

**TOWN COUNCIL MEETING
MINUTES
June 5, 2007**

The Town Council met in regular session on Tuesday, June 5, 2007 at 6:30 P.M. at Town Hall, 500 S. Highway 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Mayor Pro Tem Carolyn Sommers, Council Members Ron Kasian, Jim Cunningham, Michael Pezzulli, Anton Mattli and Mary Price and Town Manager John Godwin and Interim Town Secretary Michelle Lewis Sirianni.

Mayor Israeloff called the meeting to order at 6:38 p.m. and declared a quorum was present.

OATH OF OFFICE: Interim Town Secretary, Michelle Rinehart gave the oath of office to Ron Kasian and issued a Certificate of Election.

EXECUTIVE SESSION: At 6:42 pm the council recessed into executive session to discuss: McKinney versus Fairview, Economic development and Real Estate.

At 7:55 pm Mayor Israeloff convened into the regular session and requested everyone to stand for the Pledge of Allegiance.

CONSENT AGENDA: All items listed under Consent Agenda are considered to be routine by the Council and will be acted on by one motion. The following items were on the consent agenda: A) Approve minutes of the May 1 and May 22, 2007 council meetings. B) Approve a resolution requesting US 75 ramp reversals north of Stacy Road. C) Award a bid to Red River Construction in the amount of \$1,108,000 for construction of a new water pumping station.

A motion was made by Councilman Pezzulli to approve items A-C. The motion was seconded by Councilwoman Price, with all in favor.

AFFIRMED LANE: Discuss and take action regarding drainage work on Affirmed Lane.

James Chancellor, Town Engineer introduced this item by stating that he had communicated to the residents that reside on the ditch side of the road. There were two property owners that had expressed interest in having the town work on the slopes. Although, at this point he has had no feedback since they first communicated. To finish the project, headwalls need to be installed on the culverts, brick on the mailboxes repaired, and seeding. Basically, there is clean up that needs to be done and can be finished as originally designed.

Councilman Pezzulli stated that this is the best decision at this time.

Mayor Israeloff stated the project at this time will be finished as originally designed. No further action taken.

WILLOW POINT ESTATES SUBDIVISION: Consider approval of a preliminary plat for the proposed Willow Point Estates subdivision, comprising 19.69 net acres, consisting of 18 lots, out of the Samuel Sloan Survey, Abstract No. 791, and generally located south of and adjacent to Hart Road, west of Country Club (FM 1378), north of Stone Creek Drive, and east of St. James Drive.

Mr. Efrussy introduced this item by stating that this project was discussed at a work session before the planning and zoning commission after and was unanimously approved after a public meeting. The subdivision consists of 18 lots. Lots 1 and 18 have been annexed and were recently zoned to RE-1. Lots 2-17 lie within Collin County and are currently unannexed but are intended to be annexed in October 2007, through the Fairview Three Year Annexation Plan. The subdivision meets the RE-1 criteria and also meets the subdivision requirements. The commission made a motion to approve this preliminary plat with the provision that the applicant considers the options discussed at the commission meeting regarding the landscape plan prior to submission of this plat to the town council. This motion was unanimously approved. The revised landscape plan has now eliminated the red-tip photenias and has increased the variety of plant material from two to five species.

The applicant, Mr. Choudhury, currently lives in Fairview and is in agreement with Mr. Efrussy's comments.

Mayor Israeloff asked if any citizens wish to comment, and hearing none, opened the discussion to council members. Councilman Pezzulli previously spoke to Fire Chief Price and noticed one ingress and egress. Mr. Pezzulli asked if the streets were in compliance with code and if the right-of-way of the streets accommodates the fire and/or rescue trucks. Mr. Chancellor answered yes.

Councilwoman Price asked if the applicant had considered the possibility of connecting the subdivision to Stone Creek Estates. Mr. Chancellor stated that this was discussed as well as two other options. The applicant's options were to connect to the subdivision, connect with the easement(s), or widen the street within the subdivision. The applicant chose to widen the streets.

Councilwoman Sommers asked if the one acre lots conform to the Future Land Use Plan in the Comprehensive Plan and if all codes are being adhered to, why lots 2-17 are not annexed and does the applicant have the option to annex. Mr. Efrussy stated that Mr. Choudary has the option to do it at this time, but it will be done in October 2007 or may be voluntarily done if initiated by the applicant. Mr. Choudary stated that he has studied

his options at this time, but approval tonight would give him a guaranteed RE-1 zoning. Mr. Choudary is not avoiding the option to annex, but would prefer to be annexed after the approval of this plat by the town council. Mr. Choudary stated that he has met town requirements and is building to town standards regarding the RE-1 zone. Councilwoman Sommer's main concern is that the town will lose building permit revenue since the Fairview building department will not review the plans. Councilwoman Sommers also expressed her concerns and the fairness to the future residents of the town who may choose to live in this subdivision, but will not be residents if their lots are in the county.

Councilwoman Sommers asked if once approved tonight, can the zoning be changed? Mr. Efrussy stated that Mr. Choudary has vested rights and has gone through several stages to meet all town requirements regarding this application for the subdivision. Once the preliminary plat was approved by council, it would not be recommended to change zoning, once the property has become annexed and can be zoned.

Councilman Mattli asked if the plat met the open space requirements. Mr. Efrussy commented that the plat does meet the requirements and it was brought before the Park and Recreation Board. The town will be acquiring fees in lieu of land for the park dedication fees.

Mayor Israeloff stated that the concerns being discussed by the council tonight are issues on conditions and not related to the approval of Mr. Choudary's preliminary plat.

Councilman Pezzulli made a motion to approve the proposed Willow Point Estates subdivision, comprising of 19.69 net acres, consisting of 18 lots, out of the Samuel Sloan Survey, Abstract 791, and generally located south of and adjacent to Hart Road, west of Country Club (FM 1378), north of Stone Creek Drive, and east of St. James Drive. The motion was seconded by Councilman Mattli, with all in favor.

REVISED CONCEPT PLAN 'THE VILLAGE OF FAIRVIEW: Conduct a public hearing and take action on a revised Concept Plan for The Village at Fairview for mixed land uses within the Commercial Planned Development District, Zone K, consisting of 189.67 acres, and generally located north of Stacy Road (FM 2786), west of State Highway 5, and south of Fairview Parkway.

Mr. Clary introduced this item by stating that the documents presented tonight reflect a number of changes to the conceptual planning resulting primarily from buildings being a re-sized or relocated. These changes stimulated accompanying parking and street changes. Some of the changes include relocation of proposed office buildings, elimination of two parking decks, change to one level Macy's Store, expanded JC Penny Store size, adjusted Central Fountain location, revised 'footprint' for Hotel/Conference Center, relocated multi-family over retail locations, modified street '1' curvilinear design and modified architectural treatments.

Mayor Israeloff requested any public discussion. No comments were made.

Mayor Israeloff opened discussion to council members. Councilwoman Sommers asked what the modified architectural treatments are. Gar Herring, MGHerring Group President, stated that the project is being developed in phases and will change the architectural treatments slightly, but will keep within the original concept and idea of the town. Mr. Stautz, Vice Chairman of the Herring Group, stated that part of the architecture was the moving of the parking garages, which does change the view aesthetically from Stacy Road. Mr. Stautz commented that a model is available and on display for anyone to view. Mr. Herring added that the model has been very effective and helped with the visualization concept of the project.

Mr. Clary stated that in regards to Fairview Parkway and the affect on the traffic flow is still undetermined. The Planning and Zoning commission members expressed that they would like to see Highway 5 taken offline sooner rather than later. Mr. Godwin stated that the connection between Highway 5 and Fairview Parkway is a temporary connection. TX DOT allows 90 degree turns and staff has worked with consultants and developers for a possible round-a-bout, but was not approved by TX DOT. The improvements needed are development driven and they are working to build the northern section of Highway 5, which is part of a long term plan. Mr. Godwin commented that the county will hold a bond election in November of 2007 to possibly fund the northern section. It is a four million dollar project with a 50/50 match. The improvement of this section of the road is part of the 2011 improvement plan, but based on development it is hard to determine when it will be done. At that point, council can then choose to take Highway 5 offline, which would then allow the control of maintenance, funding, etc. The council asked what are the possible pros and cons of taking Highway 5 offline. Mr. Godwin stated that currently the town has no financial responsibility to repair the road, the financial cost to maintain the road would have a significant impact on the budget as well as the Public Works Department. Also, currently, TX DOT has 'dangling roads', which does not connect with street roads. For example, Stacy Rd. dead ends and two miles of Stacy at Highway 5 to Country Club would then become a town road. These 'dangling roads' would have a significant impact financially as well as maintenance. The bottom line currently is the financial aspect of taking Highway 5 offline. The City of Allen will also have a \$5.8 million dollar bond that if passed would be applied to Stacy Road, which would help in the maintenance of Stacy Rd.

Mayor Israeloff asked in regards to the railroad bridge, would TX DOT take any money with them if Highway 5 is taken offline. Mr. Chancellor responded that often times you can use negotiating factors, but it is not always guaranteed to work.

Bill Wells, 571 Bluebonnet Lane, stated that he didn't understand why the town was willing to pay the cost for a temporary connection when Highway 5 could be taken offline. He stated that if the northern part of the road is developed someday there is still no guarantee that it will be connected to the southern part of the road. Mayor Israeloff stated that he will support the change, but can not guarantee what the future council members may do. Until the northern half of the road is developed, there is no control as far as timing is concerned. All concerns and concepts are placed in writing and at this point is all we can do until the change occurs.

Mayor Israeloff asked if council had any other comments. Councilman Mattli asked if the four office buildings shown on the plat were towers since they were not labeled. He also questioned if there is a time line when it comes to finding a developer for these office buildings and is there any affect if one has an agreement prior to the other. Mr. Herring responded that the office buildings are actually only two buildings versus four.

They are connected with a pass way underneath for easier entry for the residents and/or shoppers. In regards to finding developers for the office buildings, the timing of them usually does not affect one or the other and they maintain them until they have a developer inside the building(s).

Councilman Kasian made a motion to approve the revised Concept Plan for The Village at Fairview for mixed land uses with the Commercial Planned Development District, Zone K, consisting of 189.67 acres, and generally located north of Stacy Road (FM 2786), west of State Highway 5, and south of Fairview Parkway. The motion was seconded by Councilwoman Sommers, with all in favor.

REVISED FINAL SITE PLAN FOR THE 'VILLAGE AT FAIRVIEW': Conduct a public hearing and take appropriate action on a revised Site Plan for The Village at Fairview for mixed land uses within the Commercial Planned Development District, Zone K, consisting of 189.67 acres, and generally located north of Stacy Road (FM 2786), west of State Highway 5, and south of Fairview Parkway.

Mr. Clary introduced this item by stating that the original site plan was approved in 2006. In addition to the changes on the revised Concept Plan, the Revised Final Site Plan reflects two other modifications to the previously approved Site Plan. These modifications are the elimination of all reference to the Skorburg property tract and any notes pertaining to existing property rights on that tract and revised lighting plan which reduces pole heights on streets intersecting Fairview Parkway so that they are more consistent with the pole heights on the Parkway. The Planning and Zoning Commission considered the Revised Final Site Plan and voted unanimously to approve the Revised Final Plan subject to two conditions. These conditions are the transfer of the 'Site Irrigation Plan' to the updated site plan base map and the revision of the updated 'Lighting Plan' to comply with the lighting ordinance requirements with specific attention to the provision that the maximum average maintained illumination level for parking lots does not exceed four foot candles (4 fc).

Mayor Israeloff requested any public discussion. No comments were made.

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

Councilwoman Sommers made a motion to approve the revised Site Plan for The Village at Fairview for mixed land uses within the Commercial Planned Development District, Zone K, consisting of 189.67 acres, and generally located north of Stacy Road (FM 2786), west of State Highway 5, and south of Fairview Parkway. The motion was seconded by Councilman Pezzulli, with all in favor.

REVISED PRELIMINARY PLAT FOR THE 'VILLAGE AT FAIRVIEW': Consider approval of a preliminary plat for The Village at Fairview for mixed land uses within the Commercial Planned Development District, Zone K, consisting of 189.67

acres, and generally located north of Stacy Road (FM 2786), west of State Highway 5, and south of Fairview Parkway.

Mr. Clary introduced this item by stating that these documents currently reflect site planning changes which have occurred since the prior approvals. Because the site planning changes has now progressed and stabilized in terms of streets locations, lots, and easements, this proposed Revised Preliminary Plat is now identical to the proposed Final Plat.

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

A motion was made by Councilwoman Sommers to approve the preliminary plat for The Village at Fairview for mixed land uses within the Commercial Planned Development District, Zone K, consisting of 189.67 acres, and generally located north of Stacy Road (FM 2786), west of State Highway 5, and south of Fairview Parkway. The motion was seconded by Councilwoman Price, with all in favor.

FINAL PLAT FOR THE 'VILLAGE AT FAIRVIEW': Consider approval of a final plat for The Village at Fairview for mixed land uses within the Commercial Planned Development District, Zone K, consisting of 189.67 acres, and generally located north of Stacy Road (FM 2786), west of State Highway 5, and south of Fairview Parkway.

Mr. Clary introduced this item by stating the Final Plat must be approved prior to beginning actual construction (infrastructure and buildings) on site, which is why it is being presented.

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

A motion was made by Councilman Pezzulli to approve the final plat for The Village at Fairview for mixed land uses within the Commercial Planned Development District, Zone K, consisting of 189.67 acres, and generally located north of Stacy Road (FM 2786), west of State Highway 5, and south of Fairview Parkway. The motion was seconded by Councilman Kasian, with all in favor.

WATER PRESSURE: Consider adopting a policy to assist with reducing high water pressure.

Mr. Godwin introduced this item by stating that this policy would help conserve water by encouraging residents to add pressure reduction devices to their services. This is very similar to the other water conservation rebates now in place (rain sensors, washing machines, hot water heaters, rain barrels), with individual owners being reimbursed up to \$150 to encourage them to take remedial action. Participants should see drops in monthly water bill too.

Mayor Israeloff opened discussion to council members. Councilwoman Sommers asked what the cost is to install the device and how was the amount being given to the resident.

Mr. Godwin responded that the resident will be credited the purchase price up to \$150 on their utility bill. He will also be placing the information in next month's newsletter as well as the website to inform the residents. Councilman Mattli asked what the efficiency would be and roughly how many people could possibly apply for the rebate. Mr. Godwin commented that town has allocated up to \$7,500 per year to issue rebates. The trend usually is that many residents will initially apply for the rebate, but tends to be vary on how many will eventually apply.

Councilwoman Sommers asked if the plumbing codes are taken seriously and what is the recommended psi with new construction. Mr. Chancellor responded that is not a violation to have an 80 psi, but anything over 80 requires an expansion tank, but not required by code to reduce to 80 or less. The building inspector is checking this regularly and is a high priority on the list to check. The pressure reducing valve requires the expansion tank. Mayor Israeloff stated that the rebate only applies to the pressure valve and not the expansion tank.

A motion was made by Councilwoman Price to approve the rebate policy to reduce high water pressure. The motion was seconded by Councilman Mattli with all in favor.

DEVELOPMENT PROJECTS & ORDINANCES: Town Manager's monthly report on development and ordinances. Mr. Godwin highlighted a few of the developments within the town:

- The proposed residential development, Willow Point (Hart road) has remained unchanged.
- Paul Billingsley sold property either in February of December 2006
- Stoddard Road. Homeowner permitted for commercial establishment on unzoned acreage.
- Meandering @ Stacy. The town has not heard anything from owner since before Christmas
- LISD. Still working on lighting compliance. Mr. Clary commented that the proposed is a partial cut off and his concerns are that they would not stay or be installed correctly. Mr. Clary stated he is still working with them to install a full cut off fixture. These fixtures are for the parking lots on the east side of the building.
- Tranquility Farms. All of tranquility is annexed. Some houses are still under construction.

CITIZENS INPUT: Mayor stated that anyone wishing to speak at this time to state their name and address for the record and to remember that no formal discussion or action may be taken on these items at this meeting.

Councilwoman Sommers stated that she would like to express her thanks to Mr. Chuck Taylor for all his help in the environmental assessment.

Chuck Turner, 1383 Shadow Creek Drive, expressed his concerns on two items, water restrictions and the extension of Stacy Rd beyond Country Club and if shoulders are being installed. Mr. Taylor stated his main concerns on the watering restrictions are that many residents would like to wash their cars, hose their drive-ways and/or patios. He asked if there has been any discussion regarding changing a few of these restrictions due to the lake levels being high. Mr. Godwin commented the NTWD is currently in Phase III. Lake Chapman is still very low and also not as large as Lake Lavon. The number of gallons owned is a contributing factor. Due to Lake Lavon being two to three feet above average for this time of year, but may not be considered a typical average. It usually is six to seven for the year. The 'conservation level' is their normal average for the year. There is a possibility of reducing to Phase II or even Phase I if the lake levels progress continue to stay high. The council will place this concern as an item on the next council agenda to discuss the restrictions that may apply.

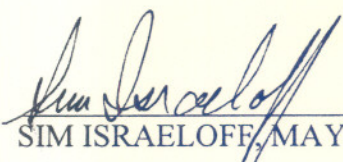
Mayor Israeloff responded to Mr. Taylor's concern on the extension of Stacy Road and if shoulder were being put on. Mayor Israeloff stated that it is on the CIP Plan for either 2011 or 2012. Mr. Godwin commented that the reconstruction of Stacy Road, north of the Church could be funded by the county. They are looking at adding a turn lane at the intersection of Stacy Road and Country Club (FM 1378). TX DOT do warrant studies to determine if the turn lane is needed to provide a safer intersection, but this does not include the width of the road and the shoulders etc.

Councilwoman Sommers has communicated with the county judge about getting the right-of-way back, but county does still plan on using it and placing a four lane road there. Mayor Israeloff commented that it is best to discuss these issues after county finalizes their thoroughfare plan. At that point, they will know more about what the plan will consist of. Councilman Cunningham commented that he is also pushing county to look at the traffic levels and the need for the town to retain the right-of-way.

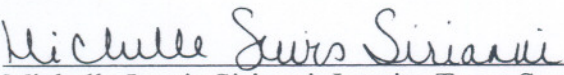
ACTION NECESSARY FROM EXECUTIVE SESSION: No action required or taken.

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 9:42 p.m.




SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Interim Town Secretary