TOWN COUNCIL MEETING
MINUTES
July 5, 2007

The Town Council met in regular session on Thursday, July 5, 2007 at 6:30 P.M. at Town Hall, 500 S. Highway 5, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Ron Kasian, Jim Cunningham, Michael Pezzulli, Anton Mattli and Mary Price and Special Projects Coordinator Matt Donnell; Town Manager John Godwin and Interim Town Secretary Michelle Lewis Sirianni.

Mayor Israeloff called the meeting to order at 6:35 p.m. and declared a quorum was present.

EXECUTIVE SESSION: At 6:38 pm the council recessed into executive session to discuss: McKinney versus Fairview, Economic development and Real Estate.

At 7:33 pm Mayor Israeloff reconvened into the regular session and requested everyone to stand for the Pledge of Allegiance.

Sim Israeloff stated that items seven and eight are being withdrawn from the agenda.

VISION NORTH TEXAS: Mr. John Walsh presented a small presentation regarding issues of growth, natural resources, and community design. Mr. Walsh stated that current sponsors include the Urban Land Institute, North Texas District Council, the NCTCOG Center of Development Excellence, and the University of Texas at Arlington. Mr. Walsh stated they are studying the growth in the surrounding areas and how the growth affects various aspects including transportation, air quality, water supply, etc. In accordance to this they are trying to create public awareness, educate about growth, create opportunities, and create a forum for discussion. Vision North Texas likes to follow the ten principals of excellence. They encourage anyone and the town to be involved and serve on an advisory council. Vision North Texas believes in making contributions regarding the future quality of life, economic desirability, and long term sustainability in the North Texas area.

Councilman Pezzulli asked if they address Point Source Pollution. Mr. Walsh responded that they do address this issue including the affects with automobiles.

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 June 5, 2007 council meetings. B) Approve a resolution suspending an Atmos-requested GRIP rate increase. C) Approve a resolution authorizing the submission of projects to Collin County for possible Parks &

Open Space matching funds. D) Approve a resolution authorizing the town staff and attorney to make final offers of compensation to property owners for acquisition of rights-of-way needed for reconstruction of Stoddard Road, and to enter into condemnation proceedings as necessary to ensure said rights-of-way are acquired in a timely manner.

Councilwoman Price requested to pull item C for further discussion. Councilwoman Price commented that in item a under the Citizens section that the name should be Chuck Turner not Taylor.

Councilman Kasian requested to pull item B for further discussion. Councilman Kasian commented that in the first paragraph of item a, it should read 'Mayor' vs 'Major' in the minutes.

Councilman Kasian question in regards to item B what occurs when a suspension is allowed and what the costs are acquired. Mr. Godwin responded that the costs are paid through existing committee membership and Atmos fees and the suspension would allow the town to delay the implementation of the higher charges by forty-five days, or until September 13.

A motion was made by Councilman Kasian to approve item A as amending, item B, and item D. The motion was seconded by Councilman Pezzulli, with all in favor.

Councilwoman Price asked in regards to item C if the trail on Meandering Way would be crossing town property. Since they have not seen this on the Concept Plan and are not sure of its usage and how it fits into the town's other plans. Her main concerns are that there is no concept plan and they are being asked to put in a trail, but how does that fit in with the other plan and how does it fit in the concept park plan from Cypress to Meandering Way. Mayor Israeloff responded that it is not inconsistent with other discussions and it is a perimeter plan. Mayor Israeloff stated that he is not aware of any impact this will have. The parks are to preserve public access and will not affect any other projects or be compromised in any way.

Item C of the consent agenda will be deferred for further clarification in executive session. Mayor Israeloff stated that they will finish discussion on the remaining agenda items and then will convene back into executive session.

LOVEJOY ISD ELEMENTARY SCHOOL/FINAL PLAT: Consider approval of a final plat for a Lovejoy ISD elementary school, located at the northeast corner of Stoddard Road and Hart Rd.

John introduced this item by stating that this final plat meets all said requirements and staff recommends approval.

Mayor Israeloff opened discussion to council members. Councilman Cunningham asked on the status of Mr. Bruce Kelly and if anything had been resolved. A representative from

Lovejoy ISD commented that a meeting is scheduled with Mr. Bruce Kelly a week from Friday.

Councilman Pezzulli made a motion to approve the Final Plat for the LISD Elementary School at Stoddard Road and Hart Road. The motion was seconded by Councilman Mattli, with all in favor.

SLOAN TAYLOR PROPERTY: Conduct a public hearing and consider zoning property known as the Sloan Taylor property, currently annexed but un-zoned, consisting of 10.044 acres, to the Two-Acre Ranch Estate Zone (RE-2), generally located north of and adjacent to Stacy Road, east of the Heritage Ranch subdivision, west of County Road 323, and south of Summit Court.

Mr. Donnell introduced this item by stating that this property based on the Future Land Use Plan within the Comprehensive Plan is classified as Residential Estate Country. Mr. Donnell stated that Mr. Taylor did attend the Planning and Zoning meeting addressing his concerns to have RE-1 zoning. To provide consistency in this area, zoning was approved by the Planning and Zoning committee at RE-2.

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

Mayor Israeloff opened discussion to council members. Councilman Cunningham stated that he agrees with the zoning by the Planning and Zoning Committee. He commends them for staying with the consistency in that area.

Councilman Cunningham made a motion to approve zoning property know as the Sloan Taylor property, currently annexed but un-zoned, consisting of 10.044 acres, to the Two-Acre Ranch Estate Zone (RE-2), generally located north of and adjacent to Stacy Road, east of the Heritage Ranch subdivision, west of County Road 323, and south of Summit Court. The motion was seconded by Councilwoman Price, with all in favor.

COLLIN COUNTY MOBILITY PLAN: Discuss and take action regarding the Collin County Mobility Plan.

John introduced this item by stating that there is nothing new regarding this item. Town Council held a special meeting on June 25, 2007 in regards to the June 26, 2007 public meeting with Collin County. The Mayor presented a resolution that was passed at the special meeting reiterating the town's expectation that its thoroughfare plan be respected and included in the county's final product.

DROUGHT CONTINGENCY PLAN REVISIONS: Discuss and take action regarding the town's Drought Contingency Plan.

Mayor Israeloff introduced this item by stating that declarations were made by NTW to withdrawal all drought stages. The mayor and town manager are the twp positions that are able to make a decision to lift any restrictions the town may have.

Councilman Cunningham asked what the North Texas guidelines are and if there are any mandatory restrictions. Councilman Cunningham also stated that the town should still encourage to conserve water and to place any lifted restrictions in the newsletter.

Mr. Godwin stated that the only mandatory restrictions that would remain in place due to the town's ordinance are the prohibited watering hours between 9 am and 7 pm and the surcharge for additional water usage. Councilwoman Price asked if the washing of vehicles followed the same hour restrictions. Mr. Godwin responded that it does not apply and they can wash anytime.

Sim Israeloff declared Stage 3 terminated and will address any issues and amend Stage 3 restrictions if and when the town in placed back into a Stage 3 drought. Councilman Pezzulli and Mattli agreed.

ALLIED WASTE: Discuss Allied Waste's service quality and equipment deployment, and consider taking action regarding collection and disposal of bulky and brushy wastes.

Mr. Godwin introduced this item by stating that due to the heavy storm that occurred in May that caused an extreme amount of brush, the service quality made available by Allied needs further discussion by council to address the issue of the bulk and brush pick up. Mr. Godwin stated that Mr. Reid Donaldson was present to answer any questions the council may have.

Mayor Israeloff stated that the number one and two most common complaints he receives on the bulk and brush pick up that occurred in the past month were the communication of the pick up from the May storm and that the residents had expressed that they were not happy with the service they were receiving. Mayor Israeloff asked what day the bulk and brush was picked up and if a holiday fell during that week, would the day roll to the next day? Mayor Israeloff also asked what the intentions are in regards to the pick up because the residents' expectations are very high. Mr. Donaldson responded that it is their intent to remove everything in one day. At times, it takes more than one day due to the equipment with brush. Mr. Godwin stated that per the flyer that is given to the residents that bulk/brush pick up for Heritage Ranch residents is on the first Tuesday of the month and the remaining parts of town is on the first Wednesday of each month. In essence, Allied does have two days and if they are unable to pick up in those days, town staff needs to know their status to inform residents if they should inquire.

Councilman Pezzulli commented that he has received calls all hours of the day regarding the bulk and brush pick up.

Mr. Godwin stated that one of the biggest frustrations was that they did not finish and the town didn't know if they were coming back. The town requested many times for Allied to communicate to them, but the town never had received definite answers.

Councilwoman Price commented that the storms in May did bring exceeded amounts of brush and she appreciates that they did pick it up. Councilwoman Price stated that she had not received complaints in her neighborhood and many residents did like the extra services provided by Allied. Councilwoman Price asked what happens to the brush once it is picked up. Mr. Donaldson responded that it goes through Texas Pure, but if any trash bags are present then it goes to disposal.

Councilman Kasian asked if they had any information to put on Allied's website that would inform residents. Mr. Donaldson responded that it is in the works.

Councilman Cunningham commented that he initially liked Allied due to the company using a grapple truck, but he has not seen the truck being used. Councilman Cunningham stated that he has only seen two people running the truck. Mr. Donaldson responded that the drivers are logging it in and then radioing the additional driver if a grapple truck is needed.

Mr. Donaldson apologized for the many complaints the town has received. He is trying to be proactive for this situation. Mr. Donaldson stated that over 240,000 pounds of brush had been picked up and that on an average seven to nine pounds are picked up on the large side. Mr. Donaldson stated that in April 130,000 pounds were picked up and in May a third of that was picked up. Mr. Donaldson commented that there is no excuse for the trash and recycling services and welcomes for the council members to send emails with any comments or suggestions that they may have.

Mayor Israeloff candidly stated that the residents simply don't care and want their pick up to occur on the day they were told. Mayor Israeloff commented that he appreciates the reality of the 'real world' and the business side, but the town does expect better communication and expectations of their service.

Mr. Godwin noted that in his opinion the residents' expectations are reasonable and legitimate. The town expects good service and should receive it. There are still complaints but should be minimal. Mayor Israeloff noted that there needs to be resolution to this problem and that Allied needs to be proactive and consistent.

Councilman Mattli stated that when the service was implemented that it would result in new, smaller and cleaner trucks. He has only seen two and often times they break down. Mr. Mattli stated his concern was the pollution factor. The old equipment and lack of maintenance being used by Allied is causing more pollution. Councilman Mattli would like to see steps taken to help reduce the pollution being used by these trucks.

U.S. MAYORS CLIMATE PROTECTION AGREEMENT: Discuss the U.S. Mayors' Climate Protection Agreement.

Councilman Mattli introduced this item by stating that the town is taking steps to improve and take long term actions against reducing global pollution. He would like to have council discuss what further actions the town could take to improve in this area.

Mr. Godwin stated that the town has adopted a resolution that will help to promote and take actions supporting the reduction of global pollution. Mr. Godwin stated that the town is currently maintaining their vehicles using cleaner materials. The town also practices the U.S Green Building Code's LEED program. Mr. Godwin would like to see the town set an example through the public facilities even to the point of using alternate energy and making it part of the every day culture. Currently, the town's warning sirens do use solar energy.

Mayor Israeloff stated that these efforts don't have a major influence over the developers or builders but there are things on the Green Building Code that they can follow. Primarily, it is items that they would use as installation. For example, windows, appliances, insulation etc.

Councilman Mattli suggested sending out our monthly newsletters electronically as a way to save on paper and possibly forming a committee if enough residents were interested to share ideas and create ways for the town to help in the reduction of pollution. Mayor Israeloff and Councilman Pezzulli agreed with Councilman Mattli's suggestions.

APPOINTMENTS TO BOARDS & COMMISSIONS: Consider appointment of individuals to serve on various citizen boards and commissions.

Mr. Godwin stated that existing members will remain in office until a new appointment is made, so each board will keep a quorum if council action is delayed to August or even later. The only exception at this time is Councilman Kasian who is no longer serving on the Planning and Zoning Commission due to being elected to Council. Mr. Godwin also noted that Mr. Shippy has moved and resigned from the Historical Commission, but would like to remain active. One new applicant, Mr. Westburg is present and would like to possibly serve on the Planning and Zoning Commission and/or the Economic Development Board. He is open to any position.

Councilman Pezzulli suggested to table to August for further review.

Mayor Israeloff made no official appointments and will table until the next meeting.

POLICE ANNUAL REPORT: Receive annual police department report.

Chief Tolliver presented council with a racial profiling report along with a call statistic report for review and discussed current and new technology being used to help improve the police department. Chief Tolliver stated that currently the police staff is very satisfied with their equipment and they have essentially received the tools they need to operate at a high level. Chief Tolliver stated that most recently, personal computers were installed in the squad vehicles on a docking station that allows them to do their jobs more efficiently and effectively. Through the use of the computers, they can see all dispatches through Collin County and smaller cities also using the same program. The police department currently has six full time officers, one reserve and looking to hire two additional officers. Additional comments regarding alarm permits, patrolling horseback, and hand gun laws in government buildings were also discussed.

2007-08 BUDGET: Discuss the 2007-08 annual town budget.

Mr. Godwin introduced this item by stating that in a few weeks a work session will be done to review the 2007-08 budget. Some of the highlights will include a three percent tax increase. There are no expected utility increases. Mr. Godwin noted also that the parks budget increased, but primarily due to moving a previous Public Works employee into Parks. There are two additional parks to open in 2008, phase II of Monarch Park included. Some of capital projects include improving the water system, land acquisition, construction on Stoddard Rd., and the new fire station.

Mr. Godwin commented on upcoming dates: July 24th will be a work session and August 22nd there will be a special meeting to set tax rate and approve.

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

- Meandering @ Stacy: owner contacted Ron Clary, Economic Development Director, regarding possible development.
- Willow Point (Hart Rd.): preliminary plat was approved; will not have construction started before annexations. The owner has agreed to build to town standards.

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.

Andrew Barlow, 5147 Pond Spring Circle, asked regarding the drainage and flooding and removing of the bridge at Hwy 5. Mr. Godwin responded that the project was funding in 2001 by TX DOT. The money has been in place to replace but is being held up by Dart. The proposed plan is to widen the road, remove the bridge, and fix the drainage, but Dart has not turned it over yet. Hwy 5 will also remain a two lane road.

Harvey McCarter, 365 Southern Hills Dr., asked regarding the playground area in Monarch Park. The park will include playground equipment for the children.

Brad Northcutt, 910 Beechwood, suggested that the council should consider developing the watering restrictions in case of future drought now versus waiting.

EXECUTIVE SESSION: At 10:17 pm the council reconvened back into executive session to discuss item c on the consent agenda.

At 10:25 pm Mayor Israeloff reconvened into the regular session.

Councilwoman Price made a motion to approve item C on the consent agenda. Councilman Mattli seconded that motion with all in favor.

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

There being no other items for discussion, Mayor Israeloff adjourned the meeting at 10:30 p.m.

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni, Interim Town Secretary

TOWN OF FAIRVIEW