

**TOWN COUNCIL  
MEETING MINUTES  
AUGUST 2, 2016**

The Town Council met in regular session on Tuesday, August 2, 2016 at 6:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson; Mayor Pro Tem John Adler; and Councilmembers Ron Samuels, Frank O'Reilly, Pam Little, Paul Hendricks and Renee Powell. Staff present included Town Manager, Julie Couch; Assistant to the Town Manager, Adam Wilbourn; Chief Financial Officer, Jason Weeks; Planning Manager, Israel Roberts; Town Engineer, James Chancellor; Economic Development Manager, Ray Dunlap; Police Chief, Granver Toliver; Fire Chief, Jeff Bell; Event/Marketing Coordinator, Shannon Craft; Town Secretary, Elizabeth Cappon; and Town Attorney, Clark McCoy. Most of the members of the Fairview Police Department attended the meeting for the police proclamation.

Mayor Culbertson called the meeting to order at 6:00 p.m. and declared a quorum was present. At 6:01 p.m., the council then adjourned into executive session regarding a consult with legal counsel, property acquisition, personnel and economic development negotiations.

At 7:35 p.m., Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance. An invocation was then led by Minister Vince Smith, Executive Director of the Collin Baptist Association.

**PROCLAMATIONS, RECOGNITION AND AWARDS:** Mayor Darion Culbertson read a proclamation declaring August 2, 2016 as Law Enforcement Recognition Day in the Town of Fairview and held a moment of silence honoring all fallen officers and their families, particularly the five officers of the Dallas and Dallas Area Rapid Transit Police Departments lost to an ambush attack on July 7, 2016.

**APPOINTMENTS:** Event Committee chair, Chris Hendricks, provided a report on agenda item 5(a) regarding the upcoming Gus Macker 3-on-3 basketball tournament to be held September 10 and 11, 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 June 27, 2016 special Town Council meeting. B) Approve minutes of the July 5, 2016 regular Town Council meeting. C) Approve a resolution authorizing the Chief of Police to apply for grant for a body worn camera from the office of the Governor and accept, if awarded. D) Approve, subject to legal form, an Interlocal Agreement with Collin County regarding jail services. E) Authorize the Town Manager to award a bid for reconstruction of Sharon Road in an amount not to exceed \$200,000. F) Approve an Amending Plat for Lot 17R-1 of the Montecito Estates Addition Phase 2. The 1.3-acre site is located on the north side of Meandro Ria Lane, east of Camino Real and is zoned for the (RE-1) One-acre Ranch Estate District. Applicant: Xan Thompson. (AP2016-01).

Councilmember O'Reilly requested to pull item D from the consent agenda. Councilmember Powell requested to pull item B from the consent agenda. Councilmember Samuels requested to pull item A from the consent agenda. Councilmembers Samuels and Powell stated they had made corrections to the minutes with the Town Secretary.

Councilmember Powell made a motion to approve items C, E and F of the consent agenda. Councilmember O'Reilly seconded the motion and the motion was unanimously approved.

Councilmember Hendricks made a motion to approve item A of the consent agenda with the requested amendments to the minutes. Councilmember Powell seconded the motion and the motion was unanimously approved.

Councilmember Powell made a motion to approve item B of the consent agenda with the requested amendments to the minutes. Councilmember Hendricks seconded the motion and the motion was unanimously approved.

Regarding item D, Councilmember O'Reilly asked some questions regarding housing of town prisoners. Councilmember O'Reilly also pointed out a possible correction to the agreement; Ms. Cappon stated the agreement was a draft to be approved subject to legal form while the Town awaits corrections. Councilmember O'Reilly made a motion to approve item D of the consent agenda. Mayor Pro Tem Adler seconded the motion and the motion was unanimously approved.

**REVISED LANDSCAPE PLAN: COURTS AT SLOAN CREEK IN THE CPDD:** Conduct a public hearing, consider and take necessary action on a request for approval of a revised landscape plan for the Courts at Sloan Creek. The 6.5-acre site is located on the west side of Highway 5, south of Meandering Way and is zoned for the CPDD (Commercial Planned Development District). Owner: Kittyhawk LLC. Applicant: Jeb Nelson, Green Brick Partners. (SP2016-01).

Mr. Roberts gave a presentation on agenda item 7(a), a request for approval of a revised landscape plan for the Courts at Sloan Creek on the west side of Highway 5, south of Meandering Way in the CPDD.

Mr. Roberts stated that of the more than 60 adjacent property owner notified within the 500-foot boundary, the Town has received no letter of support or opposition. Mr. Roberts stated that Staff has no formal recommendation on this item due to the amount of prior debate about the development but generally supports the changes to the landscaping plan.

Mr. Roberts stated that at the Thursday, July 14, Planning and Zoning Commission meeting, the Commission unanimously recommended approval with the condition that a fence be added on the north side of the sidewalk near the detention pond.

Mayor Culbertson asked about feedback from Ranchette Estates. Mr. Roberts stated two residents from Cypress Crossing visited with him regarding it but he has not heard from Ranchette Estates. Ms. Couch stated that the developer met with the Ranchette Estates homeowners as well as some Councilmembers prior to submitting the changes. Councilmember

Hendricks stated he felt the development was on the right track based off this meeting. Councilmember Little stated her agreement.

Mayor Culbertson opened the public hearing.

Ralph Thompson, 420 Windmill Lane, south of the development, stated his support for the changes to the plan, especially the additional screening. Mr. Thompson added that he hoped the project is successful. Mr. Thompson expressed concerns about the area north of the fence line that needs cleanup of bushes and poison ivy. Mr. Thompson also expressed concerns about large material delivery trucks coming through the neighborhood. Mr. Thompson requested a “no construction traffic” sign be added to the residential streets.

Mayor Culbertson requested Mr. Chancellor speak to the developer regarding these concerns.

Mayor Culbertson closed the public hearing.

Councilmember Little made a motion to approve a request for approval of a revised landscape plan for the Courts at Sloan Creek. The 6.5-acre site is located on the west side of Highway 5, south of Meandering Way and is zoned for the CPDD (Commercial Planned Development District). Owner: Kittyhawk LLC. Applicant: Jeb Nelson, Green Brick Partners. (SP2016-01). Councilmember Powell seconded the motion and the motion was unanimously approved.

**PRELIMINARY PLAT: HARPER'S LANDING PHASE II ON COUNTRY CLUB**

**ROAD:** Conduct a public hearing, consider and take necessary action on a request for approval of a Preliminary Plat for Harper Landing, Phase 2. The 46.2-acre site is located on the east side of Country Club Drive, between Farmstead St. and Camino Real and is zoned for the (RE-2) Two-acre Ranch Estate District. Applicant: Bryon Reid, M. Christopher Custom Homes. (PP2016-01).

Mr. Roberts gave a presentation on agenda item 7(b), request for approval of a Preliminary Plat for Harper Landing, Phase 2 on the east side of Country Club Drive, between Farmstead St. and Camino Real.

Mr. Roberts stated that the development includes 16 single-family lots and that it meets the RE-2 zoning. Mr. Roberts stated as preliminary plats are just utilized to establish a general overview rather than establishing a subdivision, so they are not filed with the County. Mr. Roberts stated staff recommends approval of the preliminary plat as presented.

Councilmember Samuels asked if the plans had changed since they had last seen them. Mr. Roberts stated they had not changed.

Mayor Culbertson opened the public hearing.

The applicant, Bryon Reid, M Christopher Custom Homes, 550 South Highway 5, stated his thanks to staff and the Council for their work over the last two years on the project. Mayor

Culbertson reminded Mr. Reid that the Council would hold him accountable for any items promised through the process.

Justin Jinright, 571 Kentucky Lane, asked if the trail easement was intended to be built. Mr. Jinright stated that he has been opposed to the project for some time but he is resigned that it will be approved, but is concerned the trail easement will be constructed. Mr. Reid stated there were no plans on the part of M Christopher but that was up to the Town. Mayor Culbertson stated that the Town was currently working with Parks and Recreation Board on the Town's trail plan and while it had not previously been considered, he did not know whether the easement would be utilized. Mr. Jinright asked if the easement was conforming to Town standards. Mr. Chancellor stated that the easement had more than enough room to be built to NCTCOG specs. Mr. Jinright stated his concern over debris in his yard and concerns that will increase if the trail is ever constructed.

Mayor Culbertson closed the public hearing.

Mayor Pro Tem Adler made a motion to approve a Preliminary Plat for Harper Landing, Phase 2. The 46.2-acre site is located on the east side of Country Club Drive, between Farmstead St. and Camino Real and is zoned for the (RE-2) Two-acre Ranch Estate District. Applicant: Bryon Reid, M. Christopher Custom Homes (PP2016-01). Applicant: Bryon Reid, M. Christopher Custom Homes (PP2016-01). Councilmember Little seconded the motion and the motion was unanimously approved.

**FINAL PLAT & LANDSCAPE PLAN; HARPER'S LANDING ADDITION:** Consider, discuss and take action necessary on a request for approval of a Final Plat and Landscape Plan for Harper Landing Addition. The 72.95-acre site is located on the east side of Country Club Drive, between Farmstead St. and Camino Real and is zoned for the (RE-2) Two-acre Ranch Estate District. Applicant: Bryon Reid, M. Christopher Custom Homes. (FP2016-04).

Mr. Roberts gave a presentation on agenda item 8(a), a request for approval of a Final Plat and Landscape Plan for Harper Landing Addition located on the east side of Country Club Drive, between Farmstead St. and Camino Real.

Mr. Roberts stated that the final plat is for the entirety of Harper's Landing, combining Phase I and II into one final plat. Mr. Roberts stated that while Phase I was previously approved; it was never filed with the County while awaiting zoning approval for Phase II. Mr. Roberts stated combining the two plats causes the revision of removing the northern cul-de-sac in Phase I and changing the Farmstead Road extension into a common area and emergency access easement.

Mr. Roberts stated that the landscape plan includes median design, a monument sign and the removal of some trees within the right-of-way.

Mr. Roberts stated that staff recommends approval.

Councilmember Samuels asked that the landscape plan not inhibit sight lines. Mr. Roberts stated that corner clips are utilized but beyond that, he could adjust any added landscaping as they install it.

Mayor Culbertson asked about the swale. Mr. Roberts explained that as a swale is a grading feature, it is not shown on the final plat other than the drainage easement. The Council, Mr. Chancellor and Mr. Jinright had an extended discussion regarding the drainage on the property and Mr. Jinright's property.

Councilmember Powell asked about how many existing trees would be removed. Mr. Roberts stated that each individual building permit may result in some additional tree removal but that would not be reflected in a final plat, which would only reflect tree removal for right-of-way changes.

Councilmember O'Reilly made a motion to approve a Final Plat and Landscape Plan for Harper's Landing Addition, subject to final form. The 72.95-acre site is located on the east side of Country Club Drive, between Farmstead St. and Camino Real and is zoned for the (RE-2) Two-acre Ranch Estate District. Applicant: Bryon Reid, M. Christopher Custom Homes (FP2016-04). Councilmember Little seconded the motion and the motion was unanimously approved.

**ORDINANCES AUTHORIZING ISSUANCE OF CERTIFICATES OF OBLIGATION AND GENERAL OBLIGATION REFUNDING BONDS:** Consideration and action on an ordinance authorizing the issuance and sale of Town of Fairview Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2016; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving an official statement; authorizing the execution of purchase agreement; providing an effective date; and enacting other provisions relating to the subject.

Consideration and action on an ordinance authorizing the issuance of Town of Fairview General Obligation Refunding Bonds, Series 2016; levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving an official statement; authorizing the execution of purchase agreement and escrow agreement; providing an effective date; and enacting other provisions relating to the subject.

Mr. Weeks gave a presentation on agenda items 8(c) and 8 (d) regarding two ordinances authorizing the issuance of Combination Tax and Limited Surplus Revenue Certificates of Obligation as well as General Obligation Refunding Bonds.

Mr. Weeks stated the certificates would be for approximately \$6.5 million and would reimburse the Town for the following capital projects: Fairview Parkway, Frisco Road, Ridgeview Road overpass design, East Stacy Road, land and right-of-way purchases and a new fire apparatus. Mr. Weeks stated the Town was also issuing \$2.8 million in refunding bonds to save on interest from prior debt issuances. Mr. Weeks added that on July 19, 2016, Standard and Poors reaffirmed the Town's AA+ rating.

Mayor Culbertson stated the Council's interest in an AAA rating. Boyd London, the town's financial advisor with First Southwest, gave a presentation on the bond issuance. Mr. London reviewed the rating and the differences in various rating levels and indicated that the town's bond counsel was also in attendance to answer any questions.

Councilmember Samuels made a motion to approve an ordinance authorizing the issuance of Town of Fairview General Obligation Refunding Bonds, Series 2016; levying an annual ad valorem tax and providing for the security for and payment of said bonds; approving an official statement; authorizing the execution of purchase agreement and escrow agreement; providing an effective date; and enacting other provisions relating to the subject. Councilmember Hendricks seconded the motion and the motion was unanimously approved.

Councilmember Samuels made a motion to approve an ordinance authorizing the issuance and sale of Town of Fairview Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2016; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving an official statement; authorizing the execution of purchase agreement; providing an effective date; and enacting other provisions relating to the subject. Councilmember Hendricks seconded the motion and the motion was unanimously approved.

Mr. Weeks requested the Council move up agenda item 8(h) regarding a contract extension for garbage services.

**REPUBLIC SERVICES GARBAGE CONTRACT EXTENSION:** Consider, discuss and take any necessary action on a contract extension for garbage services from Republic Services.  
8(h)

Mr. Weeks introduced a contract extension from Republic Services, which would extend the current contract starting October 1, 2016 for an additional five years for trash, recycling and brush/bulk garbage services. Mr. Weeks stated that Republic would also donate five roll off containers for special events. Mr. Weeks stated the draft contract includes the requested revision of the inclusion of senior citizen trash rates. Mr. Weeks stated that both seniors and non-senior residents would see a small rate increase as the Town has not increased solid waste rates since 2014. Mr. Weeks stated the Town Staff would also like to add Commercial services to the contract with exception of construction debris. Mr. Weeks stated that Rick Bernas, Republic Services, was available at the meeting for questions.

Councilmember Samuels asked about the senior rate. Mr. Weeks stated that residents would have to request it through procedures that would be established by the town. Mr. Weeks stated that Staff would provide the necessary ordinances to the next regular Council meeting.

Mayor Culbertson asked if the rates would be in place by the new fiscal year, Mr. Weeks stated that they would and the intention was for the new water rates to be in place then as well.

Councilmember O'Reilly made a motion to approve a contract extension for garbage services from Republic Services, subject to form. Councilmember Hendricks seconded the motion and the motion was unanimously approved.

**SCHEDULE PROPOSED TAX RATE PUBLIC HEARINGS:** Consider and act on a proposed tax rate for FY 2016-2017 and placement of a proposal to adopt the proposed tax rate on the agenda of a future meeting. Consider and act on a resolution scheduling public hearings on the Town of Fairview proposed tax rate.

Mr. Weeks gave a presentation on agenda items 8(d) and 8(e) regarding the proposed tax rate for FY 2016-2017 and placement of a proposal to adopt the proposed tax rate on the agenda of a future meeting as well as a resolution scheduling public hearings on the Town of Fairview proposed tax rate.

Mr. Weeks stated that the Town is required to hold two public hearings regarding the tax rate as the Town has raised more property tax revenue due to an increase in values from appraisals. Mr. Weeks stated that Staff additionally has presented Council with a balanced budget at their budget retreat but one public hearing on the budget is also required.

Mr. Weeks stated that the public hearings would be held on Tuesday, August 16 at 6 p.m. and Tuesday, August 23 at 6 p.m. with the budget and tax rate to be approved at the Tuesday, September 6 regular meeting at 7:30 p.m.

Councilmember O'Reilly made a motion to approve a resolution scheduling public hearings on the Town of Fairview proposed tax rate. Councilmember seconded the motion. The motion was unanimously approved via a roll call vote of all council members and the Mayor.

Councilmember Samuels made a motion to approve a resolution naming Tuesday, August 16 at 6 p.m. and Tuesday, August 23 at 6 p.m. as the dates for the public hearings on the Town of Fairview proposed tax rate to be held at Fairview Town Hall located at 372 Town Place. Councilmember O'Reilly seconded the motion and the motion was unanimously approved.

**CONTINUED BUDGET DISCUSSION FOR FISCAL YEAR 2016-17:** Discuss and take any necessary action on the upcoming special council meetings regarding the budget, the tax rate and other work session items.

Ms. Couch asked if the Council had any additional discussion on agenda item 8(f) regarding the fiscal year 2016-17 budget process, continuing from the Council work session on Monday, August 1, 2016.

Councilmember Powell asked about Staff salary adjustments. Ms. Couch stated that those recommendations would be brought forward at the September meeting.

Ms. Couch added that the Water Rate Consultant would be present at the upcoming meeting to discuss possible rate adjustments.

**AGREEMENT WITH HUITT-ZOLLARS FOR EAST STACY ROAD**

**RECONSTRUCTION:** Consider, discuss and take any necessary action on a professional services agreement with Huitt-Zollars for East Stacy Road reconstruction from Stone Hinge to Orr Road.

Mr. Chancellor gave a presentation on agenda item 8(g) regarding the negotiations with Huitt-Zollars for East Stacy Road reconstruction from Stone Hinge to Orr Road.

Councilmember O'Reilly asked when the project would begin. Mr. Chancellor stated there would be six months of design time then approximately eight to nine months of work.

Mayor Pro Tem Adler asked if a trail would be included with a bike lane. Ms. Couch stated it would look just like the rest of East Stacy. Mr. Chancellor added that the agreement includes everything except for landscaping.

Councilmember O'Reilly made a motion to approve a professional services agreement with Huitt-Zollars for East Stacy Road reconstruction from Stone Hinge to Orr Road. Councilmember Powell seconded the motion and the motion was unanimously approved.

**MOSQUITO PROGRAM UPDATE:** Discuss status of mosquito program and take any necessary action.

Mr. Dunlap gave a presentation on agenda item 8(i) regarding the Town mosquito program.

Mr. Dunlap stated that the Town contract's with Municipal Mosquito from May to October with five traps for West Nile Virus and a sixth for Zika. Mr. Dunlap stated that the Town has seen at least one West Nile Virus positive test result for the last six weeks. Mr. Dunlap stated that Collin County has had one human West Nile Virus case all season. Mr. Dunlap stated the Town utilizes larvacide in standing water without adulticide spraying.

Mr. Dunlap stated that Dallas County is now considering aerial spraying. Mr. Dunlap stated that backpack spraying is possible in Fairview if deemed necessary by the Council, however, the Town currently has no infrastructure for spraying and would need to develop a program for communicating it to the public. Mr. Dunlap added that the Town currently communicates recommendations to the Town's residents regarding mosquito prevention.

No action was taken by the Council.

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

Councilmember Powell made a motion to reappoint Maryanne Simonsen and to appoint John Hubbard to the Parks and Recreation Advisory Board. Councilmember Little seconded the motion and the motion was unanimously approved.

Councilmember O'Reilly made a motion to appoint Carol Sutton and Amanda Konersmann as members and John Hubbard as an alternate on the Special Events Committee. Councilmember Powell seconded the motion and the motion was unanimously approved.

**CITIZEN INPUT:**

Ralph Thompson, 420 Windmill Lane, Ranchette Estates, stated concern about the streets in the Ranchette Estates neighborhood. Mr. Thompson stated that they have been promised resurfacing for the last two years with no results. Ms. Couch stated that seal coating is planned for them but she was not sure when the neighborhood was scheduled, but she would get it to Mr. Thompson.

**REPORTS FROM STAFF:**

Mr. Weeks provided a report on agenda items 10(a), the Monthly Financial and 10(b), the Quarterly Investment Reports for the period ending June 30, 2016.

Mr. Chancellor provided a report on agenda item 10(c) regarding an update on Stacy Road construction.

Mayor Culbertson adjourned the meeting at 9:29 p.m.



Darion Culbertson, Mayor



Elizabeth Cappon, Town Secretary