

**TOWN COUNCIL  
MEETING MINUTES  
JUNE 6, 2016**

The Town Council met in regular session on Monday, June 6, 2016 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson; Councilmembers Ron Samuels, John Adler, Frank O'Reilly, Pam Little and Paul Hendricks. Councilmember Renee Powell was absent. Staff present included Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Planning Manager, Israel Roberts; Town Engineer, James Chancellor; Chief Financial Officer, Jason Weeks; Police Chief, Granver Toliver; Interim Fire Chief, Jeff Bell; Town Secretary, Elizabeth Cappon; and Town Attorney, Clark McCoy.

Mayor Culbertson called the meeting to order at 6:33 p.m. and declared a quorum was present. At 6:34 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.

**ADMINISTER OATHS OF OFFICE:** Town Secretary, Elizabeth Cappon introduced and swore in re-elected Seat 2 Councilmember John Adler and newly elected Seat 4 Councilmember Pam Little. Ms. Cappon stated that Councilmember Renee Powell was also re-elected to Seat 6 and had previously been sworn in, as she was not able to attend that night's Council meeting.

**ELECT MAYOR PRO TEM:** Mayor Culbertson made a request for nominations for the position of Mayor Pro Tem. Councilmember O'Reilly nominated Councilmember John Adler for the position of Mayor Pro Tem; there were no further nominations. Councilmember Samuels made a motion to appoint Councilmember Adler as Mayor Pro Tem. Councilmember O'Reilly seconded the motion and the motion was unanimously approved.

**PROCLAMATIONS, RECOGNITION AND AWARDS:** The Mayor and Council honored the Fairview students of the Evans Middle School Pantherettes Drill Team, which earned two national titles at the American Dance/Drill Team National Championship at the University of North Texas on March 19, 2016.

**APPOINTMENTS AND REPORTS:** The Mayor and Council heard a presentation from Gary C. Thomas, President/Executive Director of Dallas Area Rapid Transit (DART) regarding transit services in Fairview. Mr. Thomas proposed extending the current temporary dedicated vehicle demand responsive service through September 30, 2016 and then beginning October 1, transition to a taxicab voucher system, where residents can purchase up to \$200 per month in vouchers for 25 percent of the value. Mr. Thomas stated that through September, DART will contribute to honor the TAPS monthly price through the NCTCOG agreement as subsidized by a grant made by Toyota.

Councilmember Hendricks asked about the possibility of mass transportation. Mr. Thomas stated that DART owns the right of way for commuter rail through Sherman but that it costs \$60 to 70

million per mile. Mr. Thomas stated a more affordable option is bus rapid transit set-up like a light rail train but there is a barrier to getting people to hear that option. Mr. Thomas stated that this is common in Los Angeles.

Mr. Thomas stated that the DART Board understands that the one percent sales tax requirement is a challenge and that is why they voted to remove the requirement of holding an election within four years.

Councilmember Adler asked about the communication of the program. Mr. Thomas stated that he would work with staff to communicate to the senior centers, medical facilities and dialysis centers about the program.

Councilmember Samuels made a motion to authorize the Town Manager to enter into an Interlocal Agreement with DART. Councilmember O'Reilly seconded the motion and the motion was unanimously approved.

Rick Bernas, Division Manager of Republic Services gave a presentation regarding a contract extension for garbage services.

Councilmember O'Reilly praised Republic Service for their quality of service and asked if senior rates were possible.

Councilmember Adler asked about customer service metrics. Mr. Bernas described the metrics utilized by Republic Services. Mr. Bernas stated they were the safest company in America. Councilmember Adler suggested an app for locating your garbage truck.

Mr. Weeks stated that staff recommended extending the contract for five years utilizing a flat 3 percent annual increase and brought this forward for feedback regarding any potential changes to brush/bulk or other garbage services. Ms. Couch said staff will bring back a proposal to include senior pricing and commercial rates.

Councilmember O'Reilly made a motion to allow the Town Manager to negotiate a contract extension with Republic Services. Councilmember Adler seconded the motion and the motion was unanimously approved.

The Mayor and Council heard a presentation from Karen Karnuta, Chair of the Town's Public Art Committee regarding the success of the Inaugural Town of Fairview Art Show, which was held April 29 to May 1, 2016.

**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 minutes of the March 31, 2016 special Town Council meeting. B) Approve minutes of the April 5, 2016 regular Town Council meeting. C) Approve minutes of the May 3, 2016 regular Town Council meeting. D) Approve minutes of the May 9, 2016 special Town Council meeting. E) Approve minutes of the May 16, 2016 special Town Council meeting. F) Approve a resolution

authorizing continued participation with the Steering Committee of cities served by Oncor and payment of assessed dues for 2016. G) Approve a resolution authorizing submission for a park grant application to Collin County for completion of a trail included in the Fairview master trail plan. H) Approve an interlocal agreement with the City of Richardson for use of a Fire Training Center. I) Approve a resolution authorizing the creation of the North Central Texas Regional 9-1-1 Emergency Communications District.

Mayor Culbertson stated that item C would need to be pulled.

Councilmember O'Reilly made a motion to approve items A, B, D, E, F, G, H and I from the consent agenda. Councilmember Little seconded the motion and the motion was unanimously approved.

**BOARDS/COMMISSIONS:** Discuss boards and commissions and take any necessary action.

Councilmember Hendricks made a motion to reappoint to the Karen Karnuta as the Chairperson of the Public Art Committee. Councilmember Adler seconded the motion and the motion was unanimously approved.

Councilmember Hendricks made a motion to reappoint Beth McInerney and Liz Glasco as members of the Public Art Committee. Councilmember Little seconded the motion and the motion was unanimously approved.

Councilmember Hendricks made a motion to appoint Sim Israeloff as the Chairperson of the Planning and Zoning Commission. Councilmember Samuels seconded the motion and the motion was unanimously approved.

Councilmember O'Reilly made a motion to appoint Gregg Custer to the Planning and Zoning Commission. Councilmember Little seconded the motion and the motion was unanimously approved.

Councilmember Adler made a motion to reappoint Debbie Flood, Pat Friend and Ricardo Doi to the Planning and Zoning Commission. Councilmember Little seconded the motion and the motion was unanimously approved.

Councilmember Samuels made a motion to reappoint Sim Israeloff and to appoint Roy Serpa to the board of the Economic Development and Community Development Corporation. Councilmember O'Reilly seconded the motion and the motion was unanimously approved.

Councilmember Hendricks made a motion to appoint Glenn Carlin as a member as well as Chris Lee and David Ross as alternates to the Zoning Board of Adjustments. Councilmember O'Reilly seconded the motion and the motion was unanimously approved.

Councilmember Samuels made a motion to reappoint Guy Wormald and Carol Sutton as members of the Parks and Recreation Advisory Board. Councilmember O'Reilly seconded the motion and the motion was unanimously approved.

Councilmember Little made a motion to reappoint David Logan and Terry Morrow as members of the Zoning Board of Adjustments. Councilmember O'Reilly seconded the motion and the motion was unanimously approved.

Councilmember Adler made a motion to reappoint Paul Westbrook as Chairperson as well as reappoint Gary Anderson, Gary Carter and Roger Taylor as members of the Environmental Management Advisory Board. Councilmember Samuels seconded the motion and the motion was unanimously approved.

Councilmember O'Reilly made a motion to reappoint John Adler and Paul Myers as well as to appoint David Grimes and Stace Hunt to the Technology Advisory Committee. Councilmember Samuels seconded the motion and the motion was approved by a vote of 5-0 with Councilmember Adler abstaining.

Councilmember Little made a motion to reappoint Chris Hendricks as Chair as well as reappoint Estelle Jenkins to the Special Events Committee. Councilmember Adler seconded the motion and the motion was approved by a vote of 5-0 with Councilmember Adler abstaining.

Mayor Culbertson stated that with those appointments and reappointments, the Town's Boards and Commissions openings were mostly filled.

**CUP: ACCESSORY STRUCTURE (RV COVER) AT 581 BLUEBIRD LANE:** Conduct a public hearing, consider and take necessary action on a request for approval of a Conditional Use Permit (CUP) for an accessory structure (RV cover). The 0.53-acre site is located at 581 Bluebird Lane and is zoned for the (RE-1) One-acre Ranch Estate District. Owner/applicant: Sean Bishop (Case No. CUP2016-06).

Mr. Roberts gave a presentation on agenda item 10 (a) regarding a request for approval of a Conditional Use Permit (CUP) for an accessory structure (RV cover) at 581 Bluebird Lane.

Mr. Roberts stated the accessory structure would be a separate RV canopy that would align with the existing detached two-car garage. Mr. Roberts added that it would be the home's fourth accessory structure and would be over the normal 900-square foot limit in RE-1 zoning.

Mr. Roberts stated that of the adjacent property owners notified within the 500-foot boundary, the Town received one letter of support and two letters of opposition.

Mr. Roberts stated that Staff recommends approval with the condition added by the Planning and Zoning Commission that the columns and eaves align with the existing garage, which has been revised in the design.

Councilmember O'Reilly asked where those who wrote the letters of opposition lived. Mr. Roberts stated they were from residents in a different subdivision to the south of the property.

Councilmember Hendricks asked what vehicle storage is normally allowed for this zoning type. Mr. Roberts stated that they are allowed to have one building behind the front building line of the main structure.

Mayor Culbertson opened the public hearing.

The applicant, Sean Bishop, 581 Bluebird Lane, stated his support for the CUP to improve his property and protect his RV.

John Harkins, 411 Oakridge Drive, River Oaks II subdivision, asked to what was in the letters of opposition. Mayor Culbertson stated that one does not provide a reason and the other stated the property has enough existing storage space.

Councilmember Hendricks asked Mr. Roberts if the opposition statements came from within the 500-foot notification boundary. Mr. Roberts stated that they were within the boundary. He added that he did additionally receive phone calls from Bluebird Lane residents with questions but that there was no stated opposition from those Bluebird residents.

Mayor Culbertson closed the public hearing.

Councilmember Hendricks made a motion to approve a request for a Conditional Use Permit (CUP) for an accessory structure (RV cover). The 0.53-acre site is located at 581 Bluebird Lane and is zoned for the (RE-1) One-acre Ranch Estate District. Owner/applicant: Sean Bishop (CUP2016-06) with the staff recommended conditions and the Planning and Zoning Commission conditions that the structure matches the existing setbacks. Councilmember Little seconded the motion and the motion was unanimously approved.

**DRAINAGE FOR M CHRISTOPHER CUSTOM HOMES:** Consider, discuss and take any necessary action regarding drainage for M Christopher Custom Homes located adjacent to and east of Country Club Road (FM 1378) and north of Farmstead Street. (Case No. ZA2015-14).

Mr. Chancellor gave a presentation on agenda item 11 (a) regarding the new drainage study for M Christopher Custom Homes Harper's Landing Phase II, located adjacent to and east of Country Club Road (FM 1378) and north of Farmstead Street. Mr. Chancellor stated that the Council had previously approved an agreement for the development with the condition that this updated study shows that the modified swale design improves upon the prior design. Mr. Chancellor stated that the new design was narrower but also much deeper than the original, which will help more during smaller storm events while also helping in larger events.

Mr. Chancellor and the Council discussed the new study for the Council including FEMA modeling, the new swale design, the Council's drainage field trip and the 500-year storm level.

Mr. Chancellor stated the applicant would be coming forward with the final plat but was currently asking to begin some early grading and fill on Phase I and II during the summer. Mr. Chancellor stated an added benefit of this would be that the Country Club Road access would be

completed sooner. Mr. Chancellor stated that the grading plans would still need to match before the final plat will be approved to ensure no additional flood plain reclamation.

Bryon Reid, 550 South State Highway 5, stated the goal would be to cut the channel over six weeks before the fall rainy season begins. Mr. Reid also stated his willingness to have his engineer work with Mr. Chancellor for the best possible design.

Councilmember Samuels stated his believe that the current design was better than the prior design. Mayor Culbertson agreed and stated that the hydrology study has proven it better than they even anticipated.

Mr. Chancellor stated that the feedback he was hearing from the Council was that it is okay to allow the applicant to proceed with some grading and reclamation using the currently modeled geometry of the swale. Mayor Culbertson agreed. Ms. Couch stated that on similar items, typically staff would allow early grading without discussion by the Council but due to the level of Town response to the project, staff wanted to make sure the Council was aware and supportive of the decision. She added that no motion was necessary by the Council until the final plat.

**MASTER DRAINAGE PLAN:** Hear a presentation from staff regarding the Master Drainage Plan and take any necessary action.

Mr. Chancellor gave a presentation on agenda item 11 (b) regarding the Master Drainage Plan, which the Council had previously reviewed at a Special Council meeting, covering Sloan Creek as well as future regional detention necessary to reduce runoff from development in the CPDD.

Councilmember Samuels asked about the runoff from the new McKinney ISD football stadium. Mr. Chancellor stated that it would and their consultants are communicating with the surrounding cities. Mr. Chancellor stated that he works with other cities to ensure proper detention. Mr. Chancellor added he is currently working with the Allen Outlet Mall to ensure proper detention for their expansion.

Councilmember Adler asked about the Williams property near the CPDD. Mr. Chancellor stated that RE-1 and larger zoning does not currently require detention unless there are unusual circumstances.

Mr. Chancellor described the issues with Sloan Creek's erosion including wet-dry cycle issues and chemical breakdown. Mr. Chancellor stated that he would like to create a test section of armoring and small check dams along Sloan Creek on the David Petefish property.

Councilmember O'Reilly asked how long it would take to get results. Mr. Chancellor stated that it would take one to two years to get at least through one fall and spring rain season, but that they may want to modify it in six to 18 months.

John Harkins, 411 Oakridge Drive, River Oaks II subdivision, described a home on Meandering Way that appeared in danger of the creek.

Mr. Chancellor described alternatives for developers as suggested by the study. Mr. Chancellor added the study looked at whether increased detention could reduce Sloan Creek flooding and they found that even with 100 percent detention, homes along Sloan Creek would see less than 10 percent improvement. Mr. Chancellor stated the only thing that would significantly help Camino Real would be a large levee system. Mr. Chancellor added that utilizing the detention plan shown, the Sloan Creek floodplain will be very similar to the existing floodplain.

Councilmember Adler asked about existing development in Allen and McKinney that possibly was not possibly properly detained. Mr. Chancellor stated that since his hire with the Town, he has had good communication with Allen and they have been detaining everything, but he was not sure what had been done prior. Mr. Chancellor added that Allen is almost built-out to completion, which should keep it from getting worse. Mr. Chancellor added that TxDOT would model to account for the new Ridgeview Overpass.

**DISCUSS DEVELOPMENT PLAN FOR SHOPS ON THE GREEN:** Discuss the proposed development plan for The Shops on the Green, a proposed community of shops and offices located at 460 S. State Highway 5 and within the CPDD (Commercial Planned Development District). (Case No. DP2016-01).

Mr. Roberts gave a presentation on a development plan for The Shops on the Green, a proposed community of shops and offices located at 460 S. State Highway 5 within the CPDD, which could be built in multiple phases. Mr. Roberts stated that the concept plan meets the Town's form based code and only requires minor warrants for parking and the creation of the driveways.

Mayor Culbertson explained that this meets the Town's form-based code, which allows developers to meet a stringent code and gain approval from the Town's Urban Planning Officer and Town Manager rather than going before the Planning and Zoning Commission and the Town Council. Mayor Culbertson stated he would like to Staff to reach out to the surrounding area HOA. Ms. Couch stated that staff would do so and that the applicant was present for questions.

Councilmember Adler expressed concerns about the lighting in the parking lot. Mr. Roberts stated that as they are still at a concept plan level, it has yet to be engineered or designed, which is when the lighting plan would be considered. Ms. Couch added that it was also a staff concern and that they would use berms and landscaping buffers to buffer lights from traffic.

Mayor Culbertson asked Ms. Couch about the setbacks. Ms. Couch stated that this project had 160-foot setbacks and explained the changes made to the setback requirements during the creation of the form-based code.

Ms. Couch stated this is the first project to conform without any major warrants, after a two-year development process.

**CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2015-16 TO 2025-26:** Review, discuss and take any necessary action on the ten-year Capital Improvement Plan for fiscal years 2015-16 to 2025-26 and related topics.

Mr. Weeks gave a presentation on Council's progress on the ten-year capital improvement program.

Councilmember O'Reilly requested Mr. Weeks' PowerPoint presentation be put on the website as there was no longer a large public crowd to view it. Mayor Culbertson stated he would like to utilize it at a Town Hall meeting later in the summer after the Park and Trail Plan update.

Councilmember Adler stated he would like the Council to nail down a date for the joint meeting with the Park Board. Ms. Couch provided a reminder of the upcoming work session on Monday, June 27 at 5 p.m. in order to review water and sewer rate study, alternative water source study, the facilities needs assessment and planning study as well as the upcoming 2017-17 budget process. Ms. Couch stated that staff would send out potential dates for a July special meeting with the Parks and Recreation Board as the June special meeting already had a full agenda.

**NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION:** Consider a resolution directing publication of notice of intention to issue certificates of obligation and resolving other matters relating to the subject.

Mr. Weeks gave a presentation on a resolution directing publication on June 16 and June 23 in the Dallas Morning News, a notice of intention to issue certificates of obligation for \$6.6 million. Mr. Weeks stated that the certificates of obligation were for projects including Fairview Parkway design costs, East Stacy Road construction, the new Fairview Fire Rescue ladder truck, matching funds for the Ridgeview Road overpass as well as the acquisition of right-of-way and land for other CIP projects.

Councilmember Adler made a motion to approve a resolution directing publication of notice of intention to issue certificates of obligation and resolving other matters relating to the subject. Councilmember Samuels seconded the motion and the motion was unanimously approved.

**CITIZEN INPUT:**

No citizens provided input.

**REPORTS FROM STAFF:**

Chief Bell provided a report on agenda item 12(b) regarding an update on projects relating to Fire Station #1 including the options to replace the exhaust system and the newly implemented portable building at Fire Station#1. Chief Bell stated that for \$7,000 to \$10,000, FFR could modify a new exhaust system to utilize their current fan. Chief Bell added the new system could be installed by around the end of the month. Ms. Couch stated that this amount was within staff's ability to approve. Chief Bell stated he would be traveling next week to provide the final inspection on the new ladder truck and whenever it arrived, they would host a ceremony pushing in the new truck and retiring the old fire truck to auction. Chief Bell added he thought it would be in service around the end of July.

Mr. Chancellor provided a report on agenda item 12(c) regarding an update on Stacy Road construction. The Council and Mr. Chancellor discussed the Stacy Road construction. Mr. Chancellor stated that they had made the switch to the south side causing initial driver confusion



but that he and the City of Allen worked with TxDOT to change the design to three through lanes. Mr. Chancellor stated that he was working with the Oakwood Estates HOA in order to determine whether to fully close their entrance on Stacy Road or work on half at a time.

Mayor Culbertson adjourned the meeting at 10:33 p.m.



Darion Culbertson, Mayor



Elizabeth Cappon, Town Secretary