if coolers and/or alcohol are permissible within the volleyball court area. Ms. Ellis responded that no alcohol is allowed in this area.

Councilman O'Reilly asked how they anticipate communicating the event to the community. Ms. Ellis stated that they will use social media, their website, email, etc. Councilman O'Reilly requested that the town place it on the website and within the newsletter.

Councilman Samuels made a motion to approve a Special Use Permit for a temporary farmer's market. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

2013-2014 BUDGET PUBLIC HEARINGS: Conduct a public hearing regarding amending the 2012-13 fiscal year budget, the 2013-14 budget including the 2013-14 ad valorem tax rate, and take any necessary action.

Mrs. Couch provided a brief summary of items of changes within the General Fund, Water and Sewer Fund, and Debt Service Fund.

Councilman Cunningham asked if the discussions regarding a second polling location for elections would be for the town election held in May only and what the expenses would be to do so. Mrs. Couch responded yes it would be during the town's May election and currently does not have a figure of how much due to discussions currently taking place with County as well discussions that will need to take place with the City of McKinney. Councilman Cunningham expressed that he doesn't see the need for the added expense.

Mayor Culbertson opened the public hearing.

Roy Serpa, 412 Saddleback Drive, asked if the proposed budget was online. Mrs. Couch responded it is currently not online, but the budget will be online. Mayor Culbertson added that he anticipates having a few town hall meetings to address the budget for the residents.

Councilman Cunningham states that he preferred having the budget worksession at Town Hall for the public rather than offsite.

Councilwoman Price commented that the worksession was offsite, but at Noah's of Fairview, which is across the street from Town Hall, which is nearby.

Mayor Culbertson closed the public hearing.

TMRS RETIREMENT POLICY: Hold a Public Hearing and consider approving an ordinance modifying the town's TMRS retirement eligibility policy from 25 years to 20 years.

Mrs. Couch stated the town's current retirement period is after 25 years of service with comparator cities being 20 year cities. The cost for the changes has been included in the budget and proposed to be effective October 1, 2013.
Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to council. No additional comments were made.

Councilman Cunningham made a motion to approve an ordinance granting a service retirement after 20 years of credited service with TMRS. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

FINAL PLAT HICKEY ADDITION: Discuss, consider, and take any necessary action on a Developer's Agreement and a request for approval of a Final Plat for a 3.00± acre tract of land situated in the Samuel Sloan Survey – Abstract No. 28, that is zoned One-and One-Half Acre Ranch Estate (RE-1.5) and is generally located 1,600 feet south of Hart Road and east of the Oakwood Estates subdivision.

Mr. Schmidt stated that Mr. Pat Hickey is the property owner and applicant for this Final Plat. The purpose of the plat is to subdivide a 3.0 acre property into two 1.5 acre lots. The property is currently zoned One-and-One-Half-Acre Ranch Estate District (RE-1.5) and these lots would conform to this zoning district. Mr. Schmidt stated the property does contain access and utility issues and would require a developer's agreement to be established between the town and Mr. Hickey to help mitigate the risk associated with these development conditions. The developer's agreement would run with the land and require the property owner to install: a fire apparatus hammerhead turnaround point, to extend an 8" water line and install at least one fire hydrant on the property, and install a fire sprinkler system in all new residential structures. This agreement would bind Mr. Hickey to perform this work prior to receiving a building permit approval from the town. Mr. Schmidt stated town staff recommends approval of the Final Plat conditioned upon the establishment of a developer's agreement that accounts for the items referenced within the developer's agreement.

Council discussed the options Mr. Hickey will have to extend the water line.

Councilman Hendricks made a motion to approve a Developer's Agreement and Final Plat for a 3.0 acre tract. Councilwoman Price seconded that motion and the motion was unanimously approved.

CPDD MASTER PLAN: Receive a presentation, discuss, and consider a request from Jacobs to serve as the town's planning consultant for an update of the CPDD Master Plan, and take any necessary action.

Mr. Schmidt stated that the update of the CPDD Master Plan would include the consultant, which will be chosen by council to work with the town to conduct a market study and update the land use, thoroughfare, pedestrian linkage, and park and open space plans. Recently, the town staff along with the council subcommittee interviewed selected participants for the project. The Jacobs firm led by its project manager, Mark Bowers was selected to be the best fit for the town. Jacobs submitted a preliminary project budget that accounts for a range of services that, depending on the level of service, could cost between $151,000 - $310,000. Mr. Schmidt stated that this cost is consistent with those provided by other firms.

Mark Bowers, Director of Planning, gave council a presentation that included an overview of roles by those that will be involved with the project, project components, plan components, implementation, and a timeline.

Council discussed the process that would take place with the consultant, using a market analysis, along with funds that will be used for the project. Mayor Pro Tem Lessner stated that while interviewing, he was very pleased with Jacobs knowledge of area development, financial, and community planning.

Mayor Pro Tem Lessner made a motion to select Jacobs as the consultant for the update of the CPDD Master Plan, and to grant the town staff permission to begin contract negotiations with Jacobs. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

Councilmember Price made a motion to continue using a subcommittee comprised of Councilmembers O'Reilly, Hendricks, and Lessner to continue to assist and work with staff, council and the consultant on the project. Councilman Cunningham seconded that motion and the motion was unanimously approved.

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

Mayor Pro Tem Lessner made a nomination to appoint Amy Adler to the Public Arts Committee.

No further nominations were made.

Mayor Pro Tem Lessner made a motion to appoint Amy Adler to the Public Arts Committee for a two year term. Councilwoman Price seconded that motion and the motion was unanimously approved.

TOWN INSURANCE: Discuss and consider awarding a proposal for town insurance and take any necessary action.

Mrs. Couch stated that the town recently requested proposals for employee group health, dental, and vision. The town received a reduction from BCBS, which is the current company being used by the town. Mrs. Couch stated that the town also requested the broker, The Reaves Agency, which has been the town's broker for approximately ten years, to look at options for dependent coverage based on the council's comments from previous meetings. In response, BCBS recommended two options in addition to the in force plan. These plans have lower premiums for dependent coverage, making it more affordable with quality coverage. The High Deductible Health Plans are Health Savings Account qualified plans. The HSA account will allow the employee to save money on a pre-tax basis for qualified medical expenses. The town will also contribute $100 per month to an HAS for each employee that enrolls. Mrs. Couch stated that Sun Life came in with lower rates versus Ameritas, the town's current company for dental coverage. The town would only see a slight increase in rates with Sun Life. Town is not recommending any changes to the vision insurance, which is held with Ameritas.

Mayor Culbertson asked if the town would see rate changes next year with BCBS, would they still offer all three plans. Mrs. Couch replied yes and that the town also currently pays 100% for the employee. She indicated that the Town contribution was not guaranteed but would be looked at each year.

Councilman Cunningham notated the high deductibles on options two and three.

Councilman O'Reilly made a motion to renew the in force with Blue Cross Blue Shield medical insurance at the grandfathered status rates; offer two additional BCBS plans contributing $100 per month to an HSA for this year; change from Ameritas to Sun Life Financial for the town's dental insurance; and, renew the in force Ameritas vision plan. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

COMMUNITY EVENTS COMMITTEE: Discuss creating an ad hoc committee to create community event(s), and take any necessary action.

Mrs. Couch stated that the resolution outlines the committee including the number of members, timeline, and general scope. Mrs. Couch requested council to review and discuss any changes they would like within the resolution.

Council discuss the options of having the committee as an ad hoc committee versus an on-going committee, execution of the event(s) once created, and receiving monthly updates versus periodic.

The council's consensus was to add the following recommended changes to the resolution: two interim reports shall be made to the EDC/CDC commission with option to report to council as needed, committee to work with the CDC, change ending date to June 2014, and committee to have an additional on-going role in implementing the event(s). Council also agreed to use current subcommittee to help find individuals for the committee.

Councilman Samuels made a motion to approve a resolution creating an ad hoc committee to create community event(s) as amended with above recommendations. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

2013-14 AD VALOREM TAX RATE: Discuss and consider an ordinance on the proposed 2013-14 ad valorem tax rate, and take any necessary action.

Mr. Wilbourn stated that the public hearing requirement for this item has been met and the council can formally adopt the ad valorem tax rate of $0.360 on each one hundred dollars ($100.00) assessed value of taxable property.

Mayor Pro Tem Lessner made a motion to adopt the ordinance setting the 2013-14 ad valorem tax rate at $0.360 on each one hundred dollars ($100.00) valuation. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

2013-14 PROPERTY TAX RATE: Discuss and consider a resolution ratifying the 2013-14 property tax rate and take any necessary action.

Mr. Wilbourn stated that the fiscal year 2013-2014 budget will raise more revenue from property taxes than the previous year because, despite no change in the actual property tax rate, the revenue from the assessment of property taxes will create more revenue than last year due to improvements placed on the tax rolls and increased assessments.

Councilman Cunningham made a motion to approve a resolution ratifying the 2013-2014 property tax revenue increase reflected in the fiscal year 2013-2014. Councilman Samuels seconded that motion and the motion was unanimously approved.

AMEND 2012-13 BUDGET: Discuss and consider an ordinance amending the 2012-13 fiscal year budget, and take any necessary action.

Mr. Wilbourn requested council to approve the amended fiscal year 2012-2013 budget as submitted.

Councilman Hendricks made a motion to approve the ordinance amending the fiscal year 2012-2013 budget. Mayor Pro Tem Lessner seconded that motion and the motion was unanimously approved.

2013-2014 ANNUAL BUDGET: Discuss and consider an ordinance approving the proposed 2013-14 budget, and take any necessary action.

Mr. Wilbourn requested council to approve the 2013-2014 budget as submitted.

Councilman Cunningham stated that he was displeased with this year's procedure, but pleased with result of the final product.

Councilman Cunningham made a motion to approve the 2013-2014budget. Councilwoman Price seconded that motion and the motion was unanimously approved.

TOWN'S FACILITIES PLANNING: Discuss and consider a RFQ regarding the town's facilities planning and take any necessary action.

Mr. Wilbourn stated that staff has put together a request for qualifications (RFQ) to begin the process of seeking out qualified firms for the future facilities planning study. Once submittals are received, an evaluating process would take place. Mr. Wilbourn stated that staff requests that the council form a subcommittee comprised of three members to take part in the evaluation process. Town staff would assist the council subcommittee in evaluating qualified firms and help them make a recommendation that would be taken back to council. Mr. Wilbourn requested approval for staff to send out the RFQ to qualified firms and appoint a council subcommittee.

Councilmembers Samuels, O'Reilly, and Hendricks volunteered to serve as the subcommittee in this process.

Mayor Pro Tem Lessner made a motion to approve staff to send out RFQ's to qualified firms as well as appointing councilmembers Samuels, O'Reilly, and Hendricks to the subcommittee to assist staff with recommendations. Councilman Samuels seconded that motion and the motion was unanimously approved.

UTILITY RATES AND CHARGES: Discuss and consider an ordinance amending Appendix A of the town's fee schedule regarding utility rates and charges, and take any necessary action.

Mrs. Couch stated that as part of the current budget, it was determined that it would be necessary to increase water rates. These rates would be effective November 1, 2013.

Mayor Pro Tem Lessner made a motion to approve an ordinance amending the town's utility rates and charges effective November 1, 2013. Councilman Samuels seconded that motion and the motion was unanimously approved.

MILLIGAN WATER SUPPLY: Discuss and consider an agreement with Milligan Water Supply Corporation, and take any necessary action.

Mrs. Couch stated the Milligan Water Supply Corporation has approved the contract and the town is prepared to move forward. If the contract is approved, the town would be taking over the residents who currently receive water from Milligan. The town will notify the residents and work with them regarding their meters and any pressure reducing devices that may be needed as the transition is made. The water rates to these residents will be lower than they are currently paying, as well as being able to provide them fire protection. Mrs. Couch stated the cost of the acquisition will be $40,000 and was included in the amended budget for this year and would be recovered in approximately two and a half years.

Councilman Samuels made a motion to approve an agreement with Milligan Water Supply Corporation as submitted. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

CITIZENS INPUT:

No comments were made.

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

Mayor Pro Tem Lessner reminded council of the event for Ken Paxton being held and the tax ratification election being held by the McKinney ISD.
The council adjourned back into executive session at 10:53 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, real property, and economic development.

At 12:30 p.m. Mayor Culbertson reconvened back into regular session and adjourned the meeting with no further actions made.

DARION CULBERTSON, MAYOR

ATTEST:

Michelle Lewis Sirianni

Michelle Lewis Sirianni, Town Secretary

TOWN OF FAIRVIEW